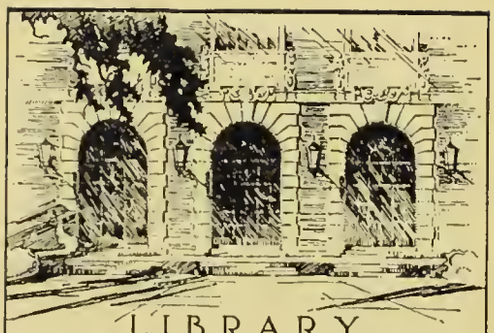
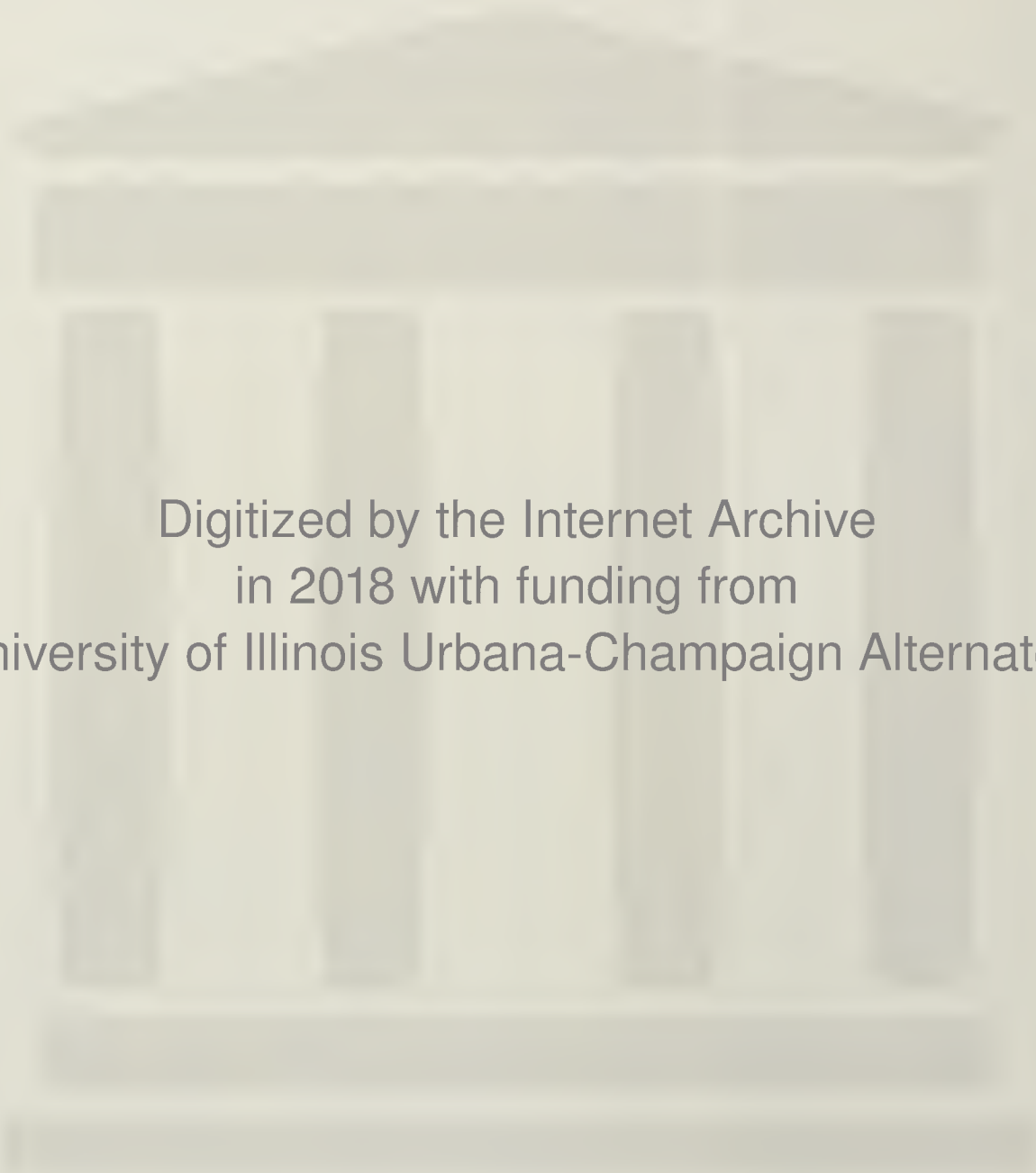


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Federal Deposit Insurance Corporation
Federal Power Commission
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1967 Issuances

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CFR Unit (as of Jan. 1, 1967):	Price
4 (Rev.)	$0.40
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7 Parts:	
900–944 (Rev.)	1.00
945–980 (Rev.)	.65
981–999 (Rev.)	.65
1000–1029 (Rev.)	1.00
1030–1059 (Rev.)	1.00
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0–149 (Rev.)	1.75
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1–119 (Rev.)	1.00
120–129 (Rev.)	1.00
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147–end (Rev.)	1.00
22 (Rev.)	1.00
23 (Rev.)	.25
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*NOTE: No amendments to this volume were promulgated during 1966. The cumulative pocket supplement issued as of Jan. 1, 1966, should be retained.

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Poultry Soups; Effective Date of Certain Amendments

On July 7, 1964, after extensive public rule-making procedures, there were published in the FEDERAL REGISTER (29 F.R. 8456) certain amendments of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.) to become effective on January 1, 1965.

In a lawsuit instituted against the Secretary of Agriculture and other officials of the Department of Agriculture in the U.S. District Court for the District of New Jersey challenging the validity of the amendments with respect to soups containing poultry ingredients, on behalf of one processor of dehydrated soups, a preliminary injunction was issued restraining enforcement of such amendments against that processor with respect to dehydrated soup mixes. In order to afford equitable treatment to all poultry soup processors in view of this preliminary injunction, the effective date of the amendments insofar as they relate to all types of soups containing poultry ingredients, was postponed on a month-to-month basis until July 1, 1966 (31 F.R. 7553).

The U.S. District Court on June 10, 1966, issued an opinion upholding the validity of the amendments but no final order was entered at that time. Pending further action by the District Court, it was necessary, in order to avoid disruption of orderly operations in the affected industry, to postpone temporarily the effective date of the amendments with respect to soups containing poultry ingredients beyond July 1, 1966, the date on which the amendments otherwise would have become effective, and such effective date was further postponed until September 1, 1966 (31 F.R. 9043 and 10311). At the time of such postponement, it was announced that the Department contemplated making the amendments effective on January 1, 1967.

On July 13, 1966, a final order was entered by the Court granting the defendants' motion for summary judgment, vacating the preliminary injunction, and dismissing the plaintiff's complaint. Accordingly an order was issued on August 25, 1966 (31 F.R. 11448), providing that the amendments would become effective with respect to soups containing poultry ingredients on January 1, 1967.

Subsequently the plaintiff in the above-mentioned law suit appealed the order of the District Court to the U.S. Court of Appeals for the Third Circuit and filed with the latter Court a motion for stay of such order pending disposition of the appeal. At the hearing on such motion in the Court of Appeals on September 26, 1966, the Court suggested that the effective date of the regulations with respect to such soups be administratively postponed until March 1, 1967. The Government acceded to the Court's suggestion and agreed to such an administrative postponement of the effective date of the regulations to obviate the necessity at that time for the Court to rule on the plaintiff's motion for stay.

Therefore the effective date of the amendments with respect to soups containing poultry ingredients was postponed until March 1, 1967 (31 F.R. 13203).

The Court of Appeals in an opinion of December 29, 1966 upheld the decision of the District Court and the validity of the amendments. Thereafter the plaintiff indicated its intention to file a petition for certiorari in the Supreme Court of the United States, and agreed that if an administrative stay of the effective date of the amendments were granted, as a condition of that stay it would file the petition for certiorari on or before February 20, 1967. The petition was so filed, and the effective date of the amendments was postponed until final disposition of the matter in the Supreme Court. On April 10, 1967, the Supreme Court denied certiorari.

Effective date. Therefore under the authority of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) the amendments of §§ 81.134 and 81.208 of the regulations published on July 7, 1964, in the FEDERAL REGISTER (29 F.R. 8456), shall become effective on September 1, 1967, with respect to all types of soups containing poultry ingredients. This will afford reasonable opportunity to affected persons to adjust their operations so as to bring them into compliance with the requirements of the amended regulations.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended; 31 F.R. 13249)

In view of the foregoing, under the provisions in 5 U.S.C. 553, it is found for good cause that notice of rule-making and other public procedure with respect to this action are impracticable, unnecessary and contrary to the public interest.

Done at Washington, D.C., this 26th day of April 1967.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 67-4845; Filed, May 1, 1967; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 264, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(i) of § 910.564 (Lemon Reg. 264, 32 F.R. 6341) are hereby amended to read as follows:

§ 910.564 Lemon Regulation 264.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 2,060 cartons;

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 27, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-4846; Filed, May 1, 1967; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Computation of Severance Pay

Section 550.704 is amended to specify when an employee serving in agency that is scheduled to terminate has an appointment with a definite time limitation so as to deny him entitlement to severance pay. Section 550.704(b) is amended by adding subdivision (iii) to subparagraph (4) as set out below.

§ 550.704 General provisions.

* * * * *

(b) *Computation of severance pay.* * * *

(4) * * *

(iii) An employee is considered to be serving under an appointment with a definite time limitation for purposes of section 9(b)(2) of the act when (*a*) he accepts an appointment without time limitation in a department which is scheduled by law or Executive order to be terminated within 5 years of the date of his appointment, and (*b*) the scheduled date of termination for the department has not been extended beyond 5 years of the date of appointment at the time of the employee's separation.

(Sec. 9, P.L. 89-301; 79 Stat. 1118; E.O. 11257, 30 F.R. 14358, 3 CFR 1965 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-4854; Filed, May 1, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 67-WE-13-AD; Amdt. 39-404]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Following the review of investigation records and recommendations stemming from the investigation of a recent landing accident involving a Boeing Model 727 airplane, numerous engineering studies were undertaken regarding means to provide improved crashworthiness in the event of an excessively hard landing. One such investigation concentrated on the separation characteristics of the main landing gear side strut—the objective being to lower the probability of the gear damaging the fuselage in the event of an excessively hard landing.

After numerous engineering evaluations, which included testing by the manufacturer, the FAA has concluded that the stated objective will be achieved by incorporation of the modification outlined in Boeing Service Bulletin No. 32-79, Revision 1, in two stages. The first stage of this modification consists of the installation of modified side strut lower segment plugs and side strut universal fittings. The second stage of this modification consists of machining a controlled groove into the lower side strut segment. Accordingly, an Airworthiness Directive is being issued to require the incorporation of the modification outlined in Boeing Service Bulletin No. 32-79, Revision 1, on all Boeing Model 727 Series airplanes.

Although considerable time has been spent in developing a modification which is commensurate with the state of the art, and which also achieves the desired objective, the FAA believes that once established, the modification should be incorporated on all Boeing Model 727 Series airplanes as soon as practicable. Accordingly, a compliance time of 1,000 hours for completing the first stage of the modification and 6,000 hours for completing the second stage of the modification has been established. Furthermore, because of the important safety considerations involved, the FAA finds that notice and public procedures hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BOEING. Applies to Boeing Model 727 Series Airplanes.

Compliance required as indicated unless already accomplished.

To protect the aircraft structure in the event of an excessively hard landing by providing the desired separation characteristics of the main landing gear side strut, accomplish the following:

1. Within the next 1,000 hours' time in service after the effective date of this AD replace the main landing gear side strut lower segment plugs and side strut universal fittings in accordance with Part II of Boeing Service Bulletin No. 32-79, Revision 1, or later FAA-approved revision, or by an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

2. Within the next 6,000 hours' time in service after the effective date of this AD incorporate the controlled groove around the outside upper end of the side strut lower segment in accordance with Part II of Boeing Service Bulletin No. 32-79, Revision 1, or later FAA-approved revision, or by an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, California on April 18, 1967.

JOSEPH H. TIPPETS,
Regional Director,
FAA Western Region.

[F.R. Doc. 67-4840; Filed, May 1, 1967; 8:47 a.m.]

[Docket No. 67-CE-AD-5; Amdt. 39-405]

PART 39—AIRWORTHINESS DIRECTIVES

Air and Space Model 18A Gyroplane Rotor Blades

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on January 17, 1967, and made effective immediately as to owners of certain rebuilt Air and Space Model 18A Rotor Blades, P/N 4476-1101-01, installed on Air and Space Model 18A Gyroplanes. The metal leading edge abrasion strip of these blades had been replaced by the manufacturer. In order to correct an unairworthy condition which may exist in these rotor blades due to improper bonding and voids in the abrasion strip, the directive requires modification of the rebuilt blades in accordance with Air and Space Manufacturing, Inc., Service Bulletin No. 15, dated December 27, 1966. Upon completion of this modification, the rotor blade set must be rebalanced and tracked before return to service.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the AD effective immediately as to the owners of the rebuilt blades by individual telegrams dated January 17, 1967. Subsequent to the issuance of the telegraphic AD, the agency has determined that this condition is likely to exist in other Air and Space Model 18A Rotor Blades. Consequently, an airworthiness directive is being issued prohibiting further flight in Air and Space Model 18A Gyroplanes until the modification covered in Air and Space Manufacturing, Inc., Service Bulletin No. 15 is accomplished. This AD differs from the telegraphic AD in that it will not require rebalancing of the rotor blade set upon completion of the modification.

Since immediate corrective action is required, notice and public procedure hereon is impractical and contrary to the public interest and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD:

AIR AND SPACE ROTOR BLADES. Applies to rotor blades installed on Air and Space Model 18A Gyroplanes.

Before further flight of any Air and Space Model 18A Gyroplane, unless already accomplished, modify the rotor blades in accordance with Air and Space Manufacturing, Inc., Service Bulletin No. 15, dated December 27, 1966, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Central Region. Upon completion of this modification the rotor blade set need not be rebalanced, but must be tracked before return to service.

NOTE: Pursuant to Air and Space Manufacturing, Inc., Maintenance and Rigging Manual, page 30, Section M, no separations are permitted in the leading edge protective strip of the rotor blade. If separation is detected, the blade should be discarded unless a repair is authorized by the Chief, Engineering and Manufacturing Branch, FAA Central Region.

This amendment becomes effective April 29, 1967, and supersedes the telegraphic airworthiness directive of January 17, 1967, on the subject.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Kansas City, Mo., April 21, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-4842; Filed, May 1, 1967; 8:47 a.m.]

[Docket No. 8129; Amdt. 39-409]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted April 20, 1967, and made effective immediately by telegram to all known operators of Boeing 707-300 Series, -400 Series, -300B Series, and -300C Series airplanes. Because of reports of cracks in the wing upper skin at the rear spar upper chord, the airworthiness directive requires inspections within the next 50 hours' time in service and repair of cracked parts in accordance with a Boeing Service Bulletin. The directive stated that a revision would follow covering repetitive inspections and additional repair instructions. In addition, by telegram dated April 21, 1967, the directive was amended to except from its coverage those airplanes that have had the critical fastener, identified in the pertinent Boeing Service Bulletin, removed and the resulting hole plugged, or that have been repaired in accordance with pertinent Boeing drawings. The amendment also authorized the Chief, Aircraft Engineering Division, Western Region, to grant extensions of the initial and subsequent inspection times specified in the AD, after submission of appropriate supporting data.

Since it was found that corrective action was required within a very short time, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive, and the amendment thereto, effective immediately as to all known operators of the airplanes. These conditions still exist and the airworthiness directive, as amended, is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, § 39.13 is amended by adding the following airworthiness directive:

BOEING 707 AIRPLANES. Applies to 707-300 Series, -400 Series, -400B Series, and -300C Series airplanes, except those airplanes that have had the critical fastener (LH and RH) identified in flag note (1), page 29, Boeing Service Bulletin 2427, Revision 1, dated February 13, 1967, removed and the resulting hole plugged in accordance with that Service Bulletin, or that have been repaired in accordance with Boeing drawings numbered 65-63274, 65-64337, or 65-64843.

(a) For Boeing 707-300C Series airplanes having 10,000 or more hours' time in service, inspect as provided in paragraph (c) within the next 50 hours' time in service, unless already accomplished within the previous 750 hours' time in service.

(b) For Boeing 707-300 Series, -400 Series, and -300B Series airplanes having 17,000 or more hours' time in service, inspect as provided in paragraph (c) within the next 50 hours' time in service, unless already accomplished within the previous 750 hours' time in service.

(c) Inspect the wing upper skin under the Beaver Tail within the first 12 inches forward of the rear spar centerline for cracks by means of the ultrasonic inspection technique outlined in Special Revision 4-6-11 of Boeing Document D6-7170, "Nondestructive Test Inspection Procedure," or by means of X-ray inspection technique outlined in Part 1, Boeing Service Bulletin No. 2427 (Rev. 3).

(d) If cracks are found that fall within the crack length limitations specified in Parts VI or II, Boeing Service Bulletin No. 2427 (Rev. 3), before further flight repair in accordance with the applicable part of that Bulletin, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be accomplished. If cracks are found that exceed the crack length limitations specified in Parts VI or II, Boeing Service Bulletin No. 2427 (Rev. 3), before further flight replace the affected portion of the wing upper skin or repair in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA Western Region, except that, subject to concurrence by the Chief, Aircraft Engineering Division, FAA Western Region, the airplane may be flown in accordance with FAR 21.197 to a base where the replacement or repair can be accomplished.

(e) Report the location and length of each crack to the Chief, Aircraft Engineering Division, FAA Western Region, within 3 days after detection.

(f) A revision of this AD will follow covering repetitive inspection intervals and additional repair instructions.

(g) The Chief, Aircraft Engineering Division, FAA Western Region, may grant extensions of the initial and subsequent inspection times specified in this AD after submission of appropriate supporting data by the operator requesting the extension.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective by telegram dated April 20, 1967, as amended by telegram dated April 21, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 24, 1967.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 67-4843; Filed, May 1, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SO-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 14, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 4026) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Gastonia, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the Notice, the geographic coordinate of the Gastonia Municipal Airport was verified by Coast and Geodetic Survey as latitude 35°12'00" N., longitude 81°09'-05" W. Since this amendment is editorial in nature and imposes no additional burden on the public, it is incorporated in this rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the following transition area is added:

GASTONIA, N.C.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gastonia Municipal Airport (latitude 35°12'00" N., longitude 81°09'05" W.), excluding the portion that coincides with the Charlotte transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on April 20, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-4841; Filed, May 1, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7938 o]

PART 13—PROHIBITED TRADE PRACTICES

Campbell Taggart Associated Bakeries, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Order of divestiture Campbell Taggart Associated Bakeries, Inc., Dallas, Tex., Docket 7938, Apr. 7, 1967]

Consent order requiring the Nation's second largest chain baking company with headquarters in Dallas, Tex., to divest four acquired baking plants and related assets, and also forbids it to acquire any domestic producer or seller of baking goods for the next 10 years without prior approval of the Federal Trade Commission.

The order of divestiture, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent Campbell Taggart Associated Bakeries, Inc., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns within 1 year from service of this order shall divest absolutely and in good faith all assets, properties, rights and privileges, tangible and intangible, including but not limited to, all plants, buildings, machinery, equipment, routes, customers, loading stations, loading depots, trade names, trademarks, and goodwill or other property of whatever description for the production of bakery products situated at, (1) Clovis and Roswell, N. Mex., and acquired as a result of its acquisition of Mead's Fine Bread Co., (2) situated at Bowling Green, Ky., and acquired as a result of its acquisition of Grocers Baking Co. and, (3) situated at Bedford, Ind., and acquired as a result of its acquisition of Grocers Baking Company of Indiana, a subsidiary of Grocers Baking Co.; together with all improvements, additions, and other property of whatever description which have been added to any of the properties of the above-named plants.

II. *It is further ordered,* That respondent or its subsidiaries shall not sell or transfer the aforesaid assets, tangible or intangible, directly or indirectly, to anyone who at the time of divestiture is a stockholder, officer, director, employee, or agent of, or otherwise directly or indirectly connected with or under the control or influence of the respondent, or to any purchaser not approved by the Federal Trade Commission in advance.

III. *It is further ordered,* That, pending divestiture, respondent make no changes in any of the assets to be divested which would impair their capacity for the production and sale of bakery products, or their market value.

IV. *It is further ordered,* That for ten (10) years from the date of service of this order, respondent shall cease and desist from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, any part of the share capital or assets of any firm, partnership, or corporation which is then engaged in the production or sale of bakery products (U.S. Bureau of Census SIC Codes 2051 and 2052) in the United States: *Provided, however,* That this provision shall not be construed to prevent the purchase of used machinery or equipment.

V. *It is further ordered,* That, within sixty (60) days after the date of service of this order, and every sixty (60) days thereafter until it has fully complied with the provisions of paragraphs I, II, and III of this order, respondent shall submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which it intends to comply, is complying, and/or has complied with this order. All compliance reports shall include, among other things that may be from time to time required, a summary of all contacts and negotiations with potential purchasers of the assets to be divested under this order, the identity of all such potential purchasers, and copies of all written communications to and from such potential purchasers.

VI. *It is further ordered,* That section IV of this order shall terminate if the Federal Trade Commission, through trade regulation rules or other like nonadjudicative industrywide proceedings, issues rules or guide lines covering the subject matter of this order.

VII. *It is further ordered,* That the initial decision of the hearing examiner be, and it hereby is, vacated.

VIII. The Federal Trade Commission may, from time to time, and upon application by respondent, issue such further orders as it may deem appropriate or just.

Issued: April 7, 1967.

By the Commission,

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-4858; Filed, May 1, 1967; 8:48 a.m.]

[Docket No. C-1190]

PART 13—PROHIBITED TRADE PRACTICES

Edward L. Cox

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.1425 *Government connection.* Subpart—Using Misleading name—Vendor: § 13.2380 *Government connection.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Edward L. Cox, Columbus, Ohio, Docket C-1190, Apr. 3, 1967]

Consent order requiring a Columbus, Ohio, distributor of skip tracer letters to cease using false and deceptive statements in his debt collection forms.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Edward L. Cox, an individual, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the collection of, or the attempt to collect, accounts, or with the solicitation of information concerning debts or debtors, or with the offering for sale, sale or distribution of forms, or other materials, for use in the collection of, or the attempt to collect, accounts, or in the solicitation of information concerning debts or debtors, in commerce, as

"commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "State Bureau of Credit Control," "State Collection Supervisor," "County Collection Supervisor," or abbreviations thereof, or any other words or abbreviations of similar import or meaning which indicate or suggest that respondent is affiliated in any way with any governmental entity, whether State, Federal, or local, to refer to respondent's business or to any person connected therewith;

2. Representing, or placing in the hands of others the means and instrumentalities by and through which they may represent, directly or by implication, that any communication with respect to an allegedly delinquent account is being made by, through, under the aegis of, or in connection with any governmental entity or agency, whether State, Federal or local;

3. Mailing any collection letters, notices of debt due, or any other collection materials to any person indebted to a third party, or otherwise contacting any such person unless respondent has actual authority from the creditor to collect or otherwise compromise the debt; and unless an exact description of the extent and nature of the respondent's authority to act in connection with such debt is conspicuously and prominently stated to the debtor;

4. Offering for sale or selling any form, letter, notice or other document, individually or in package or series form, for debt collection purposes which bears respondent's letterhead or any name other than that of the purchaser or of a person designated by the purchaser which represents in any way directly or by implication that a delinquent account has been referred to respondent or any other third party for collection;

5. Authorizing any creditor to utilize respondent's name or any trade name or style which respondent may adopt or use in connection with any debt collection activity whether directly or through third parties on the part of such creditor;

6. Representing directly or by implication that:

(a) Respondent is engaged in the business of collecting delinquent accounts with authority to effect collection by whatever means necessary;

(b) Any delinquent account has been referred to it for collection;

(c) Any legal or other action will be instituted to effect collection or reflect unfavorably on the credit rating of the debtor;

Provided, however, It shall be a defense hereunder for respondent to establish that it is engaged in the bona fide collection of delinquent accounts, has the authority and good faith intent to take any represented action, and the specific account in question has been referred to it for collection;

7. Engaging in any scheme, practice or business activity by and through which creditors may falsely represent that a delinquent account has been referred to a bona fide, independent collection agency; any third party has the authority to effect collection of a delinquent account; the delinquent account has been referred to an instrumentality of or agency affiliated with any governmental unit.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: April 3, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-4859; Filed, May 1, 1967; 8:48 a.m.]

[Docket No. 8693]

PART 13—PROHIBITED TRADE PRACTICES

Sewing Machine Company of America et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-195 Nature; § 13.71 *Financing;* § 13.155 *Prices:* 13.155-10 Bait; 13.155-40 Exaggerated as regular and customary; 13.155-78 Repossession balances. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1417 *Financing activities;* § 13.1490 *Nature;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1805 *Exaggerated as regular and customary.* Subpart—Using misleading name—Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sewing Machine Co. of America et al., St. Paul, Minn., Docket 8693, Apr. 5, 1967]

In the Matter of Sewing Machine Co. of America, a Corporation, Doing Business as Domestic Credit Co., and Eldon J. Metaxas and Ralph T. Corrigan, Individually and as Officers of Said Corporation

Order requiring a St. Paul, Minn., sewing machine retailer to cease using bait advertising, fictitious pricing and savings claims and other deceptive selling practices as set forth in the order below.

The order to cease and desist is as follows:

It is ordered, That respondents Sewing Machine Co. of America, a corporation, and its officers, and Eldon J. Metaxas and Ralph T. Corrigan, individually and as officers of said corporation, doing business under the name of Domestic Credit Co. or any other name or names, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "credit" or any word or words of similar import or meaning as a part of their trade or corporate name or representing in any manner that respondents' business is that of lending money or providing credit to purchasers of merchandise, or buying, selling, or otherwise dealing in commercial paper incident to the purchase of merchandise on credit.

2. Misrepresenting in any manner the status or nature of respondents' business.

3. Advertising or offering any product for sale for the purpose of obtaining leads or prospects for the sale of their products unless the product shown or demonstrated to the prospective purchaser does in all respects conform to the representations and description thereof as contained in the advertisement or offer.

4. Using, in any manner, a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made to obtain leads or prospects for the sale of other merchandise.

5. Representing, directly or by implication, that any merchandise is being offered for sale when such offer is not a bona fide offer to sell such merchandise.

6. Representing, directly or by implication, that any price for respondents' products is a special price or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting, in any manner, the prices at which such products have been sold or offered for sale by respondents.

7. Misrepresenting, in any manner, savings available to purchasers of respondents' products.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That Sewing Machine Co. of America, a corporation, and Eldon J. Metaxas and Ralph T. Corrigan, individually and as officers of said corporation, doing business under the name of Domestic Credit Co., shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: April 5, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-4860; Filed, May 1, 1967; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER C—ACCOUNTS, FEDERAL POWER ACT

[Docket No. R-305; Order 343]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Accounting and Reporting by Hydroelectric Licensees for Expenditures Relating to Fish, Recreation, and Wildlife

APRIL 26, 1967.

On July 14, 1966, the Commission gave notice (31 F.R. 9877, July 21, 1966) that it proposed to amend the Uniform System of Accounts for Class A and Class B public utilities and licensees and to add four new schedules for FPC Form No. 1, prescribed for use by these public utilities and licensees by § 141.1 of its regulations. The object of these amendments is to enable the Commission and other interested agencies to evaluate the cost and effectiveness of fish, wildlife, and recreation programs undertaken by the reporting licensees. Expenditures for these purposes are not now accounted for or reported separately.

Twenty-four responses commenting on the proposed amendments were received.[1] Five State agencies and the National Audubon Society supported the proposal, while 17 of the 18 remaining respondents (all licensees) opposed one or another aspect of the amendments. Five of the 17, however, indicated approval of the overall scheme. One licensee is already maintaining its accounts in the form contemplated by the amendments.

The Commission has considered the comments submitted and has adopted modifications responsive to certain of the objections expressed therein. While these modifications will reduce the complexity of the accounting and reporting as proposed, the modified amendments will still provide information adequate for the Commission's purposes.

Objections expressed in the responses centered largely on the accounting separation of expenditures and revenues for fish, wildlife, and recreation activities, and on the proposal that depreciation reserves and accruals be reported in Form No. 1. The respondent licensees maintain that this accounting scheme would create unnecessary burdens and present difficult cost-allocation problems. The proposed reporting of depreciation reserves and accruals, also, was thought to present cost-allocation difficulties and to violate the functional classification of depreciation. While we believe that some breakdown of cost information is necessary if it is to be useful, the combining of fish and wildlife activities for accounting and reporting purposes appears to be feasible. Expenditures for wildlife activities will in most cases be small. This modification should reduce accounting and reporting paperwork by about a third without seriously affecting the utility of the information.

Accounting and reporting for depreciation would not violate the functional classification of depreciation, since the accounting proposed here would be maintained under the hydroelectric function. Nevertheless, the Commission agrees that eliminating the accounting and reporting requirement for depreciation would materially reduce the respondents' workload without impairing the usefulness of their reports. Depreciated cost of the facilities is not needed to evaluate the activities when gross cost figures are available.

Some respondents suggested that revenues from fish, wildlife, and recreation activities are small enough that it would be proper to show them as offsets against expense in the appropriate operating or maintenance account. The Commission believes that the cost of operating these facilities can be accurately shown only if revenues and expenses are separately stated. Since in most cases recreation activities will provide most of the revenues, it would not detract significantly from the usefulness of the information to combine revenues from all three programs into a single subaccount. Accordingly, we have made this change in the amendments proposed.

Another modification suggested is the deletion of Item 12, referring to supplies and expenses for fish, game, and forest conservation, from Account 537, Hydraulic Expenses. This item would be redundant under the new accounts prescribed and is being deleted as suggested.

Some respondents commented that the figures obtained under the accounting and reporting requirements here adopted will not permit the general public to know how effective the fish, wildlife, and recreation programs are, because the costs of development will vary with the natural surroundings of each project. It is not intended, however, that these fiscal data be the only measure of effectiveness; rather they will be used to complement other information already available to the Commission.

Certain other comments and suggestions dealt with matters actually disposed of in the manner suggested either by the amendments here adopted or by existing provisions of the Uniform System of Accounts.

The Commission finds:

(1) The amendments to the Uniform System of Accounts and the Annual Report Form, prescribed herein, will provide the Commission with information important to the execution of its duties under the Federal Power Act with reference to the promotion of recreational use of licensed projects and the preservation of fish and wildlife in project lands and waters and, therefore, are necessary and appropriate for the administration of the Act.

(2) Since the modifications made to the amendments as originally proposed reduce and simplify the reporting obligation laid upon licensees, no further notice prior to adoption is necessary under section 4 of the Administrative Procedure Act.

The Commission, acting pursuant to the Federal Power Act, as amended, and particularly sections 301, 304, and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825c, 825h) orders:

(A) Effective upon the issuance of this order, the Uniform System of Accounts prescribed for Class A and Class B Public Utilities and Licensees by Part 101, Subchapter C of Chapter I, Title 18 of the Code of Federal Regulations is amended by revising Electric Plant Instruction 8C, adding a new Electric Plant Instruction 15, and revising Accounts Nos. 330, 331, 332, 335, 336, 398, 456, 537, 542, 543, and 545 to read as follows:

Electric Plant Instructions

* * * * *

8. *Structures and improvements.* * * *

C. Minor buildings and structures, such as valve towers, patrolmen's towers, telephone stations, fish and wildlife, and recreation facilities, etc., which are used directly in connection with or form a part of a reservoir, dam, waterway, etc., shall be considered a part of the facility in connection with which constructed or operated and the cost thereof accounted for accordingly.

* * * * *

15. *Hydraulic production plant.*

For the purpose of this system of accounts hydraulic production plant means all land and land rights, structures and improvements used in connection with hydraulic power generation, reservoirs, dams and waterways, water wheels, turbines, generators, accessory electric equipment, miscellaneous powerplant equipment, roads, railroads, and bridges, and structures and improvements used in connection with fish and wildlife, and recreation.

* * * * *

Electric Plant Accounts

* * * * *

330 Land and land rights.

This account shall include the cost of land and land rights used in connection

[1] Alabama Power Co., Allegheny Power Service Corp., Appalachian Power Co., Carolina Power & Light Co., Cleveland Electric Illuminating Co., Consumers Power Co., Georgia Power Co., Idaho Power Co., Iowa State Conservation Commission, Massachusetts Division of Fisheries and Game, National Audubon Society, Northern States Power Co., Oregon Fish Commission, Pacific Gas & Electric Co., Pacific Power & Light Co., Pennsylvania Fish Commission, Pennsylvania Power & Light Co., Philadelphia Electric Co., Public Service Electric & Gas Co., Southern California Edison Co., Union Electric Co., Virginia Electric & Power Co., Washington State Department of Fisheries, Wisconsin Michigan Power Co.

with hydraulic power generation. (See electric plant instruction 7.) It shall also include the cost of land and land rights used in connection with (1) the conservation of fish and wildlife, and (2) recreation. Separate subaccounts shall be maintained for each of the above.

331 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with hydraulic power generation. (See electric plant instruction 8.) It shall also include the cost in place of structures and improvements used in connection with (1) the conservation of fish and wildlife, and (2) recreation. Separate subaccounts shall be maintained for each of the above.

332 Reservoirs, dams, and waterways.

This account shall include the cost in place of facilities used for impounding, collecting, storage, diversion, regulation, and delivery of water used primarily for generating electricity. It shall also include the cost in place of facilities used in connection with (1) the conservation of fish and wildlife, and (2) recreation. Separate subaccounts shall be maintained for each of the above. (See electric plant instruction 8C.)

* * * * *

335 Miscellaneous power plant equipment.

This account shall include the cost installed of miscellaneous equipment in and about the hydroelectric generating plant which is devoted to general station use and is not properly includible in other hydraulic production accounts. It shall also include the cost of equipment used in connection with (1) the conservation of fish and wildlife, and (2) recreation. Separate subaccounts shall be maintained for each of the above.

336 Roads, railroads, and bridges.

* * * * *

NOTE A: This account shall include the cost of roads, railroads, trails, bridges, and trestles used primarily as production facilities. It includes also those roads, etc., necessary to connect the plant with highway transportation systems, except when such roads are dedicated to public use and maintained by public authorities. Roads intended primarily for connecting employees' houses with the power plant, and roads used primarily in connection with fish and wildlife, and recreation activities, shall not be included herein but in account 331, Structures and Improvements.

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398 Miscellaneous equipment.

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3. Employees' recreation equipment.

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Operating Revenue Accounts

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456 Other electric revenues.

This account shall include revenues derived from electric operations not includible in any of the foregoing accounts. It shall also include in a separate subaccount revenues received from operation of fish and wildlife, and recreation facilities whether operated by the company or by contract concessionaires, such as revenues from leases, or rentals of land for cottage, homes, or campsites.

Operation and Maintenance Expense Accounts

* * * * *

537 Hydraulic expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating hydraulic works including reservoirs, dams, and waterways, and in activities directly relating to the hydroelectric development outside the generating station. It shall also include the cost of labor, materials used and other expenses incurred in connection with the operation of (1) fish and wildlife, and (2) recreation facilities. Separate subaccounts shall be maintained for each of the above.

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12. Transportation expense.

[CODIFICATION NOTE: Item 12 deleted and Item 13 renumbered 12]

* * * * *

542 Maintenance of structures.

This account shall include the cost of labor, materials used, and expenses incurred in maintenance of hydraulic structures, the book cost of which is includible in Account 331, Structures and Improvements. (See operating expense instruction 2). However, the cost of labor, materials used and expenses incurred in the maintenance of fish and wildlife, and recreation facilities, the book cost of which is includible in Account 331, Structures and Improvements, shall be charged to Account 545, Maintenance of Miscellaneous Hydraulic Plant.

543 Maintenance of reservoirs, dams, and waterways.

This account shall include the cost of labor, materials used, and expenses incurred in maintenance of plant includible in Account 333, Water Wheels, Turbines, and Generators, and Account 334, Accessory Electric Equipment. (See operating expense instruction 2.) However, the cost of labor, materials used and expenses incurred in the maintenance of fish and wildlife, and recreation facilities, the book cost of which is includible in Account 332, Reservoirs, Dams and Waterways, shall be charged to Account 545, Maintenance of Miscellaneous Hydraulic Plant.

* * * * *

545 Maintenance of miscellaneous hydraulic plant.

This account shall include the cost of labor, materials used, and expenses incurred in maintenance of plant, the book cost of which is includible in Account 335, Miscellaneous Power Plant Equipment, and Account 336, Roads, Railroads and Bridges. (See operating expense instruction 2.) It shall also include the cost of labor, materials used and other expenses incurred in the maintenance of (1) fish and wildlife, and (2) recreation facilities. Separate subaccounts shall be maintained for each of the above.

* * * * *

(B) Effective for the reporting year 1967, Annual Report FPC Form No. 1, prescribed for Class A and Class B electric utilities and licensees by § 141.1, Subchapter D, of the said Chapter I of Title 18 is amended by adding new schedules entitled "Fish and Wildlife and Recreation Plants" (page 403A) and "Operation and Maintenance Expenses of Fish and Wildlife and Recreation Operations" (page 416A), and by revising the schedule entitled "Miscellaneous Service Revenues and Other Electric Revenues" (page 416), all as set out in Attachment A hereto.[2]

(C) Effective upon the issuance of this order, in paragraph (d) of the said § 141.1, the list of schedules is revised by—

1. Inserting, to follow the line "Electric Plant in Service", a new line reading:

Fish and Wildlife and Recreation Plants.

2. Inserting, to follow the line "Miscellaneous Service * * * Revenues", a new line reading:

Operation and Maintenance Expenses of Fish and Wildlife and Recreation Operations.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4819; Filed, May 1, 1967; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6918]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Expenses for Education

On October 1, 1966, notice of proposed rule making with respect to the amendment of § 1.162–5 (relating to expenses for education) and § 1.262–1 (relating to personal, living, and family expenses) of the Income Tax Regulations (26 CFR Part 1) was published in the FEDERAL REGISTER (31 F.R. 12843). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, such regulations are amended as follows:

PARAGRAPH 1. Section 1.162–5 is amended to read as follows:

§ 1.162–5 Expenses for education.

(a) *General rule.* Expenditures made by an individual for education (including

[2] Attachment A filed as part of original document.

research undertaken as part of his educational program) which are not expenditures of a type described in paragraph (b) (2) or (3) of this section are deductible as ordinary and necessary business expenses (even though the education may lead to a degree) if the education—

(1) Maintains or improves skills required by the individual in his employment or other trade or business, or

(2) Meets the express requirements of the individual's employer, or the requirements of applicable law or regulations, imposed as a condition to the retention by the individual of an established employment relationship, status, or rate of compensation.

(b) *Nondeductible educational expenditures*—(1) *In general.* Educational expenditures described in subparagraphs (2) and (3) of this paragraph are personal expenditures or constitute an inseparable aggregate of personal and capital expenditures and, therefore, are not deductible as ordinary and necessary business expenses even though the education may maintain or improve skills required by the individual in his employment or other trade or business or may meet the express requirements of the individual's employer or of applicable law or regulations.

(2) *Minimum educational requirements.* (i) The first category of nondeductible educational expenses within the scope of subparagraph (1) of this paragraph are expenditures made by an individual for education which is required of him in order to meet the minimum educational requirements for qualification in his employment or other trade or business. The minimum education necessary to qualify for a position or other trade or business must be determined from a consideration of such factors as the requirements of the employer, the applicable law and regulations, and the standards of the profession, trade, or business involved. The fact that an individual is already performing service in an employment status does not establish that he has met the minimum educational requirements for qualification in that employment. Once an individual has met the minimum educational requirements for qualification in his employment or other trade or business (as in effect when he enters the employment or trade or business), he shall be treated as continuing to meet those requirements even though they are changed.

(ii) The minimum educational requirements for qualification of a particular individual in a position in an educational institution is the minimum level of education (in terms of aggregate college hours or degree) which under the applicable laws or regulations, in effect at the time this individual is first employed in such position, is normally required of an individual initially being employed in such a position. If there are no normal requirements as to the minimum level of education required for a position in an educational institution, then an individual in such a position shall be considered to have met the minimum educational requirements for qualification in that position when he becomes a member of the faculty of the educational institution. The determination of whether an individual is a member of the faculty of an educational institution must be made on the basis of the particular practices of the institution. However, an individual will ordinarily be considered to be a member of the faculty of an institution if (*a*) he has tenure or his years of service are being counted toward obtaining tenure; (*b*) the institution is making contributions to a retirement plan (other than Social Security or a similar program) in respect of his employment; or (*c*) he has a vote in faculty affairs.

(iii) The application of this subparagraph may be illustrated by the following examples:

Example (1). General facts: State X requires a bachelor's degree for beginning secondary school teachers which must include 30 credit hours of professional educational courses. In addition, in order to retain his position, a secondary school teacher must complete a fifth year of preparation within 10 years after beginning his employment. If an employing school official certifies to the State Department of Education that applicants having a bachelor's degree and the required courses in professional education cannot be found, he may hire individuals as secondary school teachers if they have completed a minimum of 90 semester hours of college work. However, to be retained in his position, such an individual must obtain his bachelor's degree and complete the required professional educational courses within 3 years after his employment commences. Under these facts, a bachelor's degree, without regard to whether it includes 30 credit hours of professional educational courses, is considered to be the minimum educational requirement for qualification as a secondardy school teacher in State X. This is the case notwithstanding the number of teachers who are actually hired without such a degree. The following are examples of the application of these facts in particular situations:

Situation 1. A, at the time he is employed as a secondary school teacher in State X, has a bachelor's degree including 30 credit hours of professional educational courses. After his employment, A completes a fifth college year of education and, as a result, is issued a standard certificate. The fifth college year of education undertaken by A is not education required to meet the minimum educational requirements for qualification as a secondary school teacher. Accordingly, the expenditures for such education are deductible unless the expenditures are for education which is part of a program of study being pursued by A which will lead to qualifying him in a new trade or business.

Situation 2. Because of a shortage of applicants meeting the stated requirements, B, who has a bachelor's degree, is employed as a secondary school teacher in State X even though he has only 20 credit hours of professional educational courses. After his employment, B takes an additional 10 credit hours of professional educational courses. Since these courses do not constitute education required to meet the minimum educational requirements for qualification as a secondary school teacher which is a bachelor's degree and will not lead to qualifying B in a new trade or business, the expenditures for such courses are deductible.

Situation 3. Because of a shortage of applicants meeting the stated requirements, C is employed as a secondary school teacher in State X although he has only 90 semester hours of college work toward his bachelor's degree. After his employment, C undertakes courses leading to a bachelor's degree. These courses (including any courses in professional education) constitute education required to meet the minimum educational requirements for qualification as a secondary school teacher. Accordingly, the expenditures for such education are not deductible.

Situation 4. Subsequent to the employment of A, B, and C, but before they have completed a fifth college year of education, State X changes its requirements affecting secondary school teachers to provide that beginning teachers must have completed 5 college years of preparation. In the cases of A, B, and C, a fifth college year of education is not considered to be education undertaken to meet the minimum educational requirements for qualification as a secondary school teacher. Accordingly, expenditures for a fifth year of college will be deductible unless the expenditures are for education which is part of a program being pursued by A, B, or C which will lead to qualifying him in a new trade or business.

Example (2). D, who holds a bachelor's degree, obtains temporary employment as an instructor at University Y and undertakes graduate courses as a candidate for a graduate degree. D may become a faculty member only if he obtains a graduate degree and may continue to hold a position as instructor only so long as he shows satisfactory progress towards obtaining this graduate degree. The graduate courses taken by D constitute education required to meet the minimum educational requirements for qualification in D's trade or business and, thus, the expenditures for such courses are not deductible.

Example (3). E, who has completed 2 years of a normal 3-year law school course leading to a bachelor of laws degree (LL.B.), is hired by a law firm to do legal research and perform other functions on a full-time basis. As a condition to continued employment, E is required to obtain an LL.B. and pass the State bar examination. E completes his law school education by attending night law school, and he takes a bar review course in order to prepare for the State bar examination. The law courses and bar review course constitute education required to meet the minimum educational requirements for qualification in E's trade or business and, thus, the expenditures for such courses are not deductible.

(3) *Qualification for new trade or business.* (i) The second category of nondeductible educational expenses within the scope of subparagraph (1) of this paragraph are expenditures made by an individual for education which is part of a program of study being pursued by him which will lead to qualifying him in a new trade or business. In the case of an employee, a change of duties does not constitute a new trade or business if the new duties involve the same general type of work as is involved in the individual's present employment. For this purpose, all teaching and related duties shall be considered to involve the same general type of work. The following are examples of changes in duties which do not constitute new trades or businesses:

(*a*) Elementary to secondary school classroom teacher.

(*b*) Classroom teacher in one subject (such as mathematics) to classroom teacher in another subject (such as science).

(*c*) Classroom teacher to guidance counselor.

(d) Classroom teacher to principal.

(ii) The application of this subparagraph to individuals other than teachers may be illustrated by the following examples:

Example (1). A, a self-employed individual practicing a profession other than law, for example, engineering, accounting, etc., attends law school at night and after completing his law school studies receives a bachelor of laws degree. The expenditures made by A in attending law school are nondeductible because this course of study qualifies him for a new trade or business.

Example (2). Assume the same facts as in example (1) except that A has the status of an employee rather than a self-employed individual, and that his employer requires him to obtain a bachelor of laws degree. A intends to continue practicing his nonlegal profession as an employee of such employer. Nevertheless, the expenditures made by A in attending law school are not deductible since this course of study qualifies him for a new trade or business.

Example (3). B, a general practitioner of medicine, takes a 2-week course reviewing new developments in several specialized fields of medicine. B's expenses for the course are deductible because the course maintains or improves skills required by him in his trade or business and does not qualify him for a new trade or business.

Example (4). C, while engaged in the private practice of psychiatry, undertakes a program of study and training at an accredited psychoanalytic institute which will lead to qualifying him to practice psychoanalysis. C's expenditures for such study and training are deductible because the study and training maintains or improves skills required by him in his trade or business and does not qualify him for a new trade or business.

(c) *Deductible educational expenditures—(1) Maintaining or improving skills.* The deduction under the category of expenditures for education which maintains or improves skills required by the individual in his employment or other trade or business includes refresher courses or courses dealing with current developments as well as academic or vocational courses provided the expenditures for the courses are not within either category of nondeductible expenditures described in paragraph (b) (2) or (3) of this section.

(2) *Meeting requirements of employer.* An individual is considered to have undertaken education in order to meet the express requirements of his employer, or the requirements of applicable law or regulations, imposed as a condition to the retention by the taxpayer of his established employment relationship, status, or rate of compensation only if such requirements are imposed for a bona fide business purpose of the individual's employer. Only the minimum education necessary to the retention by the individual of his established employment relationship, status, or rate of compensation may be considered as undertaken to meet the express requirements of the taxpayer's employer. However, education in excess of such minimum education may qualify as education undertaken in order to maintain or improve the skills required by the taxpayer in his employment or other trade or business (see subparagraph (1) of this paragraph). In no event, however, is a deduction allowable for expenditures for education which, even though for education required by the employer or applicable law or regulations, are within one of the categories of nondeductible expenditures described in paragraph (b) (2) and (3) of this section.

(d) *Travel as a form of education.* Subject to the provisions of paragraph (b) and (e) of this section, expenditures for travel (including travel while on sabbatical leave) as a form of education are deductible only to the extent such expenditures are attributable to a period of travel that is directly related to the duties of the individual in his employment or other trade or business. For this purpose, a period of travel shall be considered directly related to the duties of an individual in his employment or other trade or business only if the major portion of the activities during such period is of a nature which directly maintains or improves skills required by the individual in such employment or other trade or business. The approval of a travel program by an employer or the fact that travel is accepted by an employer in the fulfillment of its requirements for retention of rate of compensation, status or employment, is not determinative that the required relationship exists between the travel involved and the duties of the individual in his particular position.

(e) *Travel away from home.* (1) If an individual travels away from home primarily to obtain education the expenses of which are deductible under this section, his expenditures for travel, meals, and lodging while away from home are deductible. However, if as an incident of such trip the individual engages in some personal activity such as sightseeing, social visiting, or entertaining, or other recreation, the portion of the expenses attributable to such personal activity constitutes nondeductible personal or living expenses and is not allowable as a deduction. If the individual's travel away from home is primarily personal, the individual's expenditures for travel, meals and lodging (other than meals and lodging during the time spent in participating in deductible education pursuits) are not deductible.

Whether a particular trip is primarily personal or primarily to obtain education the expenses of which are deductible under this section depends upon all the facts and circumstances of each case. An important factor to be taken into consideration in making the determination is the relative amount of time devoted to personal activity as compared with the time devoted to educational pursuits. The rules set forth in this paragraph are subject to the provisions of section 162(a) (2), relating to deductibility of certain traveling expenses, and section 274 (c) and (d), relating to allocation of certain foreign travel expenses and substantiation required, respectively, and the regulations thereunder.

(2) *Examples.* The application of this subsection may be illustrated by the following examples:

Example (1). A, a self-employed tax practitioner, decides to take a 1-week course in new developments in taxation, which is offered in City X, 500 miles away from his home. His primary purpose in going to X is to take the course, but he also takes a side trip to City Y (50 miles from X for 1 day, takes a sightseeing trip while in X, and entertains some personal friends. A's transportation expenses to City X and return to his home are deductible but his transportation expenses to City Y are not deductible. A's expenses for meals and lodging while away from home will be allocated between his educational pursuits and his personal activities. Those expenses which are entirely personal, such as sightseeing and entertaining friends, are not deductible to any extent.

Example (2). The facts are the same as in example (1) except that A's primary purpose in going to City X is to take a vacation. This purpose is indicated by several factors, one of which is the fact that he spends only 1 week attending the tax course and devotes 5 weeks entirely to personal activities. None of A's transportation expenses are deductible and his expenses for meals and lodging while away from home are not deductible to the extent attributable to personal activities. His expenses for meals and lodging allocable to the week attending the tax course are, however, deductible.

Example (3). B, a high school mathematics teacher in New York City, in the summertime travels to a university in California in order to take a mathematics course the expense of which is deductible under this section. B pursues only one-fourth of a full course of study and the remainder of her time is devoted to personal activities the expense of which is not deductible. Absent a showing by B of a substantial nonpersonal reason for taking the course in the university in California, the trip is considered taken primarily for personal reasons and the cost of traveling from New York City to California and return would not be deductible. However, one-fourth of the cost of B's meals and lodging while attending the university in California may be considered properly allocable to deductible educational pursuits and, therefore, is deductible.

PAR. 2. Paragraph (b) of § 1.262–1 is amended by adding a subparagraph (9) at the end thereof which reads as follows:

§ 1.262–1 **Personal, living, and family expenses.**

* * * * *

(b) *Examples of personal, living, and family expenses.* * * *

(9) Expenditures made by a taxpayer in obtaining an education or in furthering his education are not deductible unless they qualify under section 162 and § 1.162–5 (relating to trade or business expenses).

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: April 26, 1967.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 67–4804; Filed, May 1, 1967; 8:45 a.m.]

[T.D. 6917]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Treatment of Interest or Dividends Paid by Certain Savings Institutions on Certain Deposits or Withdrawable Accounts

On May 26, 1966, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 461 of the Internal Revenue Code of 1954 to conform such regulations to section 3(a) of the Act of October 24, 1962 (Public Law 87-876, 76 Stat. 1199), was published in the FEDERAL REGISTER (31 F.R. 7571). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as so proposed is hereby adopted, with changes, as set forth below:

§ 1.461-1 General rule for taxable year of deduction.

* * * * *

(e) *Dividends or interest paid by certain savings institutions on certain deposits or withdrawable accounts*—(1) *Deduction not allowable*—(i) *In general.* Except as otherwise provided in this paragraph, pursuant to section 461(e) amounts paid to, or credited to the accounts of, depositors or holders of accounts as dividends or interest on their deposits or withdrawable accounts (if such amounts paid or credited are withdrawable on demand subject only to customary notice to withdraw) by a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank shall not be allowed as a deduction for the taxable year to the extent such amounts are paid or credited for periods representing more than 12 months. The provisions of section 461(e) are applicable with respect to taxable years ending after December 31, 1962. Whether amounts are paid or credited for periods representing more than 12 months depends upon all the facts and circumstances in each case. For example, payments or credits which under all the facts and circumstances are in the nature of bona fide bonus interest or dividends paid or credited because a shareholder or depositor maintained a certain balance for more than 12 months, will not be considered made for more than 12 months, providing the regular payments or credits represent a period of 12 months or less. The nonallowance of a deduction to the taxpayer under section 461(e) and this subparagraph has no effect either on the proper time for reporting dividends or interest by a depositor or holder of a withdrawable account, or on the obligation of the taxpayer to make a return setting forth, among other things, the aggregate amounts paid to a depositor or shareholder under section 6049 (relating to returns regarding payments of interest) and the regulations thereunder. With respect to a short period (a taxable year consisting of a period of less than 12 months), amounts of dividends or interest paid or credited shall not be allowed as a deduction to the extent that such amounts are paid or credited for a period representing more than the number of months in such short period. In such a case, the rules contained in section 461(e) and this paragraph apply to the short period in a manner consistent with the application of such rules to a 12-month taxable year. Subparagraph (2) of this paragraph provides rules for computing amounts not allowed in the taxable year and subparagraph (3) provides rules for determining when such amounts are allowed. See section 7701(a) (19) and (32) and the regulations thereunder for the definitions of domestic building and loan association and cooperative bank.

(ii) *Exceptions.* The rule of nonallowance set forth in subdivision (i) of this subparagraph is not applicable to a taxpayer in the year in which it liquidates (other than following, or as part of, an acquisition of its assets in which the acquiring corporation, pursuant to section 381(a), takes into account certain items of the taxpayer, which for purposes of this paragraph shall be referred to as an acquisition described in section 381(a)). In addition, such rule of nonallowance is not applicable to a taxpayer which pays or credits grace interest or dividends to terminating depositors or shareholders, provided the total amount of the grace interest or dividends paid or credited during the payment or crediting period (for example, a quarterly or semiannual period) does not exceed 10 percent of the total amount of the interest or dividends paid or credited during such period, computed without regard to the grace interest or dividends. For example, providing the 10 percent limitation is met, the rule of nonallowance does not apply in a case in which a calendar year taxpayer, with regular interest payment dates of January 1, April 1, July 1, and October 1, pays grace interest for the period beginning October 1 to a depositor who terminates his account on December 10.

(2) *Computation of amounts not allowed as a deduction*—(i) *Method of computation.* The amount of the dividends or interest to which subparagraph (1) of this paragraph applies, which is not allowed as a deduction, shall be computed under the rules of this subparagraph. The amount which is not allowed as a deduction is the difference between the total amount of dividends or interest paid or credited to that class of accounts with respect to which a deduction is not allowed under subparagraph (1) of this paragraph during the taxable year (or short period, if applicable) and an amount which bears the same ratio to such total as the number 12 (or number of months in the short period) bears to the number of months with respect to which such amounts of dividends or interest are paid or credited.

(ii) *Examples.* The provisions of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). X Association, a domestic building and loan association filing its return on the basis of a calendar year, regularly credits dividends on its withdrawable accounts quarterly on the first day of the quarter following the quarter with respect to which they are earned. X changes the time of crediting dividends commencing with the credit for the fourth quarter of 1964. Such credit and all subsequent credits are made on the last day of the quarter with respect to which they are earned. As a result of this change X's credits for the year 1964 are as follows:

Period with respect to which earned	Date credited in 1964	Amount
4th quarter, 1963	Jan. 1	$250,000
1st quarter, 1964	Apr. 1	300,000
2d quarter, 1964	July 1	300,000
3d quarter, 1964	Oct. 1	300,000
4th quarter, 1964	Dec. 31	350,000
Total dividends credited		1,500,000

Since the change in the time of crediting dividends results in the crediting in 1964 of amounts of dividends representing periods totaling 15 months (October 1963 through December 1964), amounts shall not be allowed as a deduction in 1964 which are in excess of $1,200,000, which is the amount which bears the same ratio to the amounts of dividends credited during the year ($1,500,000) as the number 12 bears to the number of months (15) with respect to which such dividends are credited. Thus, $300,000 ($1,500,000 minus $1,200,000) is not allowed as a deduction in 1964.

Example (2). Y Association, a domestic building and loan association filing its return on the basis of a calendar year, regularly credits dividends on its withdrawable accounts on the basis of a semiannual period on March 31 and September 30 of each year. Y changes the period with respect to which credits are made from the semiannual period to the quarterly basis, commencing with the last quarter in 1964. The credit for this last quarter and all subsequent credits are made on the last day of the quarter with respect to which they are earned. As a result of this change, Y's credits for the year 1964 are as follows:

Period with respect to which earned	Date credited in 1964	Amount
6-month period ending Mar. 31, 1964	Mar. 31	$300,000
6-month period ending Sept. 30, 1964	Sept. 30	400,000
4th quarter, 1964	Dec. 31	200,000
Total dividends credited		900,000

Since the change in the basis of crediting dividends results in a crediting in 1964 of dividends representing periods totaling 15 months (October 1963 through December 1964), amounts shall not be allowed as a deduction in 1964 which are in excess of $720,000, which is the amount which bears the same ratio to the amounts of dividends credited during the year ($900,000) as the number 12 bears to the number of months (15) with respect to which such dividends are credited. Thus, $180,000 ($900,000 minus $720,000) is not allowed as a deduction in 1964.

Example (3). Z Association, a domestic building and loan association regularly files its return on the basis of a fiscal year ending on the last day of February and regularly credits dividends on its withdrawable accounts quarterly on the last day of the quarter with respect to which they are

earned. Z receives approval from the Commissioner of Internal Revenue to change its accounting period to a calendar year and effects the change by filing a return for a short period ending on December 31, 1964. Dividend credits for the short period beginning on March 1 and ending on December 31, 1964, are as follows:

Period with respect to which earned	Date credited 1964	Amount
January–March 1964	Mar. 31	$250,000
April–June 1964	June 30	300,000
July–September 1964	Sept. 30	300,000
October–December 1964	Dec. 31	350,000
Total dividends credited		1,200,000

Since the change of accounting period results in amounts of dividends credited ($1,200,000) representing periods totaling 12 months (January through December 1964), and such periods represent more than the number of months (10) in the short period, an amount shall not be allowed as a deduction in such short period which is in excess of $1,000,000, which is the amount which bears the same ratio to the amount of dividends credited in the short period ($1,200,000) as the number of months (10) in the short period bears to the number of months (12) with respect to which such dividends are credited. Thus, $200,000 ($1,200,000 minus $1,000,000) is not allowed as a deduction in the short period.

(3) *When amounts allowable.* The amount of dividends or interest not allowed as a deduction under subparagraph (1) of this paragraph shall be allowed as follows (subject to the limitation that the total of the amounts so allowed shall not exceed the amount not allowed under subparagraph (1)):

(i) Such amount shall be allowed as a deduction in a later taxable year or years subject to the limitation that, when taken together with the deductions otherwise allowable in the later taxable year or years, it does not bring the deductions for any later taxable year to a total representing a period of more than 12 months (or number of months in the short period, if applicable). However, in any event, an amount otherwise allowable under subdivision (ii) of this subparagraph shall be allowed notwithstanding the fact that it may bring the deductions allowable to a total representing a period of more than 12 months (or number of months in the short period, if applicable).

(ii) In any case in which it is established to the satisfaction of the Commissioner that the taxpayer does not intend to avoid taxes, one-tenth of such amount shall be allowed as a deduction in each of the 10 succeeding taxable years—

(*a*) Commencing with the taxable year for which such amount is not allowed as a deduction under subparagraph (1), or

(*b*) In the case of such amount not allowed for a taxable year ending before July 1, 1964, commencing with either the first or second taxable year after the taxable year for which such amount is not allowed as a deduction under subparagraph (1) if the taxpayer has not taken a deduction on his return, or filed a claim for credit or refund, in respect of such amount under (*a*).

Normally, if the deduction not allowed under subparagraph (1) is a result of a change, not requested by the taxpayer, in the taxpayer's annual accounting period or dividend or interest payment or crediting dates solely as a consequence of a requirement of a Federal or State regulatory authority, or if the deduction is not allowed solely as a result of the taxpayer being a party to an acquisition to which section 381(a) applies, the Commissioner will permit the allowance of the amount not allowed in the manner provided in this subdivision. Nothing set forth in this subdivision shall be construed as permitting the allowance of a credit or refund for any year which is barred by the limitations on credit or refund provided by section 6511.

(iii) If the total of the amounts, if any, allowed under subdivisions (i) and (ii) of this subparagraph before the taxable year in which the taxpayer liquidates or otherwise ceases to engage in trade or business is less than the amount not allowed under subparagraph (1), there shall be allowed a deduction in such taxable year for the difference between the amount not allowed under subparagraph (1) and the amounts allowed, if any, as deductions under subdivisions (i) and (ii) unless the circumstances under which the taxpayer ceased to do business constitute an acquisition described in section 381(a) (relating to carryovers in certain corporate acquisitions). If the circumstances under which the taxpayer ceased to do business constitute an acquisition described in section 381(a), the acquiring corporation shall succeed to and take into account the balance of the amounts not allowed on the same basis as the taxpayer, had it not ceased to engage in business.

(Sec. 705, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: April 25, 1967.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-4728; Filed, May 1, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 22—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Pursuant to the authority vested in me by 28 U.S.C. 2672, the following new Part 22, to Title 43 of the Code of Federal Regulations is issued to describe procedures for filing claims under the Federal Tort Claims Act.

This part shall become effective on the date of its publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 25, 1967.

Sec.
22.1 Purpose.
22.2 Provisions of law and regulations thereunder.
22.3 Procedure for filing claims.
22.4 Denial of claims.
22.5 Payment of claims.
Appendix A—Procedures for filing claims under Federal Tort Claims Act accruing on and before January 17, 1967.

AUTHORITY: The provisions of this Part 22 issued under 28 U.S.C. 2671–2680 as amended by Public Law 89–506, 80 Stat. 306; 60 Stat. 842.

§ 22.1 Purpose.

(a) The purpose of this part is to establish procedures for the filing and settlement of claims accruing on and after January 18, 1967, under the Federal Tort Claims Act (in part, 28 U.S.C. 2401(b), 2671–2680, as amended by Public Law 89–506, 80 Stat. 306).

(b) Appendix A of this part establishes procedures for the administrative adjudication of claims accruing on and before January 17, 1967, under the Federal Tort Claims Act (in part, 28 U.S.C. 2401(b), 2671–2680).

§ 22.2 Provisions of law and regulations thereunder.

(a) Section 2672 of Title 28, United States Code, as above amended, provides that:

The head of each Federal agency or his designee, in accordance with regulations prescribed by the Attorney General, may consider, ascertain, adjust, determine, compromise, and settle any claim for injury or death caused by the negligent or wrongful act or omission of any employee of the agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred: *Provided,* That any award, compromise, or settlement in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or his designee.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award, compromise, settlement, or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

Any award, compromise, or settlement in an amount of $2,500 or less made pursuant to this section shall be paid by the head of the Federal agency concerned out of appropriations available to that agency. Payment of any award, compromise, or settlement in an amount in excess of $2,500 made pursuant to this section or made by the Attorney General in any amount pursuant to section 2677 of this title shall be paid in a manner similar to judgments and compromises in like causes and appropriations or funds available for the payment of such judgments and compromises are hereby made available for the payment of awards, compromises, or settlements under this chapter.

The acceptance by the claimant of any such award, compromise, or settlement shall

be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

(b) Subsection (a) of section 2675 of said Title 28 provides that:

An action shall not be instituted upon a claim against the United States for money damages for injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail. The failure of any agency to make final disposition of a claim within 6 months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of this section. The provisions of this subsection shall not apply to such claims as may be asserted under the Federal Rules of Civil Procedure by third party complaint, cross-claim, or counterclaim.

(c) Section 2678 of said Title 28, as amended, provides that no attorney shall charge fees in excess of 25 percent of a judgment or settlement after litigation, or in excess of 20 percent of administrative settlements.

(d) Subsection (b) of section 2679 of said Title 28 provides that tort remedies against the United States resulting from the operation of any employee of the Government of any motor vehicle while acting within the scope of his employment shall be exclusive of any other civil action or proceeding against the employee or his estate.

(e) Subsection (b) of section 2401 of said Title 28 provides:

A tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within 2 years after such claim accrues or unless action is begun within 6 months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented.

(f) The Federal Tort Claims Act, as amended, shall apply to claims accruing 6 months or more after date of its enactment (date of enactment, July 18, 1966).

(g) Pursuant to section 2672 of Title 28, United States Code, as amended, the Attorney General has issued regulations (herein referred to as "the Regulations"; 28 CFR Part 14), prescribing standards and procedures for settlement of tort claims (31 F.R. 16616). The officers to whom authority is delegated to settle tort claims shall follow and be guided by such Regulations (28 CFR Part 14).

§ 22.3 Procedure for filing claims.

(a) The procedure for filing and the contents of claims shall be pursuant to §§ 14.2, 14.3, and 14.4 of the Regulations (28 CFR Part 14).

(b) Claims shall be filed directly with the local field office of the Bureau or Office of the Department out of whose activities the accident or incident occurred, if known; or if not known with the Associate Solicitor, Territories, Wildlife and Claims, Department of the Interior, Washington, D.C. 20240.

(c) Upon receipt of a claim, the time and date of receipt shall be recorded. The claim shall be forwarded with the investigative file immediately to the Regional or Field Solicitor or the Associate Solicitor, Territories, Wildlife and Claims, as appropriate, for determination.

§ 22.4 Denial of claims.

Denial of a claim shall be communicated as provided by § 14.9 of the Regulations (28 CFR Part 14).

§ 22.5 Payment of claims.

(a) When an award of $2,500 or less is made, the voucher signed by the claimant shall be transmitted for payment to the appropriate Bureau or Office of the Department. When an award over $2,500 is made, transmittal for payment will be made as prescribed by § 14.10 of the Regulations (28 CFR Part 14).

(b) Prior to payment appropriate releases shall be obtained as provided in said section.

Appendix A—Procedures for Filing Claims Under the Federal Tort Claims Act Accruing on and Before January 17, 1967.

A. *Purpose.* The purpose of this Appendix A to Part 22 is to establish procedures for the filing of claims under the Federal Tort Claims Act (in part, 28 U.S.C. 2401(b), 2671–2680), accruing on and before January 17, 1967.

B. *Provisions of law.* 1. Section 2672 of Title 28, United States Code, provides:

"(a) The head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, may consider, ascertain, adjust, determine, and settle any claim for money damages of $2,500 or less against the United States accruing on and after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

"(b) Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

"(c) Any award made pursuant to this section, and any award, compromise, or settlement made by the Attorney General pursuant of section 2677 of this title, shall be paid by the head of the Federal agency concerned out of appropriations available to such agency.

"(d) The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constituted a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter."

2. Subsection (b) of section 2401 of Title 28, United States Code, provides, in part, that a claim not exceeding $2,500 must be presented in writing within 2 years after such claim accrues.

3. Section 2678 of Title 28, United States Code, provides, in part, as follows:

"* * * the head of the Federal agency or his designee making an award pursuant to section 2672 of this title * * * may, as a part of such judgment, award, or settlement, determine and allow reasonable attorney fees, which, if the recovery is $500 or more, shall not exceed 10 per centum of the amount recovered under section 2672 of this title * * * to be paid out of but not in addition to the amount of judgment, award, or settlement recovered, to the attorneys representing the claimant."

C. *Procedure for filing claims.* (a) Claims shall be filed on Standard Form 95 "Claim for Damage or Injury," or other written statement of claim. The claim form or statement of claim shall include a demand for money damages in a sum certain for injury to or loss of property, personal injury or death alleged to have occurred by reason of the incident.

(b) Claims shall be filed directly with the local field office of the Bureau or Office of the Department out of whose activities the accident or incident occurred, if known; or if not known with the Associate Solicitor, Territories, Wildlife and Claims, Department of the Interior, Washington, D.C. 20240.

(c) A claim may be presented by the individual or firm sustaining the injury or damages.

(d) Upon receipt of a claim, the time and date of receipt shall be recorded. The claim shall be forwarded with the investigative report immediately to the Regional or Field Solicitor or the Associate Solicitor, Territories, Wildlife and Claims, as appropriate, for determination.

D. *Payment of claims.* (a) When an award is made, the voucher signed by claimant shall be transmitted to the appropriate Bureau or Office of the Department out of whose activities the claim arose.

(b) Prior to payment of any claim which is administratively settled, a signed voucher shall be obtained from the claimant or claimants stating that the award is final and conclusive and constitutes a complete release by the claimant or claimants of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim.

[F.R. Doc. 67–4833; Filed, May 1, 1967; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 4—SERVICE OF PROCESS

Actions Under Title II of the Social Security Act

Section 4.1 of Part 4 of Title 45 CFR is hereby amended as follows:

(1) The title "Associate General Counsel" shall read "Deputy General Counsel" and the title "Secretary to the Associate General Counsel" shall read "Secretary to the Deputy General Counsel";

(2) The ZIP Codes, 20201 and 21235, are added after the Washington and Baltimore address, respectively.

Dated: April 26, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67–4885; Filed, May 1, 1967; 8:50 a.m.]

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A

MISSISSIPPI

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," one additional place for filing in Mississippi:

MISSISSIPPI

County; place for filing; beginning date.
Sunflower; Indianola—Post Office Building; May 2, 1967.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89–110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 67–4954; Filed, May 1, 1967; 11:02 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Squaw Creek National Wildlife Refuge, Mo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MISSOURI

SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Squaw Creek National Wildlife Refuge, Mo., is permitted only on the area designated by signs as open to fishing. These open area, comprising 1,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: May 1, 1967, through September 15, 1967, daylight hours only.

(2) The use of boats, without motors, is permitted only in the main pool.

The provisions of this special regulation supplement the regulations which govern fishing on Wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through September 15, 1967.

HAROLD H. BURGESS,
Refuge Manager, Squaw Creek National Wildlife Refuge, Mound City, Mo.

APRIL 25, 1967.

[F.R. Doc. 67–4831; Filed, May 1, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES OF PROVISIONAL LISTING; ADDITION TO PROVISIONAL LISTS

The color additive amendments of 1960 (Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note) authorize the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing of a color additive on his own initiative or upon application of an interested person.

The Commissioner of Food and Drugs finds that postponement of the closing dates of the provisionally listed color additives included in this order is necessary to complete current consideration of these color additives and also finds that this action is consistent with the protection of the public health.

Effective December 28, 1966, the provisional listing of riboflavin as a color additive for food use was terminated by an order published in the FEDERAL REGISTER of January 5, 1967 (32 F.R. 51), because the Food and Drug Administration at that time had no knowledge of its use as a color additive in food. The Borden Co., 350 Madison Avenue, New York, N.Y. 10017, has informed this Administration that riboflavin is being used as a color additive in food and has requested that the Commissioner permanently so list it on his own initiative. Accordingly, riboflavin is restored to the provisional list of color additives for use in coloring foods pending action on this request.

The Kellogg Co., Battle Creek, Mich. 49016, has requested that iron oxide be restored to the provisional list as a color additive for coloring mink feed pending completion of the scientific investigations required for permanent listing. Accordingly, the provisional listing of iron oxide is amended to include its use as a color additive in mink feed.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note), delegated by the Secretary to the Commissioner (21 CFR 2.120), § 8.501 *Provisional lists of color additives* is amended in the following respects:

1. In paragraph (e) *Color additives provisionally listed for food use on the basis of prior commercial sale but which have not been nor are now subject to certification,* the table is amended:

a. By changing the closing dates for the items "Carmine," "Carminic Acid," "Cochineal," and "Xanthophyll" to "June 30, 1967."

b. By changing the restriction for the item "Iron oxide" to read "For dog, cat, and mink foods only."

c. By alphabetically inserting the item "Riboflavin" with a closing date of "June 30, 1967," and with no restrictions.

2. In paragraph (f) *Color additives provisionally listed for drug use on the basis of prior commercial sale but which have not been nor are now subject to certification,* the table is amended by changing the closing dates for the items "Carminic acid" and "Cochineal" to "June 30, 1967."

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since section 203(a)(2) of Public Law 86–618 provides for this issuance.

Effective date. This order shall become effective on the date of signature.

(Sec. 203(a)(2), Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note)

Dated: April 24, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–4873; Filed, May 1, 1967; 8:49 a.m.]

PART 8—COLOR ADDITIVES

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

ALUMINA (DRIED ALUMINUM HYDROXIDE), CALCIUM CARBONATE, AND TALC

In the matter of establishing regulations listing for drug use and exempting from certification the color additives alumina (dried aluminum hydroxide), calcium carbonate, and talc.

Two comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of February 8, 1967 (32 F.R. 2645.) The Toilet Goods Association, Inc., requested that the order be amended to permit use of the color additives in cosmetics, and H. Kohnstamm and Co., Inc., requested that it be amended to permit use of alumina in food. These comments are not directly applicable to the proposed listing of alumina, talc, and calcium carbonate for drug use. Under the provisions of section 706(b) of the Federal Food, Drug, and Cosmetic Act, such additional listing for food use and for cosmetic use must be provided for apart from this listing for drug use.

Therefore, pursuant to the provisions of the act (sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d)), and under the aurthority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120): *It is ordered,* That the amendments proposed be adopted without change, as set forth below.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be

adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be submitted in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d))

Dated: April 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

Part 8 is amended by adding to Subpart F the following new sections:

§ 8.6011 Alumina (dried aluminum hydroxide).

(a) *Identity.* (1) The color additive alumina (dried aluminum hydroxide) is a white, odorless, tasteless, amorphous powder consisting essentially of aluminum hydroxide ($Al_2O_3 \cdot X\ H_2O$).

(2) Color additive mixtures for drug use made with alumina (dried aluminum hydroxide) may contain only those diluents listed in this Subpart F as safe and suitable for use in color additive mixtures for coloring drugs.

(b) *Specifications.* Alumina (dried aluminum hydroxide) shall conform to the following specifications:

Acidity or alkalinity: Agitate 1 gram of the color additive with 25 milliliters of water and filter. The filtrate shall be neutral to litmus paper.

Matter insoluble in dilute hydrochloric acid, not more than 0.5 percent.

Lead (as Pb), not more than 10 parts per million.

Arsenic (as As), not more than 1 part per million.

Mercury (as Hg), not more than 1 part per million.

Aluminum oxide (Al_2O_3), not less than 50 percent.

(c) *Uses and restrictions.* Alumina (dried aluminum hydroxide) may be safely used in amounts consistent with good manufacturing practice to color drugs generally.

(d) *Labeling requirements.* The label of the color additive and of any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

§ 8.6012 Calcium carbonate.

(a) *Identity.* (1) The color additive calcium carbonate is a fine, white, synthetically prepared powder consisting essentially of precipitated calcium carbonate ($CaCO_3$).

(2) Color additive mixtures for drug use made with calcium carbonate may contain only those diluents listed in this Subpart F as safe and suitable for use in color additive mixtures for coloring drugs.

(b) *Specifications.* Calcium carbonate shall meet the specifications for precipitated calcium carbonate in the U.S.P.

(c) *Uses and restrictions.* Calcium carbonate may be safely used in amounts consistent with good manufacturing practice to color drugs generally.

(d) *Labeling requirements.* The label of the color additive and of any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

§ 8.6013 Talc.

(a) *Identity.* (1) The color additive talc is a finely powered, native, hydrous magnesium silicate sometimes containing a small proportion of aluminum silicate.

(2) Color additive mixtures for drug use made with talc may contain only those diluents listed in this Subpart F as safe and suitable for use in color additive mixtures for coloring drugs.

(b) *Specifications.* Talc shall meet the specifications for talc in the U.S.P. and the following:

Lead (as Pb), not more than 20 parts per million.

Arsenic (as As), not more than 3 parts per million.

Lead and arsenic shall be determined in the solution obtained by boiling 10 grams of the talc for 15 minutes in 50 milliliters of 0.5*N* hydrochloric acid.

(c) *Uses and restrictions.* Talc may be safely used in amounts consistent with good manufacturing practice to color drugs generally.

(d) *Labeling requirements.* The label of the color additive and of any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

[F.R. Doc. 67-4874; Filed, May 1, 1967; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6J1997) filed by Oxford Royal Mushroom Products, Inc., Kelton, Pa. 19346, and other relevant material has concluded that the food additive regulations should be amended to provide for the safe use of calcium disodium EDTA as a color stabilizer in canned mushrooms. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1017 (b)(1) is amended by alphabetically inserting in the table a new item, as follows:

§ 121.1017 Calcium disodium EDTA.

* * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
* * *	* * *	* * *
Mushrooms (cooked canned)	200	Promote color retention when such use is prescribed by an effective temporary permit issued under § 10.5 of this chapter.
* * *	* * *	* * *

* * * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: April 24, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4876; Filed, May 1, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 19]

RULES OF PRACTICE AND PROCEDURES APPLICABLE TO PROCEEDINGS RELATING TO CEASE AND DESIST ORDERS

Notice of Proposed Rule Making

The Comptroller of the Currency is considering the adoption of a new Part 19 to the regulations of his Office (12 CFR Part 19).

The proposed Part 19 would prescribe rules of practice and procedure to be followed by the Office of the Comptroller of the Currency in hearings held pursuant to the provisions of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), as amended, pertaining to the issuance of cease and desist orders against any national bank or District bank.

Interested persons may send their comments with respect to this proposed regulation within 30 days of publication of this notice in the FEDERAL REGISTER to the Comptroller of the Currency, Treasury Department, Washington, D.C. 20220.

Chapter I, Title 12 of the Code of Federal Regulations is amended by addition of a new Part 19 as follows:

PART 19—RULES AND PROCEDURES APPLICABLE TO PROCEEDINGS RELATING TO CEASE AND DESIST ORDERS

Sec.

19.1 Scope.
19.2 Grounds for cease-and-desist orders.
19.3 Notice of charges and hearing.
19.4 Issuance of order.
19.5 Effective date.
19.6 Temporary cease-and-desist orders.
19.7 Effective date of temporary order.
19.8 Representation and suspension.
19.9 Notice of hearing.
19.10 Answer.
19.11 Conduct of hearings.
19.12 Subpenas.
19.13 Rules of evidence.
19.14 Motions.
19.15 Proposed findings and conclusions and recommended decision.
19.16 Exceptions.
19.17 Briefs.
19.18 Oral argument before the Comptroller.
19.19 Notice of submission to the Comptroller.
19.20 Decision of Comptroller.
19.21 Filing papers.
19.22 Service.
19.23 Copies.
19.24 Computing time.
19.25 Documents in proceedings confidential.
19.26 Formal requirements as to papers filed.

AUTHORITY: The provisions of this Part 19 issued under 12 U.S.C. 1818, 80 Stat. 1051; 5 U.S.C. 553, 80 Stat. 383.

§ 19.1 Scope.

The rules and procedures set forth in this part are applicable to proceedings by the Comptroller of the Currency to determine whether to order a national bank or a District bank to cease and desist from practices and violations described in section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), as amended, and enumerated in § 19.2. The procedures for issuing such orders prescribed in section 8 of such Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this part.

§ 19.2 Grounds for cease-and-desist orders.

If, in the opinion of the Comptroller of the Currency, any national bank or District bank is engaging in or has engaged, or the Comptroller of the Currency has reasonable cause to believe that the bank is about to engage, in an unsafe or unsound practice in conducting the business of such bank, or is violating or has violated, or the Comptroller has reasonable cause to believe that the bank is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Comptroller in connection with the granting of an application or other request by the bank, or any written agreement entered into with the Comptroller, the Comptroller may issue and serve upon the bank a notice of charges in respect thereof.

§ 19.3 Notice of charges and hearing.

The notice referred to in § 19.2 shall contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practice or practices, and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the bank. Such hearing shall be set for a date not earlier than 30 days nor later than 60 days after service of such notice unless an earlier or a later date is set by the Comptroller at the request of the bank. Unless the bank appears at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease-and-desist order.

§ 19.4 Issuance of order.

In the event of the consent described in § 19.3, or if upon the record made at any such hearing, the Comptroller finds that any violation or unsafe or unsound practice specified in the notice of charges has been established, the Comptroller may issue and serve upon the bank an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the bank and its directors, officers, employees, and agents to cease and desist from the same and to take affirmative action to correct the conditions resulting from any such violation or practice.

§ 19.5 Effective date.

A cease-and-desist order shall become effective at the expiration of 30 days after the service of such order upon the bank (except in the case of a cease-and-desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the Comptroller or a reviewing court.

§ 19.6 Temporary cease-and-desist orders.

Whenever the Comptroller determines that the violation or threatened violation or the unsafe or unsound practice or practices, specified in the notice of charges served upon the bank and referred to in § 19.3, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to otherwise seriously prejudice the interests of its depositors, the Comptroller may issue a temporary order requiring the bank to cease and desist from any such violation or practice.

§ 19.7 Effective date of temporary order.

Such order referred to in § 19.6 shall become effective upon service upon the bank and, unless set aside, limited, or suspended by a court in proceedings authorized under section 8 of the Federal Deposit Insurance Act, as amended, shall remain effective and enforceable pending the completion of the administrative proceedings held pursuant to such notice and until such time as the Comptroller shall dismiss the charges specified in such notice, or if a cease-and-desist order is issued against the bank pursuant to § 19.4, until the effective date of any such order.

§ 19.8 Representation and suspension.

(a) *Appearance before a hearing examiner.* Any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, may represent others with respect to a cease-and-desist proceeding upon filing with the Administrative Assistant to the Comptroller a written declaration that he is currently qualified as provided by this paragraph and is authorized to represent the particular party on whose behalf he acts. Any other person desiring to represent others before a hearing examiner may be required to file with the Administrative Assistant

a power of attorney showing his authority to act in such capacity, and he may be required to show to the satisfaction of such examiner that he has the requisite qualifications. Attorneys or other representatives of parties to any proceeding provided for in this part shall file a written notice of appearance with the Administrative Assistant.

(b) *Summary suspension.* Contemptuous conduct at any hearing before the Comptroller or a hearing examiner shall be grounds for exclusion from any such hearing and suspension for the duration thereof.

§ 19.9 Notice of hearing.

Whenever a hearing is ordered by the Comptroller pursuant to section 8 of the Federal Deposit Insurance Act, a notice of hearing shall be given by the designated officer acting for the Comptroller to the party afforded the hearing. Such notice shall state the time, place, and nature of the hearing, the hearing examiner, and the legal authority and jurisdiction under which the hearing is to be held, and shall contain a statement of the matters of fact or law constituting the grounds for the hearing, and shall be delivered by personal service or by registered mail to the last known address, or other appropriate means, sufficiently in advance of the date set for hearing to comply with the provisions of the Federal Deposit Insurance Act, as amended, and § 19.3 of this part.

§ 19.10 Answer.

(a) *When required.* In any notice of hearing issued by the Comptroller, the Comptroller may direct the party afforded the hearing to file an answer to the allegations contained in the notice, and any party to any proceeding may file an answer. Except where a different period of not less than 10 days after service of a notice of hearing is specified by the Comptroller, a party directed to file an answer, or a party who elects to file an answer, shall file the same with the Administrative Assistant within 20 days after service upon him of the notice of hearing.

(b) *Requirements of answer; effect of failure to deny.* An answer filed under this section shall specifically admit, deny, or state that the party does not have and is unable to obtain sufficient information to admit or deny each allegation in the notice of hearing. A statement of lack of information shall have the effect of a denial. Any allegation not denied shall be deemed to be admitted. When a party intends in good faith to deny only a part or a qualification of an allegation, he shall specify so much of it as is true and shall deny only the remainder.

(c) *Admitted allegations.* If a party filing an answer under this section elects not to contest the allegations of fact set forth in the notice of hearing, his answer shall consist of a statement that he admits all of the allegations to be true. Such an answer shall constitute a waiver of hearing as to the facts alleged in the notice, and together with the notice will provide a record basis on which the hearing examiner shall file with the Administrative Assistant his recommended decision and his findings of fact and conclusions of law. Any such party may, however, reserve the right to file with the Administrative Assistant exceptions to such recommended decision, findings, and conclusions as provided in § 19.16.

(d) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the time provided shall be deemed to constitute a waiver of his right to appear and contest the allegations of the notice of hearing and to authorize the hearing examiner, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Administrative Assistant a recommended decision containing such findings and appropriate conclusions. The Comptroller or the hearing examiner may, for cause shown, permit the filing of a delayed answer after the time for filing the answer has expired.

(e) *Opportunity for informal settlement.* Any interested party may at any time submit to the Administrative Assistant, for consideration by the Comptroller, written offers or proposals for settlement of a proceeding, without prejudice to the rights of the parties. No such offer or proposal, or counteroffer or proposal, shall be admissible in evidence over the objection of any party in any hearing in connection with such proceeding. The foregoing provisions of this section shall not preclude settlement of any proceeding through the regular adjudicatory process by the filing of an answer as provided in this section, or by submission of the case to the trial examiner on a stipulation of facts and an agreed order.

§ 19.11 Conduct of hearings.

(a) *Authority of hearing examiner.* All hearings governed by this part shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. The hearing examiner designated by the Comptroller to preside at any such hearing shall have complete charge of the hearing, and he shall have the duty to conduct it in a fair and impartial manner and to take all necessary action to avoid delay in the disposition of proceedings. Such examiner shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations:

(2) To issue subpenas and subpenas duces tecum, as authorized by law, and to revoke, quash, or modify any such subpena:

(3) To receive relevant evidence and to rule upon the admission of evidence and offers of proof:

(4) To take or cause depositions to be taken:

(5) To regulate the course of the hearing and the conduct of the parties and their counsel:

(6) To hold conferences for the settlement or simplification of issues or for any other proper purpose; and

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adversary proceeding, except that a hearing examiner shall not have power to decide any motion to dismiss the proceedings or other motion which results in final determination of the merits of the proceedings.

Without limitation on the foregoing provisions of this paragraph, the hearing examiner, shall subject to the provisions of this part, have all the authority of section 556(c) of title 5 of the United States Code.

(b) *Prehearing conference.* The hearing examiner may, on his own initiative or at the request of any party, direct counsel for all parties to meet with him at a specified time and place prior to the hearing, or to submit suggestions to him in writing, for the purpose of considering any or all of the following:

(1) Simplification and clarification of the issues:

(2) Stipulations, admissions of fact and of the contents and authenticity of documents:

(3) Matters of which official notice will be taken: and

(4) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

Such conferences, in the discretion of the hearing examiner, need not be recorded, but the hearing examiner shall enter in the record an order which recites the results of the conference. Such order shall include the examiner's rulings upon matters considered at the conference, together with appropriate directions to the parties, if any; and such order shall control the subsequent course of the proceedings, unless modified at the hearing to prevent manifest injustice. Except as authorized by law, the hearing examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate, nor be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions in any case shall, in that case or a factually related case, participate or advise in the decision of the hearing examiner except as a witness or counsel in the proceedings.

(c) *Attendance at hearings.* A hearing shall be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying, and other persons having an official interest in the proceedings: *Provided, however,* That where the Comptroller in his discretion, after fully considering the views of the party afforded the hearing, determines that a public hearing is necessary to protect the public interest, he may order the hearing be public.

(d) *Transcript of testimony.* Hearings shall be recorded and transcripts will be made available to any party upon payment of the cost thereof and, in the

event the hearing is public, shall be furnished on similar payment to other interested persons. A copy of the transcript of the testimony taken at any hearing, duly certified by the reporter, together with all exhibits, all papers and requests filed in the proceeding, and any briefs or memoranda of law theretofore filed in the proceeding, shall be filed with the Administrative Assistant to the Comptroller, who shall transmit the same to the hearing examiner. The Administrative Assistant shall promptly serve notice upon each of the parties of such filing and transmittal. The hearing examiner shall have authority to rule upon motions to correct the record.

(e) *Order of procedure.* The counsel for the Comptroller shall open and close.

(f) *Continuances and changes or extensions of time and changes of place of hearing.* Except as otherwise expressly provided by law, the Comptroller may by the notice of hearing or subsequent order provide time limits different from those specified in this part, and the Comptroller may, on his own initiative or for good cause shown, change or extend any time limit prescribed by these rules or the notice of hearing, or change the time and place for beginning any hearing hereunder. The hearing examiner may continue or adjourn a hearing from time to time and, as permitted by law or agreed to by the parties, from place to place. Extensions of time for making any filing or performing any act required or allowed to be done within a specified time in the course of a proceeding may be granted by the hearing examiner for good cause shown.

(g) *Call for further evidence, oral argument, briefs, reopening of hearing.* The hearing examiner may call for the production of further evidence upon any issue, may permit oral argument and submission of briefs at the hearing and, upon appropriate notice, may reopen any hearing at any time prior to the certification of his recommended decision to the Administrative Assistant. The Comptroller may order the reopening of any hearing at any time prior to the entry of his order disposing of the matter.

§ 19.12 Subpenas.

(a) *Issuance.* The hearing examiner or, in the event he is unavailable, the Comptroller, shall issue subpenas at the request of any party, requiring the attendance of witnesses or the production of documentary evidence at any designated place of hearing; except that where it appears to the hearing examiner or the Comptroller that the subpena may be unreasonable, oppressive, excessive in scope, or unduly burdensome, the party seeking the subpena may be required, as a condition precedent to the issuance of the subpena, to show the general relevance and reasonable scope of the testimony or other evidence sought. In the event the hearing examiner or the Comptroller, after consideration of all the circumstances, determines that the subpena or any of its terms are unreasonable, oppressive, excessive in scope, or unduly burdensome, he or it may refuse to issue the subpena, or issue it only upon such conditions as fairness requires.

(b) *Motion to quash.* Any person to whom a subpena is directed may, prior to the time specified therein for compliance but in no event more than five days after the date of service of such subpena, with notice to the party requesting the subpena, apply to the hearing examiner, or, if he is unavailable, to the Comptroller, to revoke, quash, or modify such subpena, accompanying such application with a statement of the reasons therefor.

(c) *Service of subpena.* Service of a subpena upon a person named therein shall be made by delivering a copy of the subpena to such person and by tendering the fees for one day's attendance and the mileage as specified in paragraph (d) of this section, except that when a subpena is issued at the request of the Comptroller of the Currency's counsel fees and mileage need not be tendered at the time of service of the subpena. If service is made by a United States marshal, or his deputy, or an employee of the Office of the Comptroller, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereto, describing the manner in which service is made, and return such affidavit on or with the original subpena. In case of failure to make service, reasons for the failure shall be stated on the original subpena. The original subpena, bearing or accompanied by the required return, affidavit, or statement, shall be returned without delay to the hearing examiner.

(d) *Attendance of witnesses.* The attendance of witnesses and the production of documents pursuant to a subpena, issued in connection with a hearing, may be required from any place in any State or in any territory at any designated place where the hearing is being conducted. Witnesses subpenaed in any proceeding under this part shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States.

(e) *Depositions.* The Comptroller or hearing examiner, by subpena or subpena duces tecum, may order evidence to be taken by deposition in any proceeding at any stage thereof. Such depositions may be taken by the hearing examiner or before any person designated by the Comptroller or hearing examiner and having power to administer oaths. Unless notice is waived, no deposition shall be taken except after at least five days' notice to the parties to the proceeding.

(f) *Application and order to take oral deposition.* Any party desiring to take the oral deposition of a witness, in connection with any hearing provided for in this part, shall make application in writing to the hearing examiner or, in the event he is unavailable, to the Comptroller setting forth the reasons why such deposition should be taken, the name and post office address of the witness, the matters concerning which the witness is expected to testify, its relevance, and the time when, the place where, and the name and post office address of the person before whom it is desired the deposition be taken. A copy of such application shall be served upon every other party to the proceeding by the party making such application. Upon a showing that (1) the proposed witness will be unable to attend or may be prevented from attending the hearing because of age, sickness or infirmity, or will otherwise be unavailable at the hearing, (2) his testimony will be material, and (3) the taking of the deposition will not result in any undue burden to any other party or in undue delay of the proceeding, the hearing examiner or the Comptroller may, in his discretion, by such subpena or subpena duces tecum, order the oral deposition to be taken. Such subpena will name the witness whose deposition is to be taken and specify the time when, the place where, and the person before whom the witness is to testify, but such time and place, and the person before whom the deposition is ordered to be taken, may or may not be the same as those named in the application. Notice of the issuance of such subpena shall be served upon each of the parties a reasonable time, and in no event less than five days, in advance of the time fixed for the taking of the deposition.

(g) *Procedure on deposition; objections.* Each witness testifying upon oral deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. Objections to questions or documents shall be in short form, stating the grounds of objection relied upon; but the person taking the deposition shall not have power to rule upon questions of competency or materiality or relevance of evidence. Failure to object to questions or evidence shall not be deemed a waiver unless the ground of the objection is one which might have been obviated or removed if presented at that time. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate) shall be recorded by the person taking the deposition, or under his direction. The deposition shall be subscribed by the witness, unless the parties by stipulation waived the signing or the witness is ill or cannot be found or refused to sign, and certified as a true and complete transcript thereof by the person taking the deposition. If the deposition is not subscribed to by the witness, such person shall state on the record this fact and the reason therefor. Such person shall promptly send the original and two copies of such deposition, together with the original and two copies of all exhibits, by registered mail to the Administrative Assistant to the Comptroller unless otherwise directed in the order authorizing the taking of the deposition. Interested parties shall make their own arrangements with the person taking the deposition for copies of the testimony and the exhibits.

(h) *Introduction as evidence.* Subject to appropriate rulings by the hearing examiner on such objections and answers as were noted at the time the deposition was taken or as would be valid were the witness personally present and testifying,

the deposition or any part thereof may be read in evidence by any party to the proceeding. Only such part or the whole of a deposition as is received in evidence at a hearing shall constitute a part of the record in such proceeding upon which a decision may be based.

(i) *Payment of fees.* Witnesses whose oral depositions are taken shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees of persons taking such depositions and the fees of the reporter shall be paid by the person upon whose application the deposition was taken.

§ 19.13 Rules of evidence.

(a) *Evidence.* Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument thereon except as ordered by the hearing examiner. Rulings on such objections and on any other matters shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.

(c) *Official notice.* All matters officially noticed by the hearing examiner shall appear on the record.

§ 19.14 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this part shall be made by motion. After a hearing examiner has been designated to preside at a hearing and before the filing with the Administrative Assistant of his recommended decision, pursuant to § 19.28, such applications or requests shall be addressed to and filed with him. At all other times motions shall be addressed to the Comptroller and filed with the Administrative Assistant. Motions shall be in writing, except that a motion made at a session of a hearing may be made orally upon the record unless the hearing examiner directs that it be reduced to writing. All written motions shall state with particularity the order or relief sought and the grounds therefor.

(b) *Objections.* Within 5 days after service of any written motion, or within such other period of time as may be fixed by the hearing examiner or the Comptroller, any party may file a written answer or objection to such motion. The moving party shall have no right to reply, except as permitted by the hearing examiner or the Comptroller. As a matter of discretion, the hearing examiner or the Comptroller may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument.* No oral argument will be heard on motions except as otherwise directed by the hearing examiner or the Comptroller. Written memoranda or briefs may be filed with motions or answers or objections thereto, stating the points and authorities relied upon in support of the position taken.

(d) *Rulings on motions.* Except as otherwise provided in this part, the hearing examiner shall rule upon all motions properly addressed to him and upon such other motions as the Comptroller may direct, except that if the hearing examiner finds that a prompt decision by the Comptroller on a motion is essential to the proper conduct of the proceeding, he may refer such motion to the Comptroller for decision. The Comptroller shall rule upon all motions properly submitted to him for decision.

(e) *Appeal from rulings on motions.* All motions and answers or objections thereto and rulings thereon shall become part of the record. Rulings of a hearing examiner on any motion may not be appealed to the Comptroller prior to its consideration of the hearing examiner's recommended decision, findings and conclusions except by special permission of the Comptroller; but they shall be considered by the Comptroller in reviewing the record. Requests to the Comptroller for special permission to appeal from such rulings of the hearing examiner shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on every other party to the proceeding.

(f) *Continuation of hearing.* Unless otherwise ordered by the hearing examiner or the Comptroller, the hearing shall continue pending the determination of any motion by the Comptroller.

§ 19.15 Proposed findings and conclusions and recommended decision.

(a) *Proposed findings and conclusions and supporting briefs.* Within 15 days after the filing of the transcript with the Administrative Assistant (or within 15 days after the party's receipt of a copy of such transcript, if ordered before the conclusion of the hearing) a party may file with the Administrative Assistant for submission to the hearing examiner proposed findings and conclusions of law, which may be accompanied by a brief in support thereof. A copy of such proposals and brief in support thereof shall be delivered by the Administrative Assistant to the hearing examiner and a copy shall be served upon the other parties to the proceedings. All such proposals, briefs, and memoranda shall become part of the record.

(b) *Recommended decision and filing of record.* The hearing examiner shall, within 30 days after the expiration of the time allowed for the filing of proposed findings and conclusions, or within such further time as the Comptroller for good cause shall determine, file with the Administrative Assistant and certify to the Comptroller for decision the entire record of the hearing, which shall include his recommended decision and findings of fact and conclusions of law, the transcript, exhibits (including on request of any of the parties any exhibits excluded from evidence or tenders of proof), exceptions, rulings, and all briefs and memoranda filed in connection with the hearing. Promptly upon such filing the Administrative Assistant shall serve upon each party to the proceeding a copy of the hearing examiner's recommended decision, and findings and conclusions.

§ 19.16 Exceptions.

(a) *Filing.* Within 15 days after receipt of a copy of the recommended decision of the hearing examiner, any party may file with the Administrative Assistant exceptions to the recommended decision of the hearing examiner or any portion thereof or to his failure to adopt a proposed finding or conclusion, or to the admission or exclusion of evidence or to any other ruling, which exceptions may be accompanied by a supporting brief. A copy of such exceptions and brief shall be forthwith delivered by the Administrative Assistant to the hearing examiner and a copy shall also be served on the other parties to the proceedings.

(b) *Waiver.* Failure to file exceptions to the recommended decision of the hearing examiner or any portion thereof, or to his failure to adopt a proposed finding or conclusion, or to the admission or exclusion of evidence or to any ruling, within the time so required, shall be deemed to be a waiver of the objections thereto.

§ 19.17 Briefs.

(a) *Contents.* All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument or by citation of such statutes, decisions or other authorities and by page reference to such portions of the record or recommended decision of the hearing examiner as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) *Reply briefs.* Reply briefs may be filed within 10 days after service of briefs and shall be confined to matters in original briefs of opposing parties. Further briefs may be filed only with the permission of the Comptroller.

(c) *Delays.* Briefs not filed on or before the time fixed in this subpart will be received only upon special permission of the Comptroller.

§ 19.18 Oral argument before the Comptroller.

Upon his own initiative, or upon the written request of any party made within the time prescribed for the filing of exceptions, a brief in support thereof, or a reply brief, if any, for oral argument on the findings, conclusions and recommended decision of the hearing examiner, the Comptroller, if it considers justice will best be served, may order the matter to be set down for oral argument before the Comptroller. Oral argument before the Comptroller shall be recorded unless otherwise ordered by the Comptroller.

§ 19.19 Notice of submission to the Comptroller.

Upon the filing of the record with the Administrative Assistant and upon the expiration of the time for the filing of exceptions and all briefs permitted by the Comptroller and upon the hearing of oral argument by the Comptroller, if ordered by the Comptroller, the Administrative Assistant shall notify the parties that the case has been submitted to the Comptroller for final decision.

§ 19.20 Decision of Comptroller.

Appropriate members of the staff, who are not engaged in the performance of investigative or prosecuting functions in the case, or in a factually related case, may advise and assist the Comptroller in the consideration of the case. Copies of the decision and order of the Comptroller shall be furnished by the Administrative Assistant to the parties to the proceedings and to the bank involved.

§ 19.21 Filing papers.

Recommended decisions, exceptions, briefs and other papers required to be filed with the Comptroller or his Administrative Assistant in any proceedings shall be filed with the Administrative Assistant to the Comptroller of the Currency, Washington, D.C. 20220. Any such papers may be sent to the Administrative Assistant by mail or express but must be received in the office of the Comptroller in Washington, D.C., or postmarked by a post office, within the time limit for such filing.

§ 19.22 Service.

(a) *By the Comptroller.* All documents or papers required to be served by the Comptroller upon any party afforded a hearing shall be served by the Administrative Assistant unless some other person shall be designated for such purpose by the Comptroller. Such service, except for service on counsel for the Comptroller, shall be made by personal service or by registered mail, addressed to the last known address as shown on the records of the Comptroller, on the attorney or representative of record of such party, provided that if there is no attorney or representative of record, such service shall be made upon such party at the last known address as shown on the records of the Comptroller. Such service may also be made in such other manner reasonably calculated to give actual notice as the Comptroller may by regulation or otherwise provide.

(b) *By the parties.* Except as otherwise expressly provided in this part, all documents or papers filed in a proceeding under this part shall be served by the party filing the same upon the attorneys or representatives of record of all other parties to the proceeding, or, if any party is not so represented, then upon such party. Such service may be made by personal service or by registered, certified, or regular first-class mail addressed to the last known address of such parties, or their attorneys or representatives of record. All such documents or papers shall, when tendered to the Comptroller or the hearing examiner for filing, show that such service has been made.

§ 19.23 Copies.

Unless otherwise specifically provided in the notice of hearing, an original and seven copies of all documents and papers required or permitted to be filed or served upon the Administrative Assistant under this part, except the transcript of testimony and exhibits, shall be furnished to the Administrative Assistant.

§ 19.24 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the date of the act, event or default from which the designated period of time begins to run is not to be included. The last day so computed is to be included, unless it is a Saturday, Sunday or legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday nor legal holiday. Intermediate Saturdays, Sundays and legal holidays shall be included in the computation unless the time within which the act is to be performed is 10 days or less in which event Saturdays, Sundays and legal holidays shall not be included.

(b) *Service by mail.* Whenever any party has the right or is required to do some act or take some proceeding, within a period of time prescribed in this part, after the service upon him of any document or other paper of any kind, and such service is made by mail, three days shall be added to the prescribed period from the date when the matter served is deposited in the United States mail.

§ 19.25 Documents in proceedings confidential.

Unless and until otherwise ordered by the Comptroller, the notice of hearing, the transcript, the recommended decision of the hearing examiner, exceptions thereto, proposed findings and conclusions of the Comptroller and other papers which are filed in connection with any hearing shall not be made public, and shall be for the confidential use only of the Comptroller, the hearing examiner, and the parties.

§ 19.26 Formal requirements as to papers filed.

(a) *Form.* All papers filed under this subpart shall be printed, typewritten, or otherwise reproduced. All copies shall be clear and legible.

(b) *Signature.* The original of all papers filed by a bank shall be signed by an officer thereof, and if filed by another party shall be signed by said party, or by the duly authorized agent or attorney of the bank or other party, and in all such cases shall show the signer's address. Counsel for the Comptroller shall sign the original of all papers filed by him.

(c) *Caption.* All papers filed must include at the head thereof, or on a title page, the name of the Comptroller, the name of the party, and the subject of the particular paper.

Dated: April 24, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-4869; Filed, May 1, 1967; 8:49 a.m.]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Date of Sale in Case of Short Sales of Stock or Securities at Loss

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

The Income Tax Regulations under sections 1091 (relating to wash sales of stock or securities) and 1233 (relating to gains and losses from short sales) of the Internal Revenue Code of 1954 are hereby amended to provide rules for determining the date of sale for purposes of section 1091 in the case of short sales of stock or securities at a loss:

PARAGRAPH 1. Section 1.1091-1 is amended by redesignating paragraph (g) as paragraph (h) and by adding a new paragraph (g). This added provision reads as follows:

§ 1.1091-1 Losses from wash sales of stock or securities.

* * * * *

(g) For purposes of determining under this section the 61-day period applicable to a short sale of stock or securities, the principles of paragraph (a) of § 1.1233-1 for determining the consummation of a short sale shall generally apply except that the date of entering into the short sale shall be deemed to be the date of sale if, on the date of entering into the short sale, the taxpayer owns (or on or before such date has entered into a contract or option to acquire) stock or securities identical to those sold short and subsequently delivers such stock or securities to close the short sale.

* * * * *

PAR. 2. Paragraph (a) of § 1.1233-1 is amended by adding a new subparagraph (5). This added provision reads as follows:

§ 1.1233–1 Gains and losses from short sales.

(a) *General.* * * *

(5) For rules for determining the date of sale for purposes of applying under section 1091 the 61-day period applicable to a short sale of stock or securities at a loss, see paragraph (g) of § 1.1091–1.

* * * * *

PAR. 3. The amendment is effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except that the special rule treating the date of entering into a short sale as the date of sale shall be applied only in the case of short sales entered into after the date on which this notice is published in the FEDERAL REGISTER.

[F.R. Doc. 67–4805; Filed, May 1, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

[7 CFR Parts 1030, 1031, 1038, 1039, 1045, 1051, 1063]

[Docket Nos. AO 361 etc.]

MILK IN CHICAGO, ILL., AND CERTAIN OTHER MARKETING AREAS

Supplemental Notice Amending Notice of Hearing on Proposed Marketing Agreements and Orders and Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	Docket No.
1030	Chicago	AO 361.
1031	Northwestern Indiana	AO 170-A24.
1038	Rock River Valley	AO 194-A17.
1039	Milwaukee	AO 212-A22.
1045	Northeastern Wisconsin	AO 334-A12.
1051	Madison	AO 329-A8.
1063	Quad Cities-Dubuque	AO 105-A27.

This notice is supplemental to the notice of hearing which was issued April 12, 1967 (32 F.R. 6035), and the supplemental notice which was issued April 21, 1967 (32 F.R. 6453), with respect to proposed marketing agreements and orders to regulate the handling of milk in the Chicago, Ill., marketing area and proposed amendments to tentative marketing agreements and orders, regulating the handling of milk in the six other respective marketing areas designated hereinbefore. As previously announced the hearing will be held at the Pick Congress Hotel, 520 South Michigan Avenue, Chicago, Ill., beginning at 10 a.m., local time, on May 3, 1967, at the Airways Inn Hotel, 5311 South Howell Avenue, Milwaukee, Wis., beginning at 10 a.m., local time, on May 16, 1967, and at such other times and places as the Hearing Examiner designates.

The following proposal No. 14 will be considered at the Milwaukee session of the hearing or at such later date and place as the Hearing Examiner designates.

Further notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), that the hearing notice issued April 12, 1967 (32 F.R. 6035), and the supplemental notice issued April 21, 1967 (32 F.R. 6453), is hereby amended by adding proposal No. 14. Also, proposal No. 10 is amended by deleting from the list of proponents the name "Midwest Dairymen's Co."

Proposed by Mississippi Valley Milk Producers Association, Clinton Cooperative Milk Producers Association, and Mid-West Dairymen's Co.":

Proposal No. 14. Merge and consolidate the Quad Cities-Dubuque and the Rock River Valley milk orders to read as follows:

DEFINITIONS

§ 1063.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1063.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1063.3 Department.

"Department" means the U.S. Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1063.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1063.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales, or marketing milk or its products for its members.

§ 1063.6 Northern Illinois-Eastern Iowa marketing area.

"Northern Illinois-Eastern Iowa marketing area" hereinafter called the "marketing area" means all the territory geographically within the counties listed below and all territory wholly or partly therein occupied by municipal corporations or institutions owned or operated by the Federal, State, or local Governments.

BASE ZONE

ILLINOIS COUNTIES

Henry.
Mercer.
Rock Island.
City of East Dubuque in Jo Daviess County.

IOWA COUNTIES

Clinton.
Dubuque.
Jackson.
Muscatine.
Scott.

NORTHERN ZONE

WISCONSIN COUNTY

Rock.

ILLINOIS COUNTIES

Boone.
Carroll.
De Kalb.
Jo Daviess (except the City of East Dubuque).
Lee.
Ogle.
Stephenson.
Whiteside.
Winnebago.

§ 1063.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1063.14.

§ 1063.8 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided,* That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the volume of fluid milk products handled (including receipts from pool plants) and the operation of the processing and packaging business are the personal enterprise and risk of such person.

§ 1063.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to milk of its members diverted for its account from a pool plant to a nonpool plant pursuant to § 1063.14;

(d) Any cooperative association with respect to the milk of its members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association. The cooperative association, prior to the first day of the month of delivery, shall notify in writing the market administrator and the handler to whose plant the milk is delivered, that it will be the handler for the milk. For purposes of location adjustments to producers, milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered;

(e) Any person in his capacity as the operator of an unregulated supply plant; and

(f) A producer-handler, or any person who operates an other order plant described in § 1063.61.

§ 1063.10 Distributing plant.

"Distributing plant" means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on a route(s) in the marketing area during the month.

§ 1063.11 Supply plant.

"Supply plant" means any plant at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 1063.12 Pool plant.

"Pool plant" means a plant described in paragraphs (a), (b), or (c) of this section other than that of a producer-handler or one described in § 1063.61; *Provided,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as a part of a pool plant pursuant to this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 15 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided,* That a supply plant which qualified pursuant to this paragraph in each of the immediately preceding months of September through November shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June during which it would not otherwise qualify as a pool plant.

(c) A plant operated by a cooperative association from whose members the total pounds of producer milk received at the pool plants of other handlers during the month, or during the 12-month period immediately preceding such month, are more than the total pounds of Grade A milk received at its plant from dairy farms during the corresponding period: *Provided,* That if written application is filed with the market administrator on and before the 5th day of any month, such plant may be designated a nonpool plant for such month and for any subsequent months.

§ 1063.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which Grade A fluid milk products are shipped to a pool plant.

§ 1063.14 Producer milk.

"Producer milk" means all skim milk and butterfat produced by producers which is:

(a) Received during the month:

(1) At a pool plant from producers or from a cooperative association as a handler pursuant to § 1063.9(d): *Provided,* That milk received at a pool plant by diversion from a plant at which such milk is fully subject to the pricing and pooling under the terms or provisions of another order issued pursuant to the Act shall not be producer milk; and

(2) By a cooperative association as a handler pursuant to § 1063.9(d) but which is not delivered to a pool plant of another handler and constitutes shrinkage pursuant to § 1063.41(b)(7) or as Class I shrinkage; or

(b) Diverted by a handler who is the operator of a pool plant or by a cooperative association pursuant to the following conditions:

(1) Milk of a producer diverted from a pool plant for the account of the plant operator to another pool plant(s) for not more than the number of days that milk was delivered from the farm of a producer to a pool plant(s) during the month from which diverted;

(2) Milk of a producer diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of February through June and in any other month for not more than the number of days that milk was delivered to a pool plant from the farm of a producer during the month;

(3) Milk of a producer diverted as Class II milk from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of an other order issued pursuant to the Act on any day during the months of February through June and in any other month for not more than the number of days that milk was delivered to a pool plant from the farm of a producer during the month: *Provided,* That the milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, the milk is fully subject to the pricing and pooling provisions of the other order; and

(4) For pricing purposes milk diverted pursuant to subparagraphs (2) and (3) of this paragraph shall be deemed to be received by the diverting handler at the location of the plant to which diverted.

§ 1063.15 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products, other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products in a form in which they may be converted into a Class I product and which are not otherwise accounted for under this order.

§ 1063.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, plain or flavored milk and milk drinks (unmodified or fortified), including "dietary milk products" and reconstituted milk or skim milk; concentrated milk not in hermetically sealed containers, cream (sweet or sour), and mixtures of cream and milk or skim milk, but not including the following: Aerated cream products, frozen storage cream, sour cream and sour cream mixtures not labeled Grade A, eggnog, yogurt, frozen dessert mixes, evaporated, or condensed milk, and sterilized fluid milk products in hermetically sealed containers.

§ 1063.17 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product to a retail or wholesale outlet (a) other than a pool plant, or a nonpool plant, or (b) a commercial food processor pursuant to § 1063.41(b)(2).

§ 1063.18 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

§ 1063.19 Reload point.

"Reload point" means a location at which facilities approved by a duly constituted health authority, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which milk moved from the farm in a tank truck is commingled in a tank truck with milk from other tank trucks before entering a milk plant: *Provided,* That reloading facilities on the premises of a plant having equipment for

the receiving, cooling, storing and processing of milk, which equipment is in current use during the month, shall be considered a supply plant rather than a reload point.

MARKET ADMINISTRATION

§ 1063.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1063.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate and report to the Secretary complaints of violations;

(c) Make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) Recommended amendments to the Secretary.

§ 1063.22 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 30 days following the date on which he enters on duty, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 1063.87, the cost of his bond and of the bonds of his employees, his own compensation and all other expenses, except those incurred under § 1063.88 that are necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary submit such books and records to examination by the Secretary and such other persons as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who within 10 days after the date upon which he is requested to perform such acts, has not made reports and payments required by this part;

(g) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this part as do not reveal confidential information;

(h) Verify all reports and payments of each handler by audit or such other investigation as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk, pursuant to § 1063.51(a), and the Class I butterfat differential, pursuant to § 1063.52(a), both for the current month; and the minimum price for Class II milk, pursuant to § 1063.51(b), and the Class II butterfat differential, pursuant to § 1063.52(b), both for the preceding month; and

(2) The 10th day after the end of each month, the uniform price, pursuant to § 1063.71, and the producer differential, pursuant to § 1063.81.

(j) On or before the 11th day after the end of each month, report to each cooperative association, which so requests, with respect to milk delivered by such association or by its members to each handler during the month: (1) The percentage of such receipts classified in each class; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign such receipts exclusive of the Class I milk disposed of by such handler to the pool plant(s) of other handlers and to nonpool plants. For the purpose of these reports, the milk received from such association shall be treated on a pro rata basis of the total producer milk received by such handler during the month.

(k) The 11th day after the end of each month, report to each handler the amount and value of producer milk, amounts payable to or payable from the producer-settlement fund, and amounts due the administrative assessment and marketing service accounts;

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1063.45(a)(9) and the corresponding step of § 1063.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1063.45 pursuant to such report and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator to the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1063.30 Reports of receipts and utilization.

Not later than the 7th day after the end of the month, each handler shall report to the market administrator, in the detail and on the forms prescribed by the market administrator, the following information for the preceding month:

(a) Each handler operating a pool plant(s) shall report separately for each pool plant:

(1) The quantities of skim milk and butterfat contained in:

(i) Milk received directly from producers showing separately any milk of the handler's own farm production;

(ii) Milk received from a cooperative association pursuant to § 1063.9(d);

(iii) Fluid milk products received from other pool plants; and

(iv) Other source milk;

(2) The inventories of skim milk and butterfat on hand at the beginning and the end of the month;

(3) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(4) The name and address of each producer from whom milk was received with statements showing dates on which such producer started shipping and the date on which milk shipments stopped; and

(5) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require;

(b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to either § 1063.9 (c) or (d):

(1) The quantities of skim milk and butterfat received from producers;

(2) The utilization of skim milk and butterfat for which it is the handler pursuant to § 1063.9(c);

(3) The quantities of skim milk and butterfat delivered to each pool plant pursuant to § 1063.9(d); and

(4) Such other information with respect to receipts and utilization as the market administrator may prescribe;

(c) Each handled specified in § 1063.9 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and

(d) Each handler operating a nonpool supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1063.31 Other reports.

Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

§ 1063.32 Payroll reports.

(a) On or before the 20th day after the end of the month, each handler operating a pool plant for each of his pool plants and each cooperative association which is a handler pursuant to §1063.9 (c) or (d) shall report to the market administrator his producer payroll for that month, which shall show for each producer:

(1) His name and, if not previously reported, post office address and farm location (county) for each producer;

(2) The total pounds of milk received from such producer;

(3) The plant at which such milk was received;

(4) The days for which milk was received from such producer;

(5) The average butterfat content of such milk; and

(6) The net amount of the handler's payment to each producer and cooperative association, together with the price paid and the amount and nature of any deduction.

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments as required pursuant to § 1063.62(b) shall report to the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom milk was received, the same information as required pursuant to paragraph (a) of this section.

§ 1063.33 Reports to cooperative associations.

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1063.80(b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(a) On or before the 7th day after the end of the month (1) the total pounds of milk received from each producer together with the butterfat content of such milk, and (2) the amount or rate and nature of any deductions authorized by a cooperative association.

§ 1063.34 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data which are required to be reported pursuant to § 1063.30 through 1063.33 and the payments required to be made pursuant to § 1063.80 through 1063.88.

§ 1063.35 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1063.40 Skim milk and butterfat to be classified.

All skim milk and butterfat to be reported by each handler pursuant to § 1063.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1063.41 through 1063.46.

§ 1063.41 Classes of utilization.

Subject to the conditions set forth in §§ 1063.42 to 1063.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I shall be all skim milk and butterfat:

(1) Disposed of in form of fluid milk products, except those classified pursuant to paragraph (b) (2), (3), (4), and (6) of this section. Fluid milk products which have been fortified by the addition of nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content;

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not accounted for as Class II.

(b) *Class II milk.* Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises;

(3) All skim milk and butterfat authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) The inventories of bulk fluid milk products on hand at the end of the month;

(6) The skim milk and butterfat contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a)(1) of this section;

(7) Contained in shrinkage of skim milk and butterfat, respectively, prorated pursuant to § 1063.46(b)(1) for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1063.9 (c) and (d), not to exceed the quantities calculated pursuant to subdivisions (i) through (viii) of this subparagraph:

(i) Two percent of receipts of skim milk and butterfat from producers (including receipts by a cooperative association pursuant to § 1063.9(d)) and milk diverted in bulk tank lots pursuant to § 1063.14; plus

(ii) One and one-half percent of fluid milk products received in bulk from other pool plants; plus

(iii) One and one-half percent of milk received in bulk from cooperative associations in their capacity as handlers pursuant to § 1063.9(d) except that if the handler operating the pool plant files with the market administrator, prior to the 1st day of the month, notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of bulk transfers of milk to a pool plant of another handler (in the case of a cooperative association selling milk to a handler on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, the percentage shall be 2 percent); less

(vii) One and one-half percent of bulk transfers of milk to nonpool plants; less

(viii) One and one-half percent of milk diverted to nonpool plants (in the case of a nonpool plant receiving the milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph the percentage shall be 2 percent); and

(8) In shrinkage of skim milk and butterfat assigned pursuant to § 1063.46 (b)(2).

§ 1063.42 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat should be classified in another class: *Provided*, That in the case of milk delivered by a cooperative association in its capacity as a handler pursuant to § 1063.9(d) such responsibility shall be

that of the plant operator receiving such milk; and

(b) Any skim milk or butterfat classified in one class shall be reclassified if verification by the market administrator reveals that such classification was incorrect.

§ 1063.43 Transfers and diversions.

Skim milk or butterfat transferred or diverted in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by both handlers, otherwise as Class I milk, if transferred or diverted from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1063.45(a)(9) and the corresponding step of § 1063.45(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1063.45(a)(4) and the corresponding step of § 1063.45(b), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1063.45(a) (8) and (9) and the corresponding steps of § 1063.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred in packaged form to a nonpool plant which is not an other order plant;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 250 miles by the shortest highway distance as determined by the market administrator from the nearer of the city halls of Janesville, Wis., and Sterling, Ill., and Rock Island, Ill., except that cream so transferred may be classified as Class II if the handler claims Class II use and establishes that such cream was transferred to a nonpool plant without Grade A certification and that each container was labeled or tagged to indicate that the contents were for manufacturing use and that the shipment was so invoiced;

(e) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 250 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the city halls of Janesville, Wis., and Sterling, Ill., and Rock Island, Ill., unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1063.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk; and

(f) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and the transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II;

(6) If the form in which any fluid milk product is transferred or diverted to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1063.41; and

(g) As Class II if diverted to an other order plant if the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators and sufficient Class II utilization (or comparable utilization under such other order) is available in the other order plant for such assignment after assignment of milk transferred pursuant to paragraph (f) of this section subject to the rules of allocation of the other order.

§ 1063.44 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1063.30 (a) and (b) and compute the total pounds of skim milk and butterfat, respectively, in each class: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids. Such computations shall be as follows:

(a) If any fluid milk products to be allocated pursuant to § 1063.45(a) (8) or (9) were received at any pool plant of a handler, there will be computed for such handler the total pounds of skim milk and butterfat, respectively, in each class at all of his pool plants combined, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1063.45 and computation of obligation pursuant to § 1063.70 shall be based upon the combined utilization so computed;

(b) If no fluid milk products to be allocated pursuant to § 1063.45(a) (8) or (9) were received at any pool plant of a handler, the total pounds of skim milk and butterfat, respectively, in each class will be computed for each pool plant of such handler, and allocation pursuant to § 1063.45 shall be made separately for each pool plant of the handler; and

(c) There will be computed for each cooperative association reporting pursuant to § 1063.30(b) the total pounds of skim milk and butterfat, respectively, in producer milk pursuant to § 1063.14 (a)(2) and (b) (2) and (3). The amounts so determined shall be those used for computation pursuant to § 1063.45(c).

§ 1063.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1063.44 the market administrator shall determine the classification of producer milk for each handler at all his pool plants (or at each pool plant, when § 1063.44(b) applies) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1063.41(b)(7).

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25; and

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II, if Class II utilization was requested by the transferee handler and the operator of the transferor plant requests such utilization;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month the order is effective the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (5) (i) and (ii) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (5)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1063.22(k); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (and of the same handler, when § 1063.44(b) applies) according to the classification assigned pursuant to § 1063.43(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1063.44(c) into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1063.46 Shrinkage.

The market administrator shall:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If other source milk is received at the pool plant, shrinkage at such plant shall be prorated between:

(1) Skim milk and butterfat, respectively, in the amounts of receipts used in the computations pursuant to § 1063.41(b)(7); and

(2) Skim milk and butterfat in other source milk in bulk fluid form, exclusive of that specified in § 1063.41(b)(7).

Minimum Prices

§ 1063.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1063.51 Class prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I price.* (1) The Class I price applicable at plants located in the base zone shall, for the first 18 months beginning with the effective date of this provision, be the basic formula price for the preceding month plus $1.30: *Provided,* That such price shall be reduced 24 cents by the Class I equivalent price factor (determined Apr. 10, 1966, 31 F.R. 5685) applicable pursuant to Part 1063 of this chapter (Quad Cities-Dubuque);

(2) At pool plants located in the Northern zone, the Class I price shall be 18 cents less than the price computed pursuant to subparagraph (1) of this paragraph; and

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

§ 1063.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class price calculated pursuant to § 1063.51 shall be increased or decreased, respectively, for each one-tenth of a percent of butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.12.

§ 1063.53 Location adjustments to handlers.

(a) For producer milk and other source milk which is classified as Class I at a pool plant located in Dubuque and Jackson Counties, Iowa, and the city of East Dubuque, Ill., the price specified in § 1063.51(a)(1) for the base zone shall be reduced 10 cents;

(b) For producer milk and other source milk which is classified as Class I at a pool plant located outside the marketing area, the price specified in § 1063.51(a)(1) for the base zone shall be reduced 10 cents if such plant is 100 miles or more by the shortest highway distance as determined by the market administrator from the nearer of the city hall, Rock Island, Ill., or the post office, West Liberty, Iowa, or the city hall, Chicago, Ill., plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles.

(c) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the sum of receipts at such plant from producers and cooperative associations pursuant to § 1063.9(d), and the volume assigned to Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1063.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1063.60 Producer-handlers.

Sections 1063.40 through 1063.54 and 1063.61 through 1063.90 shall not apply to a producer-handler.

§ 1063.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A distributing plant qualified pursuant to § 1063.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluild milk products is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Northern Illinois-Eastern Iowa marketing area: *Provided,* That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph;

(b) A distributing plant qualified pursuant to § 1063.12(a) which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk is disposed of during the month in the Northern Illinois-Eastern Iowa marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater Class I route disposition in the marketing area of the Northern Illinois-Eastern Iowa order; and

(c) Any plant qualified pursuant to § 1063.12(c) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1063.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1063.30(c) and 1063.32(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1063.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts of such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1063.70(f) and a credit in the amount specified in § 1063.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1063.30(c) and 1063.32(b) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1063.12 (b) and (c), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 1063.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (for each pool plant when §1063.44(b) applies) during each month shall be a sum of money computed by the market administrator as follows:

(a) With respect to producer milk received by a pool handler (excluding milk received by diversion from another pool plant), multiply the quantity in each class as computed pursuant to § 1063.45 (c) by the applicable class prices (adjusted pursuant to §§ 1063.52 and 1063.53) excluding in the case of a cooperative association as a handler pursuant to § 1063.9(d), milk received by it and delivered to the pool plant of another handler;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1063.45(a)(11) and the corresponding step of § 1063.45(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1063.45(a)(6) and the corresponding step of § 1064.45(b);

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1063.45(a)(3) and the corresponding step of § 1063.45(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount;

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1063.45(a)(4) and the corresponding step of § 1063.45(b); and

(f) Add an amount equal to the value at the Class I price, adjusted for location at the nearest nonpool plant(s) from which an equivalent volume was received with respect to skim milk and butterfat subtracted from Class I pursuant to § 1063.45(a)(8) and the corresponding step of § 1063.45(b). With respect to skim milk and butterfat which is subtracted from Class I pursuant to § 1063.45(a)(8) and the corresponding step of § 1063.45(b), add an amount equal to its value at the Class I price applicable at the pool plant.

§ 1063.71 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content which is received from producers at plants located in the "base zone" as follows:

(a) Combine into one total the values computed pursuant to § 1063.70 for all handlers who filed the reports prescribed by § 1063.30 for the month and who made the payments pursuant to § 1063.80 and § 1063.84 for the preceding month;

(b) Add an amount equal to the sum of the location and zone differentials computed pursuant to § 1063.83 plus the amount obtained by multiplying by 10 cents the total hundredweight of producer milk received at plants in the northern zone;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1063.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1063.70(f).

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price," and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract 15 cents during the month of March, 25 cents during each of the months of April, May, and June, and 15 cents during the month of July per hundredweight on the total hundredweight of producer milk specified in paragraph (e)(1) of this section;

(i) Add 20 percent during the month of September, 30 percent during each of the months of October and November, and 20 percent during the month of December of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1063.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The uniform price computed pursuant to § 1063.71 and the butterfat differential computed pursuant to § 1063.81; and

(c) The amounts to be paid by such handler pursuant to §§ 1063.84, 1063.87, and 1063.88 and the amount due such handler pursuant to § 1063.85.

PAYMENTS

§ 1063.80 Time and method of payment for producer milk.

Except as provided in paragraph (d) of this section, each handler shall make payment to each producer for milk received from such producer during such month:

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, an amount computed at not less than the Class II price for 3.5 percent milk for the preceding month without deduction for hauling.

(b) On or before the 17th day after the end of each month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less the payment made pursuant to paragraph (a) of this section;

(ii) Less marketing service deductions made pursuant to § 1063.88;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer;

(iv) Less 10 cents for each hundredweight of milk received from each producer at a plant located in the northern zone; and

(v) Less proper deductions authorized in writing by such producer: *Provided*, That, if by such date, such handler has not received full payment from the market administrator pursuant to § 1063.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(c) Payments required in paragraph (a) of this section shall be made to a cooperative association, qualified under § 1063.5 or its duly authorized agent, which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing. Such handler shall, on or before the 15th day of the following month pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the

amount due such producer-members as determined pursuant to paragraph (a) of this section, less any deductions authorized in writing by such association: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(d) On or before the 10th day after the end of each month, each handler shall pay to each cooperative association for milk the handler receives from a pool plant(s) operated by such association or for which such association is the handler pursuant to § 1063.9(d) not less than the minimum prices for milk in each class, subject to the applicable location and butterfat differentials;

§ 1063.81 Butterfat differential to producers.

In making payments for milk received from producers pursuant to § 1063.80 the uniform price shall be adjusted by adding or subtracting, respectively, for each one-tenth of 1 percent by which the average butterfat content of such milk is more or less than 3.5 percent, respectively, an amount determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined by § 1063.52, dividing the sum of such values by the total butterfat in producer milk and rounding the resulting figure to the nearest tenth of a cent.

§ 1063.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be adjusted according to the location of the pool plant at the rates set forth in § 1063.53; and

(b) For purposes of computation pursuant to §§ 1063.84 and 1063.85 and the weighted average price shall be adjusted at the rates set forth in § 1063.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1063.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", which shall function as follows: (a) All payments made by handlers pursuant to §§ 1063.62, 1063.84, and 1063.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1063.85 and 1063.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler; and (b) all amounts subtracted pursuant to § 1063.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1063.80 in accordance with the requirements of § 1063.71(i).

§ 1063.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The sum of the net pool obligation computed pursuant to § 1063.70 for such handler;

(b) The sum of:

(1) The value of producer milk received by such handler at the applicable uniform prices specified in § 1063.80 excluding in the case of a cooperative association as a pool handler pursuant to § 1063.9(d) the value of milk delivered to pool plants of other handlers; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1063.70(f).

§ 1063.85 Payment out of the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1063.84(b) exceeds the amount computed pursuant to § 1063.84 (a). The market administrator shall offset any payment due any handler against payments due from such handler.

§ 1063.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1063.87 Expense of administration.

As his prorata share of the expense of administration of the order, each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1063.9(d) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 15th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1063.45(a) (4) and (8) and the corresponding steps of § 1063.45(b); and

(c) Class I milk disposed of on routes in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1063.88 Marketing services.

(a) *Deduction of marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers, pursuant to § 1063.80, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers (excluding such handler's own production) during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such monies shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section each handler, in lieu of the deduction specified in paragraph (a) of this section, shall make such marketing service deductions as are authorized by producer-members, and pay the money so deducted to the cooperative association on or before the 15th day after the end of the month.

§ 1063.89 Adjustment of overdue accounts.

Any unpaid obligation of a handler pursuant to § 1063.84, § 1063.87, or § 1063.88 shall be increased one-half of 1 percent for each month or portion thereof that such payment is overdue.

TERMINATION OF OBLIGATIONS

§ 1063.90 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator, or his representative all books and records required by this part to be

made available, the market administrator may, within the 2-year period provided for in paragraph (a) of ths section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1063.100 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1063.101.

§ 1063.101 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1063.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1063.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by thc Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the timc of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1063.104 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1063.105 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on April 26, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-4814; Filed, May 1, 1967; 8:45 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 132]

SECOND CLASS MAIL

Publications Prepared in Imitation of Typewriting

A notice of proposed revision in § 132.2 of Title 39, Code of Federal Regulations, was published in the FEDERAL REGISTER of March 14, 1967 (32 F.R. 4027), concerning the acceptance for second-class mailings of publications prepared in imitation of typewriting. Interested persons were given 30 days in which to submit written comments regarding the proposal.

After careful consideration of the comments received, the Department has decided to abandon its original proposal. It has decided to institute a new rule making procedure. The proposed new rule would state reproduction by stencil, mimeograph, or hectograph processes is reproduction in imitation of typewriting. The new proposed rule omits the requirement that the left and right margins must be even.

In order to voluntarily observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 553) patrons of the postal service may file written data, views, and arguments with thc Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, the revised proposed change to § 132.2(b)(3) of Title 39, Code of Federal Regulations, as set out abovc reads as follows:

§ 132.2 Qualifications for second-class privileges.

* * * * *

(b) *Basic qualifications.* * * *

(3) *Preparation.* Publications must be formed of printed sheets. They may not be reproduced by stencil, mimcograph, or hectograph processes or reproduced in imitation of typewriting. Reproduction by stencil, mimeograph, or hectograph processes is reproduction in imitation of typewriting and is not permissible. Reproduction by any other printing process is permissible. Any style of type may be used.

* * * * *

NOTE: The corresponding Postal Manual section is 132.223.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

APRIL 26, 1967.

[F.R. Doc. 67-4835; Filed, May 1, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

COLOR ADDITIVES

Riboflavin; Listing for Food Use Exempt From Certification

Notice is given that the Commissioner of Food and Drugs, on his own initiative, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2), (d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.120), proposes thc listing and exemption from certification of the color additive riboflavin for general use in foods in amounts consistent with good manufacturing practice. All interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal within 30 days from its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independencc Avenue SW., Washington, D.C. 20204, and may be accompanied by a memorandum or brief in support thereof.

It is proposed that Part 8 be amended by adding to Subpart D thc following new section:

§ 8.323 Riboflavin.

(a) *Identity.* (1) The color additive riboflavin is the riboflavin defined in the Food Chemicals Codex, First Edition, Publication 1406 (1966), National Academy of Scienccs—National Rcscarch Council, Washington, D.C.

(2) Color additive mixtures made with riboflavin may contain as diluents only those substances listed in this Subpart D as safe and suitable for use in color additive mixtures for coloring foods.

(b) *Specifications.* Riboflavin shall meet the specifications given in the Food Chemicals Codex.

(c) *Uses and restrictions.* Riboflavin may be safely used for the coloring of foods generally, in amounts consistent with good manufacturing practice; except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act, unless the use of added color is authorized by such standards.

(d) *Labeling.* The label of the color additive shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Dated: April 24, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4877; Filed, May 1, 1967; 8:49 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

o-Phenylphenol and Its Sodium Salt

Tolerances are established for residues of the fungicide sodium o-phenylphenate, expressed as o-phenylphenol, from postharvest application in or on certain fruits and vegetables.

The U.S. Department of Agriculture reports there is considerable confusion regarding the direct use of o-phenylphenol since the tolerances for sodium o-phenylphenate are calculated as o-phenylphenol. Certain tolerances for sodium o-phenylphenate already permit application of o-phenylphenol. They suggest that each of the tolerances that permit use of only sodium o-phenylphenate be modified to include residues from direct application of o-phenylphenol. The Commissioner of Food and Drugs concludes that such modification will protect the public health.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated by him to the Commissioner (21 CFR 2.120), it is proposed that § 120.129 be amended by revising the introduction to the section and by consolidating the two paragraphs beginning "20 parts per million * * * and the two paragraphs beginning "10 parts per million * * *" into a single paragraph each, as follows:

§ 120.129 o-Phenylphenol and its sodium salt; tolerances for residues.

Tolerances are established for residues of the fungicides o-phenylphenol and sodium o-phenylphenate, each expressed as o-phenylphenol, from postharvest application of either, as follows:

* * * * *

20 parts per million in or on carrots, peaches, plums (fresh prunes).

* * * * *

10 parts per million in or on citrus citron, cucumbers, grapefruit, kumquats, lemons, limes, oranges, peppers (bell), pineapples, tangelos, tangerines, tomatoes.

* * * * *

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the subject fungicides may request, within 30 days from the date of publication of this proposal in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 24, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4878; Filed, May 1, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 25]

PERMITS FOR ACCESS TO RESTRICTED DATA

Notice of Proposed Rule Making

Notice is hereby given of proposed issuance of amendments to the regulations (a) to remove category C-24 Isotope Separation—Gas Centrifuge Method from the regulations; (b) to clarify that Part 25 applies to all restricted data within the categories described in Appendix A whether it is the Commission's restricted data or, for example, is information developed or owned as a result of private endeavor; (c) to clarify that a private concern that develops restricted data within the categories described in Appendix A must apply for an access permit and its officers and employees who will have access to such restricted data require access authorizations in order to receive and exchange such restricted data; (d) to expand the scope of category C-92 b. by deleting the words which limit the category to developments by the AEC; and (e) to amend certain of the terms and conditions of access.

Interested persons may submit written comments for consideration in connection with the proposed amendment to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 45 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given if the comments are not filed within the period specified.

PART 25—PERMITS FOR ACCESS TO RESTRICTED DATA

GENERAL PROVISIONS

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25.31 Violations.

AUTHORITY: The provisions of this Part 25 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201.

GENERAL PROVISIONS

§ 25.1 Purpose.

This part establishes procedures and standards for the issuance of an access permit to any person subject to this part who requires access to the Commission's restricted data or any other restricted data applicable to civil uses of atomic energy for use in his business, trade or profession; provides for the amendment, renewal, suspension, termination and revocation of an access permit; and specifies the terms and conditions under which the Commission will issue the permit.

§ 25.2 Applicability.

The regulations in this part apply to any person within or under the jurisdiction of the United States who desires access to the Commission's restricted data or any other restricted data for use in his business, profession or trade.

§ 25.3 Definitions.

As used in this part:

(a) "Access permit" means a permit, issued by the Atomic Energy Commission, authorizing access by the named

permittee to restricted data applicable to civil uses of atomic energy in accordance with the terms and conditions stated on the permit.

(b) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto.

(c) "Category" means a category of restricted data designated in Appendix A to the regulations in this part.

(d) "Commission" means the Atomic Energy Commission or its duly authorized representatives.

(e) "Permittee" means the holder of a permit issued pursuant to the regulations in this part.

(f) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

(g) "Restricted data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the restricted data category pursuant to section 142 of the Act.

§ 25.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 25.5 Communications.

Communications concerning rule making, i.e., petition to change Part 25, should be addressed to Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. All other communications concerning the regulations in this part, and applications filed under them, should be addressed to the Commission Operations Office listed in Appendix B of this part responsible for the geographical area in which (a) the applicant's principal place of business is located, or (b) the principal place where the applicant will use the restricted data is located.

§ 25.6 Categories of available information.

For administrative purposes the Commission has categorized Restricted Data subject to the regulations in this part in the categories as set forth in Appendix A to this part. Top secret information; information pertaining to the design, manufacture or utilization of atomic weapons; other information subject to the regulations in Part 26; and defense information other than restricted data are not included in these categories and will not be made available under this part.

§ 25.7 Specific waivers.

The Commission may, upon application of any interested party, grant such waivers from the requirements of this part as it determines are authorized by law and will not constitute an undue risk to the common defense and security.

Applications

§ 25.11 Applications.

(a) Any person desiring access to restricted data pursuant to this part should submit an application (Form AEC 378), in triplicate, for an access permit to the Commission's Operations Office, listed in Appendix B to this part, responsible for the area in which (1) the applicant's principal place of business is located, or (2) the principal place where the applicant will use the restricted data is located.

(b) Where an individual desires access to restricted data for use in the performance of his duties as an employee, the application for an access permit must be filed in the name of his employer.

(c) Self-employed private consultants, desiring access to restricted data, must file the application in their own name for an individual access permit.

(d) Each application should contain the following information:

(1) Name of applicant (unincorporated subsidiaries or divisions of a corporation must apply in the name of the corporation);

(2) Address of applicant;

(3) Description of business or occupation of applicant;

(4) (i) If applicant is an individual, state citizenship.

(ii) If applicant is a partnership, state name, citizenship and address of each partner and the principal location where the partnership does business.

(iii) If applicant is a corporation or an unincorporated association, state:

(*a*) The State where it is incorporated or organized and the principal location where it does business;

(*b*) The names, addresses and citizenship of its directors and of its principal officers;

(*c*) Whether it is owned, controlled or dominated by an alien, a foreign corporation, or foreign government, and if so, give details.

(iv) If the applicant is acting as agent or representative of another person in filing the application, identify the principal and furnish information required under this subparagraph with respect to such principal;

(5) Total number of full-time employees;

(6) Classification of restricted data (confidential or secret) to which access is requested;

(7) Potential use of the restricted data in the applicant's business, profession or trade. If access to secret restricted data is requested, list the specific categories by number and furnish detailed reasons why such access within the specified categories is needed by the applicant. The need for secret information should be stated by describing its proposed use in specific research, design, planning, construction, manufacturing, or operating projects; in activities under licenses issued by the Commission; in studies or evaluations planned or under way; or in work or services to be performed for other organizations. In addition, if access to secret restricted data in Category C–65, Plutonium Production, is requested, the application should also include sufficient information to satisfy the requirements of § 25.15(b)(2).

(8) Principal location(s) at which restricted data will be used.

(e) Applications should be signed by a person authorized to sign for the applicant.

(f) Each application shall contain complete and accurate disclosure with respect to the real party or parties in interest and as to all other matters and things required to be disclosed.

§ 25.12 Noneligibility.

The following persons are not eligible to apply for an access permit:

(a) Corporations not organized under the laws of the United States or a political subdivision thereof.

(b) Any individual who is not a citizen of the United States.

(c) Any partnership not including among the partners one or more citizens of the United States; or any other unincorporated association not including one or more citizens of the United States among its principal officers.

(d) Any organization which is owned, controlled or dominated by the Government of, a citizen of, or an organization organized under the laws of a country or area listed as a Subgroup A country or destination in § 371.3 (15 CFR 371.3) of the Comprehensive Export Schedule of the U.S. Department of Commerce.

(e) Persons subject to the jurisdiction of the United States who are not doing business within the United States.

§ 25.13 Additional information.

The Commission may, at any time after the filing of the original application and before the termination of the permit, require additional information in order to enable the Commission to determine whether the permit should be granted or denied or whether it should be modified or revoked.

§ 25.14 Public inspection of applications.

Applications and documents submitted to the Commission in connection with applications may be made available for public inspection in accordance with the regulations contained in Part 2 of this chapter.

§ 25.15 Requirements for approval of applications.

(a) An application for an access permit authorizing access to confidential restricted data in the categories set forth in Appendix A (except C–91) will be approved only if the application demon-

strates that the applicant has a potential use or application for such data in his business, trade or profession and has filed a complete application form.

(b) (1) An application for an access permit authorizing access to secret restricted data will be approved only if the application demonstrates that the applicant has a need for such data in his business, trade or profession and has filed a complete application form.

(2) An application for an access permit authorizing access to secret restricted data in Category C–65, Plutonium Production will be approved only if the application demonstrates also that the applicant:

(i) Is directly engaged in a substantial effort to develop, design, build or operate a chemical processing plant or other facility related to his participation in the peaceful uses of atomic energy for which such production rate and cost data are needed; or

(ii) Is furnishing to a permittee having access to C–65 under subdivision (i) of this subparagraph, substantial scientific, engineering or other professional services to be used by said permittee in carrying out the activities for which said permittee received access to category C–65.

(3) An application for an access permit authorizing access to confidential and secret restricted data in C–91, Nuclear Reactors for Rocket Propulsion, will be approved only if the application demonstrates also that the applicant:

(i) Possesses qualifications demonstrating that he is capable of making a contribution to research and development in the field of nuclear reactors for rocket propulsion and is directly engaged in or proposes to engage in a substantial research and development program in such field of work; or

(ii) Is engaged in or proposes to engage in a substantial study program in the field of nuclear reactors for rocket propulsion preparatory to the submission of a research and development proposal to the Atomic Energy Commission; or

(iii) Is furnishing to a permittee having access under subdivision (i) or (ii) of this subparagraph substantial scientific, engineering or other professional services to be used by that permittee in a study or research and development program for which said permittee received access.

PERMITS

§ 25.21 Issuance.

(a) Upon a determination that an application meets the requirements of this regulation, the Commission will issue to the applicant an access permit on Form AEC 379.

(b) An Access Permit is not an access authorization. It does not authorize any individual not having an appropriate AEC access authorization to receive restricted data. See § 25.24 and Part 95 of this chapter.

§ 25.22 Scope of permit.

(a) All access permits will as a minimum authorize access, subject to the terms and conditions of the access permit, to confidential restricted data in all the categories set forth in Appendix A, except C–91.

(b) In addition, access permits may authorize access, subject to the terms and conditions of the access permit, to such secret restricted data as is included within the particular category or categories specified in the permit.

§ 25.23 Terms and conditions of access.

(a) Neither the United States, nor the Commission, nor any person acting on behalf of the Commission makes any warranty or other representation, express or implied: (1) With respect to the accuracy, completeness or usefulness of any information made available pursuant to an access permit, or (2) that the use of any such information may not infringe privately owned rights.

(b) The Commission hereby waives such rights with respect to any invention or discovery as it may have pursuant to section 152 of the Act by reason of such invention or discovery having been made or conceived in the course of, in connection with, or resulting from access to Restricted Data received under the terms of an access permit.

(c) Each permittee granted access to the Commission's Restricted Data shall:

(1) Comply with all applicable provisions of the Atomic Energy Act of 1954 and with Part 95 of this chapter and with all other applicable rules, regulations and orders of the Commission;

(2) Be deemed to have waived all claims for damages under section 183 of title 35 U.S. Code by reason of the imposition of any secrecy order on any patent application and all claims for just compensation under section 173 of the Atomic Energy Act of 1954, with respect to any invention or discovery made or conceived in the course of, in connection with or as a result of access to restricted data received under the terms of the access permit;

(3) Be deemed to have waived any and all claims against the United States, the Commission and all persons acting on behalf of the Commission that might arise in connection with the use, by the applicant, of any and all information supplied by them pursuant to the access permit;

(4) Obtain and preserve in his files written agreements from all individuals who will have access to restricted data under his access permit. The agreement shall be as follows:

In consideration for receiving access to restricted data under the access permit issued by the AEC, I hereby agree to:

(a) Waive all claims for damages under section 183 of Title 35 U.S. Code by reason of the imposition of any secrecy order on any patent application, and all claims for just compensation under section 173 of the Atomic Energy Act of 1954, with respect to any invention or discovery made or conceived in the course of, in connection with or resulting from access to restricted data received under the terms of the access permit issued to (insert the name of the holder of the access permit);

(b) Waive any and all claims against the United States, the Commission and all persons acting on behalf of the Commission that might arise in connection with the use, by me, of any and all information supplied by them pursuant to the access permit issued to (insert the name of the holder of the access permit).

(5) Pay all established charges for personnel access authorizations, AEC consulting services, publication and reproduction of documents, and such other services as the Commission may furnish in connection with the access permit.

(d) All other permittees shall be subject only to the conditions in paragraph (c) (1) and (5) of this section.

§ 25.24 Administration.

With respect to each permit issued pursuant to the regulations in this part, the cognizant Operations Office will:

(a) Process all personnel access authorizations requested in connection with the permit;

(b) Review the procedures submitted by the Applicant, in accordance with Part 95 of this chapter, for the safeguarding of restricted data; and

(c) Provide information to the permittee with respect to the sources and locations of restricted data available under this permit and to assist the permittee in other matters pertaining to the administration of his permit.

§ 25.25 Term and renewal.

(a) Each access permit will be issued for a 2-year term, unless otherwise stated in the permit.

(b) Applications for renewal shall be filed in accordance with § 25.11. Each renewal application must be complete, without reference to previous applications. In any case in which a permittee has filed a properly completed application for renewal more than thirty (30) days prior to the expiration of his existing permit, such existing permit shall not expire until the application for a renewal has been finally acted upon by the Commission.

§ 25.26 Assignment.

An access permit is nontransferable and nonassignable.

§ 25.27 Amendment.

An access permit may be amended from time to time upon application by the permittee. An application for amendment may be filed, in triplicate, in letter form and shall be signed by an individual authorized to sign on behalf of the applicant. The term of an access permit shall not be altered by an amendment thereto.

§ 25.28 Commission action on application to renew or amend.

In considering an application by a permittee to renew or amend his permit, the Commission will apply the criteria set forth in § 25.15. Failure of an applicant to reply to a Commission request for additional information concerning an application for renewal or amendment within 60 days shall result in a rejection of the application without prejudice to resubmit a properly completed application at a later date.

§ 25.29 Suspension, revocation and termination of permits.

The Commission may revoke or suspend any access permit for any material false statement in the application or in any report submitted to the Commission pursuant to the regulations in this part or because of conditions or facts which would have warranted a refusal to grant the permit in the first instance, or for violation of any of the terms and conditions of the Atomic Energy Act of 1954 or Commission rules, regulations or orders issued pursuant thereto. A permittee should request termination of his permit when he no longer requires Restricted Data for use in his business, trade or profession.

§ 25.30 Exceptions and additional requirements.

Notwithstanding any other provision in the regulations in this part, the Commission may deny an application for an access permit or suspend or revoke any access permit, or incorporate additional conditions or requirements in any access permit, upon finding that such denial, revocation or the incorporation of such conditions and limitations is necessary or appropriate in the interest of the common defense and security or is otherwise in the public interest.

§ 25.31 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

APPENDIX A

CATEGORIES OF RESTRICTED DATA AVAILABLE (INCLUDING SCOPE NOTES FOR EACH CATEGORY)

C–44 Nuclear Technology. This category includes classified technical information concerning nuclear technology. It may contain information on the following:

a. Materials, including metals, ceramics, organic and inorganic compounds. Included are such technical areas as the technology and fabrication of fuel elements, corrosion studies, cladding techniques and radiation studies.

b. Chemistry, chemical engineering and radiochemistry of all the elements and their compounds. Included are techniques and processes of chemical separations, radioactive waste handling and feed material processing.

c. Reactor physics, engineering and technology including theory, design, criticality studies and operation of reactors, reactor systems and reactor components.

d. Aerospace safety, testing, studies and evaluations. Included are technology and evaluation of nuclear safety performance or characteristics of materials, components, subsystems and systems, for nuclear primary and auxiliary power, and/or propulsion devices by flight tests and ground environmental impact, chemical and thermal experiments. Also includes chemical kinetics, reactor kinetics, reentry burnup phenomena, fission product release and dispersion.

This category does not include:

a. Information which reveals or from which can be calculated actual or planned (as distinguished from design) capacities, production rates and unit costs for the plutonium production program; or

b. Information on an actual or planned reactor system which falls within the scope of categories C–90, 91, 92, 93, and 94.

c. Classified methods of isotope separation.

d. Classified information on specific aerospace system objectives, schedules or operational uses.

C–65 Plutonium Production. This category includes information on reactor, fuel element and separations technology which reveals or from which can be calculated actual or planned (as distinguished from design) capacities, production rates and unit costs for the Hanford and Savannah River production facilities.

Technology which does not reveal or enable calculation of production rates and unit costs of Hanford or Savannah River production facilities is categorized in C–44, Nuclear Technology.

C–90 Nuclear Reactors for Ram-Jet Propulsion. This category includes information on:

a. Programs pertaining to the development of nuclear reactors for application to ram-jet propulsion systems, including theory and/or design, test philosophy procedures and/or results.

b. Fabrication technology and evaluation of performance or characteristics of materials or components for such reactors.

c. Controls, control systems and instrumentation relating to the design or technology of such reactors.

d. Data pertaining to heat transfer, propellant kinetics or corrosion and erosion of materials under conditions of high temperature, high gas flows or other environmental conditions characteristic of ram-jet propulsion systems.

This category does not include information on:

a. Design details of weapons systems or nuclear warheads.

b. Military operational techniques or characteristics.

c. General aspects of nuclear ram-jet missiles, such as payload, aerodynamic characteristics, guidance systems, physical size, gross weight, thrust and information of this kind which is associated with utilization of a nuclear ram-jet propulsion system.

C–91 Nuclear Reactors for Rocket Propulsion. This category includes information on:

a. Programs pertaining to nuclear reactors for rocket propulsion; i.e., missile propulsion, theory and/or design, test philosophy procedures and/or results.

b. Design, fabrication technology, and evaluation of performance or characteristics of material, components, or subsystems or nuclear rocket reactors.

c. Controls, control systems, and instrumentation relating to the design or technology of rocket reactor systems.

d. Data pertaining to heat transfer, propellant kinetics, or corrosion and erosion of rocket reactor system materials under conditions of high temperature, high gas flows, or other environmental conditions characteristic of rocket reactors.

This category does not include information on:

a. Design details of weapons systems or nuclear warheads.

b. Military operational techniques or characteristics.

c. General aspects of payload and aerodynamic characteristics.

d. Design details and development information of components and subsystems of the nuclear rocket engine other than that associated with the reactor system.

C–92 Systems for Nuclear Auxiliary Power (SNAP). This category includes information on:

a. Isotopic SNAP Program, including theory, design, research and development, fabrication, test procedures and results for the device, including power conversion device and the fuels used.

b. Reactor SNAP Program, including theory, design, research and development, fabrication, test procedures and results for the reactor, including the directly associated power conversion device.

This category does not include basic technical and scientific data developed under the SNAP Advanced Concept Program which should be reported in C–93.

C–93 Advanced Concepts for Future Application.

C–93a Reactor Experiments. This category includes classified technical information developed in the pursuit of work on new or advanced concepts of reactors or components which the AEC considers essential to future growth or for general application to future generations of reactors. Classified information developed in the pursuit of work on the lithium cooled reactor experiment is an example of the type of information to be reported in this category, i.e., information resulting from an experimental reactor project or component development which may have many future applications but which is not currently being pursued to meet the specific needs of an approved requirement for which other information categories have been provided. For example, classified technical information developed in the pursuit of work on Naval, Ram-Jet, or Rocket nuclear reactors would not be reported here but under their respective specific categories. This category will include classified technical information on the following:

a. Theory, design, and performance, either estimated or actual.

b. Design details, composition, and performance characteristics of major components (e.g., fuel media, reflectors, moderators, heat exchangers, pressure shells or containment devices, control rods, conversion devices, instrumentation, and shielding).

c. Material (metals, ceramics, and compounds) development, alloying, cladding, corrosion, erosion, radiation studies, and fabrication techniques.

d. Chemistry, including chemical engineering, processes and techniques. Reactor physics, engineering, and criticality studies.

C–93b Conversion Devices. This category includes classified technical information developed in the pursuit of studies, designs, research and development, fabrication and operation of any energy conversion device to be used with nuclear energy sources which is not being applied to a specific system development project.

C–94 Military Compact Reactor (MCR). This category includes classified technical information on the actual or planned Military Compact Reactor and its components developed in the pursuit of studies, designs, research and development, fabrication, and operation of the reactor system or its components.

Examples of the areas of information included are:

a. Reactor core physics.

b. Fuel elements and fuel element components.

c. Moderator and reflector details.

d. Data on primary coolant system.

e. Radiation shield.

f. Controls and instrumentation.

This category does not include information on military operational characteristics or techniques.

APPENDIX B—COMMISSION'S OPERATIONS OFFICES AND GEOGRAPHICAL AREAS OF RESPONSIBILITY

Albuquerque Operations Office, U.S. Atomic Energy Commission, Post Office Box 5400, Albuquerque, N. Mex. 87115: Arizona, Kansas, New Mexico, Oklahoma, and Texas.

Chicago Operations Office, U.S. Atomic Energy Commission, 9800 South Cass Avenue, Argonne, Ill. 60439: Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

New York Operations Office, U.S. Atomic Energy Commission, 376 Hudson Street, New York, N.Y. 10114: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

Oak Ridge Operations Office, U.S. Atomic Energy Commission, Post Office Box E, Oak Ridge, Tenn. 37831: Arkansas, Kentucky, Louisiana, Mississippi, Missouri, Panama Canal Zone, Puerto Rico, Tennessee, Virginia, Virgin Islands, and West Virginia.

Richland Operations Office, U.S. Atomic Energy Commission, Post Office Box 550, Richland, Wash. 99352: Alaska, Oregon, and Washington.

San Francisco Operations Office, U.S. Atomic Energy Commission, 2111 Bancroft Way, Berkeley, Calif. 94704: California, Colorado, Hawaii, Idaho, Montana, Nevada, Utah, Wyoming, and U.S. Pacific Territories.

Savannah River Operations Office, U.S. Atomic Energy Commission, Post Office Box A, Aiken, S.C. 29802: Alabama, Florida, Georgia, North Carolina, and South Carolina.

Dated at Washington, D.C., this 26th day of April 1967.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary to the Commission.

[F.R. Doc. 67-4849; Filed, May 1, 1967; 8:47 a.m.]

[10 CFR Part 26]

DISSEMINATION OF AND ACCESS TO CERTAIN PRIVATE RESTRICTED DATA

Notice of Proposed Rule Making

Notice is hereby given of proposed issuance of regulations to control communication of and access to private restricted Data as defined in the proposed regulation.

Contemporaneously notice is being given of proposed amendments to Parts 25, Permits for Access to Restricted Data and 95, Safeguarding of Restricted Data to (a) state explicitly their applicability to privately developed restricted data within the categories described in the Appendix to Part 25; (b) remove Category 24, Isotope Separation—Gas Centrifuge Method, from Part 25; and (c) make Part 95 applicable to safeguarding private restricted data.

The provisions of Part 25 will continue to apply to restrictions on dissemination of restricted data including privately developed restricted data within the categories of restricted data in which the Commission has agreed to permit access to Government generated restricted data. Those categories of restricted data are described in Appendix A to Part 25. The proposed Part 26 will apply to restrictions on dissemination of only private restricted data in those categories of restricted data identified in the regulations. Proposed Part 26 does not provide for access to the Government's restricted data in the categories described in the Appendix to Part 26.

Interested persons may submit written comments for consideration in connection with the proposed amendment to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 45 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given if the comments are not filed within the period specified.

Statement of consideration. Part 26, Dissemination of and Access to Certain Private Restricted Data, is issued in the interest of the common defense and security to provide controls deemed necessary by the Commision over the dissemination of and access to private restricted data in the categories described in the Appendix. Dissemination is defined as meaning the publication of private restricted data, the communication of such data by any means from one individual or person to another and permitting anyone to have access to such data. The Atomic Energy Act of 1954 defines "restricted data" as "all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the restricted data category pursuant to section 142."

The statutory definition of restricted data is not limited to data developed under a Government program. It is applicable to all data within the statutory definition, including data generated in private work and even though such work may not be in the atomic energy field. The Commisison has from time to time become aware of private activities which were resulting or, if continued, would result in the generation of restricted data. This result was not always recognized by the private party engaged in the activity. Part 26 will help provide guidance to private persons as to areas of technology in which development and advances may involve restricted data. Part 26 also prescribes procedures and conditions under which private restricted data concerning the gaseous diffusion isotope separation process and naval nuclear propulsion reactors may be disseminated to other persons.

The Commision is responsible under the Atomic Energy Act of 1954, as amended, for controlling the dissemination of all restricted data in the interest of the common defense and security. One of the stated purposes of the Atomic Energy Act of 1954, as amended, is to provide a program for the dissemination of unclassified scientific and technical information "and for the control, dissemination, and declassification of restricted data, subject to appropriate safeguards, so as to encourage scientific and industrial progress;" (sec. 3b.).

Section 141 of the Act states that "it shall be the policy of the Commission to control the dissemination and declassification of restricted data in such a manner as to assure the common defense and security * * *". Section 145b of the Act provides in part that, except in certain contingencies, the Commission shall not permit any individual to have access to restricted data until a security investigation is conducted and a determination made that permitting such person to have access to restricted data will not endanger the common defense and security.

Sections 224 and 225 provide criminal penalties for communicating or attempting or conspiring to communicate restricted data to any individual or person with the intent to injure the United States or to secure an advantage to any foreign nation or with reason to believe the restricted data will be so utilized.

Also, section 232 provides that whenever in the judgment of the Commission any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of the Act or any regulation or order issued thereunder, the Attorney General may apply for an order enjoining such acts or practices, or for an order enforcing compliance with such provision.

Finally, section 227 of the Act provides criminal penalties for "* * * whoever conspires to communicate or to receive any restricted data, knowing or having reason to believe that such data is restricted data to any person not authorized to receive restricted data pursuant to the provisions of this Act or under rule or regulation of the Commission issued pursuant thereto, knowing or having reason to believe such person is not so authorized to receive restricted data shall, upon conviction thereof, be punishable by a fine of not more than $2,500."

Pursuant to its responsibilities under the Act the Commission has issued regulations as 10 CFR Parts 25, Permits for Access to Restricted Data, and 95, Safeguarding of Restricted Data, which provide controls applicable to the Restricted Data described in the Appendix to Part 25. This Part 26 also implements the Commission's responsibility under the Act by controlling the dissemination (even to fellow employees and employers) of private restricted data which is defined in § 26.3(f) as all restricted data within the categories in the Appendix of Part 26 which is generated, acquired, used or possessed in the course of activities, or for purposes, other than (i) activities conducted by a Government agency or (ii) work under a contract with, and funded in whole or in part by, the Government of the United States.

In general, restricted data subject to Part 26 is of greater significance to the common defense and security than restricted data which is within the categories described in Part 25. More stringent controls are therefore necessary.

In addition, because of the importance of this restricted data to the common defense and security of the United States, it is considered necessary that the United States acquire the rights described in § 26.27(c) as a condition of issuing a dissemination permit or private restricted data access authorization.

Privately sponsored research and development which generates information in the categories described in the Appendix, therefore, is subject to the regulations in this Part 26.

It is important to recognize that it is possible for information developed in fields unrelated to atomic energy to be usable in the areas described in the Appendix and for it to be restricted data.

Persons undertaking research and development in areas which may generate information usable also in any of the categories described in the Appendix to this Part 26 are therefore encouraged to seek a determination from the Commission as to whether their work involves restricted data.

It may become necessary to enlarge on the categories listed in the Appendix to this Part 26 if experience shows that private work results in the generation of additional restricted data not within those categories and which in the judgment of the Commission should be subject to the controls of this Part 26.

Finally, attention is directed to the fact that no dissemination permit or access authorization will be issued for dissemination of or access to private restricted data concerning atomic weapons or the gas centrifuge isotope separation process. Dissemination of and access to such restricted data will be permitted only under contracts with the Government or as specifically authorized by the Commission.

PART 26—DISSEMINATION OF AND ACCESS TO CERTAIN PRIVATE RESTRICTED DATA

GENERAL PROVISIONS

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AUTHORITY: The provisions of this Part 26 issued under sec. 161, 68 Stat. 948, 42 U.S.C. 2201. Interpret or apply secs. 141, 145b., and 227, 68 Stat. 940, 942, 42 U.S.C. 2161, 2165, 2227.

GENERAL PROVISIONS

§ 26.1 Purpose.

The regulations in this part are promulgated by the Atomic Energy Commission, pursuant to the Atomic Energy Act of 1954, as amended, in the interest of the common defense and security of the United States to provide procedures and standards for the issuance of a dissemination permit to a person who desires to disseminate private restricted data; and to provide for the issuance of private restricted data access authorization to individuals desiring access to such restricted data.

§ 26.2 Scope.

The regulations in this part apply to any person within or under the jurisdiction of the United States who possesses private restricted data and to any person within or under the jurisdiction of the United States who desires to disseminate or to have access to private restricted data. Categories of restricted data subject to this part are described in the Appendix to this part. The regulations in this part do not apply to restricted data within the categories described in Part 25 of the regulations of this chapter.

§ 26.3 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto.

(b) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(c) "Commission" means the Atomic Energy Commission or its duly authorized representatives.

(d) "Dissemination" means the publication of private restricted data; the communication of private restricted data by any means from one individual or person to another individual or person; or permitting any individual or person to have access to private restricted data.

(e) "Dissemination permit" means a permit issued by the Atomic Energy Commission authorizing the individual to whom the permit is issued to disseminate the private restricted data identified in the permit to each individual identified in the permit who is granted private restricted data access authorization by the Commission.

(f) "Private restricted data" means all restricted data within the categories in the Appendix of this part which is generated, acquired, used or possessed in the course of activities, or for purposes other than (1) activities conducted by a Government agency or (2) work under a contract with, and funded in whole or in part by, the Government of the United States.

(g) "Private restricted data access authorization" means a determination by the Atomic Energy Commission that an individual is eligible for access to specifically identified private restricted data.

(h) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, or other entity; and (2) any legal successor, representative, agent, or agency of the aforegoing.

(i) "Restricted data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but does not include data declassified or removed from the restricted data category pursuant to section 142 of the Act.

(j) "Technical information or data of a proprietary nature" means information or data which:

(1) Is not the property of the Government by virtue of any agreement;

(2) Concerns the details of trade secrets or manufacturing processes which the holder of a dissemination permit or private restricted data access authorization has protected from use by others; and

(3) Is specifically identified as proprietary at the time it is made available to the Commission.

§ 26.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 26.5 Communications.

All communications and reports concerning the regulations in this Part and applications filed under them should be addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Assistant General Manager. Communications, reports, and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C., or its offices at Germantown, Md.

§ 26.6 Specific waivers and exceptions.

The Commission may, upon application of any interested party, grant such waivers and exceptions from the requirements of this part as it determines are authorized by law and will not constitute an undue risk to the common defense and security.

§ 26.7 Classification.

The Director, Division of Classification, U.S. Atomic Energy Commission, Washington, D.C. 20545, will, on request, provide classification advice with respect

to data within the restricted data category.

§ 26.8 Requirements.

Each person to whom those regulations apply shall comply with all applicable provisions of the Act, with the regulations in this Part 26, with the regulations in Part 95, Safeguarding of Restricted Data, and with all other applicable rules, regulations, and orders of the Commission.

DISSEMINATION PERMITS AND PRIVATE RESTRICTED DATA ACCESS AUTHORIZATIONS

§ 26.21 Applications for dissemination permits.

(a) Any person desiring to disseminate private restricted data (except as provided in § 95.31(a) (1) through (3) of this chapter) shall submit a written application in triplicate for a dissemination permit to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Assistant General Manager.

(b) An applicant who desires to disseminate private restricted data in the performance of his duties as an employee, shall identify his employer.

(c) An application shall include the following information:

(1) Name of applicant;

(2) Address of applicant;

(3) Description of business or occupation of applicant;

(4) Citizenship and age of applicant.

(5) If application is submitted in connection with the applicant's duties as an employee:

(i) Name of employer;

(ii) A statement by the applicant's employer authorizing the submission of the application;

(iii) If employer is a partnership, the name, citizenship and address of each partner and the principal address where the partnership does business;

(iv) If employer is a corporation or an unincorporated association:

(*a*) The State where it is incorporated or organized and the principal address where it does business;

(*b*) The name, address, and citizenship of each director and principal officer;

(c) Whether it is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government, and if so, the details.

(6) Description of the private restricted data that the applicant desires to disseminate and the period of time (not more than 2 years) during which such dissemination would take place.

(7) Whether the applicant desires to exchange, as well as disseminate, the private restricted data described in subparagraph (6) of this paragraph, with the persons identified in subparagraphs (8) and (9) of this paragraph, and thus will request a private restricted data access authorization.

(8) The total number of employees of the applicant or of the applicant's employer who would be given access to the private restricted data; the name and title of each such individual and a detailed explanation of each such individuals' previous access to restricted data.

(9) The name, title, and address of each person who is not employed by the applicant or by the applicant's employer to whom the applicant wishes to disseminate private restricted data and a detailed explanation of each such person's previous access to restricted data.

(10) A detailed explanation of the reason for the proposed dissemination of private restricted data.

(11) A detailed explanation showing the extent, if any, to which products or services provided by the applicant or by persons to whom the applicant desires to disseminate private restricted data would contain or reveal restricted data.

(12) A statement of security procedures adopted showing that the private restricted data is or will be protected in accordance with the regulations of Part 95 of this chapter.

(13) The application must be signed by the applicant.

§ 26.22 Requests for private restricted data access authorizations.

A request for a private restricted data access authorization may be made only by a person identified in a dissemination permit. The request for access authorization forms shall be in writing. Completed forms shall be submitted to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Assistant General Manager.

§ 26.23 Additional information from applicants.

The Commission may at any time either before or after issuance of a dissemination permit or private restricted data access authorization, require additional information in order to enable the Commission to determine whether in the interest of the common defense and security a dissemination permit or a private restricted data access authorization should be granted, denied, continued, modified, or revoked.

§ 26.24 Issuance of dissemination permits.

(a) Upon a determination (1) that an application for a dissemination permit meets the requirements of these regulations, (2) that the application demonstrates that the proposed dissemination would advance the peaceful applications of restricted data or atomic energy; (3) that the application complied with such additional requirements that the Commission may adopt for a particular category of restricted data; and (4) that permitting dissemination of the private restricted data described in the application to the extent proposed, or as modified by the Commission, will not endanger the common defense and security, the Commission will issue to the applicant a dissemination permit identifying the private restricted data that may be disseminated and the individuals to whom it may be disseminated, and who may exchange it, provided those individuals are granted private restricted data access authorizations.

(b) In considering the determination in paragraph (a) of this section the Commission may take into account (1) the relative importance to the common defense and security of the category of private restricted data which would be disseminated if the permit is issued; (2) the total number of individuals to whom the applicant desires to disseminate the private restricted data; (3) the total number of individuals who have access to Restricted Data in the category identified in the application; and (4) any other factors which in the opinion of the Commission affect the common defense and security.

(c) A person who possesses a dissemination permit is authorized to disseminate the private restricted data identified in the permit to the individuals identified in the permit provided the individuals are granted private restricted data access authorizations for such private restricted data.

§ 26.25 Issuance of private restricted data access authorizations.

(a) Upon a determination (1) that a dissemination permit identifying the applicant for private restricted data access authorizations has been issued, (2) that the applicant's procedures for safeguarding the private restricted data are in compliance with the regulations in Part 95 of this chapter, (3) that the applicant is eligible for access to the private restricted data identified in the dissemination permit, and (4) that granting the access authorization will not endanger the common defense and security, the Commission will grant to the applicant a private restricted data access authorization to the private restricted data identified in the dissemination permit.

(b) An individual who possesses a private restricted data access authorization is authorized, for such time as a dissemination permit identifying him is in effect, (1) to have access to the private restricted data identified in the dissemination permit in which the individual is identified, (2) to exchange that private restricted data with the other individuals identified in the same dissemination permit and who have been granted private restricted data access authorization, and (3) to disseminate that private restricted data in accordance with the regulations in § 95.31(a) (1) through (3) of this chapter.

§ 26.26 Special conditions applicable to categories of private restricted data.

(a) *Restricted data concerning atomic weapons and gas centrifuges.* No dissemination permit authorizing dissemination of private restricted data concerning information in category (a) or category (b) of the Appendix or private restricted data access authorization to such data will be issued; any person possessing such data is subject to the provisions of the regulations in Part 95 of this chapter concerning safeguarding of private restricted data.

(b) *Restricted data concerning gaseous diffusion and Naval Nuclear Propulsion.* Applications for dissemination permits authorizing dissemination of private restricted data concerning information in categories (c) and (d) of the Appendix will be considered by the Com-

mission under the criteria described in § 26.24.

§ 26.27 Terms and conditions of dissemination permits and private restricted data access authorizations.

(a) Each person granted a dissemination permit and each person granted private restricted data access authorization shall comply with all applicable provisions of the Atomic Energy Act of 1954, as amended, with the provisions of Part 95 of this chapter, with the regulations in this Part 26 and with all other applicable rules, regulations, and orders of the Commission.

(b) Each person granted a dissemination permit shall pay all established charges for private restricted data access authorizations requested by individuals identified in his dissemination permit.

(c) (1) Each person subject to this regulation will, upon request grant to the United States a nonexclusive, irrevocable license, to use and have used for Government purposes any U.S. patent or any U.S. patent application (otherwise in condition for allowance except for a secrecy order thereon) on any invention or discovery made or conceived during the term of the dissemination permit or the private restricted data access authorization by the holder of the dissemination permit or person granted access authorization in the course of work with the private restricted data. The United States will pay reasonable royalties for any such use it may make of any such invention or discovery.

(2) Each person subject to the regulations of this part will, upon request, grant to the Commission the right to use, for any Commission research, development, production, or manufacturing programs, any technical information or data of a proprietary nature, developed during work with the private restricted data by the holder of a dissemination permit or persons granted access authorization in the course of work with the private restricted data and not covered by a U.S. patent or U.S. patent application referred to in subparagraph (1) of this paragraph. In the event that the Commission desires to make use of such proprietary technical information or data, it will pay reasonable compensation therefor. If the Commission disseminates any such proprietary technical information or data in its possession to any of its contractors for use in any Commission research, development, production, or manufacturing programs, it will do so under contractual provisions pursuant to which the contractor would undertake to use this information only for the work under the pertinent Commission contract. Notwithstanding the foregoing provisions of this subparagraph, a person furnishing any information or data to the Commission waives any claim against the Commission for compensation or otherwise, in connection with any use or dissemination of information or data not specifically identified and claimed as proprietary in a written notice to the Commission at the time of the furnishing of the information or data to the Commission. Technical information or data shall not be deemed proprietary in nature whenever substantially the same technical information is available to the Commission which has been prepared, developed, or furnished as nonproprietary information by another source independently of the information and data furnished by the person subject to this regulation. The acceptance, exercise, or use of the licenses or rights provided for in subparagraph (1) and this subparagraph (2) of this paragraph (c) shall not prevent the Government, at any time, from contesting their validity, scope or enforceability.

(3) Each person granted a dissemination permit and each person granted a private restricted data access authorization shall furnish the Commission such reports as the Commission may from time to time require concerning the results of work with private restricted data, including reports in writing, in reasonable detail, respecting all technical information or data which the person or the Commission considers may be of interest to the Commission, and reports of patent applications on inventions or discoveries and of technical information and data of a proprietary nature.

(4) Each person subject to these regulations agrees to make available to the Commission, at all reasonable times, for inspection by Commission personnel or, by mutual agreement, others on behalf of the Commission, all experimental equipment and technical data developed, during work with private restricted data, by the holder of a dissemination permit or persons granted private restricted data access authorization. The foregoing provision of this subparagraph (4) shall be subject to the provisions of subparagraphs (1) and (2) of this paragraph (c).

§ 26.28 Term.

(a) A dissemination permit shall be issued for a 2-year term unless otherwise stated in the permit. When no longer needed for the purpose specified in the application therefor dissemination permits and private restricted data access authorizations shall be surrendered to the Commission and on such surrender the authority they had granted shall terminate.

(b) An application for renewal of a dissemination permit shall be filed in accordance with § 26.21. Each renewal application must be complete, without refcrence to previous applications. In any case in which a dissemination permit holder has filed a properly completed application for renewal more than thirty (30) days prior to the expiration of his existing permit, such existing permit shall not expire until the application for a renewal has been finally acted upon by the Commission.

(c) The expiration, suspension or revocation of a dissemination permit or private restricted data access authorization shall not relieve any individual from compliance with the Act, the provisions of Part 95 of this chapter or the regulations of this part.

§ 26.29 Amendment.

A dissemination permit may be amended from time to time upon application by the person to whom it was issued, filed in triplicate, in letter form and signed by the applicant.

§ 26.30 Suspension and revocation of permits.

The Commission may revoke or suspend any dissemination permit for any material false statement in the application or in any report submitted to the Commission pursuant to the regulations in this part or because of conditions or facts which would have warranted a refusal to grant the permit in the first instance, or for violation of any of the terms and conditions of the Atomic Energy Act of 1954, or Commission rules, regulations, or orders issued pursuant thereto.

§ 26.31 Administration.

With respect to each dissemination permit issued pursuant to the regulations of this part, the Commission will:

(a) Make a determination with respect to each private restricted data access authorization requested in connection with the dissemination permit; and

(b) Review the procedures submitted by the applicant for a dissemination permit and applicants for private restricted data access authorizations for the safeguarding of restricted data.

Communications regarding these matters should be addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Assistant General Manager.

§ 26.32 Exceptions and additional requirements.

Notwithstanding any other provision in the regulations in this part, the Commission may deny an application for a dissemination permit or a private restricted data access authorization or suspend or revoke any dissemination permit or private restricted data access authorization or incorporate additional conditions or requirements in any dissemination permit, upon finding that such denial, suspension, revocation, or the incorporation of such conditions or requirements is necessary or appropriate in the interest of the common defense and security or is otherwise in the public interest.

§ 26.33 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Such violations may also be subject to penal sanctions under the Act.

APPENDIX A—CATEGORIES OF PRIVATE RESTRICTED DATA

All Restricted Data (except that removed from the restricted data category pursuant to section 142) concerning:

(a) Atomic weapons and nuclear explosive devices or components thereof, including lasers and laser systems designed to produce or capable of producing in deuterium, tritium, or mixtures containing these materials, a 1 percent rise in temperature or a 1 percent rise in the mean kinetic energy of the charged particles at any point in the material or mixture as a result of thermonuclear reactions;

(b) Gas centrifuges and cascades of gas centrifuges capable of separating one or more isotopes of an element, technology concern-

ing and components of such centrifuges and cascades;

(c) Gaseous diffusion technology, gaseous diffusion plants, and gas seals and porous membranes useable in a gaseous diffusion plant; and

(d) Naval nuclear propulsion reactors and components of such reactors.

Dated at Washington, D.C., this 26th day of April 1967.

For the Atomic Energy Commission.

W. B. McCool,
Secretary to the Commission.

[F.R. Doc. 67-4850; Filed, May 1, 1967; 8:47 a.m.]

[10 CFR Part 95]

SAFEGUARDING OF RESTRICTED DATA

Notice of Proposed Rule Making

Notice is hereby given of proposed issuance of amendments to the regulations to make them applicable (in addition to persons receiving restricted data under an access permit issued pursuant to Part 25) (a) to any person who possesses restricted data which is within the categories of restricted data described in Appendix A to Part 25 and which is not under the direct security control, by contract or otherwise, of the Commission or a Government Agency, and (b) to any person possessing private restricted data.

Interested persons may submit written comments for consideration in connection with the proposed amendment to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 45 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given if the comments are not filed within the period specified.

PART 95—SAFEGUARDING OF RESTRICTED DATA

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95.45 Violations.

AUTHORITY: The provisions of this Part 95 issued under sec. 161, 68 Stat. 948, 42 U.S.C. 2201.

GENERAL PROVISIONS

§ 95.1 Purpose.

The regulations in this part establish requirements for the safeguarding of (a) restricted data which is within the categories of restricted data described in Appendix A to Part 25 and is not in the possession of or under the direct security control by contract or otherwise of the Commission or a Government agency and (b) private restricted data.

§ 95.2 Scope.

The regulations in this part apply to all persons (a) who possess restricted data which is within the categories of restricted data described in Appendix A to Part 25 and which is not under the direct security control, by contract or otherwise, of the Commission or a Government agency and (b) who possess private restricted data.

§ 95.3 Definitions.

As used in this part,

(a) "Access authorization" means an administrative determination by the AEC that an employee of an AEC contractor, an employee of a contractor of another Federal agency, or an employee of an access permittee is eligible for access to restricted data;

(b) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

(c) "Commission," "USAEC," or "AEC" means the U.S. Atomic Energy Commission or its duly authorized representatives;

(d) "Document" means any piece of recorded information regardless of its physical form or characteristics;

(e) "DOD" means the Department of Defense;

(f) "L(X) access authorization" means a determination by the AEC that an individual is eligible for access to confidential restricted data under an access permit;

(g) "NASA" means the National Aeronautics and Space Administration;

(h) "Permittee" means the holder of an access permit issued pursuant to the regulations in Part 25 of this chapter;

(i) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, or other entity; and (2) any legal successor, representative, agent or agency of the foregoing;

(j) "Q(X) access authorization" means a determination by the AEC that an individual is eligible for access to secret and confidential restricted data under an access permit;

(k) "Restricted data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the restricted data category pursuant to section 142 of the Act;

(l) "Security area" means a physically defined space, access to which is subject to security restrictions and control;

(m) "Security clearance" means an administrative determination by the AEC that an employee of the AEC or of another Federal agency is eligible for access to restricted data or defense information;

(n) "United States," when used in a geographical sense, includes all territories and possessions of the United States, the Canal Zone, and Puerto Rico.

(o) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

(p) "Dissemination permit" means a permit issued by the Atomic Energy Commission authorizing the named permittee to disseminate the private restricted data identified in the permit to the individuals identified in the permit provided those individuals are granted private restricted data access authorizations.

(q) "Private restricted data" means all restricted data identified in the Appendix of Part 26 which is generated, acquired, used or possessed in the course of activities, or for purposes other than (1) activities conducted by a Government agency or (2) work under a contract with, and funded in whole or in part by, the Government of the United States; and

(r) "Private restricted data access authorization" means a determination by the Atomic Energy Commission that an individual is eligible for access to specifically identified private restricted data.

§ 95.4 Communications.

Communications concerning the regulations in this part should be addressed to the U.S. Atomic Energy Commission at the Commission Operations Office (listed in Appendix B of 10 CFR Part 25) administering access permits for the geographical area if the communication involves an access permit or to the Atomic Energy Commission, Washington, D.C. 20545, attention: Assistant General Manager, if the communication involves any other matter. Communications involving an access permit may

be delivered in person at the Commission Operations Office. Other communications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C., or its office at Germantown, Md.

§ 95.5 Submission of procedures by access permit holder.

No permittee shall have access to restricted data until he shall have submitted to the Commission a written statement of his procedures for the safeguarding of restricted data and for the security education of his employees and the Commission shall have determined and informed the permittee that his procedures for the safeguarding of restricted data are in compliance with the regulations in this part and that his procedures for the security education of his employees assure that all his employees, who will have access to restricted data, are informed about and understand the regulations in this part.

§ 95.6 Specific waivers.

The Commission may, upon application of any interested party, grant such waivers from the requirements of this part as it determines are authorized by law and will not constitute an undue risk to the common defense and security.

§ 95.7 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 95.8 Requirements.

Each person to whom the regulations in this part apply shall comply with all applicable provisions of the Act, and with all other applicable rules, regulations and orders of the Commission.

Physical Security

§ 95.21 Protection of restricted data in storage.

(a) All persons subject to the regulations of this part shall store secret and confidential documents and material when not in use in accordance with one of the following methods:

(1) In a locked vault, safe or safe-type steel file cabinet having a three-position dial-type combination lock; or

(2) In a dual key, bank safety deposit box; or

(3) In a steel file cabinet secured by a steel lock bar and a three-position dial-type changeable combination padlock; or

(4) In a locked steel file cabinet when located in a security area established under § 95.23 or when the cabinet or the place in which the cabinet is located is under Commission approved automatic alarm protection.

(b) Changes of combination: Each person subject to the regulations of this part shall change the combinations on locks of his safekeeping equipment whenever such equipment is placed in use, whenever an individual knowing the combination no longer requires access to the repository as a result of change in duties or position in the permittee's organization, or termination of employment with the permittee, or whenever the combination has been subjected to compromise, and in any event at least once a year. Permittees shall classify records of combinations no lower than the highest classification of the documents and material authorized for storage in the safekeeping equipment concerned.

(c) The lock on safekeeping equipment of the type specified in paragraph (a)(4) of this section shall be replaced immediately whenever a key is lost.

§ 95.22 Protection while in use.

While in use, documents and material containing restricted data shall be under the direct control of an appropriately cleared individual and the restricted data shall be capable of being removed from sight immediately.

§ 95.23 Establishment of security areas.

(a) When, because of their nature or size, it is impracticable to safeguard documents and material containing restricted data in accordance with the provisions of §§ 95.21 and 95.22, a security area to protect such documents and material shall be established.

(b) The following controls shall apply to security areas:

(1) Security areas shall be separated from adjacent areas by a physical barrier designed to prevent entrance into such areas, and access to the restricted data within the areas, by unauthorized individuals.

(2) During working hours, admittance shall be controlled by an appropriately cleared individual posted at each unlocked entrance.

(3) During nonworking hours, admittance shall be controlled by protective personnel on patrol, with protective personnel posted at unlocked entrances, or by such automatic alarm systems as the Commission may approve.

(4) Each individual authorized to enter a security area shall be issued a distinctive badge or pass when the number of employees assigned to the area exceeds thirty.

§ 95.24 Special kinds of classified material.

When the restricted data contained in material is not ascertainable by observation or examination at the place where the material is located and when the material is not readily removable because of size, weight, radioactivity, or similar factors, the Commission may authorize the permittee to provide such lesser protection than is otherwise required by §§ 95.21 to 95.23, inclusive, as the Commission determines to be commensurate with the difficulty of removing the material.

§ 95.25 Protective personnel.

Whenever protective personnel are required by § 95.23, such protective personnel shall:

(a) Be armed with side-arms of not less than .38 caliber, and

(b) With respect to restricted data within the categories of Appendix A to Part 25, possess a "Q" or "L" security clearance or "Q(X)" or "L(X)" access authorization if the restricted data being protected is classified confidential or a "Q" security clearance or "Q(X)" access authorization if the restricted data being protected is classified Secret, or

(c) With respect to private restricted data, possess a private restricted data access authorization.

Control of Information

§ 95.31 Access to restricted data.

(a) Except as the Commission may authorize, no person subject to the regulations in this part shall permit any individual to have access to secret or confidential restricted data in his possession unless the individual:

(1) Is an AEC employee who requires access to the restricted data in connection with his official duties; or

(2) Has been certified to the Commission by DOD or NASA and the individual needs such access in connection with his duties as certified by DOD or NASA; or

(3) Is a Commission contractor employee, who has been granted appropriate access authorization by the Commission for access to the restricted data and who requires access to the restricted data in the course of the performance of his duties; or

(4) Has appropriate access authorization, is authorized by an access permit to receive restricted data in the categories involved and, in the case of secret restricted data, the permittee determines that the individual requires the access in the course of his duties; or

(5) Has been granted a private restricted data access authorization for the specific private restricted data.

(b) Inquiries concerning the clearance status of individuals, the scope of access permits, or the nature of contracts should be addressed to the Commission Office administering the access permit or the contract. Inquiries concerning private restricted data access authorizations should be addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Assistant General Manager.

§ 95.32 Classification and preparation of documents.

(a) *Classification.* (1) Restricted data originated by an access permit holder must be appropriately classified. "Guide to the Unclassified Fields of Research" will be furnished each permittee. In the event an access permit holder originates information within the definition of restricted data (§ 95.3(k)) or information which he is not positive is not within that definition and "Guide to Unclassified Fields of Research" does not provide positive classification guidance for such information, he shall designate the information as confidential restricted data and request classification guidance from the USAEC through the classification officer at the operations office administering the permit, who will refer the request to the Director, Division of Classification,

U.S. Atomic Energy Commission, Washington, D.C. 20545, if he does not have authority to provide the guidance.

(2) Private restricted data must be appropriately classified. Classification guidance is available from the Director, Division of Classification, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) *Classification consistent with content.* Each document containing restricted data shall be classified secret or confidential according to its own content.

(c) *Document which custodian believes improperly classified or lacking appropriate classification markings.* If a person receives a document which in his opinion is not properly classified, or omits the appropriate classification markings, he shall communicate with the sender and suggest the classification which he believes to be appropriate. Pending final determination of proper classification, such documents shall be safeguarded with the highest classification in question.

(d) *Classification markings.* Unless otherwise authorized below, the assigned classification of a document shall be conspicuously marked or stamped at the top and bottom of each page and on the front cover, if any, and the document shall bear the following additional markings on the first page and on the front cover:

RESTRICTED DATA

This document contains restricted data as defined in the Atomic Energy Act of 1954. Its transmittal or the disclosure of its contents in any manner to an unauthorized person is prohibited.

(e) *Documentation.* (1) All secret documents shall bear on the first page a properly completed documentation stamp such as the following:

This document consists of ____ pages. Copy No. ____ of ____ Series ____.

(2) The series designation shall be a capital letter beginning with the letter "A" designating the original set of copies prepared. Each subsequent set of copies of the same documents shall be identified by the succeeding letter of the alphabet.

(f) *Letter of transmittal.* A letter transmitting restricted data shall be marked with a classification at least as high as its highest classified enclosure. When the contents of the letter of transmittal warrant lower classification or require no classification, a stamp or marking such as the following shall be used on the letter:

When separated from enclosures handle this document as ----------.

(g) *Permanently fastened documents.* Classified books or pamphlets, the pages of which are permanently and securely fastened together, shall be conspicuously marked or stamped with the assigned classification in letters at least one-fourth (¼) inch in height at the top and bottom on the outside front cover, on the title page, on the front page and on the inside and outside of the back cover. The additional markings referred to in paragraph (d) of this section shall be placed on the first page and on the front cover.

(h) *Physically connected documents.* The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. It shall bear only one overall classification, although pages, paragraphs, sections, or components thereof may bear different classifications. Each document separated from the file or group shall be handled in accordance with its individual classification.

(i) *Attachment of security markings.* Documents which do not lend themselves to marking or stamping shall have securely affixed or attached a tag, sticker, or similar device bearing the appropriate security markings.

§ 95.33 External transmission of documents and material.

(a) *Restrictions.* (1) Documents and material containing restricted data shall be transmitted only to persons who possess appropriate clearance or access authorization and are otherwise eligible for access under the requirements of § 95.31.

(2) In addition, such documents and material shall be transmitted only to persons who possess facilities for their physical security consistent with this part. Any person subject to the regulation in this part who transmits such documents or material shall be deemed to have fulfilled his obligations under this subparagraph by securing a written certification from the prospective recipient that such recipient possesses facilities for its physical security consistent with this part.

(3) Documents and material containing restricted data shall not be exported from the United States without prior authorization of the Commission.

(b) *Preparation of documents.* Documents containing restricted data shall be prepared for transmission outside an individual installation in accordance with the following:

(1) They shall be enclosed in two sealed opaque envelopes or wrappers.

(2) The inner envelope or wrapper shall be addressed in the ordinary manner and sealed with tape, the appropriate classification shall be placed on both sides of the envelope and the additional marking referred to in § 95.32(d) shall be placed on the side bearing the address.

(3) The outer envelope or wrapper shall be addressed in the ordinary manner. No classification, additional marking or other notation shall be affixed which indicates that the document enclosed therein contains classified information or restricted data.

(4) A receipt, which identifies the document, the date of transfer, the recipient and the person transferring the document shall accompany the document and shall be signed by the recipient and returned to the sender whenever the custody of a secret document is transferred.

(c) *Preparation of material.* Material, other than documents, containing restricted data shall be prepared for shipment outside an individual installation in accordance with the following:

(1) The material shall be so packaged that the classified characteristics will not be revealed.

(2) A receipt which identifies the material, the date of shipment, the recipient, and the person transferring the material shall accompany the material and the recipient shall sign such receipt whenever the custody of secret material is transferred.

(d) *Methods of transportation.* (1) Secret documents and material shall be transported only by one of the following methods;

(i) Registered mail.

(ii) Railway or air express in "Armed Guard Service" or "Armed Surveillance Service."

(iii) Individuals possessing appropriate AEC security clearance or access authorization who have been given written authority by their employers.

(2) Confidential documents and material shall be transported by one of the methods set forth in subparagraph (1) of this paragraph or by one of the following methods:

(i) Certified or first-class mail, if approved by the Manager of Operations administering the Permit. Certified or first-class mail may not be used in any transmission of Confidential documents to Alaska, Hawaii, the Canal Zone, Puerto Rico, or any U.S. territory or possession.

(ii) Railway or air express "Protective Signature Service"; railway express "Recorded Tally Service" airlines "Protective Signature Service," when available; rail or motor vehicles in sealed car or sealed van service; or services providing equivalent protection.

(iii) Material in less than carload, truckload, or planeload lots, by regular commercial carrier when the container and its contents weigh more than 500 pounds and such container is locked and sealed.

(e) *Transmission by crytographic means.* Cryptographic systems shall not be used for the transmission of restricted data unless approved by the Commission.

(f) *Telephone conversations.* No discussion of classified information is permitted during a telephone conversation.

§ 95.34 Accountability for secret documents.

Each person subject to the regulations of this part possessing documents containing secret restricted data shall establish a document accountability procedure and shall maintain records to show the disposition of all such documents which have been in his custody at any time.

§ 95.35 Authority to reproduce.

Nothing in this part shall be deemed to prohibit any person possessing documents containing restricted data from reproducing any confidential documents, or any secret documents originated by him. He shall not reproduce any other documents containing secret restricted data without prior authorization from the Commission or from the originator of the document.

§ 95.36 Changes in classification.

Documents containing restricted data shall not be downgraded to a lower classification or declassified except as authorized by the Commission. Requests for downgrading or declassification shall be submitted to the AEC's Operations Office administering the permit; the U.S. Atomic Energy Commission, Declassification Branch, Oak Ridge Operations Office, Post Office Box E, Oak Ridge, Tenn. 37831 or U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Division of Classification. If the Commission approves a change of classification or declassification, the previous classification marking shall be canceled and the following statement, properly completed, shall be placed on the first page of the document:

Classification canceled (or changed to) _____ by authority of
(Insert appropriate classification)

_____
(Person authorizing change in classification)
by _____
(Signature of person making change and date thereof)

Any person making a change in classification or receiving notice of such a change shall forward notice of the change in classification to holders of all copies as shown on his records.

§ 95.37 Destruction of documents or material containing restricted data.

(a) Documents containing restricted data may be destroyed only by shredding and burning, pulping, or by any other method that assures complete destruction of the information. If the document contains secret restricted data, a permanent record of the subject, title, or report number of the document, its date of preparation, its series designation and copy number, and the date of destruction shall be signed by the person destroying the document and shall be maintained in the office of the last custodian.

(b) Restricted data contained in material, other than documents, may be destroyed only by a method that assures complete obliteration, removal, or destruction of the restricted data.

§ 95.38 Suspension or revocation of access authorization or private restricted data access authorization.

In any case where the access authorization or the private restricted data access authorization of an individual subject to the regulations in this part is suspended or revoked in accordance with the procedures set forth in Part 10 of this chapter, such individual shall, upon due notice from the Commission of such suspension or revocation and demand by the Commission, deliver to the Commission any and all documents or materials in his possession containing restricted data for safekeeping and such further disposition as the Commission determines to be just and proper.

§ 95.39 Expiration, suspension, or revocation of access permits.

(a) Upon expiration of an access permit, the person to whom such permit has been issued may, except as provided in paragraph (b) of this section: (1) Deliver all documents or materials in his possession containing restricted data to the Commission or to a person authorized to receive them and file with the Commission a certificate of nonpossession of restricted data; (2) destroy them, and file with the Commission a certificate of nonpossession; or (3) file with the Commission a certified inventory of restricted data attached to a request for approval of retention of such data. A person retaining restricted data must maintain an active access permit unless otherwise authorized by the Commission.

(b) In any case where an access permit has expired or has been suspended or revoked and the Commission has determined that further possession by the former access permit holder of documents or materials containing restricted data would endanger the common defense and security, such former access permit holder shall upon due notice from the Commission of such expiration, suspension, or revocation and of such determination, deliver to the Commission any and all documents or materials in his possession containing restricted data for safekeeping and such further disposition as the Commission determines to be just and proper.

§ 95.40 Expiration, suspension, or revocation of dissemination permits or private restricted data access authorizations.

(a) Upon expiration of a dissemination permit or a private restricted data access authorization, the person to whom such permit or access authorization has been issued may, except as provided in paragraph (b) of this section: (1) Deliver all documents or materials in his possession containing restricted data to the Commission or to a person authorized to receive them and file with the Commission a certificate of nonpossession of restricted data, or (2) destroy them and file with the Commission a certificate of nonpossession, or (3) file with the Commission a certified inventory of restricted data attached to a statement that all restricted data in his possession will be retained and safeguarded in accordance with the provisions of the regulations of this part.

(b) In any case where a dissemination permit or private restricted data access authorization has expired or has been suspended or revoked and the Commission has determined that further possession by the former dissemination permittee or person formerly possessing the private restricted data access authorization of documents or materials containing restricted data would endanger the common defense and security, such former permittee or former access authorization holder shall upon due notice from the Commission of such expiration, suspension or revocation and of such determination, deliver to the Commission any and all documents or materials in his possession containing restricted data for safekeeping and such further disposition as the Commission determines to be just and proper.

§ 95.41 Termination of employment or change of duties.

Each permittee or holder of a dissemination permit shall furnish promptly to the Commission written notification of the termination of employment of each individual who possesses an access authorization or private restricted data access authorization under his permit or whose duties are changed so that access to restricted data is no longer needed. Upon such notification, the Commission may (a) terminate the individual's access authorization or private restricted data access authorization or (b) transfer the individual's access authorization to the new employer of the individual to allow continued access to restricted data where authorized pursuant to Commission regulations. Permittees shall also report to the cognizant AEC Operations Office at the end of each calendar year the use made of the permit and access authorizations during the year, the number of "Q(X)" and "L(X)" access authorizations received or terminated during the year and the number remaining active at the end of the year and such other information requested by the Commission for determination of the use and continuing need of the access permit program.

§ 95.42 Continued applicability of the regulations in this part.

The expiration, suspension, revocation of other termination of a security clearance, access authorization, access permit, private restricted data access authorization, or dissemination permit shall not relieve any person from compliance with the regulations in this part.

§ 95.43 Reports.

Each person subject to the regulations of this part shall report promptly to the Commission Office administering the access permit, dissemination permit or private restricted data access authorization all losses of restricted data documents or material and to that Commission Office and the nearest office of the Federal Bureau of Investigation any alleged or suspected violation of the Atomic Energy Act or the Espionage Act.

§ 95.44 Inspection.

The Commission may make such inspections of the premises, activities, records, and procedures of any person subject to the regulations in this part as the Commission deems necessary to effectuate the purposes of the Act.

§ 95.45 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates, attempts to violate or conspires to violate any provision of the Act or any regulation or order issued thereunder, including the provisions of this part, may be guilty of a crime and upon conviction may be punished by fine or imprisonment, or both, as provided by law.

Dated at Washington, D.C., this 26th day of April 1967.

For the Atomic Energy Commission.

W. B. McCool,
Secretary to the Commission.

[F.R. Doc. 67-4851; Filed, May 1, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 233]

[Docket No. 18470]

TRANSPORTATION OF MAIL

Free Travel for Postal Employees

April 26, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to Part 233 of its Economic Regulations (14 CFR Part 233), which would add to and modify the list of Post Office Department employees eligible for free air transportation without having to present a "Request for Access to Aircraft for Free Transportation" on U.S. Government Standard Form No. 160.

The principal features of the proposed amendments are described in the Explanatory Statement below and the proposed amendments are set forth in the Proposed Rule below. The revised regulation is proposed under the authority of sections 204(a) and 405(j) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 760; 49 U.S.C. 1324, 1375).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before June 1, 1967, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] Harold R. Sanderson,
Secretary.

Explanatory statement. Under section 405(j) of the Act, "such duly accredited agents and officers of the Post Office Department * * * as the Board may by regulation prescribe" are entitled to free air transportation "while traveling on official business relating to the transportation of mail by aircraft." Part 233 implements this section. The Post Office Department has requested amendments to § 233.1 (c) through (f), to expand and modify the list of Postal employees who may obtain free transportation merely upon presentation of their credentials. The Department states that this request has been necessitated by the creation, under Public Law 89-492, of a new Departmental Bureau and of an additional Assistant Postmaster General, by creation of other new positions, and by the increased need for certain officials to travel on business relating to the transportation of mail by aircraft. The rule proposed herein would amend Part 233 in accordance with the Department's request.

Proposed rule. It is proposed to amend Part 233 of the Economic Regulations (14 CFR Part 233) by amending paragraphs (c) through (f) of § 233.1 to read as follows:

§ 233.1 Postal employees to be carried free.

* * * * *

(c) The Executive Assistant to the Postmaster General; the three (3) Special Assistants to the Postmaster General; the Administrative Assistant to the Posmaster General; the two (2) Executive Assistants to the Deputy Postmaster General; and the Director, Office of Regional Administration and his Deputy.

(d) The Assistant Postmaster General—Operations; the Assistant Postmaster General—Transportation and International Services; the Assistant Postmaster General—Finance and Administration; the Assistant Postmaster General—Facilities; the Assistant Postmaster General—Personnel; the principal Deputy of each of the foregoing Assistant Postmasters General; the Assistant Postmaster General—Research and Engineering; and the Director of Administration in the Bureau of Research and Engineering.

(e) The Chief Postal Inspector; the Deputy Chief Postal Inspector; the General Counsel; the Deputy General Counsel; and the Director, Office of Planning and Systems Analysis.

(f) The Director, Distribution and Routing Division; the Director, Air Transportation Branch; the Director, International Service Division, Bureau of Transportation and International Services; the Assistant General Counsel, Transportation; the Regional Director in each of the fifteen Postal Regions; the fifteen (15) Postal Inspectors-in-Charge; and the Field Service Officers in Alaska.

* * * * * *

[F.R. Doc. 67-4871; Filed, May 1, 1967; 8:49 a.m.]

[14 CFR Part 302]

[Docket No. 18467]

LOCAL SERVICE CARRIERS

Servicing Expense

April 25, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Subpart K of Part 302 of the Procedural Regulations (14 CFR Part 302) which would prescribe a new standardized method for use in Board proceedings for estimating servicing expense for local service routes and route proposals.

The principal features of the proposed amendment are described in the explanatory statement below and the proposed amendment is set forth in the proposed rule below. The amendment is proposed under the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 788; 49 U.S.C. 1324, 1481).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant communications received on or before June 1, 1967, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon request thereof.

By the Civil Aeronautics Board.

[SEAL] Harold R. Sanderson,
Secretary.

Explanatory statement. Subpart K of Part 302 of the Board's Procedural Regulations prescribes a standardized method to be used in preparing cost estimates for Board proceedings where cost estimates are desired for existing or proposed local service routes or segments. This subpart was originally adopted by the Board on August 27, 1963, in order to eliminate from these proceedings extensive arguments and introduction of evidence as to the soundness or unsoundness of particular costing methods used, and to facilitate comparing the expenses of different carriers, something not easily done when varying methods of estimating costs were used. When the Board issued the notice of proposed rule making for Subpart K, PDR-17 (26 F.R. 12623), it stated that because of the "complexity, magnitude and importance of the problem" of formulating a standardized costing method, the proposed method "should be viewed as a tentative solution which is being advanced because it is the only costing technique currently known to the Board which satisfies the desired criteria of uniformity and objectivity."

We are now proposing to amend the present Subpart K by replacing the present method of computing servicing expense (expenses not associated with aircraft operating expense) with a more advanced technique which meets the standards of uniformity and objectivity. Section 302.1105 of the Procedural Regulations, which deals with servicing expenses, will be the only section affected.

The present § 302.1105 divides servicing expense into regional and system servicing expense and local servicing expense, the latter involving expenses related to particular stations. This division was adopted because it was being used in the Schedule P-9 of the Form 41 reports, and variations in these two expense categories have, in some instances, had good correlations with variations of traffic. The difficulty with this procedure, however, is that the division between system and local servicing expense results entirely from accounting allocations. This permits changes in the proportion of the total expense in each of these categories merely by modifications in a carrier's accounting methods and allocation of expenses, even though the

actual nature of a carrier's operations has remained unchanged. Such changes in allocations, in turn, would affect the final calculation of unit cost in each category, thus affecting the prediction of a carrier's costs on a proposed route.[1] In addition, there is no way of knowing whether a change in a carrier's ratio of local and system unit costs has resulted from alterations in its accounting allocations or the nature of its operation. And since methods of allocation of system and local expenses vary from carrier to carrier, there is also the problem of lack of standardization that existed before the present cost methods were proposed. The proposed method would eliminate the problems resulting from accounting allocations, because it is a statistical approach which combines all servicing expense as part of one set of calculations.

The second important improvement over the present method in § 302.1105 is that the procedure for computing station (local) expenses would be prescribed by the Board. The present rule prescribes only the method for estimating the regional and system portion of servicing expense, and each party is free to compute the station expense in any manner which it chooses. Although station costs are an important part of the total servicing expense, the Board followed this course because the original proposal did not give proper weight to the many variable factors affecting station expense.[2] The proposed method, however, includes statistical measurements which take into account the effect of these variables, thus enabling the inclusion of station costs in the servicing expense estimates.

The new method involves the use of a multiple regression formula instead of a simple regression, and thus four factors are used, instead of one, to measure changes in servicing expense. The present estimates of expense are based on changes in traffic alone, whereas the volume of service offered and the number of stations served[3] are also important factors. Although historically there is a close correlation between variations in traffic and servicing expense, a carrier's costs are also affected by changes in its volume of service and number of stations. Therefore, if the cost variations related to each of these factors can be measured, this should be done in order to correlate costs more closely with actual operations rather than relying entirely on historical traffic relationships. The proposed method would thus permit assessment of the changes in volume of service, number of points served, as well as volume of traffic and length of haul.

The theoretical basis of the proposed costing technique is a statistical correlation between reported airline servicing expense and the various measures of effort expended by the carriers. Unit costs are determined by multiple regression analyses of the relationships of the various units of effort with servicing expense. The total cost of any operation is then obtained by multiplying the number of units of each type of effort by its unit cost and summing their products.

Under the proposed method, total servicing expense is obtained by subtracting aircraft operating expense from total operating expense as reported by each carrier. The units of effort are classified in three broad functional categories to measure (1) volume of service, (2) volume of traffic and (3) the number of points served. Statistical factors were derived, where necessary, to give each of these categories a value based on a standard arithmetic unit of measurement. Volume of service is measured in units of weighted departures. Each departure performed is weighted by the capacity of the aircraft type used in order to reflect the differing sizes of departures. The capacity of each type of aircraft is derived for each carrier by dividing the reported available ton-miles by the reported aircraft miles flown in revenue service. Volume of traffic is measured in units of revenue tons originated and revenue ton-miles. Revenue tons originated measure the volume of traffic boarded, while revenue ton-miles (the sum of the miles each ton is carried) reflects the length of haul. The number of points served is measured by the average number of stations on the system. Since stations also vary in size and activity, they are weighted by the number of weighted departures produced.

The use of two components to measure traffic permits distinguishing between short and long haul operations and reflecting the consequent effect upon cost. The boarding cost, which is reflected by the cost per ton originated, is used in conjunction with haul cost based upon the cost per mile each ton is carried. The combination of these cost aspects will produce a decreasing rate per ton-mile as the boarding cost is spread over longer trips or journeys. Likewise, as traffic increases in relation to weighted departures, the increased efficiency is reflected in lower unit cost by spreading the cost of capacity[4] over increasing volumes of traffic. Improved efficiency and cost relationships can also be gained in a similar fashion by spreading station cost over greater volumes of traffic and service. Accordingly, under the proposed method, the proportionate mix of volume of service, volume of traffic, and number of points served, as opposed to single units of measure, will play an increased role in the determination of expense estimates and comparative efficiencies.

The proposed costing method is stated in terms of cost per weighted departure unit, which varies with the number of revenue tons originated and revenue ton-miles per weighted departure, and the total number of stations on the system. These units are derived by dividing total servicing expense, revenue tons originated and revenue ton-miles by total weighted departures for each of the 24 local service and domestic trunkline carriers for 12-month periods ending March 31 and September 30 of each year, over a 5-year period. The average number of stations on each carrier's system during each period is then introduced. The equation would appear as follows:[5]

$$\frac{\text{Servicing expense}}{\text{Weighted departures}} = a + \frac{\text{(Revenue tons originated)}}{\text{(Weighted departures)}} b + \frac{\text{(Revenue ton-miles)}}{\text{(Weighted departures)}} c + \text{(Number of Stations)}\, d$$

A tabulation of the above data results in 240 observations consisting of one dependent variable and three independent variables. The result of the multiple regression produces an industry trend from which each individual carrier may deviate from time to time. Therefore, after values are computed for each carrier based upon the industry trend, they are then adjusted to coincide with each carrier's actual experience during the most recent 12-month period used in the regression analysis.

The procedures to be followed in constructing estimates of servicing expense associated with route modifications are set forth in the proposed rule. The proposed prescribed unit cost, basic data and computations are in the compilation entitled "Proposed Local Service Air Carriers' Unit Cost for Estimating Total Servicing Expense," copies of which are available at the Board's offices in the Docket Section, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Proposed rule. It is proposed to amend Subpart K of Part 302 by replacing the present § 302.1105 with a new § 302.1105, which reads as follows:

§ 302.1105 Servicing expense.

(a) In order to determine the amount of servicing expense, add the cost associated with the change in the number of (1) weighted departures, (2) weighted stations, (3) revenue tons originated and (4) revenue ton-miles as determined herein.

(b) In order to determine the amount of expense associated with the number of weighted departures, proceed in accordance with the following steps:

---

[1] Cost estimates are made by first calculating a carrier's incremental costs (cost per revenue ton-mile, since that is the basic unit now used) for a prescribed period. Then that incremental cost is multiplied by the change in the number of such units associated with the route modification.

[2] See preamble to Subpart K, 28 F.R. 9591, Aug. 31, 1963.

[3] Although the total number of stations has only a small effect in causing variations in the total system expense, it is important to isolate the cost causing effect of the number of stations because of the necessity for local service carriers to add or delete stations as a result of Board orders.

[4] Capacity is measured by weighted departures. See derivation of weighted departures, in the previous paragraph.

[5] In the equation, "a" represents the unit cost of each weighted departure; "b" represents the unit cost of a revenue ton originated; "c" represents the unit cost per revenue ton-mile; and "d" represents the unit cost per weighted station.

(1) Refer to the compilation for the latest 12-month period setting forth each carrier's average capacity by aircraft type. Multiply the change in the number of departures to be caused by the proposed route modifications by the relevant aircraft capacity to obtain the total weighted departure units involved in the change.

(2) Refer to the compilation for the latest 12-month period setting forth the prescribed weighted departure unit rate for each carrier, and ascertain the applicable figure.

(3) Multiply the amount ascertained in subparagraph (2) of this paragraph by the number of weighted departure units determined in subparagraph (1) of this paragraph to determine the amount of weighted departure expense.

(c) In order to determine the amount of expense associated with the change in the number of weighted station units, proceed in accordance with the following steps:

(1) In accordance with paragraph (b)(1) of this section, ascertain the change in the number of weighted departures which would occur at existing stations on the carrier's system caused by the proposed modification. Multiply the change in the number of weighted departures by the total number of existing stations on the carrier's system to determine the change in the number of weighted station units associated with existing stations.

(2) In accordance with paragraph (b)(1) of this section, ascertain the number of weighted departures which would occur at any new stations to be added to the carrier's system caused by the proposed route change. Multiply the number of weighted departures occurring at the new stations by the sum of the existing stations on the carrier's system plus the number of new stations to be added to the system to determine the number of weighted station units associated with any new stations to be added to the carrier's system caused by the proposed route change.

(3) Refer to the compilation for the latest 12-month period setting forth the prescribed weighted station unit rate for each carrier and ascertain the applicable figure.

(4) Multiply the amount ascertained in subparagraph (3) of this paragraph by the sum of the weighted station units determined in subparagraphs (1) and (2) of this paragraph to determine the amount of weighted station expense.

(d) In order to determine the amount of expense associated with the change in the number of revenue tons originated, proceed in accordance with the following steps:

(1) Refer to the compilation for the latest 12-month period setting forth for each carrier the prescribed unit rate per revenue ton originated, and ascertain the applicable figure.

(2) Multiply the amount ascertained in subparagraph (1) of this paragraph by the change in the number of revenue tons originated to be caused by the proposed route modification in order to determine the amount of expense for revenue tons originated.

(e) In order to determine the amount of expense associated with the change in the number of revenue ton-miles, proceed in accordance with the following steps:

(1) Refer to the compilation for the latest 12-month period setting forth for each carrier the prescribed unit rate per revenue ton-mile, and ascertain the applicable figure.

(2) Multiply the amount ascertained in subparagraph (1) of this paragraph by the change in the number of revenue ton-miles to be caused by the proposed route modification in order to determine the amount of expense for revenue ton-miles.

[F.R. Doc. 67-4872; Filed, May 1, 1967; 8:49 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 308]

RULES OF PRACTICE AND PROCEDURES FOR CONDUCT OF HEARINGS

Notice of Proposed Rule Making

The Board of Directors of the Federal Deposit Insurance Corporation is considering the adoption of a revised Part 308 of its rules and regulations (12 CFR Part 301 et seq.).

The proposed revised Part 308 would prescribe rules of practice and procedures to be followed by the Federal Deposit Insurance Corporation in hearings held pursuant to the provisions of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) pertaining to (1) involuntary termination of the insured status of any bank, (2) the issuance of cease-and-desist orders against any insured State nonmember bank, and (3) the issuance of orders removing or suspending from office and/or prohibiting from further participation in the conduct of the bank's affairs, any director or officer of an insured State nonmember bank or any other person participating in the conduct of the affairs of such a bank.

This notice is published pursuant to section 4 of the Administrative Procedure Act and Part 302 of the Federal Deposit Insurance Corporation's rules and regulations (12 CFR Part 302).

To aid in the consideration of these matters, the Board of Directors will be glad to receive from interested persons any relevant data, views, or arguments. Such material should be sent to the Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429. All such material should be submitted in writing to be received not later than May 31, 1967.

The proposed revised Part 308 would read as follows:

PART 308—RULES OF PRACTICE AND PROCEDURES

Subpart A—Rules of Practice Applicable to All Hearings

Sec.
308.1 Scope.
308.2 Appearance and practice before the Corporation.
308.3 Notice of hearing.
308.4 Answer.
308.5 Conduct of hearings.
308.6 Subpenas.
308.7 Rules of evidence.
308.8 Motions.
308.9 Proposed findings and conclusions and recommended decision.
308.10 Exceptions.
308.11 Briefs.
308.12 Oral argument before the Board of Directors.
308.13 Notice of submission to the Board of Directors.
308.14 Decision of Board of Directors.
308.15 Filing papers.
308.16 Service.
308.17 Copies.
308.18 Computing time.
308.19 Documents in proceedings confidential.
308.20 Formal requirements as to papers filed.

Subpart B—Rules and Procedures Applicable to Proceedings for the Involuntary Termination of Insured Status

308.21 Scope.
308.22 Grounds for termination of insured status.
308.23 Notice of intention to terminate insured status.
308.24 Order terminating insured status.
308.25 Consent to termination of insured status.
308.26 Notice of termination of insured status.
308.27 Termination of insured status of banking institution not engaged in the business of receiving deposits other than trust funds.

Subpart C—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

308.28 Scope.
308.29 Grounds for cease-and-desist orders.
308.30 Notice of charges and hearing.
308.31 Issuance of order.
308.32 Effective date.
308.33 Temporary cease-and-desist orders.
308.34 Effective date of temporary order.

Subpart D—Rules and Procedures Applicable to Proceedings Relating to Removal and Suspension Orders

308.35 Scope.
308.36 Grounds for removal order.
308.37 Grounds for suspension order.
308.38 Effective date of suspension order.
308.39 Notice of intention to remove and hearing.
308.40 Issuance of removal order and effective date.
308.41 Suspensions and removal where felony charged.

AUTHORITY: The provisions of this Part 308 issued under sec. 9, 64 Stat. 881; 12 U.S.C. 1819. Interpret or apply secs. 8, 10, 64 Stat. 879, 882; 80 Stat. 1028; 12 U.S.C. 1818, 1820.

Subpart A—Rules of Practice Applicable to All Hearings

§ 308.1 Scope.

(a) This subpart prescribes rules of practice and procedure followed by the

Federal Deposit Insurance Corporation in hearings held pursuant to the provisions of section 8 of the Federal Deposit Insurance Act pertaining to (1) involuntary termination of the insured status of any bank, (2) the issuance of cease-and-desist orders against any insured State nonmember bank, and (3) the issuance of orders removing or suspending from office and/or prohibiting from further participation in the conduct of the bank's affairs, any director or officer of an insured State nonmember bank or any other person participating in the conduct of the affairs of such a bank.

(b) In connection with any proceeding under Subparts C or D of this part, the Corporation will provide the appropriate State supervisory authority with timely notice of its intent to institute such a proceeding and the grounds therefor. Unless within such time as the Corporation deems appropriate in the light of the circumstances of the case (which time will be specified in the notice) satisfactory corrective action is effectuated by action of the State supervisory authority, the Corporation will proceed as provided in Subparts C and D of this part.

§ 308.2 Appearance and practice before the Corporation.

(a) *Power of attorney and notice of appearance.* Any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, may represent others before the Corporation upon filing with the Secretary a written declaration that he is currently qualified as provided by this paragraph, and is authorized to represent the particular party on whose behalf he acts. Any other person desiring to appear before or transact business with the Corporation in a representative capacity may be required to file with the Secretary of the Corporation a power of attorney showing his authority to act in such capacity, and he may be required to show to the satisfaction of the Board of Directors that he has the requisite qualifications. Attorneys and representatives of parties to proceedings shall file a written notice of appearance with the Secretary or with the trial examiner.

(b) *Summary suspension.* Contemptuous conduct at an argument before the Board of Directors or at a hearing before a trial examiner shall be ground for exclusion therefrom and suspension for the duration of the argument or hearing.

§ 308.3 Notice of hearing.

Whenever a hearing is ordered by the Board of Directors in any proceeding pursuant to section 8 of the Federal Deposit Insurance Act, a notice of hearing shall be given by the Secretary or other designated officer acting for the Board of Directors to the party afforded the hearing and to the appropriate supervisory authority. Such notice shall state the time, place, and nature of the hearing, the trial examiner, and the legal authority and jurisdiction under which the hearing is to be held, and shall contain a statement of the matters of fact or law constituting the grounds for the hearing, and shall be delivered by personal service, by registered or certified mail to the last known address, or other appropriate means, sufficiently in advance of the date set for hearing to comply with the provisions of the Federal Deposit Insurance Act.

§ 308.4 Answer.

(a) *When required.* In any notice of hearing issued by the Board of Directors, the Board of Directors may direct the party or parties afforded the hearing to file an answer to the allegations contained in the notice, and any party to any proceeding may file an answer. Except where a different period of not less than 10 days after service of a notice of hearing is specified by the Board of Directors, a party directed to file an answer, or a party who elects to file an answer, shall file the same with the Secretary within 20 days after service upon him of the notice of hearing.

(b) *Requirements of answer; effect of failure to deny.* An answer filed under this section shall specifically admit or deny each allegation in the notice of hearing unless the party is without knowledge or information, in which case his answer shall so state and the statement shall have the effect of a denial. Any allegation not denied shall be deemed to be admitted. When a party intends in good faith to deny only a part or a qualification of an allegation, he shall specify so much of it as is true and shall deny only the remainder.

(c) *Admitted allegations.* If a party filing an answer under this section elects not to contest any of the allegations of fact set forth in the notice of hearing, his answer shall consist of a statement that he admits all of the allegations to be true. Such an answer shall constitute a waiver of hearing as to the facts alleged in the notice, and together with the notice will provide a record basis on which the trial examiner shall file with the Secretary his recommended decision containing his findings of fact, conclusions of law and proposed order. Any such party may, however, upon service of the recommended decision, findings, conclusions and proposed order of the trial examiner, file exceptions thereto within the time provided in § 308.10(a).

(d) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the time provided shall be deemed to constitute a waiver of his right to appear and contest the allegations of the notice of hearing and to authorize the trial examiner, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Secretary a recommended decision containing such findings and appropriate conclusions. The Board of Directors or the trial examiner may, for cause shown, permit the filing of a delayed answer after the time for filing the answer has expired.

(e) *Opportunity for informal settlement.* Any interested party may at any time submit to the Secretary, for consideration by the Board of Directors, written offers or proposals for settlement of a proceeding, without prejudice to the rights of the parties. No such offer or proposal, or counteroffer or proposal, shall be admissible in evidence over the objection of any party in any hearing in connection with such proceeding. The foregoing provisions of this section shall not preclude settlement of any proceeding through the regular adjudicatory process by the filing of an answer as provided in this section, or by submission of the case to the trial examiner on a stipulation of facts and an agreed order.

§ 308.5 Conduct of hearings.

(a) *Selection of trial examiner.* Any hearing shall be held before a trial examiner selected by the Civil Service Commission and designated by the Board of Directors and, unless otherwise provided in the notice of hearing, shall be conducted as hereinafter provided.

(b) *Authority of trial examiner.* All hearings governed by this part shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. The trial examiner designated by the Board of Directors to preside at any such hearing shall have complete charge of the hearing, and he shall have the duty to conduct it in a fair and impartial manner and to take all necessary action to avoid delay in the disposition of proceedings. Such examiner shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpenas and subpenas duces tecum, as authorized by law, and to revoke, quash, or modify any such subpena;

(3) To receive relevant evidence and to rule upon the admission of evidence and offers of proof;

(4) To take or cause depositions to be taken;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel;

(6) To hold conferences for the settlement or simplification of issues or for any other proper purpose; and

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adversary proceeding, except that a trial examiner shall not have power to decide any motion to dismiss the proceedings or other motion which results in final determination of the merits of the proceedings.

Without limitation on the foregoing provisions of this paragraph, the trial examiner shall, subject to the provisions of this part, have all the authority of section 556(c) of title 5 of the United States Code.

(c) *Prehearing conference.* The trial examiner may, on his own initiative or at the request of any party, direct counsel for all parties to meet with him at a specified time and place prior to the hearing, or to submit suggestions to him in writing, for the purpose of considering any or all of the following:

(1) Simplification and clarification of the issues;

(2) Stipulations, admissions of fact and of the contents and authenticity of documents;

(3) Matters of which official notice will be taken; and

(4) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

Such conferences shall, at the request of any party, be recorded and at the conclusion thereof the trial examiner shall enter in the record an order which recites the results of the conference. Such order shall include the examiner's rulings upon matters considered at the conference, together with appropriate directions to the parties, if any; and such order shall control the subsequent course of the proceedings, unless modified at the hearing to prevent manifest injustice. Except as authorized by law, the trial examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate, nor be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions in any case shall, in that case or a factually related case, participate or advise in the decision of the trial examiner except as a witness or counsel in the proceedings.

(d) *Attendance at hearings.* A hearing shall be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying, and other persons having an official interest in the proceedings: *Provided, however,* That where the Board of Directors, in its discretion, after fully considering the views of the party afforded the hearing, determines that a public hearing is necessary to protect the public interest, the Board of Directors may order the hearing be public.

(e) *Transcript of testimony.* Hearings shall be recorded and transcripts will be made available to any party upon payment of the cost thereof and, in the event the hearing is public, shall be furnished on similar payment to other interested persons. A copy of the transcript of the testimony taken at any hearing, duly certified by the reporter, together with all exhibits, all papers and requests filed in the proceeding, and any briefs or memoranda of law theretofore filed in the proceeding, shall be filed with the Secretary of the Corporation, who shall transmit the same to the trial examiner. The Secretary shall promptly serve notice upon each of the parties of such filing and transmittal. The trial examiner shall have authority to rule upon motions to correct the record.

(f) *Order of procedure.* The counsel for the Corporation shall open and close.

(g) *Continuances and changes or extensions of time and changes of place of hearing.* Except as otherwise expressly provided by law, the Board of Directors may by the notice of hearing or subsequent order provide time limits different from those specified in this part, and the Board of Directors may, on its own initiative or for good cause shown, change or extend any time limit prescribed by the rules of this part or the notice of hearing, or change the time and place for beginning any hearing hereunder. The trial examiner may continue or adjourn a hearing from time to time and, as permitted by law or agreed to by the parties, from place to place. Extensions of time for making any filing or performing any act required or allowed to be done within a specified time in the course of a proceeding may be granted by the trial examiner for good cause shown.

(h) *Call for further evidence, oral argument, briefs, reopening of hearing.* The trial examiner may call for the production of further evidence upon any issue, may permit oral argument and submission of briefs at the hearing and, upon appropriate notice, may reopen any hearing at any time prior to the certification of his recommended decision to the Secretary. The Board of Directors shall render its decision within 90 days after the Secretary has notified the parties, pursuant to § 308.13, that the case has been submitted to the Board of Directors for final decision, unless within such 90-day period the Board of Directors shall order that such notice be set aside and the case reopened for further proceedings.

§ 308.6 Subpenas.

(a) *Issuance.* The trial examiner, or in the event he is unavailable, the Board of Directors, shall issue subpenas at the request of any party, requiring the attendance of witnesses or the production of documentary evidence at any designated place of hearing; except that where it appears to the trial examiner or the Board of Directors that the subpena may be unreasonable, oppressive, excessive in scope, or unduly burdensome, the party seeking the subpena may be required, as a condition precedent to the issuance of the subpena, to show the general relevance and reasonable scope of the testimony or other evidence sought. In the event the trial examiner or the Board of Directors, after consideration of all the circumstances, determines that the subpena or any of its terms are unreasonable, oppressive, excessive in scope, or unduly burdensome, he or it may refuse to issue the subpena, or issue it only upon such conditions as fairness requires.

(b) *Motion to quash.* Any person to whom a subpena is directed may, prior to the time specified therein for compliance but in no event more than five days after the date of service of such subpena, with notice to the party requesting the subpena, apply to the trial examiner, or, if he is unavailable, to the Board of Directors, to revoke, quash, or modify such subpena, accompanying such application with a statement of the reasons therefor.

(c) *Service of subpena.* Service of a subpena upon a person named therein shall be made by delivering a copy of the subpena to such person and by tendering the fees for 1 day's attendance and the mileage as specified in paragraph (d) of this section, except that when a subpena is issued at the instance of the Board of Directors fees and mileage need not be tendered at the time of service of the subpena. If service is made by a U.S. marshal, or his deputy, or an employee of the Corporation, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereto, describing the manner in which service is made, and return such affidavit on or with the original subpena. In case of failure to make service, reasons for the failure shall be stated on the original subpena. The original subpena, bearing or accompanied by the required return, affidavit or statement, shall be returned without delay to the trial examiner.

(d) *Attendance of witnesses.* The attendance of witnesses and the production of documents pursuant to a subpena, issued in connection with a hearing provided for in Subpart B, C, or D of this part, may be required from any place in any State or in any territory at any designated place where the hearing is being conducted. Witnesses subpenaed in any proceeding under this Part shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States.

(e) *Depositions.* The Board of Directors or trial examiner, by subpena or subpena duces tecum, may order evidence to be taken by deposition in any proceeding at any stage thereof. Such depositions may be taken by the trial examiner or before any person designated by the Board of Directors or trial examiner and having power to administer oaths. Unless notice is waived, no deposition shall be taken except after at least 5 days' notice to the parties to the proceeding.

(f) *Application and order to take oral deposition.* Any party desiring to take the oral deposition of a witness, in connection with any hearing provided for in this part, shall make application in writing to the trial examiner or, in the event he is unavailable, to the Board of Directors, setting forth the reasons why such deposition should be taken, the name and post office address of the witness, the matters concerning which the witness is expected to testify, its relevance, and the time when, the place where, and the name and post office address of the person before whom it is desired the deposition be taken. A copy of such application shall be served upon every other party to the proceeding by the party making such application. Upon a showing that (1) the proposed witness will be unable to attend or may be prevented from attending the hearing because of age, sickness or infirmity, or will otherwise be unavailable at the hearing, (2) his testimony will be material, and (3) the taking of the deposition will not result in any undue burden to any other party or in undue delay of the proceeding, the trial examiner or the Board of Directors may, in his or its discretion, by such subpena or subpena duces tecum, order the oral deposition to be taken. Such subpena will name the witness whose deposition is to be taken and specify the time when, the place

where, and the person before whom the witness is to testify, but such time and place, and the person before whom the deposition is ordered to be taken, may or may not be the same as those named in the application. Notice of the issuance of such subpena shall be served upon each of the parties a reasonable time, and in no event less than five days, in advance of the time fixed for the taking of the deposition.

(g) *Procedure on deposition; objections.* Each witness testifying upon oral deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. Objections to questions or evidence shall be in short form, stating the grounds of objection relied upon; but the person taking the deposition shall not have power to rule upon questions of competency or materiality or relevance of evidence. Failure to object to questions or evidence shall not be deemed a waiver except where the ground of the objection is one which might have been obviated or removed if presented at that time. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate) shall be recorded by the person taking the deposition, or under his direction. The deposition shall be subscribed by the witness, unless the parties by stipulation waived the signing or the witness is ill or cannot be found or refused to sign, and certified as a true and complete transcript thereof by the person taking the deposition. If the deposition is not subscribed to by the witness, such person shall state on the record this fact and the reason therefor. Such person shall promptly send the original and two copies of such deposition, together with the original and two copies of all exhibits, by registered mail to the Secretary of the Corporation unless otherwise directed in the order authorizing the taking of the deposition. Interested parties shall make their own arrangements with the person taking the deposition for copies of the testimony and the exhibits.

(h) *Introduction as evidence.* Subject to appropriate rulings on such objections to questions of evidence as were noted at the time the deposition was taken or as would be valid were the witness personally present and testifying (except objections waived under the third sentence of paragraph (g) of this section), the deposition or any part thereof may be read in evidence by any party to the proceeding. Only such part or the whole of a deposition as is received in evidence at a hearing shall constitute a part of the record in such proceeding upon which a decision may be based.

(i) *Payment of fees.* Witnesses whose oral depositions are taken shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees of persons taking such depositions and the fees of the reporter shall be paid by the person upon whose application the deposition was taken.

§ 308.7 Rules of evidence.

(a) *Evidence.* Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument thereon except as ordered, allowed, or requested by the trial examiner. Rulings on such objections and on any other matters shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.

(c) *Official notice.* All matters officially noticed by the trial examiner shall appear on the record.

§ 308.8 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this part shall be made by motion. After a trial examiner has been designated to preside at a hearing and before the filing with the Secretary of his recommended decision, pursuant to § 308.9, such applications or requests shall be addressed to and filed with him. At all other times motions shall be addressed to the Board of Directors and filed with the Secretary. Motions shall be in writing, except that a motion made at a session of a hearing may be made orally upon the record unless the trial examiner directs that it be reduced to writing. All written motions shall state with particularity the order or relief sought and the grounds therefor.

(b) *Objections.* Within five days after service of any written motion, or within such other period of time as may be fixed by the trial examiner or the Board of Directors, any party may file a written answer or objection to such motion. The moving party shall have no right to reply, except as permitted by the trial examiner or the Board of Directors. As a matter of discretion, the trial examiner or the Board of Directors may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument.* No oral argument will be heard on motions except as otherwise directed by the trial examiner or the Board of Directors. Written memoranda or briefs may be filed with motions or answers or objections thereto, stating the points and authorities relied upon in support of the position taken.

(d) *Rulings on motions.* Except as otherwise provided in this part, the trial examiner shall rule upon all motions properly addressed to him and upon such other motions as the Board of Directors may direct, except that if the trial examiner finds that a prompt decision by the Board of Directors on a motion is essential to the proper conduct of the proceeding, he may refer such motion to the Board of Directors for decision. The Board of Directors shall rule upon all motions properly submitted to it for decision.

(e) *Appeal from rulings on motions.* All motions and answers or objections thereto and rulings thereon shall become part of the record. Rulings of a trial examiner on any motion may not be appealed to the Board of Directors prior to its consideration of the trial examiner's recommended decision, findings and conclusions except by special permission of the Board of Directors; but they shall be considered by the Board of Directors in reviewing the record. Requests to the Board of Directors for special permission to appeal from such rulings of the trial examiner shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on every other party to the proceeding.

(f) *Continuation of hearing.* Unless otherwise ordered by the trial examiner or the Board of Directors, the hearing shall continue pending the determination of any motion by the Board of Directors.

§ 308.9 Proposed findings and conclusions and recommended decision.

(a) *Proposed findings and conclusions by parties.* Each party to a hearing shall have a period of 15 days after service of the Secretary's notice of the filing and transmittal of the record, as provided in paragraph (e) of § 308.5, or such further time as the trial examiner for good cause shall determine, to file with the trial examiner proposed findings of fact, conclusions of law and order, which may be accompanied by a brief or memorandum in support thereof. Such proposals shall be supported by citation of such statutes, decisions and other authorities, and by page references to such portions of the record, as may be relevant. All such proposals, briefs and memoranda shall become a part of the record.

(b) *Recommended decision and filing of record.* The trial examiner shall, within 30 days after the expiration of the time allowed for the filing of proposed findings, conclusions, and order, or within such further time as the Board of Directors for good cause shall determine, file with the Secretary and certify to the Board of Directors for decision the entire record of the hearing, which shall include his recommended decision, findings of fact, conclusions of law, and proposed order, the transcript, exhibits (including on request of any of the parties any exhibits excluded from evidence or tenders of proof), exceptions, rulings, and all briefs and memoranda filed in connection with the hearing. Promptly upon such filing the Secretary shall serve upon each party to the proceeding a copy of the trial examiner's recommended decision, findings, conclusions, and proposed order. The provisions of this paragraph and § 308.10 shall not apply, however, in any case where the hearing was held before the Board of Directors.

§ 308.10 Exceptions.

(a) *Filing.* Within 15 days after service of the recommended decision, findings, conclusions, and proposed order of the trial examiner, or such further time

as the Board of Directors for good cause shall determine, any party (other than a party who has not filed an answer in accordance with paragraphs (a) and (d) of § 308.4, unless no answer was required of such party by the Board of Directors) may file with the Secretary exceptions thereto or any part thereof, or to the failure of the trial examiner to make any recommendation, finding, or conclusion, or to the admission or exclusion of evidence, or other ruling of the trial examiner, supported by such brief as may appear advisable.

(b) *Waiver.* Failure of a party to file exceptions to the recommended decision, findings, conclusions, and proposed order of the trial examiner or any portion thereof, or to his failure to adopt a proposed finding or conclusion, or to the admission or exclusion of evidence or other ruling of the trial examiner, within the time prescribed in paragraph (a) of this section, shall be deemed to be a waiver of objection thereto.

§ 308.11 Briefs.

(a) *Contents.* All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument or by citation of such statutes, decisions or other authorities and by page reference to such portions of the record or recommended decision of the trial examiner as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) *Reply briefs.* Reply briefs may be filed with the Secretary of the Corporation within 10 days after service of briefs and shall be confined to matters in original briefs of opposing parties. Further briefs may be filed only with the permission of the Board of Directors.

(c) *Delays.* Briefs not filed on or before the time fixed in this subpart will be received only upon special permission of the Board of Directors.

§ 308.12 Oral argument before the Board of Directors.

Upon its own initiative, or upon the written request of any party made within the time prescribed for the filing of exceptions, a brief in support thereof, or a reply brief, if any, for oral argument on the findings, conclusions and recommended decision of the trial examiner, the Board of Directors, if it considers justice will best be served, may order the matter to be set down for oral argument before the Board of Directors or one or more members thereof. Oral argument before the Board of Directors shall be recorded unless otherwise ordered by the Board of Directors.

§ 308.13 Notice of submission to the Board of Directors.

Upon the filing of the record with the Secretary of the Corporation, and upon the expiration of the time for the filing of exceptions and all briefs, including reply briefs or any further briefs permitted by the Board of Directors and upon the hearing of oral argument by the Board of Directors, if ordered by the Board of Directors, the Secretary shall notify the parties that the case has been submitted to the Board of Directors for final decision.

§ 308.14 Decision of Board of Directors.

Appropriate members of the staff, who are not engaged in the performance of investigative or prosecuting functions in the case, or in a factually related case, may advise and assist the Board of Directors in the consideration of the case and in the preparation of appropriate documents for its disposition. Copies of the decision and order of the Board of Directors shall be furnished by the Secretary of the Corporation to the parties to the proceedings, the bank involved and to the appropriate State supervisory authority, in the case of a State bank. Where the proceedings involve the involuntary termination of the insured status of a bank, copies of the decision and order shall also be furnished to the Board of Governors of the Federal Reserve System in the case of a State member bank, or to the Comptroller of the Currency in the case of a national bank or a District bank.

§ 308.15 Filing papers.

Recommended decisions, exceptions, briefs and other papers required to be filed with the Board of Directors or Secretary in any proceedings shall be filed with the Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429. Any such papers may be sent to the Secretary by mail or express but must be received in the office of the Corporation in Washington, D.C., or postmarked by a post office, within the time limit for such filing.

§ 308.16 Service.

(a) *By the Board of Directors.* All documents or papers required to be served by the Board of Directors upon any party afforded a hearing shall be served by the Secretary of the Corporation unless some other person shall be designated for such purpose by the Board of Directors. Such service, except for service on counsel for the Board of Directors, shall be made by personal service or by registered mail, addressed to the last known address as shown on the records of the Board of Directors, on the attorney or representative of record of such party, provided that if there is no attorney or representative of record, such service shall be made upon such party at the last known address as shown on the records of the Board of Directors. Such service may also be made in such other manner reasonably calculated to give actual notice as the Board of Directors may by regulation or otherwise provide.

(b) *By the parties.* Except as otherwise expressly provided in this part, all documents or papers filed in a proceeding under this part shall be served by the party filing the same upon the attorneys or representatives of record of all other parties to the proceeding, or, if any party is not so represented, then upon such party. Such service may be made by personal service or by registered, certified, or regular first-class mail addressed to the last known address of such parties, or their attorneys or representatives of record. All such documents or papers shall, when tendered to the Board of Directors or the trial examiner for filing, show that such service has been made.

§ 308.17 Copies.

Unless otherwise specifically provided in the notice of hearing, an original and seven copies of all documents and papers required or permitted to be filed or served upon the Secretary of the Corporation under this part, except the transcript of testimony and exhibits, shall be furnished to the Secretary of the Corporation.

§ 308.18 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the date of the act, event or default from which the designated period of time begins to run is not to be included. The last day so computed shall be included, unless it is a Saturday, Sunday, or legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor such legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation unless the time within which the act is to be performed is 10 days or less in which event Saturdays, Sundays, and legal holidays shall not be included.

(b) *Service by mail.* Whenever any party has the right or is required to do some act or take some proceeding, within a period of time prescribed in this part, after the service upon him of any document or other paper of any kind, and such service is made by mail, 3 days shall be added to the prescribed period from the date when the matter served is deposited in the United States mail.

§ 308.19 Documents in proceedings confidential.

Unless and until otherwise ordered by the Board of Directors, the notice of hearing, the transcript, the recommended decision of the trial examiner, exceptions thereto, proposed findings or conclusions, the findings and conclusions of the Board of Directors and other papers which are filed in connection with any hearing shall not be made public, and shall be for the confidential use only of the Board of Directors, the trial examiner, the parties and appropriate supervising authorities.

§ 308.20 Formal requirements as to papers filed.

(a) *Form.* All papers filed under this subpart shall be printed, typewritten, or otherwise reproduced. All copies shall be clear and legible.

(b) *Signature.* The original of all papers filed by a bank shall be signed by an officer thereof, and if filed by another party shall be signed by said party, or by the duly authorized agent or attorney of the bank or other party,

and in all such cases shall show the signer's address. Counsel for the Corporation shall sign the original of all papers filed by him.

(c) *Caption.* All papers filed must include at the head thereof, or on a title page, the name of the Corporation, the name of the party, and the subject of the particular paper.

Subpart B—Rules and Procedures Applicable to Proceedings for the Involuntary Termination of Insured Status

§ 308.21 Scope.

Under the authority of section 8 of the Federal Deposit Insurance Act, the Board of Directors of the Corporation may terminate the insured status of an insured bank upon the grounds set forth therein and enumerated in §§ 308.22 and 308.27. The procedure for terminating the insured status of a bank as therein prescribed will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part.

§ 308.22 Grounds for termination of insurance.

Whenever the Board of Directors finds that an insured bank or its directors or trustees have engaged or are engaging in unsafe or unsound practices in conducting the business of such bank, or that such bank is in an unsafe or unsound condition to continue operations as an insured bank, or that such bank or its directors or trustees have violated an applicable law, rule, regulation or order, or any condition imposed in writing by the Corporation in connection with the granting of any application or other request by the bank, or any written agreement entered into with the Corporation, the Board of Directors will first give to the Comptroller of the Currency in the case of a national bank or a District bank, to the authority having supervision of the bank in the case of a State bank, and to the Board of Governors of the Federal Reserve System in the case of a State member bank, a statement with respect to such practices or violations for the purpose of securing the correction thereof and will forward a copy thereof to the bank.

§ 308.23 Notice of intention to terminate insured status.

Unless correction of the practices, condition or violations set forth in the statement prescribed in § 308.22 is made within 120 days, or such shorter period not less than 20 days fixed by the Corporation in any case where the Board of Directors in its discretion has determined that the insurance risk of the Corporation is unduly jeopardized, or fixed by the Comptroller of the Currency in the case of a national bank, or the State authority in the case of a State bank, or Board of Governors of the Federal Reserve System in the case of a State member bank, as the case may be, the Board of Directors, if it determines to proceed further, will give to the bank not less than 30 days' written notice of its intention to terminate the status of the bank as an insured bank, and will fix a time and place for a hearing before the Board of Directors or before a person designated by it to conduct such hearing, at which evidence may be produced, and upon such evidence the Board of Directors will make written findings which shall be conclusive.

§ 308.24 Order terminating insured status.

If the Board of Directors finds that any unsafe or unsound practice or condition or violation specified in such statement has been established and has not been corrected within the time prescribed under § 308.23, in which to make such corrections, the Board of Directors may order that the insured status of the bank be terminated on a date subsequent to such finding and to the expiration of the time specified in the notice of intention issued under § 308.23.

§ 308.25 Consent to termination of insured status.

Unless the bank appears at the hearing designated in the notice of hearing by a duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured bank. In the event the bank fails to appear at such hearing, the trial examiner shall forthwith report the matter to the Board of Directors and the Board may thereupon issue an order terminating the bank's insured status.

§ 308.26 Notice of termination of insured status.

Prior to the effective date of the termination of the insured status of a bank under section 8(a) of the Federal Deposit Insurance Act and at such time as the Board of Directors shall specify, the bank shall mail to each depositor at his last address of record on the books of the bank and publish in not less than two issues of a local newspaper of general circulation and shall furnish the Corporation with proof of publication of notice of such termination of insured status. The notice shall be as follows:

NOTICE

_____
(Date)

1. The status of the _____, _____, as an insured bank under the provisions of the Federal Deposit Insurance Act, will terminate as of the close of business on the __ day of _____, 19__;

2. Any deposits made by you after that date, either new deposits or additions to existing deposits, will not be insured by the Federal Deposit Insurance Corporation;

3. Deposits in the bank on the __ day of _____, 19__, up to a maximum of $15,000 for each depositor, will continue to be insured, as provided by the Federal Deposit Insurance Act, for 2 years after the close of business on the __ day of _____, 19__: *Provided, however,* That any withdrawals after the close of business on the __ day of _____, 19__, will reduce the insurance coverage by the amount of such withdrawals.

_____
(Name of banking institution)

_____
(Address)

There may be included in such notice any additional information or advice the banking institution may deem desirable.

§ 308.27 Termination of insured status of banking institution not engaged in the business of receiving deposits other than trust funds.

Whenever the Board of Directors shall have evidence indicating that an insured banking institution is not engaged in the business of receiving deposits, other than trust funds, it will give notice in writing to the banking institution of such fact, and will direct the banking institution to show cause why the insured status of the banking institution should not be terminated under the provisions of section 8(p) of the Federal Deposit Insurance Act. The banking institution shall have 30 days, or such greater period of time as the Board of Directors shall prescribe, after receipt of such notice to submit affidavits or other written proof that it is engaged in the business of receiving deposits, other than trust funds. The Board of Directors may, in its discretion, upon written request of the banking institution, authorize a hearing before it or any person designated by it. If upon consideration of the evidence, the Board of Directors finds that the banking institution is not engaged in the business of receiving deposits, other than trust funds, such finding shall be conclusive and the Corporation will notify the banking institution that its insured status will terminate at the expiration of the first full semiannual assessment period following such notice. Prior to the date of the termination of the insured status of a banking institution under section 8(c) of the Federal Deposit Insurance Act, and within the time specified by the Board of Directors, the banking institution shall mail to each depositor at his last address of record on its books and publish in not less than two issues of a local newspaper of general circulation, a notice of such termination in form substantially as follows:

NOTICE

_____
(Date)

The status of the _____
(Name of banking institution)

_____
(City or town) (State)

as an insured bank under the Federal Deposit Insurance Act, will terminate on the __ day of _____, 19__, and its deposits will thereupon cease to be insured.

_____
(Name of banking institution)

_____
(Address)

There may be included in such notice any additional information or advice the banking institution may deem desirable.

Subpart C—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

§ 308.28 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Board of Directors with a view to ordering an insured State non-

member bank (other than a District bank) to cease and desist from practices and violations described in section 8 of the Federal Deposit Insurance Act and enumerated in § 308.29. The procedures for issuing such orders prescribed in section 8 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part.

§ 308.29 Grounds for cease-and-desist orders.

If, in the opinion of the Board of Directors, any insured State nonmember bank (other than a District bank) or bank which has insured deposits is engaging or has engaged, or the Board of Directors has reasonable cause to believe that the bank is about to engage, in an unsafe or unsound practice in conducting the business of such bank, or is violating or has violated, or the Board of Directors has reasonable cause to believe that the bank is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Board of Directors in connection with the granting of an application or other request by the bank, or any written agreement entered into with the Corporation, the Board of Directors may issue and serve upon the bank a notice of charges in respect thereof.

§ 308.30 Notice of charges and hearing.

The notice referred to in § 308.29 will contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practice or practices, and fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the bank. The hearing will be fixed for a date not earlier than 30 days nor later than 60 days after service of such notice unless an earlier or a later date is set by the Board of Directors at the request of the bank. Unless the bank appears at the hearing by a duly authorized representative, it will be deemed to have consented to the issuance of the cease-and-desist order.

§ 308.31 Issuance of order.

In the event of such consent, or if upon the record made at any such hearing, the Board of Directors finds that any violation or unsafe or unsound practice specified in the notice of charges has been established, the Board of Directors may issue and serve upon the bank an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the bank and its directors, officers, employees, and agents to cease and desist from the same and, further, to take affirmative action to correct the conditions resulting from any such violation or practice.

§ 308.32 Effective date.

A cease-and-desist order will become effective at the expiration of 30 days after the service of such order upon the bank concerned (except in the case of a cease-and-desist order issued upon consent, which will become effective at the time specified therein), and will remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the Board of Directors or a reviewing court.

§ 308.33 Temporary cease-and-desist orders.

Whenever the Board of Directors determines that the violation or threatened violation or the unsafe or unsound practice or practices, specified in the notice of charges referred to in § 308.28, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to otherwise seriously prejudice the interests of its depositors, the Board of Directors may issue a temporary order requiring the bank to cease and desist from any such violation or practice.

§ 308.34 Effective date of temporary order.

Such order will become effective upon service upon the bank and, unless set aside, limited, or suspended by a court in proceedings authorized under the Federal Deposit Insurance Act will remain effective and enforceable pending the completion of the administrative proceedings held pursuant to such notice and until such time as the Board of Directors dismisses the charges specified in such notice, or if a cease-and-desist order is issued against the bank pursuant to § 308.29, until the effective date of any such order.

Subpart D—Rules and Procedures Applicable to Proceedings Relating to Removal and Suspension Orders

§ 308.35 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Board of Directors to remove or suspend directors or officers of an insured State nonmember bank (other than a District bank) or any other person participating in the conduct of the affairs of such a bank, and/or prohibit such director, officer or other person from further participation in the conduct of the affairs of such a bank, upon the grounds set forth in section 8 of the Federal Deposit Insurance Act and enumerated in this subpart. The procedures for issuing such orders prescribed in section 8 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part.

§ 308.36 Grounds for removal order.

(a) Whenever, in the opinion of the Board of Directors, any director or officer of an insured State nonmember bank (other than a District bank) has committed any violation of law, rule, or regulation, or of a cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the bank, or has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director or officer, and the Board of Directors determines that the bank has suffered or will probably suffer substantial financial loss or other damage or that the interests of its depositors could be seriously prejudiced by reason of such violation or practice or breach of fiduciary duty, and that such violation or practice or breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer, the Board of Directors may serve upon such director or officer a written notice of its intention to remove him from office.

(b) Whenever, in the opinion of the Board of Directors, any director or officer of an insured State nonmember bank (other than a District bank), by conduct or practice with respect to another insured bank or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to continue as a director or officer and, whenever, in the opinion of the Board of Directors, any other person participating in the conduct of the affairs of an insured State nonmember bank (other than a District bank), by conduct or practice with respect to such bank or other insured bank or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to participate in the conduct of the affairs of such insured bank, the Board of Directors may serve upon such director, officer, or other person a written notice of its intention to remove him from office and/or to prohibit his further participation in any manner in the conduct of the affairs of the bank.

§ 308.37 Grounds for suspension order.

In respect to any director or officer of an insured State nonmember bank (other than a District bank) or any other person referred to in paragraph (a) or (b) of § 308.36 the Board of Directors may, if it deems it necessary for the protection of the bank or the interests of its depositors, by written notice to such effect served upon such director, officer, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the bank.

§ 308.38 Effective date of suspension order.

Any suspension and/or prohibition which is subject to the notice prescribed in § 308.37, shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by the Federal Deposit Insurance Act, shall remain in effect pending the completion of the administrative proceedings held pursuant to the notice served under paragraph (a) or (b) of § 308.36 and until such time as the Board of Directors shall dismiss the charges specified in such notice, or, if an order of removal and/or prohibition is issued against the director or officer or other person, until the effective date of any such order. Copies of any such notice will also be served upon the bank of which he is a director or officer

or in the conduct of whose affairs he has participated.

§ 308.39 Notice of intention to remove and hearing.

A notice of intention to remove a director, officer, or other person from office and/or to prohibit his participation in the conduct of the affairs of an insured bank, will contain a statement of the facts constituting grounds therefor and will fix a time and place at which a hearing will be held thereon. Such hearing will be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Board of Directors at the request of (a) such director or officer or other person, and for good cause shown, or (b) the Attorney General of the United States. Unless such director, officer, or other person appears at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal and/or prohibition.

§ 308.40 Issuance of removal order and effective date.

In the event of such consent, or if upon the record made at any such hearing the Board of Directors finds that any of the grounds specified in such notice has been established, the Board of Directors may issue such orders of suspension or removal from office, and/or prohibition from participation in the conduct of the affairs of the bank, as it may deem appropriate. Any such order shall become effective at the expiration of 30 days after service upon such bank and the director, officer, or other person concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Board of Directors or a reviewing court.

§ 308.41 Suspension and removal where felony charged.

(a) Whenever any director or officer of an insured State nonmember bank (other than a District bank), or other person participating in the conduct of the affairs of such bank, is charged in any information, indictment, or complaint authorized by a U.S. attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Board of Directors may, by written notice served upon such director, officer, or other person suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the bank. A copy of such notice will also be served upon the bank. Such suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Board of Directors.

(b) In the event that a judgment of conviction with respect to such offense is entered against such director, officer, or other person, and at such time as such judgment is not subject to further appellate review, the Board of Directors may issue and serve upon such director, officer, or other person an order removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of the bank except with the consent of the Board of Directors. A copy of such order will also be served upon such bank, whereupon such director or officer shall cease to be a director or officer of such bank. A finding of not guilty or other disposition of the charge will not preclude the Board of Directors from thereafter instituting proceedings to remove such director, officer, or other person from office and/or to prohibit further participation in bank affairs, pursuant to the provisions of this subpart.

Dated this 27th day of April 1967.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary

[F.R. Doc. 67-4852; Filed, May 1, 1967; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 263]

RULES OF PRACTICE FOR FORMAL HEARINGS

Notice of Proposed Rule Making

The Board of Governors of the Federal Reserve System is considering the adoption of a revised Part 263 of its rules and regulations (12 CFR Part 201 et seq.).

The proposed revised Part 263 would prescribe rules of practice and procedures to be followed by the Board in connection with adjudications with respect to which a hearing is required by law or is ordered by the Board. Among such adjudications are those relating to: Suspension of a member bank from the use of credit facilities of the Federal Reserve System under section 4 of the Federal Reserve Act (12 U.S.C. 301); termination of a bank's membership in the System pursuant to section 9 of the Federal Reserve Act (12 U.S.C. 327); issuance of a cease-and-desist order under section 11 of the Clayton Act (15 U.S.C. 21); issuance of a cease-and-desist order under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818); issuance of a removal or suspension order under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818); applications filed with the Board pursuant to sections 3 and 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842, 1843) as to which a hearing is required by the Act, or for other reason is ordered by the Board; and such proceedings as may be ordered by the Board with respect to bank merger applications under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)).

This notice is published pursuant to 5 U.S.C. 553 and Part 262 of the rules and regulations of the Board of Governors of the Federal Reserve System (12 CFR Part 262).

To aid in the consideration of these matters, the Board of Governors will receive from interested persons any relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 31, 1967.

The proposed revised Part 263 would read as follows:

PART 263—RULES OF PRACTICE FOR FORMAL HEARINGS

Subpart A—Rules of Practice Applicable to All Formal Hearings

Sec.
263.1 Scope.
263.2 Definitions.
263.3 Appearance and practice before the Board.
263.4 Notice of hearing.
263.5 Answer.
263.6 Conduct of hearings.
263.7 Subpenas.
263.8 Depositions.
263.9 Rules of evidence.
263.10 Motions.
263.11 Proposed findings and conclusions and recommended decision.
263.12 Exceptions.
263.13 Briefs.
263.14 Oral argument before the Board.
263.15 Decision of Board.
263.16 Filing papers.
263.17 Service.
263.18 Copies.
263.19 Computing time.
263.20 Documents in proceedings confidential.
263.21 Formal requirements as to papers filed.

Subpart B—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

263.22 Scope.
263.23 Grounds for cease-and-desist orders.
263.24 Notice of charges and hearings.
263.25 Issuance of order.
263.26 Effective date.
263.27 Temporary cease-and-desist orders.
263.28 Effective date of temporary order.

Subpart C—Rules and Procedures Applicable to Proceedings Relating to Removal and Suspension Orders

263.29 Scope.
263.30 Grounds for removal order.
263.31 Grounds for suspension order.
263.32 Effective date of suspension order.
263.33 Notice of intention to remove and hearing.
263.34 Issuance of removal order and effective date.
263.35 Suspensions and removal where felony charged.

AUTHORITY: The provisions of this Part 263 issued under sec. 11(l), 38 Stat. 262, sec. 202(n), 80 Stat. 1052, sec. 2[18], 64 Stat. 873, as amended, sec. 5, 70 Stat. 137, sec. 8, 38 Stat. 732, as amended; 12 U.S.C. 248(l), 1818(n), 1828(c), 1844; 15 U.S.C. 19.

Subpart A—Rules of Practice Applicable to All Formal Hearings

§ 263.1 Scope.

This subpart prescribes rules of practice and procedure followed by the Board with respect to adjudications as to which a hearing is required by law or is for other reason ordered by the Board. Among such adjudications are those relating to: Suspension of a member bank from the use of credit facilities of the

Federal Reserve System under section 4 of the Federal Reserve Act (12 U.S.C. 301); termination of a bank's membership in the System pursuant to section 9 of the Federal Reserve Act (12 U.S.C. 327); issuance of a cease-and-desist order under section 11 of the Clayton Act (15 U.S.C. 21); issuance of a cease-and-desist order or a removal or suspension order under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818); applications pursuant to sections 3 and 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842, 1843) as to which a hearing is required by the Act, or for other reason is ordered by the Board; and such proceedings as may be ordered by the Board with respect to bank merger applications under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)).

§ 263.2 Definitions.

As used in this part—

(a) The term "Secretary" means the Secretary to the Board; and

(b) The term "presiding officer" means the Board, one or more members thereof, or a duly designated hearing examiner or other duly designated hearing officer, and as used in this part the term shall be construed to refer to whichever of these shall preside at a hearing hereunder, except as otherwise specified in the text.

(c) The term "party" means a person or agency named or admitted as a party, or any person or agency who has filed a written request and is entitled as of right to be admitted as a party; but a person or agency may be admitted for a limited purpose.

§ 263.3 Appearance and practice before the Board.

(a) *Power of attorney and notice of appearance.* Any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth or the District of Columbia, may represent others before the Board upon filing with the Secretary a written declaration that he is currently qualified as provided in this paragraph, and is authorized to represent the particular party on whose behalf he acts. Any other person desiring to appear before or transact business with the Board in a representative capacity may be required to file with the Secretary a power of attorney showing his authority to act in such capacity, and he may be required to show to the satisfaction of the Board that he has the requisite qualifications. Attorneys and other representatives of parties to proceedings shall file a written notice of appearance with the Secretary or with the presiding officer.

(b) *Summary suspension.* Contemptuous conduct at any hearing to which the rules of this part are applicable, by any person, shall be ground for exclusion from any such hearing or for such further period as the Board may prescribe.

§ 263.4 Notice of hearing.

Whenever a hearing is ordered by the Board, notice of such hearing (together with a copy of any document incorporated therein by reference) shall be given by the Secretary or other designated officer acting for the Board to the party or parties to the proceeding and to the appropriate financial institution supervisory authority where required by law. The Board may give whatever additional notice is deemed appropriate in any given hearing. Such notice shall state the time, place, and nature of the hearing, the legal authority and jurisdiction under which the hearing is to be held, and, if a presiding officer has been designated to preside at the hearing, the name and address of the presiding officer, and shall also contain, or incorporate by appropriate reference, a statement of the matters of fact or law constituting the grounds for the hearing. Unless otherwise provided by law or ordered by the Board, notice of any hearing shall be given not less than 20 days prior to the date set for hearing and shall be given general circulation by publication in the FEDERAL REGISTER and, where practical, by release to the public press. The Board may amend a notice of hearing in any manner and to the extent consistent with provisions of applicable law.

§ 263.5 Answer.

(a) *When required.* In any notice of hearing issued by the Board, the Board may direct the party afforded the hearing to file an answer to the allegations contained in the notice or referenced documents, and any party to any proceeding may file an answer. Except where a different period is provided by law or specified by the Board, a party directed to file an answer, or a party who elects to file an answer, shall file the same with the Secretary within 20 days after service upon him of the notice of hearing.

(b) *Requirements of answer; effect of failure to deny.* An answer filed under this section shall specifically admit, deny, or state that the party does not have sufficient information to admit or deny each allegation in the notice of hearing. A statement of lack of information shall have the effect of a denial. Any allegation not denied shall be deemed to be admitted. When a party intends to deny only a part or a qualification of an allegation, he shall specify so much of it as is true and shall deny only the remainder.

(c) *Admitted allegations.* If a party filing an answer under this section elects not to contest the allegations of fact set forth in the notice of hearing or referenced documents, his answer shall consist of a statement that he admits all of the allegations to be true. Such an answer shall constitute a waiver of hearing as to the facts alleged, and together with the notice and any referenced documents will provide a record basis on which the presiding officer shall file with the Secretary his recommended decision and his findings of fact and conclusions of law. Such admission shall not constitute a waiver of the right of such party to file with the Secretary exceptions to such recommended decision, findings and conclusions.

(d) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the time provided shall be deemed to constitute a waiver of his right to appear and contest the allegations of the notice of hearing and shall constitute authorization for the presiding officer, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Secretary a recommended decision containing such findings and appropriate conclusions. The Board or the presiding officer may, for cause shown, permit the filing of a delayed answer after the time for filing the answer has expired.

(e) *Opportunity for informal settlement.* Any interested party may at any time submit to the Secretary, for consideration by the Board, written offers or proposals for settlement of a proceeding, without prejudice to the rights of the parties. No offer or proposal shall be admissible in evidence over the objection of any party in any hearing in connection with such proceeding. The foregoing provisions of this paragraph shall not preclude settlement of any proceeding through the regular adjudicatory process by the filing of an answer as provided in paragraph (c) of this section, or by the submission of the case to the presiding officer on a stipulation of facts and an agreed order.

§ 263.6 Conduct of hearings.

(a) *Designation of presiding officer.* When evidence is to be taken in a hearing, either the Board or, when duly designated for that purpose, one or more of its members, a hearing examiner, or other lawfully appointed hearing officer may preside at the hearing. All such hearings, unless otherwise provided in the notice of hearing, shall be conducted as hereinafter provided. Except as authorized by law, the presiding officer shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate, nor shall he be responsible to or subject to the supervision or direction of any officer, employee, or agent of the Board engaged in the performance of investigative or prosecutive functions. A designated presiding officer may at any time withdraw if he deems himself disqualified; and, upon filing of a timely and sufficient affidavit of personal bias or disqualification of such presiding officer, the Board will determine the matter as a part of the record and decision in the case.

(b) *Authority of presiding officer.* All hearings governed by this part shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. The presiding officer shall have complete charge of the hearing, and he shall have the duty to conduct it in a fair and impartial manner and to take all necessary action to avoid delay in the disposition of proceedings. Such officer shall have all powers necessary to that end, including but not limited to the following:

(1) To administer oaths and affirmations;

(2) To issue subpenas and subpenas duces tecum, as authorized by law, and

to revoke, quash, or modify any such subpena;

(3) To receive relevant evidence and to rule upon the admission of evidence and offers of proof;

(4) To take or cause depositions to be taken;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel;

(6) To hold conferences for the settlement or simplification of issues or for any other proper purpose; and

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adversary proceeding, except that a presiding officer other than the Board shall not have power to decide any motion to dismiss the proceedings or other motion which results in final determination of the merits of the proceedings.

Without limitation on the foregoing provisions of this paragraph, the presiding officer shall, subject to the provisions of this part, have all the authority set forth in section 556(c) of title 5 of the United States Code.

(c) *Prehearing conference.* The presiding officer may, on his own initiative or at the request of any party, direct counsel for all parties to meet with him at a specified time and place prior to the hearing, or to submit suggestions to him in writing, for the purpose of considering any or all of the following:

(1) Simplification and clarification of the issues;

(2) Stipulations, admissions of fact and of the contents and authenticity of documents;

(3) Matters of which official notice will be taken; and

(4) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

Such conferences, in the discretion of the presiding officer, need not be recorded, but the presiding officer shall enter in the record an order which recites the results of the conference. Such order, a copy of which shall be served on each party and Board counsel, shall include the officer's rulings upon matters considered at the conference, together with appropriate directions, if any, to the parties; and such order shall control the subsequent course of the proceedings, unless modified at the hearing for good cause found, and by appropriate order of the presiding officer.

(d) *Attendance at hearings; representation of the Board.* Unless otherwise specifically provided by statute or by rule of the Board, a hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, representatives of the Board, witnesses while testifying, and other persons having an official interest in the proceedings: *Provided, however,* That on written request by a party or representatives of the Board, or on the Board's own motion, the Board, in its discretion and to the extent permitted by law, may permit other persons to attend or may order the hearing to be public. In connection with any such hearing or proceeding related thereto, the Board may designate as Board counsel an attorney from its staff or other attorney who shall represent the Board. For the purposes of the rules of this part, any attorney so designated is referred to as "Board counsel". In case of adjudication other than initial licensing proceedings, neither Board counsel nor any officer or employee of the Board who has engaged in the performance of any investigative or prosecutive function in the case, or a factually related case, may participate in or advise as to the presiding officer's recommended decision or the Board's decision, except as witness or counsel in such hearing or related proceeding. Proceedings with respect to applications for initial licenses shall include, but not be limited to, applications for Board approval under section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and such proceedings as may be ordered by the Board with respect to applications under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)). In such initial licensing proceedings, Board counsel shall represent the Board in a nonadversary capacity for the purpose of developing for the record information relevant to the issues to be determined by the presiding officer and the Board.

(e) *Transcript of testimony.* Hearings shall be recorded and transcripts will be made available at prescribed rates to any party and, in the event the hearing is public, to any other interested persons. The presiding officer shall have authority to order the record corrected, either upon motion to correct, upon stipulation of counsel, or upon the presiding officer's initiative. The transcript of testimony taken at any hearing, duly certified by the reporter, together with all exhibits, papers, and requests, briefs, or memoranda of law filed in connection with the hearing shall be filed in duplicate with the Secretary by the presiding officer. The Secretary shall promptly serve notice upon each of the parties of such filing and transmittal. Following the service of notice of filing of the record, the record shall be returned to the presiding officer.

(f) *Continuances and changes or extensions of time and changes of place of hearing.* Except as otherwise expressly provided by law, the Board may by the notice of hearing or subsequent order provide time limits different from those specified in this part, and may, on its own initiative or for good cause shown, change or extend any time limit prescribed by the rules of this part or the notice of hearing, or change the time or place for beginning any hearing hereunder. The presiding officer may, for good cause shown, and as permitted by law, change the time or place for beginning such hearing and may continue or adjourn a hearing from time to time or from place to place. Extensions of time for making any filing or performing any act required or allowed to be done within a specified time in the course of a hearing may be granted by the presiding officer for good cause shown.

(g) *Call for further evidence, oral argument, briefs, reopening of hearing.* The presiding officer may call for the production of further evidence upon any issue, may permit oral argument, the submission of briefs at the hearing and, upon appropriate notice, may reopen any hearing at any time prior to the certification of his recommended decision to the Secretary. The Board may reopen the record at any time permitted by law.

§ 263.7 **Subpenas.**

(a) *Issuance.* Where authorized by law, subpenas for the attendance of witnesses or for the production of documentary evidence, unless directed by the Board upon its own motion, will issue only upon application in writing to the presiding officer or, in the event he is unavailable, to the Board, except that during sessions of a hearing, such application may be made orally on the record before the presiding officer. The party seeking the subpena may be required, as a condition precedent to the issuance of the subpena, to show the general relevance and reasonable scope of the testimony or other evidence sought. In the event the presiding officer or the Board, after consideration of all the circumstances, determines that the subpena or any of its terms is unreasonable, oppressive, excessive in scope, unduly burdensome, or otherwise improper, he or it may refuse to issue the subpena, or issue it only upon such conditions as fairness requires.

(b) *Motion to quash.* Any person to whom a subpena is directed may, prior to the time specified therein for compliance, but in no event more than 5 days after the date of service of such subpena, with notice to the party requesting the subpena, apply to the presiding officer or, if he is unavailable, to the Board, to revoke, quash, or modify such subpena, accompanying such application with a statement of the reasons therefor.

(c) *Service of subpena.* In making service of a subpena, a copy thereof shall be exhibited to and left with the person named therein. If service is made by a U.S. marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereto, describing the manner in which service was made, and return such affidavit on or with the original subpena. In case of failure to make service, the reasons for the failure shall be stated on the original subpena. The original subpena, bearing or accompanied by the required return, affidavit or statement, shall be returned without delay to the Secretary or, if so directed on the subpena, to the presiding officer before whom the person named in the subpena is required to appear.

(d) *Attendance of witnesses.* The attendance of witnesses and the production of documents pursuant to a subpena, issued in connection with a hearing provided for in Subparts B and C of this part, may be required from any place in any State or in any territory at any designated place where the hearing is

being conducted. Witnesses subpenaed in any proceeding under this part shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States, except that when a subpena is issued upon the Board's own motion or at the request of Board counsel, fees and mileage need not be tendered at the time of service of the subpena.

§ 263.8 Depositions.

(a) *When permissible.* The Board or presiding officer, upon its or his own motion or upon appropriate application by a party to the proceeding or Board counsel, may, by subpena or subpena duces tecum, order evidence to be taken by deposition at any stage of any proceeding in which such depositions are authorized. Depositions may be taken before the presiding officer or before any person designated in the subpena and having the power to administer oaths.

(b) *Notice and application.* Unless notice is waived, no deposition shall be taken except after at least 5 days' written notice to Board counsel and the parties to the proceeding or their attorneys of record and to the Board. In such notice and application to take evidence by deposition, the party desiring to take the deposition shall state the name and post office address of the witness, the subject matter concerning which the witness is expected to testify, its relevance, the time, place, and the name and post office address of the person before whom it is desired the deposition be taken, and the reason why such deposition should be taken. Thereupon, the presiding officer or the Board may, in his or its discretion, by subpena or subpena duces tecum order the oral deposition to be taken. Such subpena will name the witness whose deposition is to be taken and specify the time when, the place where, and the person before whom the witness is to testify, but such time and place, and the person before whom the deposition is ordered to be taken, may or may not be the same as those named in the notice and application. Notice of the issuance of such subpena shall be served upon each of the parties a reasonable time in advance of the time fixed for the taking of the deposition, but in no event less than 5 days in advance of such time.

(c) *Procedure on deposition; objections.* Each witness testifying upon oral deposition shall be duly sworn, and any adverse party shall have the right to cross-examine. Objections to questions or documents shall be in short form, stating the grounds of objection relied upon; but the person recording the deposition shall not have power to rule upon questions of competency or materiality or relevancy of evidence. Failure to object to questions or evidence shall not be deemed a waiver unless the ground of the objection is one which might have been obviated or removed if presented at that time. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate) shall be recorded by the officer before whom the deposition is to be taken, or under his direction. The deposition shall be subscribed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign, and certified as a true and complete transcript thereof by the person recording the testimony. If the deposition is not subscribed to by the witness, the person recording the testimony shall state on the record this fact and the reason therefor. The officer before whom the deposition is taken shall promptly send the original and two copies of such deposition, together with the original and two copies of all exhibits, by registered mail to the Secretary unless otherwise directed in the order authorizing the taking of the deposition or in the notice of the issuance thereof. Interested parties shall make their own arrangements with the person recording the testimony for copies of the testimony and the exhibits.

(d) *Introduction as evidence.* Subject to appropriate rulings by the presiding officer on such objections and answers as were noted at the time the deposition was taken or as would be valid were the witness personally present and testifying, the deposition or any part thereof may be received in evidence by the presiding officer. Only such part or the whole of a deposition as is received in evidence at a hearing shall constitute a part of the record in such proceeding upon which a decision may be based.

(e) *Payment of fees.* Deponents whose oral depositions are taken and the reporter taking the same shall be entitled to the same fees as are paid for like services in the courts of the United States, which fees shall be paid by the person upon whose application the deposition is taken.

§ 263.9 Rules of evidence.

(a) *Evidence.* Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument except as ordered by the presiding officer. Rulings on such objections and on any other matters shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection, but no exception to a ruling on an objection need be noted before the presiding officer in order to urge the same in the consideration of the matter by the Board.

(c) *Stipulations.* Independently of the orders or rulings issued as provided by § 263.6(c), the parties and Board counsel may stipulate as to any relevant matters of fact or the authenticity of any relevant documents. Such stipulations may be received in evidence at a hearing, and when so received shall be binding on the parties and Board counsel with respect to the matters therein stipulated.

(d) *Official notice.* All matters officially noticed by the presiding officer shall appear on the record.

§ 263.10 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this part shall be made by motion. After a presiding officer has been designated to preside at a hearing and before the filing with the Secretary of his recommended decision, pursuant to § 263.11, such applications or requests shall be addressed to and filed with him. At all other times motions shall be addressed to the Board and filed with the Secretary. Motions shall be in writing, except that a motion made at a session of a hearing may be made orally upon the record unless the presiding officer directs that it be reduced to writing. All written motions shall state with particularity the order or relief sought and the grounds therefor. When a motion is addressed to the presiding officer, an original and two copies of such motion shall be filed.

(b) *Objections.* Within 5 days after service of any written motion, or within such other period of time as may be fixed by the presiding officer or the Board, any party may file a written answer or objection, together with two copies thereof, to such motion. The moving party shall have no right to reply, except as permitted by the presiding officer or the Board. The presiding officer or the Board, in his or its discretion, may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument.* No oral argument will be heard on motions except as otherwise directed by the presiding officer of the Board. Written memoranda or briefs may be filed with motions or answers or objections, stating the points and authorities relied upon in support of the position taken.

(d) *Rulings on motions.* Except as otherwise provided in this part, the presiding officer shall rule upon all motions properly addressed to him and upon such other motions as the Board may direct, except that if the presiding officer finds that a prompt decision by the Board on a motion is essential to the proper conduct of the proceeding, he may refer such motion to the Board for decision. The Board shall rule upon all motions properly submitted to it for decision.

(e) *Appeal from rulings on motions.* All motions and answers or objections and rulings thereon shall become part of the record. The rulings of a presiding officer on any motion may not be appealed to the Board prior to its consideration of the presiding officer's recommended decision, findings and conclusions except by special permission of the Board, but shall be considered by the Board in reviewing the record. Requests to the Board for special permission to appeal from such rulings of the presiding officer shall be filed promptly, in writing, and shall briefly state the grounds relied on.

(f) *Continuation of hearing.* Unless otherwise ordered by the presiding officer or the Board, the hearing shall continue pending the determination of any motion by the Board.

(g) *Closing of hearing.* The record of the hearing shall be closed by announcement to that effect by the presiding officer when the taking of evidence has been concluded. In the discretion of the presiding officer, the record may be closed as of a future date in order to permit the admission into the record, under circumstances determined by the presiding officer, of exhibits to be prepared.

§ 263.11 Proposed findings and conclusions and recommended decision.

(a) *Proposed findings and conclusions and supporting briefs.* Any party or Board counsel who may wish to file with the presiding officer proposed findings and conclusions of law shall file the same, with two copies thereof, within 15 days after the receipt of written notice from the Secretary advising that the transcript has been filed with the Secretary. Proposed findings and conclusions shall be supported by citation to any relevant authorities and by page references to such portions of the record as may be relevant and, in addition, may be accompanied by a brief in support thereof. In initial licensing proceedings, in lieu of proposed findings and conclusions of law, and within such time as the presiding officer may allow, Board counsel may submit comments with respect to the evidence of record and/or proposed findings and conclusions of law submitted by any party. All such proposed findings and conclusions of law, briefs, and other submissions shall become part of the record.

(b) *Recommended decision and filing of record.* In proceedings in which the Board or one or more of its members has not presided at the reception of evidence, the presiding officer shall, within 45 days after the expiration of the time allowed for the filing of proposed findings and conclusions, or within such other time as the Board for good cause shall determine, file with the Secretary and certify to the Board for decision the entire record of the hearing which shall include his recommended decision and findings of fact and conclusions of law, the transcript, exhibits (including on request of any of the parties any exhibits excluded from evidence or tenders of proof), exceptions, rulings, and all briefs and memoranda filed in connection with the hearing. Promptly upon such filing the Secretary shall serve upon each party to the proceeding a copy of the presiding officer's recommended decision, and findings and conclusions.

(c) *Board as presiding officer.* In proceedings in which the Board or one or more of its members has presided at the reception of evidence, the presiding officer's recommended decision, findings of fact, and conclusions of law will be omitted. In such proceedings the proposed findings and conclusions of law, briefs and other submissions permitted under paragraph (a) of this section may be filed with the Secretary for consideration by the Board.

§ 263.12 Exceptions.

(a) *Filing.* Within 15 days after service of the recommended decision and findings and conclusions of the presiding officer, or such further time as the Board for good cause shall determine, any party or Board counsel may file with the Secretary exceptions thereto or to any part thereof, or to the failure of the presiding officer to make any recommendation, finding, or conclusion, or to the admission or exclusion of evidence, or other ruling of the presiding officer, supported by such brief as may appear advisable. In any proceeding where the Board is the presiding officer, the provisions of this section will not be applicable.

(b) *Waiver.* Failure to file exceptions to the recommended decision of the presiding officer or any portion thereof, or to his failure to adopt a proposed finding or conclusion, or the admission or exclusion of evidence or other ruling of the presiding officer, within the time prescribed in paragraph (a) of this section, shall be deemed to be a waiver of objection.

§ 263.13 Briefs.

(a) *Contents.* All briefs shall be confined to the particular matters in issue. Each proposed finding, conclusion, or exception which is briefed shall be supported by a concise supporting statement or by citation of such statutes, decisions, or other authorities and by page reference to such portions of the record or recommended decision of the presiding officer as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) *Answering briefs.* Answering briefs may be filed within 10 days after service of briefs and shall be confined to matters in original briefs of opposing parties. Further briefs may be filed with the presiding officer only with his permission or that of the Board; and may be filed with the Board only with its permission.

§ 263.14 Oral argument before the Board.

Upon its own initiative, or upon written request by any party or Board counsel made within the time prescribed for the filing of exceptions, a brief in support thereof, or a responsive brief, the Board, in its discretion, may order the matter to be set down for oral argument before the Board or one or more members thereof. Oral argument before the Board shall be recorded unless otherwise ordered by the Board.

§ 263.15 Decision of Board.

Appropriate members of the staff, who are not engaged in the performance of investigative or prosecuting functions in the case, or in a factually related case, may advise and assist the Board in the consideration of the case and in the preparation of appropriate documents for its disposition. Copies of the decision and order of the Board shall be served by the Secretary upon the parties to the proceedings and furnished to such other persons as the Board may direct or the law may require.

§ 263.16 Filing papers.

Recommended decisions, exceptions, briefs, and other papers required to be filed with the Board or Secretary in any proceedings shall be filed with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Any such papers may be sent to the Secretary by mail or express but must be received in the office of the Board in Washington, D.C., within the time limit for such filing.

§ 263.17 Service.

(a) *By the Board.* All documents or papers required to be served by the Board shall be served by the Secretary unless some other person shall be designated for such purpose by the Board. Such service, except for service on Board counsel, shall be made by personal service or by registered mail on the attorney or representative of record of the party, addressed to the last known address as shown on the records of the Board: *Provided,* That if there is no attorney or representative of record, such service shall be made upon such party at the last known address as shown on the records of the Board. Such service may also be made in such other manner reasonably calculated to give actual notice as the Board may by regulation or otherwise provide.

(b) *By the parties.* All documents or papers filed in a proceeding under this part shall be served by the party filing the same upon the attorneys or representatives of record of all other parties to the proceeding and upon Board counsel, or, if any party is not so represented, then upon such party. Such service may be made by personal service or by registered, certified, or regular first-class mail addressed to the last known address of such parties, or their attorneys or representatives of record. All such documents or papers, when tendered to the Board or the presiding officer for filing, shall contain a certificate of service.

§ 263.18 Copies.

Unless otherwise specifically provided in the notice of hearing, an original and seven copies of all documents and papers required or permitted to be filed or served upon the Secretary under this part shall be furnished to the Secretary, except that an original and only one copy of the transcript of testimony and exhibits shall be filed with the Secretary by the presiding officer. All documents and papers filed with the presiding officer shall be filed in duplicate.

§ 263.19 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the date of the act, event or default from which the designated period of time begins to run is not to be included. The last day so computed is to be included, unless it is a Saturday, Sunday,

or legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation unless the time within which the act is to be performed is 10 days or less, in which event Saturdays, Sundays, and legal holidays shall not be included. Half holidays shall be considered as other days and not as holidays.

(b) *Service by mail.* Whenever any party has the right or is required to do some act within a period of time prescribed in this part, after the service upon him of any document or other paper of any kind, and such service is made by mail, 3 days shall be added to the prescribed period from the date when the matter served is deposited in the U.S. mail.

§ 263.20 Documents in proceedings confidential.

Unless and until otherwise ordered by the Board or unless otherwise provided by statute or by Board rule, the notice of hearing, the transcript, proposed findings or conclusions, the recommended decision of the presiding officer, exceptions thereto, the findings and conclusions of the Board and other papers which are filed in connection with any hearing shall not be made public, and shall be for the confidential use only of the Board and its staff, the presiding officer, the parties and, where appropriate, other supervising authorities.

§ 263.21 Formal requirements as to papers filed.

(a) *Form.* All papers filed under this subpart shall be printed, typewritten, or otherwise reproduced. All copies shall be clear and legible.

(b) *Signature.* All papers shall be dated and signed by the party filing the same, or his duly authorized agent or attorney, or Board counsel and, except in the case of Board counsel, must show the address of the signer.

(c) *Caption.* All papers filed must include at the head thereof, or on a title page, the name of the Board and of the filing party, the title of the proceeding, and the subject of the particular paper.

Subpart B—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

§ 263.22 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Board with a view to ordering a State member bank (other than a District bank) to cease and desist from practices and violations described in section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) and enumerated in § 263.23. The procedures for issuing such orders prescribed in section 8 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part. In connection with any proceeding under this subpart, the Board will provide the appropriate State supervisory authority with timely notice of intent to institute such a proceeding and the grounds therefor. Unless within such time as the Board deems appropriate in the circumstances of the case (which time will be specified in the notice) satisfactory corrective action is effectuated by action of the State supervisory authority, the Board will proceed as provided herein. Copies of any notice or order served upon any State bank in connection with such proceedings will also be sent to the appropriate State supervisory authority

§ 263.23 Grounds for cease-and-desist orders.

If, in the opinion of the Board, any State member bank (other than a District bank) is engaging or has engaged, or the Board has reasonable cause to believe that the bank is about to engage, in an unsafe or unsound practice in conducting the business of such bank, or is violating or has violated, or the Board has reasonable cause to believe that the bank is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Board in connection with the granting of an application or other request by the bank, or any written agreement entered into with the Board, the Board may issue and serve upon the bank a notice of charges in respect thereof.

§ 263.24 Notice of charges and hearing.

The notice referred to in § 263.23 will contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practice or practices, and fix a time and place at which a hearing will be held to determine whether an order to cease and desist thereform should issue against the bank. The hearing will be fixed for a date not earlier than 30 days nor later than 60 days after service of such notice unless an earlier or a later date is set by the Board at the request of the bank. Unless the bank appears at the hearing by a duly authorized representative, it will be deemed to have consented to the issuance of the cease-and-desist order.

§ 263.25 Issuance of order.

In the event of such consent, or if upon the record made at any such hearing, the Board finds that any violation or unsafe or unsound practice specified in the notice of charges has been established, the Board may issue and serve upon the bank an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the bank and its directors, officers, employees, and agents to cease and desist from the same and, further, to take affirmative action to correct the conditions resulting from any such violation or practice.

§ 263.26 Effective date.

A cease-and-desist order will become effective at the expiration of 30 days after the service of such order upon the bank concerned (except in the case of a cease-and-desist order issued upon consent, which will become effective at the time specified therein), and will remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the Board or a reviewing court.

§ 263.27 Temporary cease-and-desist orders.

Whenever the Board determines that the violation or threatened violation or the unsafe or unsound practice or practices, specified in the notice of charges referred to in § 263.23, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or of earnings of the bank, or is likely to otherwise seriously prejudice the interests of its depositors, the Board may issue a temporary order requiring the bank to cease and desist from any such violation or practice.

§ 263.28 Effective date of temporary order.

Such order will become effective upon service upon the bank, and, unless set aside, limited, or suspended by a court in proceedings authorized under section 8(h)(2) of the Federal Deposit Insurance Act, will remain effective and enforceable pending the completion of the administrative proceedings held pursuant to such notice and until such time as the Board dismisses the charges specified in such notice, or if a cease-and-desist order is issued against the bank pursuant to § 263.25, until the effective date of any such order.

Subpart C—Rules and Procedures Applicable to Proceedings Relating to Removal and Suspension Orders

§ 263.29 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Board to remove or suspend a director, officer, or any other person participating in the conduct of the affairs of a State member bank (other than a District bank) or of a national banking association or a District bank where the facts are certified to the Board pursuant to 12 U.S.C. 1818(e)(2), 12 U.S.C. 1818(e)(4), or 12 U.S.C. 1818(e)(6), and/or prohibit such director, officer, or other person from further participation in the conduct of the affairs of such a bank, upon the grounds set forth in section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) and enumerated in this subpart. The procedures for issuing such orders prescribed in section 8 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part. In connection with any proceeding under this subpart relating to a director, officer, or other person participating in the affairs of a State member bank (other than a District bank), the Board will provide the appropriate State supervisory authority with timely notice of intent to institute such a proceeding and the grounds therefor. Unless within such time as the Board deems appropriate in the circumstances of the case

(which time will be specified in the notice) satisfactory corrective action is effectuated by action of the State supervisory authority, the Board will proceed as provided herein. Copies of any notice or order served upon any State bank in connection with such proceedings will also be sent to the appropriate State supervisory authority. In connection with any proceeding under this subpart relating to a director, officer, or other person participating in the affairs of a national banking association or a District bank where the facts are certified to the Board pursuant to 12 U.S.C. 1818(e)(2), 12 U.S.C. 1818(e)(4), or 12 U.S.C. 1818(e)(6), the Comptroller of the Currency shall be entitled to sit as a member of the Board and to participate in its deliberations on any such case and to vote thereon in all respects as a member of the Board.

§ 263.30 Grounds for removal order.

(a) Whenever, in the opinion of the Board, any director or officer of a State member bank (other than a District bank) or of a national banking association or a District bank where the facts are certified to the Board pursuant to 12 U.S.C. 1818(e)(2) has committed any violation of law, rule, or regulation, or of a cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the bank, or has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director or officer, and the Board determines that the bank has suffered or will probably suffer substantial financial loss or other damage or that the interests of its depositors could be seriously prejudiced by reason of such violation or practice or breach of fiduciary duty, and that such violation or practice or breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer, the Board may serve upon such director or officer a written notice of its intention to remove him from office.

(b) Whenever, in the opinion of the Board, any director or officer of a State member bank (other than a District bank) or of a national banking association or a District bank where the facts are certified to the Board pursuant to 12 U.S.C. 1818(c)(4), by conduct or practice with respect to another insured bank or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to continue as a director or officer, and whenever, in the opinion of the Board, any other person participating in the conduct of the affairs of such bank, by conduct or practice with respect to such bank or other insured bank or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to participate in the conduct of the affairs of such bank, the Board may serve upon such director, officer, or other person a written notice of its intention to remove him from office and/or to prohibit his further participation in any manner in the conduct of the affairs of the bank.

§ 263.31 Grounds for suspension order.

In respect to any director or officer of a State member bank (other than a District bank) or any other person referred to in paragraphs (a) or (b) of § 263.30 and in respect to any such director or officer of, or other person participating in the conduct of the affairs of, a national banking association or a District bank where the facts are certified to the Board pursuant to 12 U.S.C. 1818(e)(6), the Board may, if it deems it necessary for the protection of the bank or the interests of its depositors, by written notice to such effect served upon such director, officer, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the bank.

§ 263.32 Effective date of suspension order.

Any suspension and/or prohibition which is subject to the notice prescribed in § 263.31 shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by section 8(f) of the Federal Deposit Insurance Act, shall remain in effect pending the completion of the administrative proceedings held pursuant to the notice served under paragraphs (a) or (b) of § 263.30 and until such time as the Board shall dismiss the charges specified in such notice, or, if an order of removal and/or prohibition is issued against the director or officer or other person, until the effective date of any such order. Copies of any such notice will also be served upon the bank of which he is a director or officer or in the conduct of whose affairs he has participated.

§ 263.33 Notice of intention to remove and hearing.

A notice of intention to remove a director, officer, or other person from office and/or to prohibit his participation in the conduct of the affairs of an insured bank will contain a statement of the facts constituting grounds therefor and will fix a time and place at which a hearing will be held thereon. Such hearing will be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Board at the request of (a) such director or officer or other person, and for good cause shown, or (b) the Attorney General of the United States. Unless such director, officer, or other person appears at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal and/or prohibition.

§ 263.34 Issuance of removal order and effective date.

In the event of such consent, or if upon the record made at any such hearing the Board finds that any of the grounds specified in such notice has been established, the Board may issue such orders of suspension or removal from office, and/or prohibition from participation in the conduct of the affairs of the bank, as it may deem appropriate. Any such order shall become effective at the expiration of 30 days after service upon such bank and the director, officer, or other person concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Board or a reviewing court.

§ 263.35 Suspension and removal where felony charged.

(a) Whenever any director or officer of an insured State member bank (other than a District bank), or other person participating in the conduct of the affairs of such bank, is charged in any information, indictment, or complaint authorized by a U.S. attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Board may, by written notice served upon such director, officer, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the bank. A copy of such notice will also be served upon the bank. Such suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until such suspension and/or prohibition is terminated by the Board.

(b) In the event that a judgment of conviction with respect to such offense is entered against such director, officer, or other person, at such time as such judgment is not subject to further appellate review, the Board may issue and serve upon such director, officer, or other person an order removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of the bank except with the consent of the Board. A copy of such order will also be served upon such bank, whereupon such director or officer shall cease to be a director or officer of such bank. A finding of not guilty or other disposition of the charge will not preclude the Board from thereafter instituting proceedings to remove such director, officer, or other person from office and/or to prohibit further participation in bank affairs, pursuant to other provisions of this subpart.

Dated at Washington, D.C., the 27th day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-4893; Filed, May 1, 1967; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.3–1]

ALUMINUM SHEATHED COAXIAL CABLE FROM CANADA

Notice of Tentative Determination

APRIL 25, 1967.

Information was received on August 1, 1966, that aluminum sheathed coaxial cable, also known as insulated electrical conductor cable, imported from Canada, manufactured by Canada Wire & Cable Co., Ltd., Toronto, Canada, was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations, in the FEDERAL REGISTER of August 27, 1966, on page 11401 thereof.

The merchandise under consideration is commonly used to conduct television signals from antennas to receivers.

I hereby make a tentative determination that aluminum sheathed coaxial cable, also known as insulated electrical conductor cable, imported from Canada, manufactured by Canada Wire & Cable Co. Ltd., Toronto, Canada, is not being, nor likely to be, sold at less than fair value within the meaning of section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement Of Reasons On Which This Tentative Determination Is Based. Based on available information, it was determined that for fair value purposes the appropriate bases for comparison are purchase price and home market price.

The purchase price was determined to be the export price to the U.S. wholesale distributors, less included charges for U.S. duty, brokerage, inland freight in some instances, and a cash discount.

The home market price was determined to be the price, exclusive of the Canadian Federal sales tax, at which the merchandise is sold in the home market, ex-factory, Toronto, to the same class of purchaser as the U.S. purchasers, namely, the wholesale distributor, less the same cash discount applicable to export sales.

The purchase price of each type of cable was in no case lower than the home market price for the same type.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67–4870; Filed, May 1, 1967; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

SUNFLOWER COUNTY, MISS.

Certification of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89–110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th Amendment to the Constitution of the United States in Sunflower County, Miss. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

RAMSEY CLARK,
Attorney General of the United States.

APRIL 29, 1967.

[F.R. Doc. 67–4953; Filed, May 1, 1967; 9:34 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 1218]

NEW MEXICO

Notice of Proposed Classification

APRIL 24, 1967.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, for lands within the exterior boundaries of Cibola National Forest, N. Mex.

The District Advisory Board, local governmental officials and other interested parties have been notified of this application. Information derived from discussions and other sources indicate that these lands meet the criterion of 2410.1–3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501; and Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, N. Mex. 87101.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Albuquerque District Office.

The lands affected by this proposal are located in San Juan and McKinley Counties, New Mexico and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 N., R. 6 W.,
  Sec. 23, W½, and SE¼;
  Sec. 27, SE¼.
T. 17 N., R. 8 W.,
  Sec. 32, SW¼.
T. 21 N., R. 8 W.,
  Sec. 5, lots 2, 3, 4, SW¼NE¼, S½NW¼, N½SW¼, and SW¼SW¼;
  Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
  Sec. 7, lots 1, 2, 3, 4, W½E½, and E½W½;
  Sec. 18, lots 1, 2, 3, 4, W½E½, and E½W½.
T. 20 N., R. 9 W.,
  Sec. 4, lots 1, 2, 3, 4, S½N½, and S½;
  Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
  Sec. 8, all;
  Sec. 18, NE¼.
T. 17 N., R. 11 W.,
  Sec. 32, N½NW¼.
T. 25 N., R. 11 W.,
  Sec. 5, SW¼;
  Sec. 6, lots 1, 2, S½NE¼, and SE¼.
T. 24 N., R. 12 W.,
  Sec. 3, lots 8, 9, 16, and 17;
  Sec. 4, lots 5 to 20, inclusive;
  Sec. 5, lots 5, 6, 11, 12, 13, 14, 19, and 20;
  Sec. 8, lots 1, 2, and lots 7 to 16, inclusive;
  Sec. 9, lots 3, 4, 5, 6, 12, and 13;
  Sec. 17, lots 1 to 16, inclusive;
  Sec. 18, lots 5, 6, and lots 11 to 20 inclusive;
  Sec. 19, lots 5 to 19, inclusive;
  Sec. 20, lots 2 to 6, inclusive;
  Sec. 30, lots 6 to 11, inclusive, and lots 14 to 19, inclusive;
  Sec. 31, lots 6 to 11, inclusive, and lots 14 to 19, inclusive.

T. 25 N., R. 12 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and SE¼;
Sec. 3, lots 1, 2, 3, 4, S½N½, and SE¼;
Sec. 4, lots 1, 2, and S½NE¼;
Sec. 5, lots 3, 4, and S½NW¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼ NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1, 2, E½, and E½NW¼;
Sec. 17;
Sec. 19, E½.
T. 24 N., R. 13 W.,
Sec. 13, S½;
Sec. 14, S½;
Secs. 23, 24, 25, 26, 35, and 36.
T. 27 N., R. 13 W.,
Secs. 11, 13, and 14.
T. 14 N., R. 17 W.,
Sec. 16, W½, and SE¼;
Sec. 18, lots 1, 2, 3, 4, E½, and E½W½;
Sec. 20, NW¼.
T. 13 N., R. 18 W.,
Sec. 4, lots 1, 2, 3, 4, S½N½, and SE¼;
Sec. 28, W½.

The areas described aggregate 22,217.76 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 67-4832; Filed, May 1, 1967; 8:46 a.m.]

Office of the Secretary

MAXWELL S. McKNIGHT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Delete "Ford Motor Co."
(3) None.
(4) None.

This statement is made as of April 27, 1967.

Dated: April 17, 1967.

MAXWELL S. McKNIGHT.

[F.R. Doc. 67-4861; Filed, May 1, 1967; 8:48 a.m.]

GEORGE E. MILLICAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 7, 1967.

Dated: April 19, 1967.

G. EVERETT MILLICAN.

[F.R. Doc. 67-4862; Filed, May 1, 1967; 8:48 a.m.]

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 7, 1967.

Dated: April 7, 1967.

JAMES S. BROADDUS.

[F.R. Doc. 67-4863; Filed, May 1, 1967; 8:48 a.m.]

GEORGE E. HRUBESKY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Vice President—Power Generation and Engineering.
(2) No change.
(3) None.
(4) None.

This statement is made as of April 24, 1967.

Dated: April 24, 1967.

GEORGE E. HRUBESKY.

[F.R. Doc. 67-4864; Filed, May 1, 1967; 8:48 a.m.]

KENNETH I. SEWELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 10, 1967.

Dated: April 10, 1967.

K. I. SEWELL.

[F.R. Doc. 67-4865; Filed, May 1, 1967; 8:48 a.m.]

ELWYN FRANK TIMME

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 7, 1967.

Dated: April 7, 1967.

E. F. TIMME.

[F.R. Doc. 67-4866; Filed, May 1, 1967; 8:48 a.m.]

EDWARD W. WELCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

There have been no changes made in the last 6 months, except converted some "K" bonds to "H", no deletions as to amounts.

This statement is made as of April 11, 1967.

Dated: April 11, 1967.

EDWARD W. WELCH.

[F.R. Doc. 67-4867; Filed, May 1, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[P. & S. Docket No. 456]

MARKET AGENCIES AT UNION STOCK YARDS, OGDEN, UTAH

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on December 3, 1965 (24 A.D. 1578), continuing in effect to and including December 19, 1967, an order issued on November 24, 1961 (20 A.D. 1117), which, as modified by orders issued on March 10, 1964 (23 A.D. 310), August 27, 1964 (23 A.D. 958), and February 17, 1967 (26 A.D. 137), authorizes the respondents, Market Agencies at the Union Stock Yards, Ogden, Utah, to assess the current temporary schedule of rates and charges.

By petitions filed on April 5, 1967, the respondents requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below:

SECTION II—SELLING COMMISSIONS

	Rate per head	
	Proposed	Present
A. Cattle	$1.75	$1.45
B. Calves	1.15	.95
C. Dairy cows (sold for milking purposes)	5.00	(1)
D. Dairy bulls (sold for breeding purposes)	5.00	(1)
E. Registered cows	5.00	(1)
F. Registered bulls	5.00	(1)
G. Registered or dairy yearlings	2.50	(1)
H. Hogs (present rates—contained in par. C)	.65	
Consignments of one head only		.65
Consignments of more than one head:		
First 10 head in each consignment		.50
Next 15 head in each consignment		.45
Each head over 25 in each consignment		.40
I. Sheep (presently par. D):		
Consignments of 179 head or less:		
First 20 head in each consignment	.60	.55
Next 30 head in each consignment	.44	.39
Next 129 head in each consignment	.22	.17
Consignments of 180 head and over a flat rate of 30 cents (presently 25 cents) per head will be assessed on the entire consignment.		
J. Horses and mules (presently par. E—no other change).		
K. Sale condition (presently par. G—no other change).		

[1] New.

SECTION III—BUYING CHARGES

PRESENT

The rates for buying livestock shall be the same as selling like species except as follows:

When livestock received for sale on a commission basis is used to fill, in whole or part of an order received from a buyer, the agency will be presumed to be acting solely as an agent of the consignor and shall collect the regular selling charges from the consignor. Collection shall also be made from the buyer to cover expenses incurred of an amount equal to one-half the regular buying charge on cattle, calves, and hogs at a flat rate of twelve and one-half (12½) cents per head on sheep.

PROPOSED

The rates for buying livestock shall be the same as selling like species except as follows:

When livestock received for sale on a commission basis is used to fill, in whole or part of an order received from the buyer, the agency will be presumed to be acting solely as an agent of the consignor and shall collect the regular selling charges from the consignor. Collection shall also be made from the buyer to cover expenses incurred in the amount equal to one-half of the regular buying charge on cattle, calves, hogs, and sheep.

SECTION V—SPECIAL SALES

PRESENT

When livestock are sold at Special Sales at a time other than that of the regular Auction, the following selling charges will be assessed.

	Per head
Dairy cows (sold for milking purpose)	$5.00
Dairy bulls (for breeding purpose)	5.00
Registered cows	5.00
Registered bulls	5.00
Registered or dairy yearlings	2.50
Horses: [1]	
(a) Sold by weight or by head (other than special sales for breed associations)	3.80
(b) Horses sold by weight or by head with registration papers or which are eligible for registration (other than special sales for breed associations)	8.80
(c) Special horse sales held for breed associations which require cataloging, special advertising and other special arrangements will be charged for at rates mutually agreed upon with such breed associations prior to the sale.	

PROPOSED

When livestock are sold at Special Sales at a time other than that of the regular Auction, charges for selling such livestock will be at rates mutually agreed upon by consignor and the market agency.

	Per head
Horses: [1]	
(a) Sold by weight or by head (other than special sales for breed associations)	$3.80
(b) Horses sold by weight or by head with registration papers or which are eligible for registration (other than special sales for breed associations)	8.80
(c) Special horse sales held for breed associations which require cataloging, special advertising and other special arrangements will be charged for at rates mutually agreed upon with such breed associations prior to the sale.	

[1] Applies only to the Ogden Sales Company.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petitions and their contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, within 10 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of April, 1967.

GLENN G. BIERMAN,
Acting Director, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 67-4847; Filed, May 1, 1967; 8:47 a.m.]

[Marketing Agreement No. 146]

PEANUTS

1967 Crop; Quality and Indemnification

Pursuant to the provisions of sections 31, 32, 34, and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1967 Crop Peanuts", "Outgoing Quality Regulation—1967 Crop Peanuts" and the "Terms and Conditions of Indemnification—1967 Crop Peanuts", which modify or are in addition to the provisions of sections 31, 32, and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended "Incoming Quality Regulation—1967 Crop Peanuts", "Outgoing Quality Regulation—1967 Crop Peanuts" and the "Terms and Conditions of Indemnification—1967 Crop Peanuts" be issued so as to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1967 peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1967 Crop Peanuts", "Outgoing Quality Regulation—1967 Crop Peanuts" and the "Terms and Conditions of Indemnification—1967 Crop Peanuts" are hereby approved this 27th day of April 1967.

Dated: April 27, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

INCOMING QUALITY REGULATION—1967 CROP PEANUTS

The following modify or are in addition to the peanut marketing agreement restrictions of section 31 on handler receipts or acquisitions of 1967 crop peanuts:

(a) *Moisture.* No handler shall receive or acquire peanuts containing more than

10 percent moisture: *Provided*, That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(b) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(c) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of whole kernels which ride screens with the following slot openings: Runner—$^{16}/_{64}$ x $^{3}/_{4}$-inch; Spanish and Valencia—$^{15}/_{64}$ x $^{3}/_{4}$-inch; Virginia—$^{15}/_{64}$ x 1-inch. If so separated, those loose shelled kernels which do not ride such screens, shall be held separate and apart from other peanuts and disposed of as oil stock or by otherwise removing them from human consumption outlets. If the whole kernels are not separated, the entire amount of loose shelled kernels shall be so held and so delivered or disposed of. The whole kernels which ride the screens may be included with shelled peanuts prepared by the handler. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(d) *Seed peanuts.* Peanuts residual from those shelled and disposed of for seed purposes may be acquired by handlers if the seed sheller has signed the marketing agreement. If such peanuts have been shelled by a producer or seed sheller who has not signed the marketing agreement, the peanuts may be acquired only upon the condition that they are held and milled separate and apart from other receipts or acquisitions of the handler until inspected and certified without having been washed, blanched or cleaned with plastic pellets as meeting the requirements of U.S. No. 1 peanuts of the U.S. standards for grades of shelled peanuts and if they fail shall be disposed of by sale to the Commodity Credit Corporation, by sale for oil stock, by crushing, or by otherwise removing them from human consumption outlets.

(e) *Oil Stock.* Handlers who are crushers may acquire as oil stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting such acquisitions to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire Segregation 3 farmers stock peanuts for the sole purpose of delivery to crushers: *Provided*, That all such acquisitions shall be held separate and apart from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts and shall be disposed of only by crushing or by delivery to crushers and the consequent production of oil and meal.

Outgoing Quality Regulation—1967 Crop Peanuts

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of peanuts for human consumption:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption with respect to which appropriate samples for pretesting have not been drawn in accordance with subparagraph (c) of this regulation or which contain more than (1) 1.25 percent damaged kernels, other than minor defects; (2) 2 percent damage and minor defects combined; (3) 9 percent moisture in the Southeastern and Southwestern areas, or 10 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and edible quality peanuts not of U.S. grade. Fall through in such peanuts shall not exceed 4 percent except that fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners, Spanish or Virgina "with splits" shall not exceed 2 percent. The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this subparagraph (a) shall be as follows:

Grade and type	Screen openings	
	Split and broken kernels	Whole kernels
Virginia	$^{17}/_{64}$ inch round	$^{14}/_{64}$ x 1 inch slot.
Runners	$^{17}/_{64}$ inch round	$^{14}/_{64}$ x $^{3}/_{4}$ inch slot.
Spanish and Valencia.	$^{19}/_{64}$ inch round	$^{13}/_{64}$ x $^{3}/_{4}$ inch slot.

(Runners, Spanish, or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Runners or Spanish 2 percent whole kernels which will pass through a $^{15}/_{64}$ slot screen and for Virginias a $^{15}/_{64}$ x 1 slot screen, and (c) otherwise meet the specifications of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) with more than 1 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by a Consumer and Marketing Service laboratory (hereinafter referred to as "C&MS laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2 percent peanuts with damaged kernels; (3) with more than 10 percent moisture; or (4) with more than 0.50 percent foreign material.

(c) *Pretesting shelled peanuts.* Each handler shall cause an appropriate sample of each lot of shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspector Service and sent by the Service for aflatoxin assay to a C&MS laboratory or a laboratory listed on the most recent Committee list of approved laboratories to conduct such aflatoxin assay. Each such sample shall be accompanied by a notice of sampling, signed by the inspector, containing, at least, identifying information as to the handlder (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice on each lot shall be sent to the Committee office. Any costs of drawing such samples and postage for mailing the samples shall be borne by the handler. Cost of the assay shall be for the account of the buyer of the lot. If the handler elects to pay for the assay, he shall charge the buyer when he invoices the peanuts and, if more than one buyer, on a pro rata basis. The results of each assay shall be reported to the buyer listed in the notice of sampling and, if the handler desires, to the handler. If the buyer is not listed in the notice, the results of the assay shall be reported to the handler who shall promptly give notice, or cause notice to be given, to the buyer of the contents thereof.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk shall have their lot identity maintained by sealing the conveyance or by other means acceptable to the Federal or Federal-State inspectors and to the Committee. All such lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Interplant transfer.* Until such time as procedures permitting interplant or cold storage movement are established by the Committee, no handler shall so move, beyond the surveillance of the on-premises Federal - State inspector, cleaned inshell or shelled peanuts which have been bagged and tagged for handling under positive lot identification,

unless such peanuts have been inspected and certified as meeting the outgoing quality regulation. However, any handler may transfer peanuts not so prepared from one plant owned by him to another of his plants or to commercial storage, without having such peanuts inspected and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, sheller oil stock and pickouts.* (1) No handler may dispose of loose shelled kernels (other than the whole kernels separated from them pursuant to paragraph (c) of the Incoming Quality Regulation applicable to 1967 crop peanuts), sheller oil stock, and pickouts (residue) from milled peanuts except by sale to the Commodity Credit Corporation of those qualities acceptable to it, by sale for oil stock, by crushing, or by otherwise removing them from human consumption outlets and feed outlets. For the purpose of this regulation: the term "peanuts of nonedible quality described in paragraph (g)(1)" means loose shelled kernels, sheller oil stock, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens in removing whole kernels; the term "sheller oil stock" means accumulations of peanut kernels or portions of kernels, other than loose shelled kernels or pickouts, which are not eligible for shipment as edible peanuts or sale to the Commodity Credit Corporation and the inshell peanuts removed from farmers stock peanuts by such devices as gravity separators and such other peanut material commonly referred to as oil stock; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, sheller oil stock, and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels or delivered to the Commodity Credit Corporation. Each such category of peanuts shall be bagged separately in suitable new or clean, sound used bags or placed in bulk containers acceptable to the Committee. Such peanuts shall be inspected by Federal or Federal-State inspectors in lots of not more than 100,000 pounds and a certification made as to moisture and foreign material content.

(3) All peanuts of nonedible quality described in paragraph (g)(1) shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag. Such peanuts may be disposed of only by crushing into oil and meal or destroyed, unless other disposition is authorized by the Committee and all dispositions shall be reported to the Committee on such forms and at such times as it prescribes. Such peanuts shall be deemed to be "restricted" peanuts and the meal produced therefrom shall be used or disposed of as fertilizer or other nonfeed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for nonfeed use or sell it to the aforesaid fertilizer manufacturers. However, peanuts other than pickouts and meal from peanuts other than pickouts in specifically identified lots of not more than 50 tons each, may be sampled by Federal or Federal-State inspectors, or by the area association if authorized by the Committee, and tested for aflatoxin by laboratories approved or operated by Consumer and Marketing Service, at handler's or crusher's expense, and if such meet Committee standards, the meal may be dipsosed of for feed use.

(4) Notwithstanding any other provision of this regulation or of the Incoming Quality Regulation applicable to 1967 crop peanuts, a handler may transfer such "restricted" peanuts to another plant within his own organization or transfer or sell such peanuts to another handler or crusher for crushing. Sales or transfer of restricted peanuts to persons not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) including the reporting requirements.

TERMS AND CONDITIONS OF INDEMNIFICATION—1967 CROP PEANUTS

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify, or arrange for the buyer to notify, the Manager, Peanut Administrative Committee of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of an aflatoxin assay. If such a lot of peanuts has been inspected and certified as meeting the quality requirements of the agreement, and all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the "Outgoing Quality Regulation—1967 Crop Peanuts", and the lot identification has been maintained, the Committee, if it chooses, may request another aflatoxin assay on such a lot which shall be performed by a C&MS laboratory. If the Committee concludes that the lot is so high in aflatoxin that it should be eligible for indemnification and such is concurred in by the Consumer and Marketing Service, the lot shall be eligible for indemnification; and, if the peanuts are covered by a sales contract, such lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Consumer and Marketing Service shall, prior to disposition for crushing, determine if the lot is suitable for remilling.

If the Committee and the Consumer and Marketing Service conclude that such lot is not suitable for remilling, the lot shall be declared for indemnification and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts not suitable for remilling shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary temporary storage and of transportation (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee. Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for indemnification shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1 percent damaged kernels other than minor defects. Lots with damage in excess of 1 percent shall be remilled without reimbursement, for milling, freight, or other costs, from the Committee.

The indemnification value of peanuts delivered to the Committee for indemnification shall be the sales contract (including transfer) price established to the satisfaction of, and acceptable to, the Committee or if the lot is unsold the applicable market price determined by the Committee based on quotations in the most recent "Peanut Market News" report published by C&MS.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weight of peanuts removed in the remilling process and not cleared for human consumption, plus temporary storage and transportation costs, as aforesaid, and an allowance for remilling of 1 cent per pound on the original weight. Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling and clearance of the lot for human consumption as the Committee may require, and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any remilled lot, the Committee shall declare the entire lot for indemnification.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine.

Claims for indemnification on peanuts of the 1967 crop shall be filed with the Committee at least 30 days prior to December 31, 1968.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Ga. Upon a determination of the Peanut Administrative Committee, confirmed by the Consumer and Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller. Seller shall not be precluded from replacing such peanuts if he so elects.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause an appropriate sample to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample to be sent to a C&MS laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's, to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory, or in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on 1967 crop peanuts covered by the sales contract.

In addition, should any handler enter into any sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on 1967 crop peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Categories eligible for indemnification are the following:

Cleaned in-shell peanuts:

(1) U.S. Jumbos.

(2) U.S. Fancy Handpicks.

(3) Valencia—Roasting Stock.[1]

U.S. Grade shelled peanuts:

(1) U.S. No. 1.

(2) U.S. Splits.

(3) U.S. Virginia Extra-Large.

(4) U.S. Virginia Medium.

Shelled peanuts "with splits":

(1) Runners with splits meeting outgoing quality requirements.

(2) Spanish with splits meeting outgoing quality requirements.

(3) Virginias with splits meeting outgoing quality requirements.

[F.R. Doc. 67-4892; Filed, May 1, 1967; 8:50 a.m.]

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(65)-59]

CLAUS HUTH

Order Denying Export Privileges for an Indefinite Period

In the matter of Claus Huth, Georgsplatz 1a 2 Hamburg 1, Federal Republic of Germany, Respondent, File No. 23 (65)-59.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all export privileges for an indefinite period because the said respondent, without good cause being shown, failed to furnish answers to interrogatories, failed to furnish certain records specifically requested, and failed to make available for inspection certain specific commodities exported to him from the United States. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Claus Huth conducts business under his own name in Hamburg, Federal Republic of Germany; that he deals in chemicals, including importing and exporting such commodities; that in the period from March 1963 through July 1965 the respondent received from a supplier in the United States 14 shipments of chemicals; that authorization from the Office of Export Control was required to reexport the commodities in said shipments to certain other countries; that respondent did not request such authorization with regard to any of such commodities. The aforesaid Investigations Division is conducting an investigation into the disposition by said respondent of said commodities. It is impracticable to subpoena the respondent, and relevant and material interrogatories relating to his disposition of said commodities were served on him pursuant to § 382.15 of the Export Regulations. The respondent also, pursuant to said section, was requested to furnish certain specific documents relating to the disposition of said commodities and, if said commodities were still in his possession, to make them available for inspection. Said respondent has failed to furnish answers to said interrogatories, to furnish the documents requested, or to make said commodities available for inspection as required by said section, and he has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period may properly be entered under section 382.15 of the Export Regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents, employees, representatives, and partners and to any other person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon him and makes available for inspection the commodities specified, or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party,

or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of section 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: April 24, 1967.

This order shall become effective on April 29, 1967.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 67-4834; Filed, May 1, 1967; 8:46 a.m.]

[File No. 22-69]

PAUL AEBERSOLD

Order Temporarily Revoking General License Privileges

In the matter of Paul Aebersold, Fronwaldstrasse 21, Zurich, Switzerland, Respondent, File No. 22-69.

This action is taken pursuant to the Export Control Act of 1949 (50 U.S.C. App., secs. 2021-2032) and the Export Regulations issued thereunder (Title 15 CFR 368 et seq.) particularly sections 370-2(c) and 371.5.

The Director of the Investigations Division, Office of Export Control has presented a petition for an order against the above named respondent revoking general license privileges. The matter was referred to the Compliance Commissioner, Bureau of International Commerce, for a recommendation as to the action to be taken on said petition. The Compliance Commissioner reviewed the petition and the documentary evidence which was submitted in support thereof and he has submitted a report and recommendation to the undersigned. On the evidence submitted the Compliance Commissioner has found that there is reasonable basis to believe that the respondent over a period of years has been abusing the general license privileges of the Export Regulations in the following manner: (1) The respondent on numerous occasions has ordered from U.S. suppliers and has caused the forwarding to him of commodities under General License GLV, and there is reasonable basis to believe that his conduct and method of operations have been designed as a device to cause the evasion of the requirements of validated export licenses (see Export Regulations, §§ 371.10(c), 381.2, and 381.4); (2) the respondent on numerous occasions has ordered from suppliers in the United States electronic equipment, some of a strategic nature, which commodities on respondent's instructions have been exported under General License to him in the Free Zone, Zurich, Switzerland; some of said commodities may not be exported directly from the United States to certain third countries under General License and require authorization from the Office of Export Control for reexportation from Switzerland to such third countries; such authorizations to reexport said commodities have not been requested and there is reasonable basis to believe that the respondent has reexported said commodities to unauthorized destinations (see Export Regulations, §§ 381.6 and 371.4). The Compliance Commissioner has also found that there is reasonable basis to believe that the respondent's conduct and activities have resulted in the improper exportation to him of substantial quantities of strategic items under General License without the safeguards to the public interest and national security of the United States which would be afforded if such commodities had been exported under validated licenses. The Compliance Commissioner has further found that there is reasonable basis to believe that the respondent will continue to abuse the general license privileges as above set forth if steps are not taken to prevent such conduct.

I have reviewed the evidence submitted in support of the petition and hereby adopt the findings of the Compliance Commissioner. I also accept his recommendation concerning the issuance of an order.

I hereby find that an order temporarily revoking respondent's general license privileges is reasonably necessary to carry out the purposes of the Export Control Act of 1949 and the regulations issued thereunder. Such an order is hereby entered to be effective for 45 days from the effective date hereof during which time the respondent has the opportunity to show cause why such order should not be extended. Under this order the respondent is prohibited from participating in any general license transactions, and where he is a party to any export transaction (including those which could, according to the provisions of the Export Regulations, ordinarily be made under General License) it shall be necessary for all participants in said transaction to follow the procedures set forth in the Export Regulations relating to the filing of application for and obtaining validated export license.

Accordingly, it is hereby ordered:

I. The respondent's general license privileges are hereby revoked and he is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity in any transaction involving commodities or technical data which, under the provisions of the U.S. Export Regulations, are exportable under a General License, including General License GLV. In any export transaction involving such commodities or technical data in which the respondent is a participant it shall be necessary for the participants in said transaction to follow the procedures set forth in the Export Regulations relating to the filing of application for and obtaining a validated export license. This order does not prohibit respondent from participating in transactions for which validated export licenses may be issued. Nothing herein contained shall relieve the respondent or any participant in any export transaction with him from complying with the requirements of the Export Regulations regarding commodities or technical data for which a validated export license is required.

II. This order temporarily revoking General License privileges shall extend not only to the respondent but also to his assigns, representatives, agents, and employees and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

III. This order shall take effect on the date it is published in the FEDERAL REGISTER and shall remain in effect for a period of 45 days unless it is hereafter extended, modified, or vacated by a subsequent order.

IV. (a) The respondent, during the 45-day period while this order is in effect, may move to vacate or modify the same and he is hereby given the opportunity during said 45-day period to show cause why this order should not be extended or made effective for the duration of export controls. Any such motion or representation purporting to show good cause shall contain or be accompanied by evidence which shall include information and facts to demonstrate that respondent has not abused the general license privileges of the Export Regulations as above set forth.

(b) Any such motion to vacate or modify, or representation purporting to show good cause, shall be filed with the Compliance Commissioner, Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230. The respondent may request an oral hearing and if such request is made such hearing shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date after due notice of the time and place of the hearing has been given to the interested parties. The Compliance Commissioner shall consider the evidence presented,

whether in writing or at the oral hearing, and shall submit his report and recommendation thereon to the undersigned. The undersigned will issue such order as is deemed appropriate and a copy will be sent promptly to the respondent or his attorney.

(c) If the respondent does not file a motion to vacate or modify this order, or if such motion is filed and substantial evidence is not presented in support of the granting thereof, or if respondent does not show good cause why this order should not be extended, this order may be extended or a new order entered to be effective for such length of time as the undersigned may consider appropriate, including effectiveness for the duration of export controls.

(d) If the respondent files a motion to vacate or modify this order, pursuant to subsections (a) and (b) of this part, and an order is subsequently issued which adversely affects him, he may appeal to the Appeals Board, Department of Commerce from such order upon the ground that the order is arbitrary, capricious, or an abuse of discretion. An appeal will not be entertained unless the respondent has moved for relief as provided in subsections (a) and (b) of this part, and has presented evidence in support of said motion.

V. While this order is in effect no person, firm, corporation, partnership or other business organization in the United States, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall make any exportation to the respondent, or participate in any way in making or effecting an exportation to respondent, of any commodity or technical data unless a validated export license shall have been issued by the Office of Export Control authorizing such exportation.

VI. A copy of this order shall be served on respondent.

Dated: April 24, 1967.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 67-4855; Filed, May 1, 1967; 8:48 a.m.]

National Bureau of Standards

[SPR 16-53]

AMERICAN LUMBER STANDARD FOR SOFTWOOD LUMBER

Decision Regarding Proposed Revision of Simplified Practice Recommendation

Careful consideration has been given to the report of the Bureau of Census on its statistical survey of the lumber industry regarding acceptance of the proposed revision of the softwood lumber standard. The results obtained in that survey are reported in a document available, for $1, from the National Bureau of Standards, Washington, D.C. 20234.

Consideration has also been given to the direct responses submitted to the National Bureau of Standards on acceptance or rejection of the proposed standard. There has also been taken into account the legal advice of the General Counsel of the Department of Commerce.

Based on the legal advice received, the proposed revision of the standard recommended by the American Lumber Standards Committee will not be published but will be returned to the Committee.

The proposed withdrawal of the present standard, SPR 16-53, is postponed pending further action.

Dated: April 28, 1967.

A. V. ASTIN,
Director,
National Bureau of Standards.

[F.R. Doc. 67-4980; Filed, May 1, 1967; 11:28 a.m.]

Office of the Secretary

[Dept. Order 83; Amdt. 2]

OFFICE OF THE SECRETARY

Organization and Functions

The following amendment to the order was issued by the Acting Secretary of Commerce effective April 1, 1967. This material further amends the material appearing at 31 F.R. 3471 of March 5, 1966, and 31 F.R. 7766, of June 1, 1966.

This material supersedes the material appearing at:

31 F.R. 13952 of November 1, 1966;
31 F.R. 15099-15101 of December 1, 1966;
31 F.R. 15101-15102 of December 1, 1966;
31 F.R. 273 of January 8, 1966;
29 F.R. 24-25 of January 1, 1964;
31 F.R. 4169 of March 9, 1966;
31 F.R. 542-543 of January 15, 1966;
30 F.R. 3461 of March 16, 1965;
29 F.R. 13542 of October 1, 1964;
29 F.R. 25-27 of January 1, 1964;
31 F.R. 15331 of December 7, 1966;
30 F.R. 15042-15044 of December 4, 1965;
27 F.R. 11562 of November 24, 1962;
31 F.R. 8928-8929 of June 28, 1966; and
29 F.R. 11386-11387 of August 6, 1964.

Department Order 83 of February 15, 1966, as amended, is hereby further amended as follows:

1. SEC. 3. *Organization Structure of the Department.* Subparagraph .01a. is amended to read:

a. The Office of the Secretary consists of the Secretary and Secretarial Officers, their immediate staffs, and a number of Departmental staff offices. The Secretarial Officers of the Department are:

Under Secretary.
Assistant Secretary for Domestic and International Business.
Assistant Secretary for Economic Affairs.
Assistant Secretary for Science and Technology.
Assistant Secretary for Economic Development.
Assistant Secretary for Administration.
General Counsel.

2. SEC. 4. *Officers designated to act for the Secretary.* This section is amended to read:

By law (5 U.S.C. 591b) the Under Secretary acts as Secretary of Commerce in case of absence or sickness of the Secretary, or vacancy in the office. In the case of a vacancy, temporary or otherwise, in the Office of Secretary or Under Secretary, Executive Order 10148 provides that other Secretarial Officers, in the order of listing below, shall act as Secretary of Commerce:

The Assistant Secretaries of Commerce in the order of precedence as determined by the dates of their commissions; and

The General Counsel.

Revocation:

The following Department Orders are hereby revoked:

DO 128, Under Secretary of Commerce for Transportation, of November 22, 1965, as amended;
DO 10-A, Traffic and Highway Safety, of October 20, 1966;
DO 10-B, National Highway Safety Agency, of November 9, 1966;
DO 10-C, National Traffic Safety Agency, of November 9, 1966;
DO 109, Bureau of Public Roads, of December 12, 1963, as amended;
DO 109 OFS, Bureau of Public Roads, of December 12, 1963, as amended;
DO 169, Great Lakes Pilotage Administration, of November 13, 1962;
DO 185, Saint Lawrence Seaway Development Corporation, of June 16, 1966; and
DO 185 OFS, Saint Lawrence Seaway Development Corporation, of July 16, 1964.

Effective date: April 1, 1967.

DAVID R. BALDWIN,
Assistant Secretary
for Administration.

[F.R. Doc. 67-4818; Filed, May 1, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CANNED MUSHROOMS DEVIATING FROM IDENTITY STANDARD

Notice of Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated under authority of section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Oxford Royal Mushroom Products, Inc., Kelton, Pa. 19346. This permit covers interstate marketing tests of canned mushrooms, in the button and whole forms, with added calcium disodium EDTA, an ingredient not provided for by the standard of identity for this canned vegetable (21 CFR 51.990). The subject food will contain calcium disodium EDTA in a quantity not to exceed 200 parts per million complying with the provisions of § 121.1017 (21 CFR 121.1017) of the food additive regulations. Labels on the food are to name the added ingredient by the statement "Calcium disodium EDTA added to protect color."

This permit expires April 24, 1968.

Dated: April 24, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4879; Filed, May 1, 1967; 8:49 a.m.]

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 7F0594) has been filed by Chevron Chemical Co., Richmond, Calif. 94801, proposing the establishment of a tolerance of 0.05 part per million for negligible residues of the herbicide diquat (1,1'-ethylene-2,2'-bipyridylium), derived from application of the dibromide salt and calculated as the cation, in or on the raw agricultural commodity sugarcane.

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric procedure in which the sample is passed through a cation exchange resin that absorbs the diquat. The diquat is then eluted with saturated ammonium chloride solution and reduced by sodium dithionite to an unstable free radical having an intense green color and strong absorption peak at 377 millimicrons.

Dated: April 24, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4880; Filed, May 1, 1967; 8:49 a.m.]

PILLSBURY CO.

Notice of Withdrawal of Petition for Food Additive Glucan Polysaccharide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402, has withdrawn its petition (FAP 7A2098), notice of which was published in the FEDERAL REGISTER of October 25, 1966 (31 F.R. 13732), proposing the issuance of a regulation to provide for the safe use of a glucan polysaccharide, produced by fermentation of carbohydrate substrates by the fungus *Sclerotium rolfsii* and related species, as a suspending and emulsifying agent in food.

Dated: April 24, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4881; Filed, May 1, 1967; 8:49 a.m.]

THOMPSON CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 7F0589) has been filed by Thompson Chemical Corp., 23529 South Figueroa Street, Wilmington, Calif. 90744, proposing the establishment of a tolerance of 2 parts per million for residues of the growth regulator dimethylamine salt of 2,4-dichlorophenoxyacetic acid in or on the raw agricultural commodity apricots.

The analytical method proposed in the petition for determining residues of the growth regulator is a microcoulometric-gas chromatographic technique.

Dated: April 24, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4882; Filed, May 1, 1967; 8:50 a.m.]

Office of the Secretary

PATENT ACTIVITIES

Statement of Organization and Delegations of Authority

The Statement of Organization and Delegations of Authority of the Department, 20 F.R. 1996 as amended, is further amended to include under Part 1, "Organization of the Department," Chapter 1-901 as follows:

CHAPTER 1-901

DEPARTMENT PATENT ACTIVITIES

1-901-00 Purpose.
1-901-10 Responsibilities.

1-901-00 *Purpose.*

This chapter describes the organization for patent activities within the Department.

1-901-10 *Responsibilities.*

A. *Office of the Secretary*—1. *Assistant Secretary (Health and Scientific Affairs).*

a. Administers the patent program of the Department.

b. Advises the Secretary, members of his staff, and the operating agencies on all matters relating to patents.

c. Evaluates current patent policy and develops policy to meet changing needs.

d. Issues patent administration procedures and recommends regulations for issuance by the Secretary.

e. Coordinates Department patent activities.

f. Receives reports of inventions by employees and holders of Department grants, fellowships and contracts.

g. Makes determinations of rights in inventions and patents in which the Department has an interest.

h. Issues licenses to applicants under patent applications and patents owned by the Government as represented by the Department and accepts licenses issued to the Government as represented by the Department.

i. Maintains records and documents incident to patent administration.

j. Maintains liaison with Congress and other Federal departments and agencies on matters involving patent policy and programs.

2. *Office of General Counsel.* The General Counsel will designate a Department Patent Counsel who will be responsible for:

a. Rendering legal interpretations with respect to all patent matters within the Department.

b. Performing legal review of all patent determinations.

c. Providing legal advice on patent matters to the Assistant Secretary (Health and Scientific Affairs).

d. Furnishing legal counsel to the Department Patent Board.

e. Providing other legal services, such as conducting patent searches, filing and prosecuting patent applications, and drafting legal documents such as assignments and licenses incident to patent administration for which the Department has responsibility.

f. Maintaining liaison with the Patent Office, Department of Commerce, on legal matters in the administration of the Department's patent responsibilities.

3. *Department Patent Board.* The Department Patent Board shall be composed of the Deputy Under Secretary, as Chairman, and representatives from the following staff officers and operating agencies:

Assistant Secretary (Health and Scientific Affairs).
Assistant Secretary for Administration.
Department Patent Counsel.
Public Health Service.
Office of Education.
Food and Drug Administration.
Vocational Rehabilitation Administration.
Welfare Administration.

The Department Patent Board shall upon the request of the Assistant Secretary (Health and Scientific Affairs):

a. Advise the Assistant Secretary (Health an Scientific Affairs) on patent policy matters.

b. Provide the Assistant Secretary (Health and Scientific Affairs) a medium through which to evaluate the effectiveness of Department patent policy and the administration of such policy.

c. Assist in the development of patent policy and administrative procedure.

d. Provide a forum for discussion of all matters pertaining to inventions and patents.

e. Review proposed changes in regulations.

B. *Operating agencies.* The head of each operating agency is responsible, in accordance with Department policy, for:

1. Including patent clauses in grants, contracts, and fellowships as appropriate to implement the Department patent regulations and policies.

2. Educating employees, contractors, and grantees as to the need for reporting inventions.

3. Appraising the effectiveness of reporting.

4. Evaluating the impact of patent policy on agency operations.

5. Assisting, as requested, in the development of patent determinations.

6. Providing such advice as the Assistant Secretary (Health and Scientific Affairs) may require on the most effective means of relating patent policy and procedure to program objectives.

7. Providing such other information or reports as the Assistant Secretary may request.

Dated: April 25, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-4883; Filed, May 1, 1967; 8:50 a.m.]

OFFICE OF THE GENERAL COUNSEL

Organization and Delegations of Authority

The Statement of Organization and Delegations of Authority of the Department (22 F.R. 1045 as amended) and other Delegations of Authority published in the FEDERAL REGISTER are hereby amended so that the title "Associate General Counsel" shall read "Deputy General Counsel" wherever it appears, and for other purposes, as follows:

1. Secs. 2-310.10, 2-310.20, 2-310.30, and 2-310.40 of the Statement or Organization and Delegation of Authority are amended to read as follows:

CHAPTER 2-310

IMMEDIATE OFFICE OF THE GENERAL COUNSEL

2-310-10 Organization.
2-310-20 General Counsel.
2-310-30 Deputy General Counsel.
2-310-40 Special Assistant to the General Counsel.

2-310-10 *Organization.*

The Immediate Office of the General Counsel shall consist of:

General Counsel.
Deputy General Counsel.
Special Assistant to the General Counsel.

2-310-20 *General Counsel.*

A. The General Counsel:

1. Serves as Special Advisor to the Secretary on legal matters in connection with the administration of the Department.

2. Exercises general direction and supervision over all legal activities carried on by the Department.

2-310-30 *Deputy General Counsel.*

The Deputy General Counsel assists the General Counsel in the carrying out of his responsibilities and performs such duties as the General Counsel prescribes.

2-310-40 *Special Assistant to the General Counsel.*

The Special Assistant to the General Counsel assists the General Counsel and the Deputy General Counsel in carrying out their professional and managerial responsibilities.

2. Section 1 of the notice entitled "Designation of Authority to Certify Copies of Documents" published in 30 F.R. 13908 is hereby amended so that the title "Associate General Counsel" shall read "Deputy General Counsel" and the title "Secretary to the Associate General Counsel" shall read "Secretary to the Deputy General Counsel".

Dated: April 26, 1967.

JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-4884; Filed, May 1, 1967; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 67-24]

SAN FRANCISCO BAY

Notice of Closure to Navigation During Launching of USS "Gurnard"

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4 (32 F.R. 5606) and Executive Order 10173, as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of T. J. Fabik, Rear Admiral, U.S. Coast Guard, Commander, 12th Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE SAN FRANCISCO BAY

Pursuant to request of Commander, San Francisco Bay Naval Shipyard, U.S. Navy, and acting under authority of the Act of June 15, 1917 (40 Stat. 220) as amended, and the regulations in Part 6, Chapter I, Title 33, Code of Federal Regulations, I hereby order that the waters of Mare Island Stralt, Napa River, Calif., between the Mare Island Causeway (38°06'44" N., 122°16'14.5" W. to 38°-06'36" N., 122°16'32" W.) and a line extending in the direction 245 degrees true from the end of the former Naval Reserve Pier, Vallejo, Calif. (38°05'36.5" N., 122°15'22" W.) to the opposite shore of the Napa River (38°-05'32" N., 122°15'35" W.) be closed to all persons and vessels on Saturday, May 20, 1967, from 10:45 a.m., P.d.s.t., until after the USS "Gurnard" takes the water and is alongside the seawall at San Francisco Bay Naval Shipyard, after the launching of said vessel. The southern line of demarcation is otherwise described as a line extending between the end of the former Naval Reserve Pier, Vallejo, and the southernmost smokestack in the area of Mare Island generally opposite said pier. Limits of this area will be clearly posted by signs and by Coast Guard Patrol Boats.

All persons and vessels are directed to remain outside of the closed area. This order will be enforced by the Captain of the Port, San Francisco, Calif., and by U.S. Coast Guard vessels under his command. Personnel, facilities, and equipment of other Federal, State, and municipal agencies may be utilized to assist in the enforcement of this order.

Penalties for violation of the above order: Section 2, Title II of the Act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows: "If any owner, agent, master, officer or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this Title, or obstructs or interferes with the exercise of any power conferred by this Title or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this Title, or knowingly obstructs or interferes with the exercise of any power conferred by this Title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

[SEAL] P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 67-4839; Filed, May 1, 1967; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-283]

GENERAL ELECTRIC TECHNICAL SERVICES CO., INC.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that General Electric Technical Services Co., Inc., a wholly owned subsidiary of the General Electric Co., 1331 H Street NW., Washington, D.C. 20005, has submitted an application dated April 5, 1967, for a license to authorize the export of a 306,660 kilowatt electrical, boiling water nuclear power reactor to the Japan Atomic Power Co., Toyko, Japan.

Upon finding that the proposed export of the reactor is within the scope of the Agreement for Cooperation between the Governments of the United States of America and Japan and, unless within 15 days after the publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the U.S. Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation will cause to be issued to General Electric Technical Services Co., Inc., a facility export license containing the authority set forth in the text below and cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Secretary will issue a notice of hearing or an appropriate order.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter I, Code of Federal Regulations, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated April 5, 1967, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 19th day of April 1967.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of
State and Licensee Relations.

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S. Atomic Energy Commission issued pursuant

thereto, and in reliance on statements and representations heretofore made, General Electric Technical Services Co., Inc., a wholly owned subsidiary of the General Electric Co., is authorized to export a 306,660 kilowatt electrical, boiling water power reactor to the Japan Atomic Power Co., Tokyo, Japan, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license or any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall expire on April 30, 1973.

For the Atomic Energy Commission.

[F.R. Doc. 67-4817; Filed, May 1, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16678, 16831; FCC 67M-683]

BAY BROADCASTING CO. AND REPORTER BROADCASTING CO.

Order Continuing Prehearing Conference

In re applications of Bay Broadcasting Co., San Francisco, Calif., Docket No. 16678, File No. BPCT-3621; Reporter Broadcasting Co., San Francisco, Calif., Docket No. 16831, File No. BPCT-3562; for construction permit for new television broadcast station:

It is ordered, By the Hearing Examiner on his own motion, that the further prehearing conference in this matter now scheduled for April 27, 1967 is hereby rescheduled to commence at 11 a.m., May 3, 1967, in Room 6509, New Post Office Building, Washington, D.C.

Issued: April 25, 1967.

Released: April 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4886; Filed, May 1, 1967; 8:50 a.m.]

[Docket No. 17378; FCC 67-480]

CABLE VISION, INC., ET AL.

Memorandum Opinion and Order Instituting Hearing

In re petitions by Cable Vision, Inc., Lewiston and Auburn, Maine, Docket No. 17378, File No. CATV 100-20; Fletcher's TV Service, Inc., Rumford, Maine, File Nos. CATV 100-20, CATV 100-130; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Portland-Poland Spring television market; and in re applications of Racom, Inc., File Nos. 6743/6744-C1-P-65; for construction permits for new point-to-point microwave radio stations.

1. The Commission has before it for consideration the following proposals in the Portland-Poland Spring television market, currently ranked 60th in the American Research Bureau's 1966 "Television Market Analysis": (a) Petition for waiver of evidentiary hearing requirement of § 74.1107, filed by Racom, Inc., Fletcher's TV Service, Inc., and Cable Vision, Inc. (CATV 100-20), to permit the importation of distant signals of a Boston independent station (Channel 38) and of the Sherbrooke, Canada, network affiliate (CBC—Channel 7) and of the Montreal, Canada, independent station (Channel 10) on operating Rumford and Lewiston CATV systems and on the proposed Auburn system;[1] (b) Petition by Fletcher's (CATV 100-130) to permit the importation on the Rumford system of additional distant signals of the Bangor, Maine, NBC, CBS, and independent stations (Channels 2, 5, and 7) and of the Burlington, Vt., CBS affiliate (Channel 3). All of the systems carry or will carry the predicted Grade B or better signals of Channels 6 (NBC) and 13 (CBS) from Portland; 8 (ABC) from Poland Spring; and *10 (ETV) from Augusta. The licensee of Channel 6, Portland, opposes the joint petition; the licensee of Channel 13, Portland, requests that it be made a party to any designated hearing. No oppositions are on file with respect to the separate request of Fletcher's TV Service, Inc. (File No. CATV 100-130, filed Nov. 10, 1966).

2. The Portland-Poland Spring television market has a total net weekly circulation of 307,300, Portland, a city of 72,566 in Cumberland County (population 182,751), has Channels 6 (NBC), 13 (CBS), 26 (idle), and *59 (idle) assigned to it. Lewiston (Poland Spring) has been assigned Channels 8 and 35; Channel 8 is operating as an ABC affiliate and Channel 35 is vacant.[2] Located within the predicted Grade A contours of the market's stations are Augusta with Channel *10 (ETV-licensed); Fryeburg with Channel *18 (idle); Kittery with Channel *34 (idle); and Rumford with Channel *43 (idle).

3. Cable Vision has been operating its Lewiston system (population 40,804) since January 1966, and proposes to operate a new system in the adjacent city of Auburn (population 24,449), both of which are located in Androscoggin County (population 86,312). Franchises were awarded for both systems in February 1963. These communities are approximately 30 miles north of Portland and are the principal cities of the Lewiston-Auburn Census Areas (Standard Metropolitan Statistical Area and Urbanized Area) which include Poland Spring. Both Androscoggin County and Cumberland County (Portland's home county) are included within the Metro Area of the Portland-Poland Spring market by the American Research Bureau. Fletcher's has been operating a CATV system in Rumford (population 10,005) since 1954. Rumford is located in Oxford County (population 44,345), about 30 miles northwest of Lewiston and 60 miles northwest of Portland, and is not within either the Portland or Lewiston-Auburn census areas.

4. The Lewiston and Rumford systems now carry, and the proposed Auburn system will carry, the two operating Portland stations (Channels 6 and 13), the operating Lewiston (Poland Spring) Channel (8), and the educational Channel (*10) from Augusta, all of which provide predicted Grade B or better service to the communities. The systems seek waiver of the § 74.1107 hearing requirement to permit the extension of distant signals from Boston (Channel 38—independent), Sherbrooke (Channel 7—CBC), and Montreal (Channel 10—independent). Both distant signals from Canada are French language outlets. As noted previously, these signals are to be supplied to petitioners' CATV systems, via microwave, by Racom, Inc. In support of their joint request (File No. CATV 100-20), petitioners urge that substantial segments of the populations in the CATV communities are of Catholic French-Canadian heritage; that carriage of the Boston station would not only afford a first independent signal to the communities but would also satisfy a particular interest by providing in-school educational programing geared to the Catholic parochial school system;[3] that said populations seek to retain the native French tongue and that the Canadian stations, as French language outlets, would aid in this attempt; and that neither the use of the French language nor the religious-oriented programing is available on the local channels. With respect to its separate request (File No. CATV 100-130) for additional distant signals from three Bangor stations and one Burlington, Vt., station, Fletcher's

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[1] Racom, Inc., proposes to provide these CATV systems, via microwave, with the distant signals from Boston, Sherbrooke, and Montreal. Presently pending before the Commission are applications by Racom (File Nos. 6743/6744-C1-P-65) for new point-to-point microwave stations to implement this proposed service. Maine Radio & Television Co., the licensee of Channel 6, Portland, has filed a petition to deny these applications or, alternatively, to withhold action thereon pending proceedings in regard to the § 74.1107 waiver requests. Since the licensee's opposition is effectively disposed of by our action here, the petition to deny will be denied. The disposition of the microwave applications will follow later and will be consistent with our resolution of the § 74.1107 waiver requests here.

[2] Lewiston-Auburn Broadcasting Corp. received a construction permit to operate Station WLAM-TV on Channel 17 in Lewiston on July 8, 1953, and, subsequently, was issued a license to cover the commercial operation on Feb. 14, 1955. However, the licensee voluntarily terminated the UHF operation on Mar. 25, 1955. Subsequent revisions of the Table of Assignments resulted in the present allocation of Channel 35 to Lewiston.

[3] Subsequent to the filing of the joint waiver petition, control of Channel 38, Boston, was transferred from Boston Catholic Television Center, Inc., to Storer Broadcasting Co. although the licensee continued to be New Boston Television, Inc.

notes that these additional signals (including Channel 7 from Sherbrooke) are presently being carried on a competitive system in the Rumford community. Fletcher's also alleges that the competitive system delivers these distant signals by virtue of a lease-back arrangement with the local telephone company and that, if the telephone company had not delayed in its grant of a pole attachment agreement to Fletcher's, it would have been delivering the requested distant signals to its customers long before the adoption of the CATV rules.

5. The arguments advanced on behalf of Cable Vision's proposal for its Lewiston and Auburn systems are insufficient to support a conclusion that the effect upon UHF development by CATV operations in these communities would be minimal. The adjacent cities of Lewiston and Auburn, with a combined population of 65,253, account for a major portion of the total population of Androscoggin County and constitute the heart of the Poland Spring portion of the market, the area to which new UHF stations must turn initially for economic support; both Portland and Lewiston have assigned but idle UHF allocations. Although Cable Vision does operate a system in Lewiston at present, that system does not distribute distant signals. Therefore, on the basis of the facts now before us, we cannot determine what effect the importation of these distant independent and network (Canadian) signals would have upon the potential for UHF service in the market. Accordingly, an evidentiary hearing on Cable Vision's proposal appears warranted in order to develop additional information. The CATV systems in Lewiston and Auburn can, of course, now carry the four (three network and one educational) stations which place predicted Grade B or better signals over the communities.

6. Rumford, on the other hand, is a smaller community (10,005) and is located in Oxford County, approximately 30 miles from Lewiston and 60 miles from Portland. It is not within either the Portland or the Lewiston-Auburn census areas. Furthermore, a competitive system in Rumford is presently supplying to its subscribers the distant signals of the Bangor and Sherbrooke stations and we note that other systems in Oxford County, located closer to the principal cities of the market, are carrying the Burlington, Vt., signal. In view of Rumford's separation from the principal cities of the market; its size when compared to the total net weekly circultation of the market (307,300); and since most of the distant signals requested are already being carried on CATV systems in Rumford and Oxford County, it seems reasonable to conclude that the proposal of Fletcher's would have little or no added impact upon the future development of UHF operations in the market and that waiver of § 74.1107 of the rules, in regard to the Rumford system, is appropriate.

Accordingly, it is ordered, This 19th day of April 1967, that the provisions of § 74.1107 of the rules are waived in order to permit Fletcher's TV Service, Inc., to carry, as proposed, the distant signals from Boston, Sherbrooke, Montreal, Bangor, and Burlington on its CATV system at Rumford, Maine.

It is further ordered, That the petition to deny, filed May 27, 1966, by Maine Radio and Television Co., licensee of Station WCSH–TV, Portland, in regard to the microwave applications of Racom, Inc. (File Nos. 6743/6744–C1–P–65) is denied to the extent indicated.

It is further ordered, Pursuant to sections 4(i), 303, 307(b), and 309 of the Communcations Act and § 74.1107 of the Commission's rules, that, with respect to the request of Cable Vision, Inc., to carry distant signals from Boston, Sherbrooke, and Montreal on its CATV systems at Lewiston and Auburn, Maine, the joint petition for waiver is denied and hearing is ordered on the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Portland-Poland Spring television market.

2. To determine the effects of current and proposed CATV service in the Portland-Poland Spring television market upon existing, proposed, and potential television broadcast stations in the market.

3. To determine (1) the present policy and proposed future plans of petitioner with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (2) the potential for such services; and (3) the impact of such services upon television broadcast stations in the market.

4. To determine whether the CATV proposal is consistent with the public interest.[4]

Cable Vision, Inc., Maine Radio and Television Co., licensee of Station WCSH–TV, Portland, Maine, and Racom, Inc., and Guy Gannett Broadcasting Services, licensee of Station WGAN–TV, Lewiston, Maine, are made parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof is upon the petitioner. A time and place for the hearing will be specified in another order.

Released: April 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–4888; Filed, May 1, 1967; 8:50 a.m.]

[4] On Feb. 13, 1967, Racom, Inc., Fletcher's TV Service, Inc., and Cable Vision, Inc., by their counsel, jointly filed a "Statement of Support of Petition for Waiver of Evidentiary Hearing." This statement of support was filed 9½ months after the filing of the original waiver request and no attempt was made to secure Commission approval for leave to file such an additional pleading. Accordingly, the Commission has not considered the matters alleged in this pleading in the disposition of these requests.

[5] Chairman Hyde absent; statement in which Commissioner Bartley concurs in part and dissents in part filed as part of original document; Commissioner Loevinger concurring in the result.

[Docket No. 17378; FCC 67M–693]

CABLE VISION, INC.

Order Scheduling Hearing

In re petition by Cable Vision, Inc., Lewiston and Auburn, Maine, Docket No. 17378, File No. CATV 100–20; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Portland-Poland Spring television market:

It is ordered, That Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 19, 1967, at 10 a.m.; and that a prehearing conference shall be held on May 18, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: April 25, 1967.

Released: April 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–4887; Filed, May 1, 1967; 8:50 a.m.]

[Docket No. 16928, etc.; FCC 67M–686]

CALIFORNIA WATER AND TELEPHONE CO. ET AL.

Order Continuing Hearing

In the matter of California Water and Telephone Co., Docket No. 16928, Tariff FCC No. 1 and Tariff FCC No. 2 applicable to channel service for use by community antenna television systems; in the matter of The Associated Bell System Companies, Docket No. 16943, tariffs for channel service for use by community antenna television systems; and in the matter of The General Telephone System, and United Utilities, Inc. Companies, Docket No. 17098, tariffs for channel service for use by community antenna television systems:

It is ordered, By the Hearing Examiner on his own motion, that the hearing now scheduled in this matter for May 31, 1967 is continued without date because

of the precedence to be accorded the hearing in Docket No. 17333.

Issued: April 25, 1967.

Released: April 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4889; Filed, May 1, 1967; 8:50 a.m.]

[Docket No. 17333; FCC 67M-689]

CALIFORNIA WATER AND TELEPHONE CO. ET AL.

Order Rescheduling Hearing

In the matter of California Water and Telephone Co.; The Associated Bell Systems Companies; The General Telephone System; and United Utilities, Inc., Companies; Docket No. 17333; applicability of section 214 of the Communications Act with regard to tariffs for channel service for use by community antenna television systems.

By agreement reached on the record of a prehearing conference held April 24, 1967, in the above matter: *It is ordered,* That the hearing now scheduled for May 8, 1967, is hereby rescheduled to commence at 10 a.m., May 31, 1967, in the Commission's offices in Washington, D.C.

Issued: April 25, 1967.

Released: April 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4890; Filed, May 1, 1967; 8:50 a.m.]

[Docket Nos. 16813, 16814; FCC 67M-685]

1400 CORP. (KBMI) AND JOSEPH JULIAN MARANDOLA

Order Continuing Prehearing Conference

In re applications of 1400 Corp. (KBMI), Henderson, Nev., Docket No. 16813, File No. BR-2937, for renewal of license of Station KBMI; Joseph Julian Marandola, Henderson, Nev., Docket No. 16814, File No. BP-16411, for construction permit:

It is ordered, That a further session of the prehearing conference will be held in the above-styled proceeding on May 16, 1967, at 9 a.m.

Issued: April 25, 1967.

Released: April 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4891; Filed, May 1, 1967; 8:50 a.m.]

[Canadian Change List 224]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

APRIL 7, 1967.

Notification under the provision of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignment of Canadian Broadcast Stations modifying Appendix containing Assignments of Canadian Stations (Mimeograph No. 47214-3) attached to the Recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		1220 kilocycles				
CHSC (now in operation with pattern notified in List No. 212).	St. Catharines, Ontario.	1 kwD/0.5 kwN.	DA-1	U	II	
		1280 kilocycles				
CHQB (now in operation).	Powell River, British Columbia.	1 kw	DA-1	U	III	
		1290 kilocycles				
CJOE (now in operation).	London, Ontario	10 kw	DA-1	U	III	
		1310 kilocycles				
CFGM (PO: 10 kwD/2.5 kwN 1310 kc DA-1).	Richmond Hill, Ontario.	*50 kw*	*DA-2*	U	III	E.I.O. 4-1-68.
		1510 kilocycles				
CJRS (assignment of call letters).	Sherbrooke, Province of Quebec.	10 kw	DA-2	U	II	

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4816; Filed, May 1, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4482]

GEORGIA POWER CO.

Notice of Proposed Issue and Sale of Short-Term Notes

APRIL 25, 1967.

Notice is hereby given that Georgia Power Co. ("Georgia"), 270 Peachtree Street NW., Atlanta, Ga. 30303, a public-utility subsidiary company of The Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Georgia requests authorization to issue, from time to time prior to October 1, 1967, its unsecured promissory notes to banks in an aggregate principal amount not to exceed $60 million, including in such amount up to an aggregate of approximately $37,159,000 principal amount of promissory notes to be issued pursuant to the exemption afforded by the first sentence of section 6(b) of the Act. Each note proposed to be issued by Georgia will bear interest at the prime rate in effect at the Chemical Bank New York Trust Co. in New York (presently 5½ percent per annum) on the date of issuance, will mature not more than 9 months after the date of issue and will be prepayable, in whole or in part, without penalty or premium.

The initial $57,323,000 of Georgia's notes are to be issued to the following banks in the aggregate amounts listed below:

Bank and location	*Amount*
First State Bank & Trust Co., Albany, Ga	$100,000
Alma Exchange Bank, Alma, Ga	20,000
Bank of Commerce, Americus, Ga	75,000
Citizens Bank, Americus, Ga	60,000
First American Bank & Trust Co., Athens, Ga	40,000
National Bank of Athens, Athens, Ga	85,000
The Citizens & Southern National Bank, Atlanta, Ga	5,000,000
Citizens Trust Co., Atlanta, Ga	100,000
The First National Bank of Atlanta, Atlanta, Ga	5,000,000
The Fulton National Bank of Atlanta, Atlanta, Ga	1,625,000

Bank and Location	Amount
The National Bank of Georgia, Atlanta, Ga	500,000
Trust Company of Georgia, Atlanta, Ga	3,500,000
First National Bank & Trust Co., Augusta, Ga	125,000
Georgia Railroad Bank & Trust Co., Augusta, Ga	750,000
Austell Bank, Austell, Ga	60,000
The Citizens & Southern DeKalb Bank, Avondale Estates, Ga	50,000
The Citizens Bank & Trust Co., Bainbridge, Ga	40,000
Baxley State Bank, Baxley, Ga	25,000
Peoples State Bank, Baxley, Ga	17,000
American National Bank, Brunswick, Ga	120,000
First National Bank of Brunswick, Brunswick, Ga	125,000
Calhoun National Bank, Calhoun, Ga	105,000
Bank of Canton, Canton, Ga	60,000
Etowah Bank, Canton, Ga	45,000
Peoples Bank, Carrollton, Ga	40,000
West Georgia National Bank, Carrollton, Ga	25,000
Commercial National Bank, Cedartown, Ga	39,000
Liberty National Bank, Cedartown, Ga	39,000
Chamblee National Bank, Chamblee, Ga	65,000
Habersham Bank, Clarkesville, Ga	50,000
Bank of Clayton, Clayton, Ga	25,000
State Bank of Cochran, Cochran, Ga	23,000
Columbus Bank & Trust Co., Columbus, Ga	500,000
First National Bank, Columbus, Ga	400,000
Fourth National Bank, Columbus, Ga	200,000
Bank of Rockdale, Conyers, Ga	50,000
Cornelia Bank, Cornelia, Ga	40,000
First National Bank, Cornelia, Ga	50,000
Bank of Dahlonega, Dahlonega, Ga	35,000
First National Bank of Dalton, Dalton, Ga	160,000
Hardwick Bank & Trust Co., Dalton, Ga	105,000
Bank of Dawson, Dawson, Ga	40,000
The Citizens & Southern Belvedere Bank, Decatur, Ga	35,000
The Citizens & Southern Emory Bank, Decatur, Ga	70,000
Glenwood National Bank, Decatur, Ga	60,000
Citizens & Southern Bank of Dublin, Dublin, Ga	60,000
Farmers & Merchants Bank, Dublin, Ga	35,000
The Morris State Bank, Dublin, Ga	35,000
Farmers & Merchants Bank, Eatonton, Ga	22,000
The Peoples Bank, Eatonton, Ga	15,000
The Citizens Bank of Clayton County, Forest Park, Ga	40,000
Citizens Bank, Gainesville, Ga	55,000
First National Bank, Gainesville, Ga	150,000
Gainesville National Bank, Gainesville, Ga	75,000
Bank of Greensboro, Greensboro, Ga	25,000
Bank of Hartwell, Hartwell, Ga	25,000
Citizens Banking Co., Hartwell, Ga	20,000
Citizens Bank of Hapeville, Hapeville, Ga	100,000
Bank of Haziehurst, Hazlehurst, Ga	20,000
Jeff Davis Bank, Hazlehurst, Ga	20,000
Wilkinson County Bank, Irwinton, Ga	15,000
Bank of Jonesboro, Jonesboro, Ga	50,000
State Bank of Kingsland, Kingsland, Ga	15,000
Brand Banking Co., Lawrenceville, Ga	40,000
First National Bank, Louisville, Ga	40,000
Peoples Bank, Lyons, Ga	30,000
First National Bank & Trust Co., Macon, Ga	500,000
Georgia Bank & Trust Co., Macon, Ga	150,000
Bank of Madison, Madison, Ga	25,000
Bank of Manchester, Manchester, Ga	30,000
Farmers & Merchants Bank, Manchester, Ga	15,000
Metter Banking Co., Metter, Ga	25,000
Pineland State Bank, Metter, Ga	25,000
Exchange Bank, Milledgeville, Ga	78,000
Merchants & Farmers Bank, Milledgeville, Ga	45,000
Milledgeville Banking Co., Milledgeville, Ga	40,000
Moultrie Banking Co., Moultrie, Ga	100,000
Mount Vernon Bank, Mount Vernon, Ga	15,000
Merchants & Citizens Bank, McRae, Ga	20,000
Chemical Bank New York Trust Co., New York, N.Y.	18,650,000
First National City Bank, New York, N.Y.	7,900,000
Irving Trust Co., New York, N.Y.	3,000,000
Morgan Guaranty Trust Co. of New York, New York, N.Y.	4,800,000
First National Bank of Perry, Perry, Ga	30,000
Perry Loan & Savings Bank, Perry, Ga	30,000
First National Bank, Rome, Ga	200,000
National City Bank, Rome, Ga	125,000
Rome Bank & Trust Co., Rome, Ga	55,000
Citizens National Bank of Sandy Springs, Sandy Springs, Ga	40,000
Bank of Hancock County, Sparta, Ga	35,000
Bullock County Bank, Statesboro, Ga	50,000
Sea Island Bank, Statesboro, Ga	25,000
The Citizens & Southern Bank of Stone Mountain, Stone Mountain, Ga	15,000
Farmers & Merchants Bank, Summerville, Ga	75,000
Central Bank, Swainsboro, Ga	30,000
First National Bank, Thomson, Ga	40,000
Bank of Tifton, Tifton, Ga	50,000
Bank of Toccoa, Toccoa, Ga	40,000
Citizens Bank, Toccoa, Ga	47,000
The Citizens & Southern Bank, Tucker, Ga	36,000
Bank of Union Point, Union Point, Ga	10,000
First National Bank, Valdosta, Ga	80,000
First State Bank, Valdosta, Ga	45,000
Bank of Warner Robins, Warner Robins, Ga	20,000
Commercial Bank, Waycross, Ga	40,000
First National Bank in Waycross, Waycross, Ga	75,000
Southern Bank, Waycross, Ga	47,000
Bank of Waynesboro, Waynesboro, Ga	45,000
First National Bank, Waynesboro, Ga	35,000
Bank of Wrightsville, Wrightsville, Ga	20,000
Total	57,323,000

Georgia proposes to use the proceeds from the notes listed above, together with its cash on hand and the proceeds from a contemplated sale of common stock, preferred stock, and first mortgage bonds later in 1967 to finance its 1967 construction program, estimated at $123,190,000, to pay its short-term banks loans incurred for such purposes, and for other corporate needs. The net proceeds from such sale of the first mortgage bonds and preferred stock will be applied in total payment of all notes issued pursuant to this declaration and, thereupon, any authorization which may be granted under this declaration will cease to be effective.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $700, including legal fees of $500.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 22, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4836; Filed, May 1, 1967; 8:46 a.m.]

[70-4480]

GULF POWER CO.

Notice of Proposed Issue and Sale of Short-Term Notes

APRIL 25, 1967.

Notice is hereby given that Gulf Power Co. ("Gulf"), 75 North Pace Boulevard,

Pensacola, Fla. 32501, a public-utility subsidiary company of The Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Gulf requests authorization to issue, from time to time prior to July 1, 1968, its unsecured promissory notes to banks in an aggregate principal amount not to exceed $8 million, including in such amount up to an aggregate of $5,786,945 principal amount of promissory notes to be issued pursuant to the exemption afforded by the first sentence of section 6(b) of the Act. Each note proposed to be issued by Gulf will bear interest at the prime rate in effect at The Chase Manhattan Bank in New York (presently 5½ percent per annum) on the date of issuance, except that the notes to Irving Trust Co., New York, will bear the prime rate in effect at the latter bank (presently 5½ percent per annum). All notes will mature not more than 9 months after the date of issue and will be prepayable, in whole or in part, without penalty or premium.

The initial $6,986,000 of Gulf's notes are to be issued to the following banks in the aggregate amounts as listed:

Names and addresses of banks	*Amount*
The Chase Manhattan Bank (National Association), New York, N.Y	$2,900,000
Irving Trust Co., New York, N.Y.	2,550,000
The Florida First National Bank at Pensacola, Pensacola, Fla	340,000
The First Bank & Trust Co. of Pensacola, Pensacola, Fla	200,000
The Citizens & Peoples National Bank of Pensacola, Florida, Pensacola, Fla	120,000
The West Pensacola Bank, Pensacola, Fla	85,000
The Commercial National Bank of Pensacola, Pensacola, Fla	65,000
Bank of Gulf Breeze, Gulf Breeze, Fla	22,500
Commercial Bank in Panama City, Panama City, Fla	100,000
The Bay National Bank & Trust Co., Panama City, Fla	150,000
Beach State Bank, Panama City Beach, Fla	43,000
Springfield Commercial Bank, Springfield, Fla	24,000
Bank of Fort Walton, Fort Walton Beach, Fla	40,000
First National Bank of Fort Walton Beach, Fort Walton Beach, Fla	45,000
Florida Bank at Chipley, Chipley, Fla	60,000
First National Bank in Milton, Milton, Fla	70,000
Santa Rosa State Bank, Milton, Fla	42,000
First National Bank of Crestview, Crestview, Fla	27,000
The First National Bank, DeFuniak Springs, Fla	20,000
Cawthon State Bank, DeFuniak Springs, Fla	20,000
The Bank of Bonifay, Bonifay, Fla	22,000
Escambia County Bank, Flomaton, Ala	40,000
Total	6,986,000

Gulf proposes to use the proceeds from the notes listed above, together with its cash on hand and the proceeds from a contemplated sale of first mortgage bonds during the first half of 1968 to finance its 1967 and 1968 construction programs, estimated at $27,702,000, to pay its short-term banks loans incurred for such purposes, and for other corporate needs. The net proceeds from such sale of bonds will be applied in total payment of all notes issued pursuant to this declaration and, thereupon, any authorization which may be granted under this declaration will cease to be effective.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $700, including legal fees of $500.

It is stated that the Florida Public Service Commission has jurisdiction over the proposed issuance of these notes; it is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 22, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4837; Filed, May 1, 1967; 8:46 a.m.]

[811-756]

TRI-CONTINENTAL FINANCIAL CORP.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

APRIL 26, 1967.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Tri-Continental Financial Corp. ("Financial"), 65 Broadway, New York, N.Y., a Maryland corporation and a management closed-end nondiversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

It is stated in the application that on March 16, 1967, Financial was merged into Tri-Continental Corp. pursuant to authorization of the Board of Directors of each corporation and pursuant to the laws of the State of Maryland. In lieu of a stockholders meeting of Financial, Tri-Continental, as the sole shareholder of Financial, executed a consent to the merger pursuant to the laws of the State of Maryland and Financial has ceased to be an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 10, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Financial at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing

or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4838; Filed, May 1, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-6043 etc.]

MONSANTO CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 20, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 11, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-6043 4-12-67 [1]	Monsanto Co., 1300 Main St., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Bryceland Field, Bienville Parish, La.	[2] [3] 16.7756	15.025
G-6619 4-12-67 [4]	Sun Oil Co.[5] (Southwest Division), 1608 Walnut St., Philadelphia, Pa. 19103.	El Paso Natural Gas Co., Levelland Field, Hockley County, Tex.	14.21	14.65
G-10143 C 4-12-67	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., West Delta Area, Offshore, Plaquemines Parish, La.	19.5	15.025
G-10146 C 4-10-67	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., West Delta Blocks 95 and 96, Offshore, Jefferson and Plaquemines Parishes, La.	19.0	15.025
G-10239 E 4-7-67	R. H. Carnes & Frank Gandee (successor to H. H. Osborne), Box 486, Glendenin, W. Va. 25045.	Pennzoil Co., Big Sandy District, Kanawha County, W. Va.	15.0	15.325
G-12236 D 4-6-67	J. M. Huber Corp., 2401 East 2d Ave., Denver, Colo. 80206.	Cities Service Gas Co., acreage in Alfalfa County, Okla.	Assigned	-------
G-19719 C 4-10-67	Tidewater Oil Co.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., South Timbalier NE¼ Block 27, Offshore, Jefferson and Lafourche Parishes, La.	19.0	15.025
G-20020 C 4-12-67	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Graud Isle Area, Offshore, Lafourche Parish, La.	19.5	15.025
CI61-1445 C 4-6-67	Harry L. Bigbee and Harl D. Byrd, Post Office Box 669, Santa Fe, N. Mex. 87501.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	12.0	15.025
CI63-647 C 4-10-67	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woods County, Okla.	[6] 15.0	14.65
CI64-1338 C 4-10-67	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Crane Field, Dewey and Custer Counties, Okla.	15.0	14.65
CI65-426 E 4-7-67	Pecos Co. (successor to John H. Hill), El Paso Natural Gas Bldg., El Paso, Tex. 79999.	Cities Service Gas Co., South Bishop Field, Ellis County, Oklahoma and Hemphill County, Tex.	17.0	14.65
CI65-596 D 3-13-67 [7]	Hassle Hunt Trust, 1401 Elm St., Dallas, Tex. 75202.	Michigan Wisconsin Pipe Line Co., Block 198 Field, Eugene Island Area, Offshore Louisiana.	(7)	-------
CI65-597 D 3-13-67 [7]	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202.	Michigan Wisconsin Pipe Line Co., Block 77 Field, Eugene Island Area, Offshore, Louisiana.	(7)	-------
CI65-598 D 3-13-67 [7]	Placid Oil Co., 2500 First National Bank Bldg., Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Eugene Island Area, Offshore Louisiana.	(7)	-------
CI66-176 C 4-6-67	Skelly Oil Co. (Operator) et al., Post Office Box 1650, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Arkoma Basin, Pittsburg, Latimer, and La Flore Counties, Okla.	15.0	14.65
CI66-239 C 4-10-67	Joseph F. Fritz (Operator) et al., 507 Brookwood Dr., Clinton, Miss. 39056.	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Forrest and Pearl River Counties, Miss.	20.0	15.025
CI66-338 E 4-7-67	Pecos Co. (successor to John H. Hill et al.).	Cities Service Gas Co., South Bishop Field, Roger Mills County, Okla.	15.0	14.65
CI66-1234 C 4-6-67	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., South Bishop Field, Ellis County, Okla.	[8] [9] 18.156	14.65
CI67-205 C 4-10-67	Dalco Oil Co., 1210 Mercantile Bank Bldg., Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[8] 17.0	14.65
CI67-1352 B 3-29-67	Terry A. Hornaday (Operator) et al., 1207 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Lone Star Gathering Co., South Weesatche and South Marshall Field Area, Goliad County, Tex.	(9)	-------
CI67-1394 A 4-6-67	Sun Oil Co. (Southwest Division).	Phillips Petroleum Co., Panhandle Field, Wheeler County, Tex.	[10] 6.0	14.65
CI67-1395 A 4-7-67	Arnold Petroleum Co. (Operator) et al., 700 United Founders Tower, Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	[8] 17.0	14.65
CI67-1396 A 3-27-67	Duquesne Natural Gas Co., 225 Washington Trust Bldg., Washington, Pa. 15301.	The Manufacturers Light & Heat Co., Morris Township, Greene County, and East Finley Township, Washington County, Pa.	21.5	15.325
CI67-1397 A 3-24-67	George Finnegan, Rural Delivery No. 1, Wind Ridge, Pa. 15380.	The Manufacturers Light & Heat Co., Richhill Township, Greene County, Pa.	21.5	15.325
CI67-1398 A 3-27-67	Thomas M. Tharp, agent et al., Wind Ridge, Pa. 15380.	The Manufacturers Light & Heat Co., Aleppo Township, Greene County, Pa.	21.5	15.325
CI67-1399 A 4-3-67	Raymond R. Ward, agent, 6548 Edgerton Rd., North Royalton, Ohio 44143.	Cumberland & Allegheny Gas Co., acreage in Upshur County, W. Va.	20.0	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-1400 A 4-7-67	Bowser Gas & Oil Co., 1231 20th St., Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., Center District, Calhoun County, W. Va.	25.0	15.325
C167-1401 A 4-6-67	Russell G. Beall et al., c/o Winnie Far Morris, agent, 429 Penn Ave., Harrisville, W. Va. 78332.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	25.0	15.325
C167-1402 A 4-10-67	George W. Miller et al., Box 2, Glenville, W. Va. 26351.	Consolidated Gas Supply Corp., Dekalb District, Gilmer County, W. Va.	25.0	15.325
C167-1403 B 4-10-67	Rhodes & Hicks Drilling Corp. et al., Post Office Drawer 1579, Alice, Tex. 78332.	Coastal States Gas Producing Co., Hollow Tree Field, Jim Wells County, Tex.	Depleted	----
C167-1404 A 4-7-67	J. A. Pierce, Box AA, Aztec, N. Mex. 87410.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	[11] 12.0	15.025
C167-1405 A 4-10-67	A.I.K., Ltd., No. 2, 706 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Michigan Wisconsin Pipe Line Co., Mocane-Laverne Field, Harper County, Okla.	[6] 17.0	14.65
C167-1406 (G-11122) F 4-10-67	A.I.K., Ltd., No. 2 (successor to Sunray DX Oil Co.).	Colorado Interstate Gas Co., Mocane-Laverne Field, Harper County, Okla.	[6] 15.0	14.65
C167-1407 B 4-10-67	Robert Mosbacher, 602 Bank of Commerce Bldg., Houston, Tex. 77002.	United Fuel Gas Co., Valentine Field, Lafourche Parish, La.	([12])	----
C167-1408 A 4-10-67	Bowser Gas & Oil Co	Consolidated Gas Supply Corp., Center District, Calhoun County, W. Va.	25.0	15.325
C167-1409 A 4-10-67	Kewanee Oil Co. (Operator) et al., Post Office Box 2239, Tulsa, Okla. 74101.	Gas Gathering Corp., Bayou Boullion Field, St. Martin Parish, La.	19.5	15.025
C167-1410 B 4-7-67	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Lone Star Gathering Co., Roeder Field, De Witt County, Tex.	([9])	----
C167-1411 B 4-7-67	do	Lone Star Gathering Co., Kawitt Field, Karnes and De Witt Counties, Tex.	([9])	----
C167-1412 B 4-7-67	do	Lone Star Gathering Co., Speary, Kawitt, and Yorktown Fields, Karnes and De Witt Counties, Tex.	([9])	----
C167-1413 A 4-7-67	J & J Enterprises, Inc., 519 Allegheny Ave., Avonmore, Pa. 15618.	Consolidated Gas Supply Corp., Union District, Barbour County, W. Va.	25.0	15.325
C167-1414 A 4-11-67	A. & A. Drilling Co., c/o Austin Nelson, Operator, 703 Park Ave., Decorah, Iowa 52101.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
C167-1415 B 4-10-67	C. S. Sentell, M. D., c/o John M. Shucy, attorney, Johnson Bldg., Shreveport, La. 71102.	Arkansas Louisiana Gas Co., Darley Field, Claiborne Parish, La.	Depleted	----
C167-1417 A 4-11-67	Industries Americana, Inc., c/o Adena Petroleum, Inc., agent, 1814 7th St., Parkersburg, W. Va. 26102.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	25.0	15.325
C167-1418 A 4-12-67	Lock 3 Oil, Coal & Dock Co. et al., 415 Porter Bldg., Pittsburgh, Pa. 15219.	Cumberland & Allegheny Gas Co., Union District, Upshur County, W. Va.	25.0	15.325
C167-1419 A 4-12-67	do	Cumberland & Allegheny Gas Co., Union District, Barbour County, W. Va.	25.0	15.325
C167-1420 A 4-11-67	W. H. Hunt, 1401 Elm St., Dallas, Tex. 75202.	South Texas Natural Gas Gathering Co., El Benadito Area, Starr County, Tex.	15.5	14.65
C167-1421 A 4-12-67	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Southwest Lovedale Field, Harper County, Okla.	[6] 17.0	14.65
C167-1422 A 4-12-67	Sun Oil Co. (Southwest Division)	The Shamrock Oil & Gas Corp., Crest (Des Moines) Field, Ochiltree County, Tex.	13.0	14.65
C167-1423 B 4-12-67	do	Lone Star Gathering Co., Speary Field, Karnes County, Tex.	([9])	----
C167-1424 A 4-12-67	MBF Co., c/o Raymond N. Belm, attorney and partner, 810 Midland Bank Bldg., Minneapolis, Minn. 55401.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325

[1] Amendment to certificate filed to secure authorization to sell gas in behalf of nonoperator, Texaco, Inc.
[2] Includes 1.75 cent Mcf tax reimbursement.
[3] In accordance with the terms and provisions of the Commission's settlement order issued Dec. 30, 1966, in Docket Nos. G-18269 et al.
[4] Amendment to certificate filed to increase daily contract quantity.
[5] Applicant states its willingness to accept authorization containing conditions similar to those imposed by Opinion No. 468.
[6] Subject to upward and downward B.t.u. adjustment.
[7] Deletes authorization to transport the subject gas from the producing properties to the purchaser's pipeline. The transportation facilities have been assigned to the purchaser.
[8] Includes 1.156 cents upward B.t.u. adjustment.
[9] Gas will no longer be transported and/or sold in interstate commerce.
[10] 0.5 cent deducted if sour gas is delivered.
[11] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[12] The wells covered by subject contract stopped producing gas in January 1967.

[F.R. Doc. 67-4682; Filed, May 1, 1967; 8:45 a.m.]

[Docket No. CP67-299]

IROQUOIS GAS CORP.

Notice of Application

APRIL 25, 1967.

Take notice that on April 18, 1967, Iroquois Gas Corp. (Applicant), 10 Lafayette Square, Buffalo, N.Y. 14203, filed in Docket No. CP67-299 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 22 miles of 24-inch transmission pipeline north and east of Buffalo, in Erie and Niagara Counties, N.Y. Applicant states that the increased capacity provided by the proposed pipeline is required for the substantial increases in its market in the State of New York, particularly in the Buffalo-Niagara Falls distribution area and the surrounding suburbs.

Applicant estimates the total cost of the proposed construction at approximately $2,545,863, said cost to be financed through the use of available company funds and through the issuance of promissory notes and/or stock to its parent company, National Fuel Gas Co.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 22, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4820; Filed, May 1, 1967; 8:45 a.m.]

[Project No. 980]

FOREST SERVICE

Order Vacating Land Withdrawals

APRIL 24, 1967.

Application has been filed by the U.S. Forest Service for vacation of the power withdrawals under the provisions of section 24 of the Federal Power Act pertaining to the following described lands of the United States:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 46 N., R. 12 E.,
Sec. 5: S½SW¼ (portions of, containing 0.98 acre).

The lands lie within the San Isabel National Forest and are located on Lake Creek near the town of Hillside in Custer County, Colo.

The lands were withdrawn pursuant to the filings on April 11, 1929, and June 22, 1939, of an application for license and amendment thereof for Project No. 980, having an installed capacity of about 20

hp. The Commission gave notice of such withdrawals by letters of April 30, 1929, and August 3, 1939, to the General Land Office, now Bureau of Land Management.

By order issued May 3, 1950 (9 FPC 710), the Commission rescinded a prior order dated November 1, 1949, which authorized the issuance of a new license for minor Project No. 980, which had been operated under two earlier 10-year term licenses. In rescinding the November 1, 1949 order, the Commission noted that the summer resort using the energy generated by the project was to be sold or dismantled. We are now informed that the resort is presently supplied electrically by an REA cooperative serving the area.

The Commission finds: Inasmuch as the subject land no longer has power value, and the power withdrawal of the land serves no useful purpose, it should be vacated.

The Commission orders: The power withdrawals pertaining to the subject land pursuant to the applications for Project No. 980 are hereby vacated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4821; Filed, May 1, 1967; 8:45 a.m.]

[Project No. 1919]

FOREST SERVICE

Order Vacating Land Withdrawal

APRIL 25, 1967.

Application has been filed by the U.S. Forest Service (Applicant) for vacation of the power withdrawal under the provisions of section 24 of the Federal Power Act pertaining to the following described land of the United States comprising approximately 0.12 acre:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 S., R. 84 W.,
Sec. 18: E½SW¼NW¼.
all portions of the above subdivision lying within 10 feet of the centerline of the dam, pipeline, powerhouse, and transmission line location as shown on a map designated "Exhibit K" and entitled "Map of the Nora E. Jackman Pipe and Transmission Line, Holy Cross National Forest," and filed in the office of the Federal Power Commission on August 2, 1944.

The subject land is located on Rocky Fork Creek about 100 yards upstream from its confluence with the Fryingpan River, in Pitkin County, Colo., and is within the White River National Forest.

The land is withdrawn pursuant to the filing on August 2, 1944 of an application for license for Project No. 1919. Commission notice of the withdrawal was given to the General Land Office (now the Bureau of Land Management) by letter dated January 19, 1945. The hydroelectric facilities comprising Project No. 1919, with a powerhouse containing a turbine connected to a 1½ kilowatt generator, served an isolated mountain cabin and outbuilding operated by the licensee. The license for the project expired on March 22, 1955, and the Forest Service has advised the Commission that the project land within the White River National Forest has been restored to a condition satisfactory to the Service.

The land is also withdrawn by Public Land Order 3500, dated December 2, 1964, for use in connection with the Ruedi Dam and Reservoir, units of the Bureau of Reclamation's Fryingpan—Arkansas Project. The latter project involves diversion of water from the Fryingpan River in the upper Colorado drainage system through the Continental Divide to the Arkansas River Basin. Construction of the Ruedi Dam and Reservoir on the Fryingpan River, about ¼-mile upstream from its confluence with Rocky Fork Creek, was initiated in fiscal year 1965. Bureau of Reclamation studies indicated that the feasibility of power in connection with its Ruedi Dam and Reservoir would be marginal even under the most favorable circumstances.

The Commission finds: Inasmuch as the subject land no longer has significant power value, and the power withdrawal of the land serves no useful purpose, it should be vacated.

The Commission orders: The power withdrawal of the subject land pursuant to the application for Project No. 1919 is hereby vacated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4822; Filed, May 1, 1967; 8:45 a.m.]

[Docket Nos. CS67-28 etc.]

LESH CO. ET AL.

Findings and Order After Statutory Hearing; Correction

APRIL 6, 1967.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, terminating certificates, canceling FPC gas rate schedules, accepting FPC gas rate schedule for filing, terminating and severing proceeding, substituting respondent, redesignating proceeding, making rate effective subject to refund, and accepting agreement and undertaking for filing, issued March 13, 1967 and published in the FEDERAL REGISTER March 18, 1967 (F.R. Doc. 67-2982, 32 F.R. 4292-4294), in column two, line 10 counting from bottom of page, change Docket No. "CI61-54" to read Docket No. "CI61-541"; also correct same Docket No. in paragraph (B) subparagraph (a) under "The Commission orders".

Correct Docket No. "CI67-783" to read Docket No. "CI66-783" in footnote 6.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4823; Filed, May 1, 1967; 8:45 a.m.]

[Docket No. CP67-298]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 25, 1967.

Take notice that on April 18, 1967, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP67-298 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a 4,000 horsepower compressor station on its Permian Basin pipeline located near Lovington, N. Mex., which will enable it to transport the peak day quantity of approximately 221,000 Mcf of natural gas now available from its presently committed reserves in the Permian Basin Area. Applicant states that this is necessary due to the delay in construction occasioned by consolidation of its application in the consolidated proceedings in Docket No. CP65-1 et al., and that it now needs the capacity originally anticipated for the second year of operation.

Applicant estimates the total cost of the proposed facilities at approximately $1,950,000, said cost to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 22, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-4824; Filed, May 1, 1967; 8:45 a.m.]

[Docket No. E-7348]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Application

APRIL 24, 1967.

Take notice that on April 11, 1967, Orange and Rockland Utilities, Inc. (Applicant), filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $35 million in short-term unsecured promissory notes.

Applicant is incorporated under the laws of the State of New York with its principal business office at Nyack, N.Y., and is engaged in the electric utility business in three counties in the State of New York.

The notes are to be issued from time to time to commercial banks or similar institutions and will mature within one year from their dates of issuance and in any event not later than June 30, 1968.

The proceeds from the issuance of the notes will be used to finance the Applicant's 1967-68 construction program. The principal item in this program, the construction of a 195 mw fifth unit at the Lovett Steam Plant, will require expenditures of approximately $18.6 million during 1967 and the first-half of 1968.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4825; Filed, May 1, 1967; 8:45 a.m.]

[Docket No. G-4533 etc.]

SELLS PETROLEUM INC., ET AL.

Findings and Order After Statutory Hearing; Correction

APRIL 12, 1967.

In the findings and orders after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, making rate changes effective, accepting agreement and undertaking for filing, requiring filing of surety bonds, and accepting related rate schedules and supplements for filing, issued April 6, 1967 and published in the FEDERAL REGISTER April 13, 1967 (F.R. Doc. 67-4090, 32 F.R. 6065-6070), in the second line of paragraph 4 change Docket Nos. "CI67-791 and CI67-792" to read Docket Nos. "CI67-971 and CI67-972".

In the chart after Docket No. CI63-760 add "CI67-972 A 2-1-67."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4826; Filed, May 1, 1967; 8:45 a.m.]

[Docket No. RI65-35]

SOUTHERN NEW MEXICO OIL CORP. AND TREBOL DRILLING CO.

Order Accepting Offer of Settlement, Requiring Refunds, Terminating Proceeding in Part, Naming Substitute Respondent, and Accepting Surety Bond

APRIL 25, 1967.

On March 6, 1967, Southern New Mexico Oil Corp. (Southern New Mexico) submitted an offer of settlement, pursuant to § 1.18(e) of the Commission's rules of practice and procedure, involving a sale of natural gas to El Paso Natural Gas Co. (El Paso) under Southern New Mexico's FPC Gas Rate Schedule No. 1 in the Lusk Deep Unit area in Lea and Eddy Counties, N. Mex. On August 2, 1964, Southern New Mexico began charging and collecting from El Paso an increased rate of 15.5 cents per Mcf of natural gas at 14.65 p.s.i.a., subject to refund, which had been suspended for the statutory period by order of the Commission in Docket No. RI65-35.

Southern New Mexico was included in the show cause order issued by the Commission on August 5, 1965, in Docket No. AR61-1 et al., which directed the producers named to show cause why its Opinion No. 468 and 468A issued in such proceeding, 34 FPC 159, 424, should not apply to them. Under the Commission's opinion and order, Southern New Mexico would have qualified as a small producer and the applicable area base rate would be 14.45339 cents per Mcf of natural gas at 14.65 p.s.i.a.

On August 1, 1966, Southern New Mexico sold and conveyed to Trebol Drilling Co. (Trebol) all of the leasehold rights and properties dedicated to its sale of natural gas under its FPC Gas Rate Schedule No. 1. Thereafter, Trebol filed its application for a certificate of public convenience and necessity to make the subject sale to El Paso, and a motion to be substituted as respondent in the above-docketed proceeding. On January 17, 1967, the Commission issued an order substituting Trebol as the producer seller of natural gas to El Paso in lieu of Southern New Mexico. However, since said order did not make Trebol respondent in the instant proceeding, we shall do so herein, and shall also accept its surety bond for the increased rate, charged, and collected subject to refund herein subsequent to August 1, 1966. Southern New Mexico's proposed settlement does not cover Trebol.

Southern New Mexico proposes a settlement rate of 14.45339 cents, the applicable area base ceiling under Opinion No. 468 and agrees to make refunds of all amounts collected in excess thereof in Docket No. RI65-35. Southern New Mexico estimates that it will refund El Paso approximately $57,024.56 in principal, plus $4,513.36 in interest, which it computes to March 31, 1967. However, we shall require Southern New Mexico to compute the applicable interest on the refund monies to the date of the issuance of this order.

Southern New Mexico makes no other sales of natural gas subject to the jurisdiction of this Commission, and we find approval of its offer of settlement to be in the public interest.

The Commission orders:

(A) The offer of settlement filed by Southern New Mexico on March 6, 1967, as conditioned herein, is approved.

(B) Southern New Mexico shall compute the difference between 15.5 cents per Mcf and 14.4559337 cents per Mcf of natural gas at 14.65 p.s.i.a. for the period August 2, 1964, through July 31, 1966, with applicable interest to the date of issuance of this order, and shall refund said monies collected subject to refund in Docket No. RI65-35 to El Paso within 30 days of the date of issuance of this order, and 10 days thereafter shall file with the Commission a report showing the amount of refunds (showing separately the principal and applicable interest) and the basis used for such determination, and a release from El Paso acknowledging the receipt of the refunds and agreeing to the correctness of such amounts.

(C) The proceeding in Docket No. RI65-35, insofar as it pertains to Southern New Mexico, will be terminated upon its compliance with the terms and conditions of this order without further action of the Commission.

(D) Trebol is hereby substituted for Southern New Mexico as respondent in the proceeding in Docket No. RI65-35, as of August 1, 1966, and its surety bond applicable to monies charged and collected, subject to refund, from El Paso for sales of natural gas under its FPC Gas Rate Schedule No. 1 since August 1, 1966, is accepted.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4827; Filed, May 1, 1967; 8:46 a.m.]

[Docket No. CP67-302]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

APRIL 26, 1967.

Take notice that on April 20, 1967, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP67-302 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of volumes of natural gas and the operation of certain existing natural gas facilities, all as more fully set forth in the applica-

tion which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell and deliver to Valley Pipe Lines, Inc. (Valley), up to 500 Mcf of natural gas per day to be used to meet the full requirements of Valley's customer, American Canal Co. (American), for use in its pump stations located on its canal system.

Applicant also seeks authorization to operate an existing meter station and appurtenant facilities located at milepost 293.25 on its 30-inch main line in Fort Bend County, Tex. Applicant proposes to use this meter station to render the above-described service.

Applicant states that no additional facilities will be required to render the proposed service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 15, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4828; Filed, May 1, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956, by Charter New York Corp., which is a bank holding company located in New York, N.Y., for the prior approval of the Board of the acquisition by Applicant of all of the voting shares of Endicott Trust Co., Endicott, N.Y.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration, the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 25th day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-4829; Filed, May 1, 1967; 8:46 a.m.]

GENEVA SHAREHOLDERS, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Geneva Shareholders, Inc., Warsaw, N.Y., for approval of action to become a bank holding company through the acquisition of the voting shares of Wyoming County Bank and Trust Co., Warsaw, N.Y.

There has come before the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), an application by Geneva Shareholders, Inc., Warsaw, N.Y., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the outstanding voting shares of Wyoming County Bank and Trust Co., Warsaw, N.Y.

As required by section 3(b) of the Act, notice of receipt of the application was given to, and views and recommendation requested of, the Superintendent of Banks of the State of New York. The Superintendent made no recommendation on the application. However, as discussed in the Statement accompanying this Order, the New York State Banking Board advised this Board that, following a favorable recommendation of the Superintendent, the Banking Board had approved an application filed by Geneva Shareholders, Inc., pursuant to the New York Banking Law involving the same proposal submitted to this Board.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 30, 1966 (31 F.R. 15040), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing such comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of the order.

Dated at Washington, D.C., this 25th day of April 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-4830; Filed, May 1, 1967; 8:46 a.m.]

TARIFF COMMISSION

[TC Publication 205; APTA-W-11]

CERTAIN WORKERS OF CHRYSLER CORPORATION'S JEFFERSON PLANT

Report to Automotive Agreement Adjustment Assistance Board in Adjustment Assistance Case

APRIL 27, 1967.

The Tariff Commission today reported to the Automotive Agreement Adjustment Assistance Board the results of its investigation No. APTA-W-11, conducted under section 302(e) of the Automotive Products Trade Act of 1965. The Commission's report contains factual information for use by the Board, which determines the eligibility of the workers concerned to apply for adjustment assistance. The workers in this case were employed in the Jefferson (Detroit, Mich.) plant of the Chrysler Corp.

Only certain sections of the Commission's report can be made public since much of the information it contains was received in confidence. Publication of such information would result in the disclosure of certain operations of individual firms. The sections of the report that can be made public are reproduced on the following pages.

Introduction. In accordance with section 302(e) of the Automotive Products

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Mitchell, Daane, Maisel, and Brimmer.

Trade Act of 1965 (79 Stat. 1016), the U.S. Tariff Commission has conducted an investigation (APTA–W–11) concerning the possible dislocation of certain workers engaged in the assembly of automobiles at the Jefferson plant (Detroit, Mich.) of the Chrysler Corp. The Commission instituted the investigation on March 9, 1967, upon receipt of a request for investigation on the same day from the Automotive Assistance Committee of the Automotive Agreement Adjustment Assistance Board. Public notice of the investigation was given in the FEDERAL REGISTER (32 F.R. 4038) on March 14, 1967. The results of the investigation herein reported are intended to provide a factual record in order to assist the Automotive Agreement Adjustment Assistance Board in making the determinations required by section 302 of the Act.

The Automotive Assistance Committee's request for the investigation resulted from a petition for determination of eligibility to apply for adjustment assistance filed with the Assistance Board on March 2, 1967, by the International Union, United Automobile Aerospace & Agricultural Implement Workers of America (UAW), and its Local 7, of Detroit, Mich., on behalf of a group of workers at Chrysler's Jefferson assembly plant.

The petition stated that the assemblies of Dodge Polara and Dodge Monaco automobiles were discontinued at the Jefferson plant beginning with model year 1967 which resulted in the Windsor, Ontario, plant obtaining a much larger share of the total production of Polara and Monaco automobiles. The petition further alleged that the United States-Canadian Trade Agreement was the cause of the rescheduling of production from the Jefferson plant to the Windsor plant which subsequently led to 1,038 layoffs at the Jefferson plant on January 23, 1967.

The information reported herein was obtained from the Chrysler Corp., the other major motor-vehicle manufacturers in the United States, the International Union, UAW and Local Union 7, UAW, the Commission's files, and by fieldwork by members of the Commission's staff. Since no parties requested a hearing, none was held.

The automotive products involved—passenger cars. The Jefferson plant at which the petitioning workers were employed assembles passengers cars, but not trucks or buses. The petition specifically refers to Dodge Polara and Monaco passenger cars.

Polaras and Monacos are full-sized automobiles representing the top of the Dodge carlines. They are identical in length, width, and height and have the same body shell and wheel base. They are essentially the same except for inside and outside trim and interior furnishings. Both Polaras and Monacos are available in 4-door sedans, 2- and 4-door hardtops, and 6- and 9-passenger station wagons. A convertible is offered in the Polara series only.

Polaras are powered by 8-cylinder, 318- or 383-cubic-inch engines whereas all Monacos are driven by 8-cylinder, 383-cubic-inch engines.

Imported passenger cars are dutiable at the rate of 6.5 percent ad valorem under the provisions of TSUS item 692.10 except when imported from Canada in which event they are entered duty-free under item 692.11. Since Polaras and Monacos are manufactured only in the United States and Canada, these automobiles when imported are free of duty under item 692.11.

Chrysler Corp.'s automobiles and assembly plants. The Chrysler Corp., which maintains its corporate headquarters at Detroit, Mich., is the world's third largest producer of motor vehicles. In North America, the corporation assembles passenger cars at eight plants, seven in the United States and one at Windsor, Canada. The Jefferson, Hamtramck, and Lynch Road plants are located in the vicinity of Detroit, Mich. Plants are also located at St. Louis, Mo., Los Angeles, Calif., Newark, Del., and Belvidere, Ill. All of the plants have been in operation for many years except for the one at Belvidere, which was constructed about 3 years ago and was fully operational at the start of the 1966 model year.

Within each of its three "divisions" (Plymouth, Dodge, and Chrysler) the corporation produces a variety of carlines. Polara/Monaco, Coronet, Charger, and Dart are carlines within the Dodge division. The Plymouth division consists of Fury, Belvedere, Barracuda, and Valiant, and the Chrysler division includes the Chrysler Newport, Chrysler 300, New Yorker, and Imperial. All of the passenger cars manufactured by Chrysler are either "A," "B," or "C" body types. The "A" type bodies are used on the smaller-compact cars, namely the Barracuda, Dart, Charger, and Valiant. "B" bodies are used on the Coronet and Belvedere, intermediate-size automobiles. Full-sized automobiles, which include Fury, Polara/Monaco and all carlines within the Chrysler division, utilize the "C" body type. * * *

* * * * *

Production patterns. Certain production patterns exist in both the domestic and Canadian automobile industries. Each assembly plant is shut down from 2 to 4 weeks during the annual model changeover which usually occurs in late July and early August. For several weeks prior to the changeover, industrywide output declines. However, under the combined stimuli of a strong market demand for new models and the need to build up inventories, production increases sharply after the changeover. The fall season, therefore, is typically firm.

As certain carlines sell faster or slower during the model year than was forecast, the automobile companies must often make adjustments in production scheduling. If output needs to be increased or decreased, the normal practice is to vary the assembly line speed. Line speed is a measure of output per day and may or may not involve the addition or elimination of a shift. Line speed or output can be increased by scheduling extra days and/or by lengthening shifts. Reductions may be made by temporary shutdowns or indefinite layoffs.

United States and Canadian automobile production and trade. While the domestic automobile industry increased annual production in 4 of the last 5 model years, Canadian output rose in every year. In 1966 domestic output declined to 8.6 million units from 8.8 million units in 1965 while Canadian production rose from 585,000 units to 673,000 units. In 1966 U.S. production was about 20 percent more than that recorded in 1963 or about 10 percent more than that in 1964, whereas Canadian output in 1966 was almost 45 percent more than that in 1963 or about 20 percent more than that in 1964. For the first 7 months of model year 1967, production in both the United States and Canada was almost 10 percent less than for the corresponding months of model year 1966.

Prior to the 1965 model year there were no automobiles imported from Canada by the four major U.S. producers. Since then an increasing number have been imported—2,000 in 1965, 94,000 in 1966 and 138,000 in the first 7 months of the 1967 model year. U.S. exports of automobiles to Canada increased annually from 11,000 units in the 1964 model year to 59,000 units in 1966, and to 120,000 units in the first 7 months of the 1967 model year. As a result of these changes in this trade, in 1966 (the first complete model year after the United States-Canadian automotive agreement), Canada not only became an exporter of automobiles to the United States, but attained a net export balance of 35,000 units. During the first 7 months of the 1967 model year Canada was a net exporter to the United States of 18,000 automobiles.

* * * * *

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 67–4856; Filed, May 1, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 27, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41003—*Clay, kaolin, or pyrophyllite from Aberdeen and Amory, Miss.* Filed by O. W. South, Jr., agent (No. A5026), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, from Aberdeen and Amory, Miss., to specified points in official territory.

Grounds for relief—Market competition.

Tariff—Supplement 259 to Southern Freight Association, agent, tariff ICC S–40.

FSA No. 41004—*Class and commodity rates from and to News, S.C.* Filed by O. W. South, Jr., agent (No. A5027), for interested rail carriers. Rates on property moving on class and commodity rates, between News, S.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–4894; Filed, May 1, 1967; 8:51 a.m.]

[Notice 375]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 27, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representatives, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 176 TA), filed April 24, 1967. Applicant: GARRETT FREIGHTLINES, INC., Post Office Box 4048, Pocatello, Idaho 83201. Applicant's representative: Maurice H. Greene, First Security Bank Building, Boise, Idaho 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving Bloomington and Plymouth, Minn., as off-route points in connection with applicant's regular route operations between Billings, Mont., and St. Paul, Minn., for 150 days. Supporting shippers: (1) Abbott Laboratories, North Chicago-Minnesota Branch, 12855 State Highway 55, Minneapolis, Minn.; (2) Control Data Corp., 8100 34th Avenue, South Minneapolis, Minn. 55440; (3) Groves-Kelco, Inc., 7900 Chicago Avenue, Minneapolis, Minn.; (4) Thermo King Corp., 314 West 90th Street, Minneapolis, Minn., 55420; (5) Van Dusen Aircraft Supplies, 2801 East 78th Street, Minneapolis, Minn. 55420; (6) S. C. Johnson & Son, Inc., Racine, Wis.; and (7) John Deere Co., 2001 West 94th Street, Bloomington, Minn. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, 203 Eastman Building, Boise, Idaho 83702.

No. MC 115180 (Sub-No. 40 TA), filed April 24, 1967. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14 Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., located at Beardstown, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and District of Columbia, restricted to traffic originating at the described plantsite and destined to points in the States named above, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., Madison, Wis. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 116273 (Sub-No. 91 TA), filed April 21, 1967. Applicant: D&L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oil*, in bulk, in tank vehicles, from Chicago, Ill., to Shreveport, La., for 150 days. Supporting shipper: E. F. Houghton & Co., 6600 South Nashville Avenue, Chicago, Ill. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, 219 South Dearborn Street., Chicago, Ill. 60604.

No. MC 118452 (Sub-No. 3 TA), filed April 24, 1967. Applicant: ARTIC MOTOR FREIGHT, INC., Post Office Box Annex 6243, Arctic Spur Road, Anchorage, Alaska 99502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities* (other than liquid), between points in Alaska, except points east of an imaginary line constituting a southward extension of the United States (Alaska)-Canada (Yukon Territory) boundary line, other than Haines, Alaska, for 180 days. Supporting shippers: IMC Drilling Mud, 1901 Tidewater Road, Anchorage, Alaska, Baron Division, National Lead Co., Post Office Box 1675, Houston, Tex. 77001, and Magcobar, 329 F Street, Anchorage, Alaska 99501. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 123476 (Sub-No. 7 TA), filed April 24, 1967. Applicant: CURTIS TRANSPORT, INC., Post Office Box 215, Valley Park, Mo. 63088. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials or products expanded* having a density of 6 pounds or less per cubic foot, with or without panels laminated with aluminum or wood plates, sheets, or slabs attached thereto, from the plantsite of Dow Chemical Co., Pevely, Mo., to points in Tennessee, for 180 days. Supporting shipper: The Dow Chemical Co. (Joe G. Thomason, Traffic Manager), Midland, Mich. 48640. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 123638 (Sub-No. 3 TA), filed April 24, 1967. Applicant: WHITE STAR BODY WORKS AND WRECKER SERVICE, INC., 4009 Hargrove Street, Charlotte, N.C. 28208. Applicant's representative: Elmer A. Hilker, 506 Johnston Building, Charlotte, N.C. 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used trailers and used trucks, tractors, buses and trailers* (except trailers designed to be drawn by passenger automobiles), from Charlotte, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, North Carolina, New Jersey, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, and return to Charlotte, serving points in named States on return, for 180 days. NOTE: This is a secondary service on low body trailers from and to Charlotte, N.C., to points in said States and from points in said States on return to Charlotte, N.C. Supporting shippers: Akers Motor Lines, Inc., Post Office Box 579, Gastonia, N.C. 28052. Attention: Lennox O. Boyles, Interline Traffic Manager, Johnson Motor Lines, Inc., Post Office Box 10877, Charlotte, N.C. 28201. Attention: Luke A. Murray, Vice President and Secretary, Mangum Trucking Co., Inc., Post Office Box 3491, Charlotte, N.C. 28203. Attention: M. L. Mangum, President, Miller-Adley Express Co., 1807 West Independence Boulevard, Charlotte, N.C. 28205. Attention: E. A. Hill, Coordinator of Labor Relations and Safety, Overnite Transportation Co., Post Office Box 10512, Charlotte, N.C. 28201. Attention: Lonnie W. Marks, Assistant Vice President Operations, Pilot Freight Carriers, Inc., Executive Offices, Post Office Box 615, Winston-Salem, N.C. 27102. Attention: H. J. Bower, T. G. Stegall Trucking Co., 6333 Idlewild Road, Charlotte, N.C. 28212. Attention: T. G. Stegall. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327

North Tryon Street, Charlotte, N.C. 28202.

No. MC 124373 (Sub-No. 4 TA), filed April 21, 1967. Applicant: NELMAR TRUCKING CO., 82 Smith Street, Keasbey, N.J. 08832. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, advertising materials, and displays*, from Union, N.J., to points in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Maine, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, for 150 days. Supporting shipper: Custom Canners of Baltimore, Inc., Post Office Box 1440, Columbus, Ga. 31902. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 128909 (Sub-No. 2 TA), filed April 24, 1967. Applicant: COMMODORE CONTRACT CARRIERS, INC., 2410 Dodge Street, Omaha, Nebr. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, house trailers* designed to be drawn by passenger autos, and *homes designed to be drawn by motor vehicles only* when partially disassembled, in initial and secondary movements, in towaway and truckaway service, between Hamilton, Ala., on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, for 180 days. Supporting shipper: The Commodore Corp., 2410 Dodge Street, Omaha, Nebr. 68131. Send protests to: Keith P. Kohrs, District Supervisor, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 129028 TA, filed April 21, 1967. Applicant: BAUCOM'S TRANSFER & STORAGE CO., INC., 2529 North Tryon Street, Charlotte, N.C. 28206. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized household goods*, limited to shipments having a prior or subsequent movement, between points in Alamance, Alexander, Anson, Burke, Cabarrus, Caldwell, Catawba, Chatham, Cleveland, Cumberland, Davidson, Davie, Durham, Forsyth, Gaston, Guilford, Hoke, Iredell, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Randolph, Richmond, Rowan, Rutherford, Scotland, Stanly, Union, and Wake Counties, N.C., and Cherokee, Chester, Fairfield, Greenville, Lancaster, Lexington, Richland, Spartanburg, Union, and York Counties, S.C., for 180 days. Supporting shippers: Jet Forwarding, Inc., 2945 Columbia Street., Torrance, Calif. 90503; Routed Thru-Pac, Inc., 350 Broadway, New York, N.Y. 10013; Alaska HHG Movers, Inc., 5053 East Marginal Way South, Seattle, Wash. 98134; Karavan, Inc., 419 Third Avenue West, Seattle, Wash. 98119, and Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133. Send protests to: Jack K. Huf, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4895; Filed, May 1, 1967; 8:51 a.m.]

[Notice 1511]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 27, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69468. By order of April 21, 1967, the Transfer Board approved the transfer to Audrey Melikian, doing business as Melikian Trucking Co., Fresno, Calif., of certificate No. MC-74248 and certificate of registration No. MC-74248 (Sub-No. 2), issued October 3, 1949, and April 9, 1964, respectively to Zoven Melikian, doing business as Melikian Trucking Co., Fresno, Calif. The certificate authorized the transportation of raisins, canned goods, and wine, from Fresno, Calif., and points within 25 miles of Fresno, to San Francisco, Oakland, and Stockton, Calif., and groceries, from San Francisco, Oakland, and Stockton to Fresno; the certificate of registration evidences a right of the holder to engage in transportation in interstate or foreign commerce within the limits set forth in certificate of public convenience and necessity granted in decision No. 52136, dated October 25, 1955, as restated in decision No. 61536, dated February 21, 1961, by the Public Utilities Commission of California. Jack Kazanjian, 195 North First Street, Fresno, Calif. 93702, representative for applicants.

No. MC-FC-69529. By order of April 26, 1967, the Transfer Board approved the transfer to C. E. Reynolds Transport, Inc., Joplin, Mo., of permits in No. MC-114890, MC-114890 (Sub-No. 12), MC-114890 (Sub-No. 18), MC-114890 (Sub-No. 22), MC-114890 (Sub-No. 24), MC-114890 (Sub-No. 25), MC-114890 (Sub-No. 30), and MC-114890 (Sub-No. 31), issued April 21, 1959, April 14, 1959, March 5, 1962, October 24, 1961, July 30, 1962, July 21, 1961, October 19, 1964, and May 26, 1966, respectively, to Kenneth Childress, doing business as C. E. Reynolds Gasoline & Chemical Transport Co., Joplin, Mo., authorizing the transportation of: Sulphuric acid, phosphoric acid, petroleum products, nitric acid, nitrogen solutions, anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions, spent sulphuric acid, zinc sulphate solutions, ammonium nitrate, urea, and fertilizer solutions, in bulk, in tank vehicles; refined petroleum products, in bulk; lubricating oil, in containers; petroleum products, in truckload lots; and spent acids, from and to points as specified in Alabama, Arkansas, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. Stanley P. Clay, 514 First National Building, Joplin, Mo. 64801, attorney for applicants.

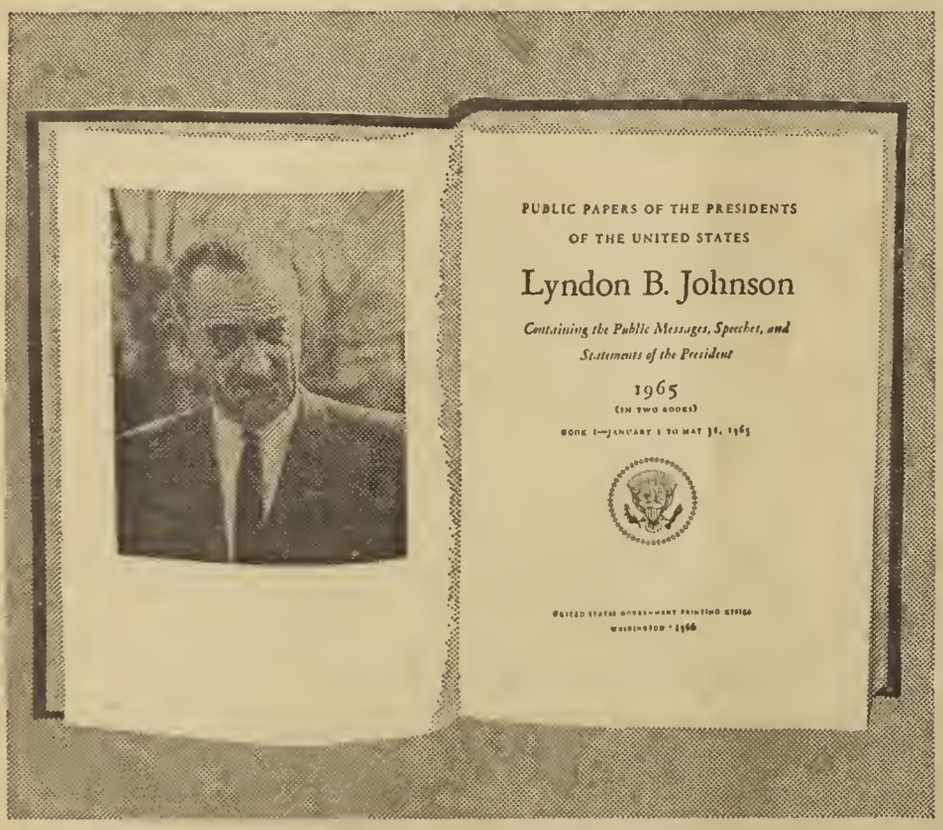
No. MC-FC-69562. By order of April 20, 1967, the Transfer Board approved the transfer to W. J. Shannon Trucking Co., a corporation, Worcester, Mass., of certificate in No. MC-46020, issued June 17, 1960, to Hashem Bros. Trucking Co., Inc., Worcester, Mass., authorizing the transportation of: Structural steel, textile products, sheet metal, plumbing supplies, and machinery, from, to, or between, specified points in Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, New York, and New Jersey. Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184, attorney for applicants.

No. MC-FC-69595. By order of April 27, 1967, the Transfer Board approved the transfer to D & M Bus Co., a corporation, of Danville, Va., of certificate of registration No. MC-57568 (Sub-No. 1), issued October 13, 1964, to C. W. Stevens, doing business as Danville-Martinsville Bus Line, Danville, Va., evidencing a right to engage in interstate or foreign commerce, with the State of Virginia. T. Ryland Dodson, 513 Masonic Temple, Danville, Va., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4896; Filed, May 1, 1967; 8:51 a.m.]

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Title 3—THE PRESIDENT

Proclamation 3781

RUSH-BAGOT AGREEMENT DAYS

By the President of the United States of America
A Proclamation

The Rush-Bagot Agreement, signed on April 28–29, 1817, provided for naval disarmament between Canada and the United States along the Great Lakes and Lake Champlain.

It is the oldest arms limitation treaty existing in the world today. For that reason alone it deserves wide recognition.

The Rush-Bagot Agreement—expressed in an exchange of notes between Richard Rush, Acting Secretary of State, and Sir Charles Bagot, British Minister to the United States—was one of the most significant steps in the development of peaceful relations between the United States and Canada. The unfortified boundary between our two countries is a symbol to the rest of the world of the harmony and understanding which can be achieved by two sovereign governments.

The celebration of this event in the United States and Canada coincides with the opening of the 1967 Universal and International Exhibition—known as EXPO 67—in Montreal. The theme of the Exhibition, "Man and His World," has a close relationship to the spirit of peace and good will embodied in the Rush-Bagot Agreement.

In recognition of the significance of this agreement signed 150 years ago, the Congress by a joint resolution approved April 27, 1967, has requested the President to issue a proclamation designating April 28–29, 1967, as Rush-Bagot Agreement Days.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate April 28–29, 1967, as Rush-Bagot Agreement Days; and I invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe these days with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of April in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk

Secretary of State.

[F.R. Doc. 67–4988; Filed, May 1, 1967; 4:03 p.m.]

Executive Order 11349

AMENDING EXECUTIVE ORDER NO. 11136, RELATING TO THE PRESIDENT'S COMMITTEE ON CONSUMER INTERESTS AND THE CONSUMER ADVISORY COUNCIL

By virtue of the authority vested in me as President of the United States, Executive Order No. 11136[1] of January 3, 1964, is hereby amended to read as follows:

"The consumer's interest is the American interest, for we are all consumers. In filling the needs of our daily lives, we are direct purchasers of two thirds of our total national production.

"The success of our competitive economic system depends on the furtherance of the consumer interest. And it is our free marketplace, working for the benefit of the individual, that has given to the American consumer the highest standard of living the world has ever known.

"The consumer has four very basic rights in that marketplace—the right to be informed about the products he buys; the right to choose between several varieties of those products; the right to be protected from unsafe products; and the right to be heard in the highest councils of government.

"It is our job to assure the preservation of those rights. To do so, we must have the cooperation of business and industry, as well as of the consumer. They are all integral, interacting, indispensable elements of our economic system. They must have mutual trust, mutual respect, and a mutual dedication to a sound and healthy America.

"NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

"PART I. PRESIDENT'S COMMITTEE ON CONSUMER INTERESTS

"SECTION 101. *Establishment of the Committee.* (a) There is hereby established the President's Committee on Consumer Interests (hereinafter referred to as the 'Committee').

"(b) The Committee shall be composed of the Special Assistant to the President for Consumer Affairs; the Chairman of the Council of Economic Advisers; the Director of the Office of Economic Opportunity; the Attorney General; the Postmaster General; the Secretary of the Interior; the Secretary of Agriculture; the Secretary of Commerce; the Secretary of Labor; the Secretary of Health, Education, and Welfare; the Secretary of Housing and Urban Development; the Chairman of the Federal Trade Commission; the Administrator of Veterans' Affairs; and such other Government officials as the President may designate.

"(c) The Chairman of the Committee shall be the Special Assistant to the President for Consumer Affairs. The Chairman shall direct and supervise any staff employed by or detailed to the Committee.

"(d) When matters are to be considered by the Committee which affect the interests of Federal agencies the heads of which are not members of the Committee, the Chairman of the Committee shall invite such agency heads to participate in the deliberations of the Committee.

"SEC. 102. *Functions of the Committee.* (a) The Committee shall study the plans and programs of Federal agencies affecting consumer interests. The Committee shall make recommendations to the President on questions of policy relating to consumer affairs; may conduct studies of matters related to consumer interests; and shall encourage and assist Federal agencies to accomplish effective coordination of plans and programs affecting consumers.

---

[1] 29 F.R. 129; 3 CFR 1964 Supp., p. 110.

"(b) In carrying out the provisions of subsection (a) of this section, the Committee shall, as far as may be practicable, advise Federal agencies with respect to the effect of their respective plans and programs on consumer matters, and may suggest to such agencies procedures which the Committee believes will better protect consumer interests. Such plans and programs may include, but shall not be limited to, those relating to (1) the scope of Federal action in consumer matters, and (2) cooperation with the States and their local subdivisions and with private organizations and individuals in areas of consumer interest.

"SEC. 103. *Assistance and cooperation.* (a) The Federal agencies headed by the officers composing the Committee shall, as may be necessary for effectuating the purposes of this order, furnish assistance to the Committee in accordance with Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

"(b) Upon request of the Chairman of the Committee, each Federal agency shall, to the extent consistent with law, furnish information, data, and reports needed by the Committee to accomplish the purposes of this order.

"(c) All Federal officials, in carrying out their statutory responsibilities and programs, shall be mindful of the objectives of this order, and shall take such measures, consistent with their authorities and available funds, as will assist in effectuating the consumer programs with which they are concerned.

"(d) The Department of Labor shall provide administrative services for the Committee on a reimbursable basis.

"SEC. 104. *Construction.* Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal agency or the head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

"PART II. CONSUMER ADVISORY COUNCIL

"SEC. 201. *Establishment of Council.* There is hereby established the Consumer Advisory Council (hereinafter referred to as the 'Council') which shall be composed of not more than 12 members appointed by the President. The President shall designate the Chairman of the Council from among its members. Initial appointments to membership on the Council shall be for two-year terms. Successors shall be appointed for terms of one or two years, as specified by the President, and all appointments thereafter shall be for two-year terms. Any person chosen to fill a vacancy shall be appointed for the unexpired term of the member whom he succeeds.

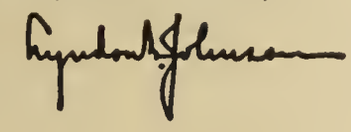
"SEC. 202. *Duties and responsibilities.* (a) The Council shall advise the President and the Committee on matters relating to the consumer interest.

"(b) The Council shall advise and assist the Committee in evaluating the progress made in carrying out the functions of the Committee and recommend to the Committee, as necessary, action to accelerate such progress.

"(c) The Chairman of the Council, through the Chairman of the Committee, may request information relating to the functions of the Committee as set forth in Section 102(a) above, and the Council, on its own motion, may initiate consideration of items which relate to carrying out those functions.

"(d) The Chairman of the Committee shall be responsible for assuring that the meetings and other activities of the Council are carried out in accordance with the relevant provisions of Executive Order No. 11007 of February 26, 1962.

"SEC. 203. *Expenses.* Expenses of the Council shall be met from funds available to the Committee. Members of the Council shall, for each day a member is engaged in meetings or is, with the approval of the Chairman of the Committee, engaged in other work in pursuance of this order, receive compensation at a rate determined by the Chairman of the Committee, and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 3109; 5 U.S.C. 5703)."



THE WHITE HOUSE,
May 1, 1967.

[F.R. Doc. 67-4984; Filed, May 1, 1967; 3:05 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 6]

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Upper Florida marketing area (7 CFR Part 1006), it is hereby found and determined that:

(a) The following provisions in § 1006.16(b) of the order no longer tend to effectuate the declared policy of the Act for the months of April and May 1967:

1. The language in the introductory text which reads "in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant"; and

2. Subparagraphs (2), (3), and (4) in their entirety.

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The suspension will permit unlimited diversion of producer milk to nonpool plants during April and May 1967. Without the suspension action, the order would limit the quantity of producer milk that may be diverted by a cooperative association to 25 percent of all milk of its member producers physically received at pool plants during the month. The same percentage limitation on the diversion of its producer receipts would apply to the operator of a pool plant. Also, the order would require that at least 10 days' production of an individual producer be delivered to a pool plant if diversion of his milk is to be permitted on other days of the month.

Northeast Florida Milk Producers Association requested the suspension and was supported in its request by Dairy Farmers Mutual. These producer groups represent a majority of the producers on the Upper Florida market.

The diversion limitations have been causing an extreme hardship on the Northeast Florida Milk Producers Association and disorderly conditions in the market. The association performs the role of balancing the milk supplies for a major portion of the market. In doing so, substantial quantities of its members' milk, which must currently be disposed of to surplus outlets, would have had to be kept out of the pool because of the diversion limitations. Also, such limitations have caused uneconomical movements of milk in the market. These conditions would have resulted in lower returns to the association's members relative to other producers in the market.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (32 F.R. 6288). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective April 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period April 1, 1967, through May 31, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1967.

Signed at Washington, D.C., on April 28, 1967.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 67-4950; Filed, May 2, 1967; 8:49 a.m.]

[Milk Order 96]

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

Order Amending Order

§ 1096.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued January 13, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued April 12, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northern Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1096.30(a)(1)(iv) is revised to read as follows:

§ 1096.30 Reports of receipts and utilization.

(a) • • •

(1) * * *

(iv) Inventories of fluid milk products on hand at the beginning and end of the month, separately in bulk and in packaged form.

* * * * *

2. In § 1096.41, paragraphs (a) and (b)(3) are revised to read as follows:

§ 1096.41 Classes of utilization.

* * * * *

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraph (b) (2) and (4) of this section;

(2) Contained in inventory of packaged fluid milk products on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk; and

(b) *Class II milk.* * * *

(3) In inventories of fluid milk products in bulk form on hand at the end of the month;

* * * * *

3. Section 1096.44(b) is revised.

4. Section 1096.44(d)(3) is revised by renumbering subdivisions (iii) and (iv) as (iv) and (v), respectively, and adding a new subdivision (iii) immediately after subdivision (ii).

5. The introductory text of § 1096.44 (e) is revised.

Paragraphs (b) and (d)(3) (iii), (iv), and (v) and the introductory text of paragraph (e) of § 1096.44 read as follows:

§ 1096.44 Transfers.

* * * * *

(b) As Class I milk if transferred from a pool plant to a producer-handler or transferred or diverted to a plant exempt pursuant to § 1096.60(b);

* * * * *

(d) * * *

(3) * * *

(iii) Remaining quantities of skim milk and butterfat transferred to the nonpool plant shall be assigned next to the skim milk and butterfat in transfers of fluid milk products from the nonpool plant to a pool plant(s), classified as if it were a direct transfer pursuant to paragraph (a) of this section from one pool plant to another pool plant with Class II utilization indicated: *Provided,* That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat covered by this subdivision being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers according to the respective quantities of fluid milk products each handler transferred to the nonpool plant unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

(iv) Class I utilization in excess of that assigned pursuant to subdivisions (i), (ii), and (iii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(v) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat to transferred shall be classified as Class II milk; and

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

* * * * *

6. In § 1096.46(a), a new subparagraph (2–a) is added immediately following subparagraph (2) and subparagraphs (3)(iii) and (5) are revised, all of which to read as follows:

§ 1096.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2–a) Except for the first month this provision is effective, subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(3) * * *

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order or from a plant exempt pursuant to § 1096.60(b).

* * * * *

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and, for the first month subparagraph (2–a) of this paragraph is effective, the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

* * * * *

7. Section 1096.51(b) is revised to read as follows:

§ 1096.51 Class prices.

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1096.50, but not to exceed a price computed as follows:

(1) Multiply by 4.2 the Chicago butter price;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

8. Section 1096.60 is revised to read as follows:

§ 1096.60 Exemptions.

(a) Producer handler: Sections 1096.40 to 1096.46, 1096.50 to 1096.54, 1096.65 to 1096.67, 1096.70 to 1096.75, 1096.80 to 1096.86, inclusive, shall not apply to a producer handler; and

(b) None of the provisions of this part except § 1096.21 shall apply to a plant operated by a governmental agency.

9. Section 1096.70(c) is revised to read as follows:

§ 1096.70 Computation of the net pool obligation of each pool handler.

* * * * *

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the appropriate Class II milk price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1096.46(a)(5) and the corresponding step of § 1096.46(b); and

(2) Multiply the difference between the appropriate Class I milk price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1096.46(a)(2–a) and the corresponding step of § 1096.46(b). If the Class I milk price for the current month is less than the Class I milk price for the preceding month, the result shall be a minus amount;

* * * * *

(Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674)

Effective date: May 1, 1967.

Signed at Washington, D.C., on April 28, 1967.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 67–4951; Filed, May 2, 1967; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER A—GENERAL

[No. 20,566]

PART 509—RULES OF PRACTICE AND PROCEDURE

APRIL 21, 1967.

Resolved that, notice and public procedure having been duly afforded (32 F.R. 2650) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of Part 509 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 509), and for the purpose of effecting such amendment, hereby revises said Part 509 to read as follows, effective June 2, 1967.

Sec.

509.1 Scope of regulations.
509.2 Definitions.
509.3 Appearance and practice before the Board.
509.4 Notice of hearing.
509.5 Answer.
509.5a Opportunity for informal settlement.
509.6 Conduct of hearings.
509.7 Subpenas.
509.8 Depositions.
509.9 Rules of evidence.
509.10 Motions.
509.11 Proposed findings and conclusions and recommended decision.
509.12 Exceptions.
509.13 Briefs.
509.14 Oral argument before the Board.
509.15 Notice of submission to the Board.
509.16 Decision of the Board.
509.17 Filing of papers.
509.18 Service.
509.19 Copies.
509.20 Computing time.
509.21 Documents in proceedings confidential.
509.22 Formal requirements as to papers filed.

AUTHORITY: The provisions of this Part 509 issued under sec. 17, 47 Stat. 736, as amended, sec. 5, 48 Stat. 132, as amended, secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1437, 1464, 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.

§ 509.1 Scope of regulations.

This part prescribes rules of practice and procedure applicable to adjudicative proceedings as to which hearings are provided by the following statutory provisions:

(a) Hearings under subsection (i) of section 6 of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1426(i)), to determine whether cause exists for the removal of any member of a Federal Home Loan Bank from membership or for depriving any nonmember borrower of the privilege of obtaining advances from a Federal Home Loan Bank;

(b) Hearings in cease and desist proceedings under paragraph (2) of subsection (d) of section 5 of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(d)(2)), and subsection (e) of section 407 of the National Housing Act, as amended (12 U.S.C. 1730(e));

(c) Hearings under paragraph (4) of subsection (d) of section 5 of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(d)(4)), and subsection (g) of section 407 of the National Housing Act, as amended (12 U.S.C. 1730(g)), to determine whether a director, officer, or other person should be removed from office and/or prohibited from further participation in the conduct of the affairs of an institution;

(d) Hearings under subsection (b) of section 407 of the National Housing Act, as amended (12 U.S.C. 1730(b)), to determine whether cause exists for the termination of the insured status of any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation; and

(e) Hearings under section 408 of the National Housing Act, as amended (12 U.S.C. 1730a), for either or both of the following purposes:

(1) Under paragraph (3) of subsection (a) of said section 408 to determine whether a company directly or indirectly exercises a controlling influence over the management and policies of an institution or other organization, and

(2) Under paragraph (2) of subsection (b) of said section 408 to determine whether, at the time of the approval of an application of an institution for insurance as therein set forth, such institution was controlled by a company which also controlled another insured institution, or another applicant for insurance if the application of such other applicant was approved. For the purposes of the hearings referred to in this paragraph, the term "institution", as used in this part exclusive of this section, shall include a company referred to in this paragraph.

§ 509.2 Definitions.

As used in this part—

(a) The term "Board" means the Federal Home Loan Bank Board or, where appropriate, the Federal Savings and Loan Insurance Corporation;

(b) The term "Secretary" means the Secretary to the Federal Home Loan Bank Board and any Assistant Secretary to the Board; and

(c) The term "presiding officer" includes the Board, one or more members thereof, or a hearing examiner appointed under section 3105 or detailed pursuant to section 3344 of title 5 of the United States Code, and as used in this part the term shall be construed to refer to whichever of the three shall preside at a hearing hereunder, except as otherwise specified in the text.

§ 509.3 Appearance and practice before the Board.

(a) *Before the Board or the presiding officer.* Any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, may represent others before the Board upon filing with the Secretary a written declaration that he is currently qualified as provided by this paragraph, and is authorized to represent the particular party on whose behalf he acts. Any other person desiring to represent others before the Board may be required to file with the Secretary a power of attorney showing his authority to act in such capacity, and he may be required to show to the satisfaction of the Board that he has the requisite qualifications. Attorneys or other representatives of parties to any proceeding provided for in this part shall file a written notice of appearance with the Secretary, or with the presiding officer.

(b) *Summary suspension.* Contemptuous conduct at any hearing before the Board or a presiding officer shall be ground for exclusion therefrom and suspension for the duration of the hearing.

§ 509.4 Notice of hearing.

Whenever a hearing is ordered by the Board in any proceeding provided for in this part, a notice of such hearing shall be served by the Secretary, or other person designated for such purpose by the Board, upon the party or parties afforded the hearing. Such notice shall state the time, place, and nature of the hearing, the legal authority and jurisdiction under which the hearing is to be held, and, if a presiding officer has been designated to preside at the hearing, the name and address of the presiding officer. Such notice shall also contain a statement of the matters of fact and law constituting the grounds for the hearing.

§ 509.5 Answer.

(a) *When required.* In any notice of hearing issued by the Board, the Board may direct the party or parties afforded the hearing to file an answer to the allegations contained in the notice, and any party to any procceding may file an answer. Except where a different period of not less than 10 days after service of a notice of hearing is specified by the Board, a party directed to file an answer, or a party who elects to file an answer, shall file the same with the Secretary within 20 days after service upon him of the notice of hearing.

(b) *Requirements of answer; effect of failure to deny.* An answer filed under this section shall specifically admit or deny each allegation in the notice of hearing, unless the party is without knowledge or information, in which case his answer shall so state and the statement shall have the effect of a denial. Any allegation not denied shall be deemed to be admitted. When a party intends in good faith to deny only a part or a qualification of an allegation, he shall specify so much of it as is true and shall deny only the remainder.

(c) *Admitted allegations.* If a party filing an answer under this section elects not to contest any of the allegations of fact set forth in the notice of hearing, his answer shall consist of a statement that he admits all of the allegations to be true. Such answer shall constitute a waiver of hearing as to the facts alleged in the notice, and together with the notice will provide a record basis on which the presiding officer shall file with the Secretary his recommended decision in accordance with section 557 of title 5 of the United States Code. Any such party may, however, upon service of the recommended decision of the presiding officer, file exceptions thereto within the time provided in § 509.12(a).

(d) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the time provided shall be deemed to constitute a waiver of his right to appear and contest the allegations of the notice of hearing and to authorize the presiding officer, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Secretary a recommended decision containing such findings and appropriate conclusions. The Board or the presiding officer may, for cause shown, permit the filing of a delayed answer after the time for filing the answer has expired.

§ 509.5a Opportunity for informal settlement.

Any interested party may at any time submit to the Secretary, for consideration by the Board, written offers or proposals for settlement of a proceeding, without prejudice to the rights of the parties. No offer or proposal shall be

admissible in evidence over the objection of any party in any hearing in connection with such proceeding. The foregoing provisions of this section shall not preclude settlement of any proceeding through the regular adjudicatory process by the filing of an answer as provided in § 509.5(c), or by submission of the case to the presiding officer on a stipulation of facts and an agreed order.

§ 509.6 **Conduct of hearings.**

(a) *Authority of presiding officer.* All hearings governed by this part shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. The presiding officer designated by the Board to preside at any such hearing shall have complete charge of the hearing, and he shall have the duty to conduct it in a fair and impartial manner and to take all necessary action to avoid delay in the disposition of proceeding. Such officer shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpenas and subpenas duces tecum, as authorized by law, and to revoke, quash, or modify any such subpena;

(3) To receive relevant evidence and to rule upon the admission of evidence and offers of proof;

(4) To take or cause depositions to be taken;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel;

(6) To hold conferences for the settlement or simplification of issues or for any proper purpose; and

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adversary proceeding, except that a presiding officer other than the Board shall not have power to decide any motion to dismiss the proceeding or other motion which results in final determination of the merits of the proceeding.

Without limitation on the foregoing, the presiding officer shall, subject to the provisions of this part, have all the authority of section 556(c) of title 5 of the United States Code.

(b) *Prehearing conference.* The presiding officer may, on his own initiative or at the request of any party, direct counsel for all parties to meet with him at a specified time and place prior to the hearing, or to submit suggestions to him in writing, for the purpose of considering any or all of the following:

(1) Simplification and clarification of the issues;

(2) Stipulations, admissions of fact and of the contents and authenticity of documents;

(3) Matters of which official notice will be taken; and

(4) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding. Such conferences shall, at the request of any party, be recorded and at the conclusion thereof the presiding officer shall enter in the record an order which recites the results of the conference. Such order shall include the officer's rulings upon matters considered at the conference, together with appropriate directions, if any, to the parties; and such order shall control the subsequent course of the proceeding, unless modified at the hearing to prevent manifest injustice.

(c) *Attendance at hearings.* All hearings shall be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying, and other persons having an official interest in the proceeding: *Provided, however,* That where the Board, in its discretion, after fully considering the views of the party afforded the hearing, determines that a public hearing is necessary to protect the public interest, the Board may order that the hearing be public.

(d) *Transcript of testimony.* Hearings shall be recorded and transcripts will be made available to any party upon payment of the cost thereof and, in the event the hearing is public, shall be furnished on similar payment to other interested persons. A copy of the transcript of the testimony taken at any hearing, duly certified by the reporter, together with all exhibits, all papers and requests filed in the proceedings, and any briefs or memoranda of law theretofore filed in the proceedings, shall be filed with the Secretary, who shall transmit the same to the presiding officer. The Secretary shall promptly serve notice upon each of the parties of such filing and transmittal. The presiding officer shall have authority to rule upon motions to correct the record.

(e) *Continuances and changes or extensions of time and changes of place of hearing.* Except as otherwise expressly provided by law, the Board may by the notice of hearing or subsequent order provide time limits different from those specified in this part, and the Board may, on its own initiative or for good cause shown, change or extend any time limit prescribed by these rules or the notice of hearing, or change the time and place for beginning any hearing hereunder. The presiding officer may continue or adjourn a hearing from time to time and, as permitted by law or agreed to by the parties, from place to place. Extensions of time for making any filing or performing any act required or allowed to be done within a specified time in the course of a proceeding may be granted by the presiding officer for good cause shown.

(f) *Call for further evidence, oral argument, briefs, reopening of hearing.* The presiding officer may call for the production of further evidence upon any issue, may permit oral argument and submission of briefs at the hearing and, upon appropriate notice, may reopen any hearing at any time prior to the filing of his recommended decision with the Secretary. The Board shall render its decision within 90 days after the Secretary has notified the parties, pursuant to § 509.15, that the case has been submitted to the Board for final decision, unless within such 90-day period the Board shall order that such notice be set aside and the case reopened for further proceedings.

§ 509.7 **Subpenas.**

(a) *Issuance.* The presiding officer or, in the event he is unavailable, the Board, shall issue subpenas, as authorized by law, at the request of any party, requiring the attendance of witnesses or the production of documentary evidence at any designated place of hearing; except that where it appears to the presiding officer or the Board that the subpena may be unreasonable, oppressive, excessive in scope, or unduly burdensome, the party seeking the subpena may be required, as a condition precedent to the issuance of the subpena, to show the general relevance and reasonable scope of the testimony or other evidence sought. In the event the presiding officer or the Board, after consideration of all the circumstances, determines that the subpena or any of its terms are unreasonable, oppressive, excessive in scope, or unduly burdensome, he or it may refuse to issue the subpena, or issue it only upon such conditions as fairness requires.

(b) *Motion to quash.* Any person to whom a subpena is directed may, prior to the time specified therein for compliance but in no event more than 5 days after the date of service of such subpena, with notice to the party requesting the subpena, apply to the presiding officer, or, if he is unavailable, to the Board, to revoke, quash, or modify such subpena, accompanying such application with a statement of the reasons therefor.

(c) *Service of subpena.* Service of a subpena upon a person named therein shall be made by delivering a copy of the subpena to such person and by tendering the fees for one day's attendance and the mileage as specified in paragraph (d) of this section, except that when a subpena is issued at the instance of the Board fees and mileage need not be tendered at the time of service of the subpena. If service is made by a U.S. marshal, or his deputy, or an employee of the Board, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereto, describing the manner in which service is made, and return such affidavit on or with the original subpena. In case of failure to make service, reasons for the failure shall be stated on the original subpena. The original subpena, bearing or accompanied by the required return, affidavit, or statement, shall be returned without delay to the presiding officer.

(d) *Attendance of witnesses.* The attendance of witnesses and the production of documents pursuant to a subpena, issued in connection with a hearing provided for in Part 550, 565, or 566 of this chapter, may be required from any place in any State or in any territory at any designated place where the hearing is being conducted. Witnesses subpenaed in any proceeding under this part shall

be paid the same fees and mileage that are paid witnesses in the district courts of the United States.

§ 509.8 Depositions.

(a) *Upon order of the presiding officer.* In connection with any hearing provided for in Part 550, 565, or 566 of this chapter, the presiding officer, by subpena or subpena duces tecum, may order evidence to be taken by oral deposition at any stage of any proceeding. Such deposition may be taken before the presiding officer or before any person designated by the presiding officer and having power to administer oaths. Unless notice is waived, no such deposition shall be taken except after at least 5 days notice to each of the parties to the proceeding.

(b) *Application and order to take oral deposition.* Any party desiring to take the oral deposition of a witness, in connection with any hearing provided for in Part 550, 565, or 566 of this chapter, shall make application in writing to the presiding officer or, in the event he is unavailable, to the Board setting forth the reasons why such deposition should be taken, the name and post office address of the witness, the matters concerning which the witness is expected to testify, the relevancy thereof, and the time when, the place where, and the name and post office address of the person before whom it is desired the deposition be taken. A copy of such application shall be served upon every other party to the proceeding by the party making such application. Upon a showing that (1) the proposed witness will be unable to attend or may be prevented from attending the hearing because of age, sickness or infirmity, or will otherwise be unavailable at the hearing, (2) his testimony will be relevant, and (3) the taking of the deposition will not result in any undue burden to any other party or in undue delay of the proceeding, the presiding officer or the Board may, in his or its discretion, by subpena or subpena duces tecum order the oral deposition to be taken. Such subpena will name the witness whose deposition is to be taken and specify the time when, the place where and the person (hereinafter in this section referred to as "the officer") before whom the witness is to testify but such time and place, and the officer, may or may not be the same as those named in the application. Notice of the issuance of such subpena shall be served upon each of the parties a reasonable time, and in no event less than 5 days, in advance of the time fixed for the taking of the deposition.

(c) *Procedure on deposition; objections.* Each witness testifying upon oral deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. Objections to questions or evidence shall be in short form, stating the grounds of objection relied upon; but the officer shall not have power to rule upon questions of competency or materiality or relevance of evidence. Failure to object to questions or evidence shall not be deemed a waiver except where the ground of the objection is one which might have been obviated or removed if presented at that time. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate), shall be recorded by the officer, or under his direction. The deposition shall be subscribed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign, and certified as a true and complete transcript thereof by the officer. If the deposition is not subscribed to by the witness, the officer shall state on the record this fact and the reason therefor. The officer shall promptly send the original and two copies of such deposition, together with the original and two copies of all exhibits, by registered mail to the Secretary unless otherwise directed in the notice of the issuance of the subpena authorizing the taking of the deposition. Interested parties shall make their own arrangements with the officer for copies of the testimony and the exhibits.

(d) *Introduction as evidence.* Subject to appropriate rulings on such objections to questions or evidence as were noted at the time the deposition was taken or as would be valid were the witness personally present and testifying (except objections waived under the third sentence of paragraph (c) of this section), the deposition or any part thereof may be read in evidence by any party to the proceeding. Only such part or the whole of a deposition as is received in evidence at a hearing shall constitute a part of the record in such proceeding upon which a decision may be based.

(e) *Payment of fees.* The fees of the officer, and the fees of the reporter, shall be paid by the person upon whose application the deposition was taken.

§ 509.9 Rules of evidence.

(a) *Evidence.* Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objection relied upon but no argument thereon shall be permitted, except as ordered, allowed, or requested by the presiding officer. Rulings on such objections and all other matters shall be part of the transcript. Failure timely to object to the admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.

(c) *Official notice.* All matters officially noticed by the presiding officer shall appear on the record.

§ 509.10 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this part shall be made by motion. After a presiding officer has been designated to preside at a hearing and before the filing with the Secretary of his recommended decision, pursuant to § 509.11, such applications or requests shall be addressed to and filed with him. At all other times motions shall be addressed to the Board and filed with the Secretary. Motions shall be in writing, except that a motion made at a session of a hearing may be presiding officer directs that it be reduced to writing. All written motions shall state with particularity the order or relief sought and the grounds therefor.

(b) *Objections.* Within 5 days after service of any written motion, or within such other period of time as may be fixed by the presiding officer or the Board, any party may file a written answer or objection to such motion. The moving party shall have no right to reply, except as permitted by the presiding officer or the Board. As a matter of discretion, the presiding officer or the Board may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument.* No oral argument will be heard on motions except as otherwise directed by the presiding officer or the Board. Written memoranda or briefs may be filed with motions or answers or objections thereto, stating the points and authorities relied upon in support of the position taken.

(d) *Rulings on motions.* Except as otherwise provided in this part, the presiding officer shall rule upon all motions properly addressed to him and upon such other motions as the Board may direct, except that if the presiding officer finds that a prompt decision by the Board on a motion is essential to the proper conduct of the proceeding, he may refer such motion to the Board for decision. The Board shall rule upon all motions properly submitted to it for decision.

(e) *Appeal from rulings on motions.* All motions and answers or objections thereto and rulings thereon shall become part of the record. Rulings of a presiding officer on any motion may not be appealed to the Board prior to its consideration of the presiding officer's recommended decision, except by special permission of the Board; but they shall be considered by the Board in reviewing the record. Requests to the Board for special permission to appeal from such rulings of the presiding officer shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on every other party to the proceeding.

(f) *Continuation of hearing.* Unless otherwise ordered by the presiding officer or the Board, the hearing shall continue pending the determination of any motion by the Board.

§ 509.11 Proposed findings and conclusions and recommended decision.

(a) *Proposed findings and conclusions by parties.* Each party shall have a period of 15 days after service of the Secretary's notice of the filing and transmittal of the record, as provided in paragraph (d) of § 509.6, such further time as the presiding officer for good cause shall determine, to file with the presiding officer proposed findings and conclusions, which may be

accompanied by a brief in support thereof. Such proposals shall be supported by citation of such statutes, decisions, and other authorities, and by page references to such portions of the record, as may be relevant. All such proposals and briefs shall become a part of the record.

(b) *Recommended decision and filing of record.* The presiding officer shall, within 30 days after the expiration of the time allowed under paragraph (a) of this section, or within such further time as the Board for good cause shall allow, file with the Secretary and certify to the Board for decision the entire record of the hearing, which shall include his recommended decision in accordance with section 557 of title 5 of the United States Code, the transcript, and the exhibits (including on request of any of the parties any exhibits excluded from evidence or tenders of proof), exceptions, rulings, and all briefs and memoranda filed in connection with the hearing. Promptly upon such filing the Secretary shall serve upon each party to the proceeding a copy of the presiding officer's recommended decision. The provisions of this paragraph and § 509.12 shall not apply, however, in any case where the hearing was held before the Board.

§ 509.12 Exceptions.

(a) *Filing.* Within 15 days after service of the recommended decision of the presiding officer, or such further time as the Board for good cause shall allow, any party (other than a party who has not filed an answer in accordance with paragraphs (a) and (d) of § 509.5, unless no answer was required of such party by the Board) may file with the Secretary exceptions thereto or to any portion thereof, or to the failure of the presiding officer to make any recommendation, finding, or conclusion, or to the admission or exclusion of evidence, or to any other ruling of the presiding officer, supported by such brief as may appear advisable.

(b) *Waiver.* Failure of a party to file exceptions to the recommended decision of the presiding officer or any portion thereof, or to his failure to adopt a proposed finding or conclusion, or to the admission or exclusion of evidence, or to any other ruling of the presiding officer, within the time allowed under paragraph (a) of this section, shall be deemed to be a waiver of objection thereto.

§ 509.13 Briefs.

(a) *Contents.* All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument and by citation of such statutes, decisions, and other authorities, and by page references to such portions of the record, as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) *Reply briefs.* Reply briefs may be filed with the Secretary within 10 days after service of original briefs of opposing parties, and shall be confined to matters in such briefs. Further briefs may be filed only with permission of the Board.

(c) *Delayed filing.* Briefs not filed on or before the time fixed in this part will be received only upon special permission of the Board.

§ 509.14 Oral argument before the Board.

Upon its own initiative, or upon the written request of any party made within the time allowed for the filing of exceptions, a brief in support thereof, or a reply brief, if any, for oral argument on the recommended decision of the presiding officer, the Board may, if it considers that justice would best be served, order the matter to be set down for oral argument before the Board or one or more members thereof. Oral argument before the Board shall be recorded unless otherwise ordered by the Board.

§ 509.15 Notice of submission to the Board.

Upon the filing of the record with the Secretary, and upon the expiration of the time for the filing of exceptions and all briefs, including reply briefs or any further briefs permitted by the Board, and upon the hearing of oral argument by the Board, if ordered by the Board, the Secretary shall notify the parties in writing that the case has been submitted to the Board for final decision.

§ 509.16 Decision of the Board.

Copies of the decision and order of the Board shall be served by the Secretary upon each party to the proceeding, and, if directed by the Board or required by statute, upon any appropriate State supervisory authority.

§ 509.17 Filing of papers.

All material required to be filed with the Board or the Secretary in any proceedings shall be filed with the Secretary, Federal Home Loan Bank Board, Washington, D.C. 20552. Any such papers may be sent to the Secretary by mail or express but must be received by the Secretary in the office of the Board in Washington, D.C., or be postmarked, within the time limit for the particular filing.

§ 509.18 Service.

(a) *By the Board.* All documents or papers required to be served by the Board upon any party afforded a hearing shall be served by the Secretary unless some other person shall be designated for such purpose by the Board. Such service, except for service on counsel for the Board, shall be made by personal service or by registered mail, addressed to the last known address as shown on the records of the Board, on the attorney or representative of record of such party, provided that if there is no attorney or representative of record, such service shall be made upon such party at the last known address as shown on the records of the Board. Such service may also be made in such other manner reasonably calculated to give actual notice as the Board may by regulation or otherwise provide.

(b) *By the parties.* Except as otherwise expressly provided in this part, all documents or papers filed in a proceeding under this part shall be served by the party filing the same upon the attorneys or representatives of record of all other parties to the proceeding, or, if any party is not so represented, then upon such party. Such service may be made by personal service or by registered, certified, or regular first-class mail addressed to last known address of such parties, or their attorneys or representatives of record. All such documents or papers shall, when tendered to the Board or the presiding officer for filing, show that such service has been made.

§ 509.19 Copies.

Unless otherwise specifically provided in the notice of hearing, an original and seven copies of all documents and papers required or permitted to be filed with or served upon the Secretary under this part, except the transcript of testimony and exhibits, shall be furnished to the Secretary.

§ 509.20 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the date of the act, event or default from which the designated period of time begins to run is not to be included. The last day so computed shall be included, unless it is a Saturday, Sunday or legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor such legal holiday. When the period of time prescribed or allowed is 10 days or less, intermediate Saturdays, Sundays, and such legal holidays shall be excluded in the computation.

(b) *Service by mail.* Whenever any party has the right or is required to do some act or take some proceeding, within a period of time prescribed in this part, after the service upon him of any document or other paper of any kind, and such service is made by mail, three days shall be added to the prescribed period from the date when the matter served is deposited in the United States mail.

§ 509.21 Documents in proceedings confidential.

Unless otherwise ordered by the Board or required by law, the entire record in any proceeding under this part, including the notice of hearing, the transcript, exhibits, proposed findings and conclusions, recommended decision of the presiding officer, exceptions thereto, the decision and order of the Board, and any other papers which are filed in connection with the proceeding shall not be made public, and shall be for the confidential use only of the Board and its staff, the presiding officer, the parties, and appropriate supervisory authorities.

§ 509.22 Formal requirements as to papers filed.

(a) *Form.* All papers filed under this part shall be printed, typewritten, or

otherwise reproduced. All copies shall be clear and legible.

(b) *Signature.* The original of all papers filed by an institution shall be signed by an officer thereof, and if filed by another party, shall be signed by the party, or by the duly authorized agent or attorney of the institution or other party, and must show the address of the signer. Counsel for the Board shall sign the original of all papers filed by him.

(c) *Caption.* All papers filed must include at the head thereof, or on the title page, the name of the Board, the name of the institution or other party afforded the hearing, the number of the resolution giving notice of the hearing, and the subject matter of the particular paper.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-4901; Filed, May 2, 1967; 8:45 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 20,568]

PART 541—DEFINITIONS

Definition of Director

APRIL 21, 1967.

Whereas, by Federal Home Loan Bank Board Resolution No. 20,435 dated February 2, 1967, and duly published in the FEDERAL REGISTER on February 8, 1967 (32 F.R. 2654), this Board proposed, inter alia to revise Part 547 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 547); and

Whereas in § 547.7 of Part 547, aforesaid, the Board proposed to define the term "Director" as used in Subchapter C of Chapter V of 12 CFR; and

Whereas the Board has determined that said definition should be included in Part 541 of said Subchapter (12 CFR Part 541):

Now, therefore, be it resolved that the Federal Home Loan Bank Board hereby amends Part 541 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 541) by adding, immediately after § 541.17, a new section, § 541.18, to read as follows effective June 2, 1967.

§ 541.18 Director.

As used in this subchapter, the term "Director" means the Director or any Deputy Director of the Office of Examinations and Supervision of the Board.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-4902; Filed, May 2, 1967; 8:45 a.m.]

[No. 20,569]

PART 542—AMENDMENT OF RULES AND REGULATIONS; HEARINGS

Hearings; Compliance With Law and Regulations

APRIL 21, 1967.

Whereas, by Federal Home Loan Bank Board Resolution No. 20,567 dated April 21, 1967, this Board amended the rules and regulations for the Federal Savings and Loan System by the addition of a new part, Part 550, governing hearings under the provisions of section 5(d) of the Home Owners' Loan Act of 1933; and

Whereas said amendment supersedes the provisions of § 542.3 of the rules and regulations for the Federal Savings and Loan System relating to hearings and compliance with rules and regulations:

Now, therefore, be it resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of the repeal hereinafter set forth and for the purpose of effecting such repeal, hereby repeals § 542.3 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.3) effective June 2, 1967.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Be it further resolved that, since the aforesaid repeal is a technical change to delete a provision which has been superseded, the Board finds that notice and public procedure with respect to said repeal would be impracticable and unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or 5 U.S.C. 553(b).

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-4903; Filed, May 2, 1967; 8:45 a.m.]

[No. 20,567]

MISCELLANEOUS AMENDMENTS TO CHAPTER

APRIL 21, 1967.

Resolved that notice and public procedure having been duly afforded (32 F.R. 2654) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amending the rules and regulations for the Federal Savings and Loan System (12 CFR, Chapter V, Subchapter C), and for the purpose of effecting said amendments, hereby amends, effective June 2, 1967, the rules and regulations for the Federal Savings and Loan System, aforesaid, by amendments the substance of which are as follows:

1. Part 547 of Subchapter C, aforesaid, is hereby revised to read as follows:

PART 547—APPOINTMENT OF CONSERVATORS AND RECEIVERS

Sec.

547.1 Grounds for appointment of conservator or receiver.
547.2 Appointment of conservator or receiver.
547.3 Appointment on other grounds.
547.4 Notice of appointment.
547.5 Action for removal of conservator or receiver.
547.6 Federal Savings and Loan Insurance Corporation as receiver.
547.7 Possession by conservator or receiver.
547.8 Surrender of possession by conservator or receiver.

AUTHORITY: The provisions of this Part 547 issued under sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.

§ 547.1 Grounds for appointment of conservator or receiver.

The grounds for the appointment of a conservator or receiver for a Federal association shall consist of any one or more of the following:

(a) Insolvency of the Federal association, in that its assets are less than its obligations to its creditors and others, including its members;

(b) Substantial dissipation of assets or earnings due to any violation or violations of law, rules, or regulations, or to any unsafe or unnsound practice or practices;

(c) The association is in an unsafe or unsound condition to transact business;

(d) Willful violation of a "cease-and-desist order which has become final," as that term is defined in subsection (d) of section 5 of the Home Owners' Loan Act of 1933, as amended;

(e) The concealment of books, papers, records, or assets of the association or refusal to submit books, papers, records, or affairs of the association for inspection to any examiner or to any lawful agent of the Board.

§ 547.2 Appointment of conservator or receiver.

If, in the opinion of the Board, a ground exists for the appointment of a conservator or receiver for a Federal association as set forth in § 547.1, the Board may appoint ex parte and without notice a conservator or receiver for the association.

§ 547.3 Appointment on other grounds.

The Board may, without any requirement of notice, hearing, or other action, appoint a conservator or receiver for a Federal association in the event that (a) the association, by resolution of its board of directors or of its members, consents to such appointment, or (b) the association is removed from membership in any Federal Home Loan Bank or its status as an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation is terminated.

§ 547.4 Notice of appointment.

In the event that the Board appoints a conservator or receiver for a Federal

association, the Secretary to the Board shall mail a certified copy of such action of the Board to the address of the association as it shall appear on the records of the Board. Notice of appointment of a conservator or receiver shall be filed forthwith for publication in the FEDERAL REGISTER.

§ 547.5 Action for removal of conservator or receiver.

Whenever a conservator or receiver for a Federal association is appointed pursuant to § 547.2, the association may, within 30 days thereafter, bring an action in the U.S. district court for the judicial district in which the home office of such association is located, or in the U.S. District Court for the District of Columbia, for an order requiring the Board to remove such conservator or receiver.

§ 547.6 Federal Savings and Loan Insurance Corporation as receiver.

The Board shall appoint only the Federal Savings and Loan Insurance Corporation as receiver for a Federal association and such appointment shall be for the purpose of liquidation.

§ 547.7 Possession by conservator or receiver.

A conservator or receiver shall take possession of the Federal association for which he or it has been so appointed in accordance with the terms of such appointment and, at the time he shall demand possession, notify the officer or employee of the association, if any, who shall be in the home office of the association and appears to be in charge of such office, of the action of the Board. Immediately upon taking possession of such Federal association, such conservator or receiver shall forthwith take possession of the books, records and assets of every description of such association and (a) a conservator shall have all the powers of its members, its officers and directors, or any of them, and (b) a receiver, by operation of law and without any conveyance or other instrument, act or deed shall succeed to all the rights, titles, powers and privileges of the Federal association and shall succeed to the rights, powers and privileges of its members, its officers and directors, or any of them. Such members, officers, or directors, or any of them, shall not thereafter except as hereinafter expressly provided, have or exercise any such rights, powers or privileges, or act in connection with any assets or property of any nature of the association: *Provided, however,* That any officer, director or member of such association shall have the right from time to time to communicate with the Board with respect to such conservatorship or receivership. Such conservator or receiver shall furnish bond in form and amount and with surety acceptable to the Director. The Board may, at any time, direct the conservator or receiver to return the Federal association to its previous or a newly constituted management; may provide for a meeting or meetings of the members for any purpose, including, without any limitation on the generality of the foregoing, the election of directors or an increase in the number of directors, or both, or the election of an entire new board of directors; and may provide for a meeting or meetings of the directors for any purpose, including, without any limitation on the generality of the foregoing, the filling of vacancies on the board of directors, the removal of officers, and the election of new officers, or for any of such purposes. Any such meeting of members or of directors may, as provided by the Board, be supervised or conducted by a representative of the Board. The Board may, without any requirement of notice, hearing, or other action, replace a conservator with another conservator or with a receiver.

§ 547.8 Surrender of possession by conservator or receiver.

(a) *To the association.* In the event the Board shall restore a Federal association which is in the hands of a conservator or receiver to its management, such action, except as the Board may otherwise provide, shall restore the rights, powers and privileges of its members, officers, and directors, all as of the time of such restoration of the association to its management unless another time or times for the restoration of such powers, rights, and privileges shall be specified by the Board. The return of a Federal association to its management from the possession of a receiver shall, by operation of law and without any conveyance or other instrument, act, or deed, vest in such Federal association the title to all property held by the receiver in its capacity as receiver for such association.

(b) *To a receiver.* In the event a conservator is in possession of a Federal association at the time of appointment of a receiver for such association, such conservator shall, as may be required by the Board, surrender possession of such association to such receiver.

PART 548—POWERS OF CONSERVATOR AND CONDUCT OF CONSERVATORSHIPS

2. Part 548 of Subchapter C, aforesaid, is hereby amended by revising the introductory text and paragraphs (b) and (c) of § 548.1, the introductory text of § 548.2 and the section heading and paragraphs (b) and (c) of § 548.5 to read as follows:

§ 548.1 Procedure upon taking possession.

Upon taking possession of a Federal association, the conservator shall forthwith:

* * * * *

(b) File with the Secretary to the Board a statement (1) that he has taken possession of such Federal association and (2) of the time of such taking of possession; and such statement shall be conclusive evidence of such taking of possession and of the time of such taking of possession, and

(c) Post a notice in substantially the following form on the door of the home office of such association:

---------- Federal Savings and Loan Association ----------, ----------, ----------, is in the possession and charge of the undersigned as conservator under appointment by the Federal Home Loan Bank Board.

(Conservator)

(Date)

§ 548.2 Powers and duties of conservator.

The conservator, subject to the direction and supervision of the Director, shall, after taking possession of the association, take such action as may be necessary to conserve the assets of the association pending further disposition of its affairs. The conservator shall forthwith in his name, in the name of the association, in the name of both, or otherwise, collect all obligations and money due the association, and in his name, in the name of the association, in the name of both, or otherwise:

* * * * *

§ 548.5 Inventory; examinations and audits, and costs thereof; accounting practices.

* * * * *

(b) *Examinations and audits, and costs thereof.* Each Federal association for which a conservator has been appointed may be examined and/or audited (with appraisals when deemed advisable by the Board) by the Office of Examinations and Supervision of the Board as directed by the Board. The cost, as determined by the Board, of examinations including office analysis thereof, audits, and any appraisals made in connection therewith, shall be paid from the assets of the association unless otherwise ordered by the Board.

(c) *Accounting practices; reports.* The conservator shall follow such accounting practices as may, from time to time, be prescribed by the Director. The conservator shall make such reports as may be required by the Board or the Director.

PART 549—POWERS OF RECEIVER AND CONDUCT OF RECEIVERSHIPS

3. Part 549 of Subchapter C, aforesaid, is hereby amended by revoking § 549.2 and by revising the introductory text and paragraph (c) of § 549.1, paragraph (a) of § 549.3 and the section heading and paragraphs (b) and (c) of § 549.6 to read as follows:

§ 549.1 Procedure upon taking possession.

Upon taking possession, the receiver shall forthwith:

* * * * *

(c) File with the Secretary to the Board a statement (1) that it has taken possession of such Federal association, and (2) of the time of such taking of possession; and such statement shall be conclusive evidence of such taking of possession and of the time of such taking of possession.

§ 549.2 [Revoked]

§ 549.3 Powers and duties of receiver.

* * * * *

(a) Do all things desirable or expedient in its discretion to carry on the business of such association to an extent consistent with its appointment and to preserve and conserve the assets and property of every nature of such association, but shall not declare, credit, pay or distribute dividends on its savings accounts except with the approval of the Board;

* * * * *

§ 549.6 Inventory; examinations and audits, and costs thereof; accounting practices.

* * * * *

(b) *Examinations and audits, and costs thereof.* Each Federal association for which a receiver has been appointed shall be examined and audited (with appraisals when deemed advisable by the Board) at least annually by the Office of Examinations and Supervision of the Board or as otherwise directed by the Board. The cost, as determined by the Board, of examinations, including office analysis thereof, audits, and any appraisals made in connection therewith, shall be paid from the assets of the association.

(c) *Accounting practices; reports.* The receiver may, from time to time, prescribe the accounting practices to be followed. The receiver shall make an annual report of its affairs as of June 30 of each year to the Board, on forms prescribed by the Board or the receiver, and such other reports as may be from time to time required by the Board or the receiver and shall accompany each recommendation for the declaration and payment of a liquidating dividend with a report showing the available assets. One copy of the reports required in this section shall be filed with the Secretary to the Board, one copy shall be retained by the Federal Savings and Loan Insurance Corporation, and one copy shall be retained in the principal office for the liquidation of the association, so long as such is maintained.

PART 550—CEASE-AND-DESIST AND SUSPENSION AND REMOVAL ORDERS

4. Subchapter C, aforesaid, is hereby amended by adding, immediately after Part 549, a new part, Part 550, to read as follows:

Sec.

550.1 Cease-and-desist orders.
550.2 Temporary cease-and-desist orders.
550.3 Removal from office and/or prohibition from participation in conduct of affairs of a Federal association.
550.4 Temporary suspension and/or prohibition.
550.5 Suspension and removal where felony charged.
550.6 Temporary appointment of directors.
550.7 Service.

AUTHORITY: The provisions of this Part 550 issued under sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.

§ 550.1 Cease-and-desist orders.

(a) *Grounds.* If, in the opinion of the Board, a Federal association is violating, or has violated, or the Board has reasonable cause to believe that the association is about to violate, a law, rule, regulation, or charter or other condition imposed in writing by the Board in connection with the granting of any application or other request by the association, or written agreement entered into with the Board, or is engaging or has engaged, or the Board has reasonable cause to believe that the association is about to engage, in an unsafe or unsound practice, the Board may issue and serve upon the association a notice of charges in respect thereof.

(b) *Notice of charges; hearing.* The notice of charges shall contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practice or practices, and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the association. The hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after service of such notice unless an earlier or a later date is set by the Board at the request of the association. Unless the association consents to another place, such hearing shall be held in the Federal judicial district or in the territory (as defined in subsection (d) of section 5 of the Home Owners' Loan Act of 1933, as amended) in which the home office of the association is located. Such hearing shall be conducted in the manner provided in Part 509 of this chapter.

(c) *Issuance of cease-and-desist order.* Unless the association appears at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of a cease-and-desist order. In the event of consent, or if upon the record made at any such hearing the Board finds that any violation or unsafe or unsound practice specified in the notice of charges has been established, the Board may issue and serve upon the association an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the association and its directors, officers, employees, and agents to cease and desist from the same, and, further, to take affirmative action to correct the conditions resulting from any such violation or practice.

(d) *Effectiveness of order.* A cease-and-desist order shall become effective at the expiration of 30 days after the service of such order upon the association concerned (except in the case of a cease-and-desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the Board or a reviewing court.

§ 550.2 Temporary cease-and-desist orders.

(a) *Issuance.* Whenever the Board determines that the violation or threatened violation or the unsafe or unsound practice or practices, specified in the notice of charges served upon an association under paragraph (a) of § 550.1, or the continuation thereof, is likely to cause insolvency (as defined in paragraph (6)(A) of subsection (d) of section 5 of the Home Owners' Loan Act of 1933, as amended) or substantial dissipation of assets or earnings of the association, or is likely to otherwise seriously prejudice the interests of its savings account holders, the Board may issue a temporary order requiring the association to cease and desist from any such violation or practice.

(b) *Effectiveness of temporary order.* A temporary order shall become effective upon service upon the association and, unless set aside, limited, or suspended by a court in proceedings authorized by paragraph (3)(B) of subsection (d) of section 5 of the Home Owners' Loan Act of 1933, as amended, shall remain effective and enforceable pending the completion of the administrative proceedings held pursuant to the notice of charges and until such time as the Board shall dismiss the charges specified in such notice or, if a cease-and-desist order is issued against the association pursuant to paragraph (c) of § 550.1, until the effective date of any such order.

§ 550.3 Removal from office and/or prohibition from participation in conduct of affairs of a Federal association.

(a) *Grounds.* (1) Whenever, in the opinion of the Board, any director or officer of a Federal association has committed any violation of law, rule, or regulation, or of a cease-and-desist order which has become final (as defined in subsection (d) of section 5 of the Home Owners' Loan Act of 1933, as amended), or has engaged or participated in any unsafe or unsound practice in connection with the association, or has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director or officer, and the Board determines that the association has suffered or will probably suffer substantial financial loss or other damage or that the interests of its savings account holders could be seriously prejudiced by reason of such violation or practice or breach of fiduciary duty, and that such violation or practice or breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer, the Board may serve upon such director or officer a written notice of its intention to remove him from office.

(2) Whenever, in the opinion of the Board—

(i) Any director or officer of a Federal association, by conduct or practice with respect to another savings and loan association or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to continue as a director or officer, or

(ii) Any other person participating in the conduct of the affairs of a Federal association, by conduct or practice with respect to such association or other sav-

ings and loan association or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to participate in the conduct of the affairs of such association,

the Board may serve upon such director, officer, or other person a written notice of its intention to remove him from office and/or to prohibit his further participation in any manner in the conduct of the affairs of such association. A copy of such notice shall also be served upon the association.

(b) *Notice of intention to remove from office and/or to prohibit further participation in conduct of affairs; hearing.* The notice of intention to remove a director, officer, or other person from office and/or to prohibit his further participation in any manner in the conduct of the affairs of the association, shall contain a statement of the facts constituting grounds therefor and shall fix a time and place at which a hearing will be held thereon. The hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after service of such notice, unless an earlier or a later date is set by the Board at the request of (1) such director, officer, or other person, and for good cause shown, or (2) the Attorney General of the United States. Unless such director, officer, or other person consents to another place, such hearing shall be held in the Federal judicial district or in the territory (as defined in subsection (d) of section 5 of the Home Owners' Loan Act of 1933, as amended) in which the home office of the association involved is located. Such hearing shall be conducted in the manner provided in Part 509 of this chapter.

(c) *Issuance of order of removal and/or prohibition.* Unless such director, officer, or other person appears at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of removal and/or prohibition. In the event of consent, or if upon the record made at any such hearing the Board finds that any of the grounds specified in such notice has been established, the Board may issue such orders of suspension or removal from office, and/or prohibition from participation in the conduct of the affairs of the association, as it may deem appropriate.

(d) *Effectiveness of order.* An order of suspension or removal from office, and/or prohibition from participation in the conduct of the affairs of an association, issued pursuant to paragraph (c) of this section, shall become effective at the expiration of 30 days after service upon the association and the director, officer, or other person concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Board, or a reviewing court.

§ 550.4 Temporary suspension and/or prohibition.

(a) *Issuance of notice.* In respect to any director or officer of a Federal association, or any other person who is served with a notice provided for in paragraph (a) of § 550.3, the Board may, if it deems it necessary for the protection of the association or the interests of its savings account holders, by written notice to such effect served upon such director, officer, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the association. Copies of any such notice shall also be served upon the association of which he is a director or officer or in the conduct of whose affairs he has participated.

(b) *Effectiveness of notice.* Any suspension from office and/or prohibition from participation in the conduct of the affairs of an association, pursuant to a notice served under paragraph (a) of this section, shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by paragraph (4)(E) of subsection (d) of section 5 of the Home Owners' Loan Act of 1933, as amended, shall remain in effect pending the completion of the administrative proceedings held pursuant to the notice served under paragraph (b) of § 550.3 and until such time as the Board shall dismiss the charges specified in such notice, or, if an order of removal and/or prohibition is issued against the director, officer, or other person, until the effective date of any such order.

§ 550.5 Suspension and removal where felony charged.

(a) *Suspension and/or temporary prohibition.* Whenever any director or officer of a Federal association, or other person participating in the conduct of the affairs of such association, is charged in any information, indictment, or complaint authorized by a U.S. Attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Board may, by written notice served upon such director, officer, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the association. A copy of such notice shall also be served upon the association. Such suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Board.

(b) *Removal and/or permanent prohibition.* In the event that a judgment of conviction with respect to such offense is entered against such director, officer, or other person, and at such time as such judgment is not subject to further appellate review, the Board may issue and serve upon such director, officer, or other person an order removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of the association except with the consent of the Board. A copy of such order shall also be served upon such association, whereupon such director or officer shall cease to be a director or officer of the association. A finding of not guilty or other disposition of the charge shall not preclude the Board from thereafter instituting proceedings to remove such director, officer, or other person from office and/or to prohibit further participation in the conduct of association affairs, pursuant to the provisions of § 550.3.

§ 550.6 Temporary appointment of directors.

If at any time, because of the suspension of one or more directors pursuant to the provisions of this part, there shall be on the board of directors of an association less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board and not so suspended, until such time as there shall be a quorum of the board of directors. In the event all of the directors of an association are so suspended, the Board shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the association and their respective successors take office.

§ 550.7 Service.

Any service required or authorized to be made by the Board under the provisions of this part shall be made as provided in Part 509 of this chapter.

PART 551—SERVICE OF PROCESS UPON BOARD

5. Part 551 of Subchapter C, aforesaid, is hereby amended by revising § 551.1 to read as follows:

§ 551.1 Service of process.

Service of process may be made upon the Board by delivering a copy of the summons and of the complaint to the U.S. Attorney for the district in which the action is brought or to an Assistant U.S. Attorney or clerical employee designated by the U.S. Attorney in a writing filed with the clerk of the court, and by sending copies of the summons and of the complaint by registered or certified mail to the Attorney General of the United States, Washington, D.C., and to the Secretary to the Federal Home Loan Bank Board, Washington, D.C.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-4904; Filed, May 2, 1967; 8:45 a.m.]

[No. 20,570]

PART 549—POWERS OF RECEIVER AND CONDUCT OF RECEIVERSHIPS

Creditor Claims and Share Interest Claims

APRIL 21, 1967.

Whereas, by Federal Home Loan Bank Board Resolution No. 20,567 dated April 21, 1967, this Board amended Part 549 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 549) relating to the powers of receiver and the conduct of receiverships; and

Whereas the aforesaid amendments necessitate certain technical changes in §§ 549.4 and 549.5 of the aforesaid regulations:

Now, therefore, be it resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of §§ 549.4 and 549.5, as hereinafter indicated, hereby revises paragraph (a) of § 549.4 and paragraph (a) of § 549.5 to read as follows effective June 2, 1967.

1. Paragraph (a) of § 549.4 is hereby revised to read as follows:

§ 549.4 Creditor claims.

(a) Upon being directed to do so by the Board, the receiver shall promptly publish, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of such Federal association is located, a notice to all creditors of such Federal association to present their claims with proof thereof to such receiver on or before a date specified in such notice. The date specified in such notice shall be at least 90 days after the date of the first publication of such notice (Sundays and holidays included). Such notice shall be similarly published on dates approximately 1 month and 2 months respectively after the date of such first publication. Claims not filed within such period shall be disallowed, except as they may thereafter be approved by the Board for payment in whole or in part out of the assets of said Federal association remaining undistributed at the time of such approval. The receiver shall mail a similar notice to any creditor, shown to be such on the books of the association, at the last address of such creditor as the same shall appear on such books.

* * * * *

2. Paragraph (a) of § 549.5 is hereby revised to read as follows:

§ 549.5 Share interest claims.

(a) Upon being directed to do so by the Board, the receiver shall promptly publish, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of such Federal association is located, a notice to all shareholders of such Federal association to present their sworn proofs of claim of ownership thereof to such receiver on or before a date specified in such notice. The date specified in such notice shall be 3 years after the date of the appointment of the receiver. Such notice shall urge that claims of ownership be presented promptly and shall be similarly published on dates approximately 1 year and 2 years respectively after the date of such first publication. Claims of ownership not filed within the period stated in the notice shall be disallowed, except as they may thereafter be approved by the Board for payment in whole or in part out of the assets of said Federal association remaining undistributed at the time of such approval. The receiver shall mail a similar notice to any shareholder, shown to be such on the books of the association in the possession of the receiver, at the last address of such shareholder as the same shall appear on such books: *Provided, however,* That such notice need not be mailed to the holder of a share account that has been surrendered and transferred to, or is in the process of being surrendered and transferred to, the Federal Savings and Loan Insurance Corporation. At the time of the declaration of the first liquidating dividend, the receiver shall credit to a special reserve the proportionate shares of such liquidating dividend otherwise payable to the holders of unclaimed share accounts shown on the books of the association which appear to be outstanding and valid, and similar credits shall from time to time be made for any subsequent liquidating dividends as the same may be declared before the date specified in the notice provided for in this paragraph. The final liquidating dividend to shareholders whose claims of ownership have been allowed may include any sums held in such accounts or any portion thereof, but such dividend shall in no event be paid before the date specified in the notice provided in this paragraph.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Be it further resolved that, since the aforesaid amendments are technical amendments to delete cross references to a section of the regulations which has been revised, the Board finds that notice and public procedure with respect to said amendments would be impracticable and unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or 5 U.S.C. 553(b).

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-4905; Filed, May 2, 1967; 8:45 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-3,071]

PART 566—CEASE-AND-DESIST AND SUSPENSION AND REMOVAL ORDERS

APRIL 21, 1967.

Resolved that, notice and public procedure having been duly afforded and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of the rules and regulations for Insurance of Accounts (12 CFR, Ch. V, Subch. D) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said Subchapter D, effective June 2, 1967, by adding a new part, Part 566, to read as follows:

Sec.

566.1 Cease-and-desist orders.
566.2 Temporary cease-and-desist orders.
566.3 Removal from office and/or prohibition from participation in conduct of affairs of an insured institution.
566.4 Temporary suspension and/or prohibition.
566.5 Suspension and removal where felony charged.
566.6 Notice to State authorities.
566.7 Service.

AUTHORITY: The provisions of this Part 566 issued under sec. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.

§ 566.1 Cease-and-desist orders.

(a) *Grounds.* If, in the opinion of the Corporation, any insured institution or any institution any of the accounts of which are insured is engaging or has engaged, or the Corporation has reasonable cause to believe that the institution is about to engage, in an unsafe or unsound practice in conducting the business of such institution, or is violating or has violated, or the Corporation has reasonable cause to believe that the institution is about to violate, a law, rule, or regulation or any condition imposed in writing by the Corporation in connection with the granting of any application or other request by the institution, or written agreement entered into with the Corporation, including any agreement entered into under section 403 of the National Housing Act, the Corporation may issue and serve upon the institution a notice of charges in respect thereof.

(b) *Notice of charges; hearing.* The notice of charges shall contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practice or practices, and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the institution. The hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after service of such notice unless an earlier or a later date is set by the Corporation at the request of the institution. Unless the institution consents to another place, such hearing shall be held in the Federal judicial district or in the territory (as defined in subsection (q) of section 407 of the National Housing Act, as amended) in which the principal office of the institution is located. Such hearing shall be conducted in the manner provided in Part 509 of this chapter.

(c) *Issuance of cease-and-desist order.* Unless the institution appears at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of a cease-and-

desist order. In the event of consent, or if upon the record made at any such hearing the Corporation finds that any violation or unsafe or unsound practice specified in the notice of charges has been established, the Corporation may issue and serve upon the institution an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the institution and its directors, officers, employees, and agents to cease and desist from the same, and further, to take affirmative action to correct the conditions resulting from any such violation or practice.

(d) *Effectiveness of order.* A cease-and-desist order shall become effective at the expiration of 30 days after the service of such order upon the institution concerned (except in the case of a cease-and-desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the Corporation, or a reviewing court.

§ 566.2 Temporary cease-and-desist orders.

(a) *Issuance.* Whenever the Corporation determines that the violation or threatened violation or the unsafe or unsound practice or practices, specified in the notice of charges served upon an institution under paragraph (a) of § 566.1, or the continuation thereof, is likely to cause insolvency (as defined in subsection (q) of section 407 of the National Housing Act, as amended) or substantial dissipation of assets or earnings of the institution, or is likely to otherwise seriously prejudice the interest of its insured members or of the Corporation, the Corporation may issue a temporary order requiring the institution to cease and desist from any such violation or practice.

(b) *Effectiveness of temporary order.* A temporary order shall become effective upon service upon the institution and, unless set aside, limited, or suspended by a court in proceedings authorized by paragraph (2) of subsection (f) of section 407 of the National Housing Act, as amended, shall remain effective and enforceable pending the completion of the administrative proceedings held pursuant to the notice of charges and until such time as the Corporation shall dismiss the charges specified in such notice or, if a cease-and-desist order is issued against the institution pursuant to paragraph (c) of § 566.1, until the effective date of any such order.

§ 566.3 Removal from office and/or prohibition from participation in conduct of affairs of an insured institution.

(a) *Grounds.* (1) Whenever, in the opinion of the Corporation, any director or officer of an insured institution has committed any violation of law, rule, or regulation, or of a cease-and-desist order which has become final (as defined in subsection (q) of section 407 of the National Housing Act, as amended), or has engaged or participated in any unsafe or unsound practice in connection with the institution, or has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director or officer, and the Corporation determines that the institution has suffered or will probably suffer substantial financial loss or other damage or that the interests of its insured members could be seriously prejudiced by reason of such violation or practice or breach of fiduciary duty, and that such violation or practice or breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer, the Corporation may serve upon such director or officer a written notice of its intention to remove him from office.

(2) Whenever, in the opinion of the Corporation—

(i) Any director or officer of an insured institution, by conduct or practice with respect to another insured institution or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to continue as a director or officer, or

(ii) Any other person participating in the conduct of the affairs of an insured institution, by conduct or practice with respect to such institution or other insured institution or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to participate in the conduct of the affairs of such insured institution,

the Corporation may serve upon such director, officer, or other person a written notice of its intention to remove him from office and/or to prohibit his further participation in any manner in the conduct of the affairs of such institution. A copy of such notice shall also be served upon the institution.

(b) *Notice of intention to remove from office and/or to prohibit further participation in conduct of affairs; hearing.* The notice of intention to remove a director, officer, or other person from office and/or to prohibit his further participation in any manner in the conduct of the affairs of the institution, shall contain a statement of the facts constituting grounds therefor and shall fix a time and place at which a hearing shall be held thereon. The hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after service of such notice, unless an earlier or later date is set by the Corporation at the request of (1) such director, officer, or other person, and for good cause shown, or (2) the Attorney General of the United States. Unless such director, officer, or other person consents to another place, such hearing shall be held in the Federal judicial district or in the territory (as defined in subsection (q) of section 407 of the National Housing Act, as amended) in which the principal office of the institution involved is located. Such hearing shall be conducted in the manner provided in Part 509 of this chapter.

(c) *Issuance of order of removal and/or prohibition.* Unless such director, officer, or other person appears at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of removal and/or prohibition. In the event of consent, or if upon the record made at any such hearing the Corporation finds that any of the grounds specified in such notice has been established, the Corporation may issue such orders of suspension or removal from office, and/or prohibition from participation in the conduct of the affairs of the institution, as it may deem appropriate.

(d) *Effectiveness of order.* An order of suspension or removal from office, and/or prohibition from participation in the conduct of the affairs of an institution, issued pursuant to paragraph (c) of this section, shall become effective at the expiration of 30 days after service upon the institution and the director, officer, or other person concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Corporation or a reviewing court.

§ 566.4 Temporary suspension and/or prohibition.

(a) *Issuance of notice.* In respect to any director or officer of an insured institution, or any other person who is served with a notice provided for in paragraph (a) of § 566.3, the Corporation may, if it deems it necessary for the protection of the institution or the interests of its insured members or of the Corporation, by written notice to such effect served upon such director, officer, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the institution. Copies of any such notice shall also be served upon the institution of which he is a director or officer or in the conduct of whose affairs he has participated.

(b) *Effectiveness of notice.* Any suspension from office and/or prohibition from participation in the conduct of the affairs of an institution, pursuant to a notice served under paragraph (a) of this section, shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by paragraph (5) of subsection (g) of section 407 of the National Housing Act, as amended, shall remain in effect pending the completion of the administrative proceedings held pursuant to the notice served under paragraph (b) of § 566.3 and until such time as the Corporation shall dismiss the charges specified in such notice, or, if an order of removal and/or prohibition is issued against the director, officer, or other person, until the effective date of any such order.

§ 566.5 Suspension and removal where felony charged.

(a) *Suspension and/or temporary prohibition.* Whenever any director or officer of an insured institution, or other person participating in the conduct of the affairs

of an insured institution, is charged in any information, indictment, or complaint authorized by a U.S. attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Corporation may, by written notice served upon such director, officer, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the institution. A copy of such notice shall also be served upon the institution. Such suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Corporation.

(b) *Removal and/or permanent prohibition.* In the event that a judgment of conviction with respect to such offense is entered against such director, officer, or other person, and at such time as such judgment is not subject to further appellate review, the Corporation may issue and serve upon such director, officer, or other person an order removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of the institution except with the consent of the Corporation. A copy of such order shall also be served upon such institution, whereupon such director or officer shall cease to be a director or officer of the institution. A finding of not guilty or other disposition of the charge shall not preclude the Corporation from thereafter instituting proceedings to remove such director, officer, or other person from office and/or to prohibit further participation in the conduct of institution affairs, pursuant to the provisions of § 566.3.

§ 566.6 Notice to State authorities.

In connection with any proceeding under § 566.1, § 566.2, § 566.3, or § 566.4, involving a State-chartered institution or any director, officer, or other person participating in the conduct of its affairs, the Corporation shall provide the appropriate State supervisory authority with notice of its intent to institute such a proceeding and the grounds therefor. Unless within such time as the Corporation deems appropriate in the light of the circumstances of the case (which time shall be specified in such notice), satisfactory corrective action is effectuated by action of the State supervisory authority, the Corporation may proceed as provided in said sections.

§ 566.7 Service.

Any service required or authorized to be made by the Corporation under the provisions of this part shall be made as provided in Part 509 of this chapter. Copies of any notice or order served upon any State-chartered institution or any director, officer, or other person participating in the conduct of its affairs, pursuant to the provisions of this part, shall also be sent to the appropriate State supervisory authority.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-4906; Filed, May 2, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

AMPROLIUM, DIENESTROL DIACETATE, ZOALENE, PENICILLIN

The Commissioner of Food and Drugs, having evaluated the data in petitions submitted by Schering Corp., Bloomfield, N.J. 07003, and other relevant material, has concluded that the food additive regulations should be amended to define roaster and fryer chickens and to provide for the safe use of dienestrol diacetate:

1. With amprolium with and without penicillin in feed of roaster and fryer chickens; and

2. With zoalene in feed of roaster, broiler, and fryer chickens.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended in the following respects:

1. Section 121.2000(b)(5)(i) is revised to read as follows:

§ 121.200 Definitions and interpretations applicable to Subpart C.

* * * * *

(b) * * *

(5) * * *

(i) "Broiler, fryer, and roaster chickens" are chickens raised for meat purposes only.

* * * * *

2. Section 121.207(c) is amended by adding to the table new items 2.5, 2.6, and 2.7, as follows:

§ 121.207 Zoalene.

* * * * *

(c) * * *

ZOALENE IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
2.4 * * *					
2.5 Zoalene (0.0125%)	113.5	Dienestrol diacetate.	20.9 (0.0023%)	For broiler, fryer, and roaster chickens; withdraw 48 hours before slaughter; start treatment at 5 or 6 weeks of age; treat broiler and fryer chickens 4 to 6 weeks; treat roaster chickens 6 to 10 weeks; not for laying hens or breeding flocks.	Prevention and control of coccidiosis; promotion of fat distribution for tenderness and bloom.
2.6 Zoalene (0.0125%)	113.5	Dienestrol diacetate.	63.6 (0.007%)	For broiler and fryer chickens; withdraw 48 hours before slaughter; start treatment at 3 weeks of age; treat for 3 weeks; not for laying hens or breeding flocks.	Do.
2.7 Zoalene (0.0125%)	113.5	Dienestrol diacetate.	31.8 (0.0035%)	For roaster chickens; withdraw 48 hours before slaughter; start treatment at 8 or 9 weeks of age; treat 5 to 7 weeks; not for laying hens or breeding flocks.	Do.
* * *	* * *	* * *	* * *	* * *	* * *

* * * * * * *

3. Section 121.210(c) is amended in table 1 by revising items 2.5 and 2.6, by adding a new item 2.7, and by revising in the first column subitem a that follows item 2.7. The affected portions read as follows:

§ 121.210 Amprolium.

* * * * * * *

(c) * * *

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
2.5 Amprolium	113.5-227 (0.0125%-0.025%)	Dienestrol diacetate.	20.9 (0.0023%)	For broiler, fryer, and roaster chickens; withdraw 48 hours before slaughter; start treatment at 5 or 6 weeks of age; treat broiler and fryer chickens 4 to 6 weeks; treat roaster chickens 6 to 10 weeks; not for laying hens or breeding flocks.	Prevention of coccidiosis; promotion of fat distribution for tenderness and bloom.
2.6 Amprolium	113.5-227 (0.0125%-0.025%)	Dienestrol diacetate.	63.6 (0.007%)	For broiler and fryer chickens; withdraw 48 hours before slaughter; start treatment at 3 weeks of age; treat for 3 weeks; not for laying hens or breeding flocks.	Do.
2.7 Amprolium	113.5-227 (0.0125%-0.025%)	Dienestrol diacetate.	31.8 (0.0035%)	For roaster chickens; withdraw 48 hours before slaughter; start treatment at 8 or 9 weeks of age; treat 5 to 7 weeks; not for laying hens or breeding flocks.	Do.
a. 2.1, 2.2, 2.3, 2.4, 2.5, or 2.6.	* * *	* * *	* * *	* * *	* * *
* * *	* * *	* * *	* * *	* * *	* * *

* * * * * * *

4. Section 121.266(c) is amended by revising the table to read as follows:

§ 121.266 Dienestrol diacetate.

* * * * * * *

(c) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Dienestrol diacetate.	20.9 (0.0023%)			For broiler, fryer, and roaster chickens; withdraw 48 hours before slaughter; start treatment at 5 or 6 weeks of age; treat broiler and fryer chickens 4 to 6 weeks; treat roaster chickens 6 to 10 weeks; not for laying hens or breeding flocks.	Promotion of fat distribution for tenderness and bloom.
1.2 Dienestrol diacetate.	20.9 (0.0023%)	Amprolium	113.5-227 (0.0125%-0.025%)	do	Prevention of coccidiosis; promotion of fat distribution for tenderness and bloom.
1.3 Dienestrol diacetate.	20.9 (0.0023%)	Zoalene	113.5 (0.0125%)	do	Prevention and control of coccidiosis; promotion of fat distribution for tenderness and bloom.
a. 1.1 or 1.2	20.9	Penicillin	2.4-50	As procaine penicillin	Growth promotion and feed efficiency.
2.1 Dienestrol diacetate.	63.6 (0.007%)			For broiler and fryer chickens; withdraw 48 hours before slaughter; start treatment at 3 weeks of age; treat for 3 weeks; not for laying hens or breeding flocks.	Promotion of fat distribution for tenderness and bloom.
2.2 Dienestrol diacetate.	63.6 (0.007%)	Amprolium	113.5-227 (0.0125%-0.025%)	do	Prevention of coccidiosis; promotion of fat distribution for tenderness and bloom.
2.3 Dienestrol diacetate.	63.6 (0.007%)	Zoalene	113.5 (0.0125%)	For broiler and fryer chickens; withdraw 48 hours before slaughter; start treatment at 3 weeks of age; treat for 3 weeks; not for laying hens or breeding flocks.	Prevention and control of coccidiosis; promotion of fat distribution for tenderness and bloom.
a. 2.1 or 2.2	63.6	Penicillin	2.4-50	As procaine penicillin	Growth promotion and feed efficiency.
3.1 Dienestrol diacetate.	31.8 (0.0035%)			For roaster chickens; withdraw 48 hours before slaughter; start treatment at 8 or 9 weeks of age; treat 5 to 7 weeks; not for laying hens or breeding flocks.	Promotion of fat distribution for tenderness and bloom.
3.2 Dienestrol diacetate.	31.8 (0.0035%)	Amprolium	113.5-227 (0.0125%-0.025%)	do	Prevention of coccidiosis; promotion of fat distribution for tenderness and bloom.
3.3 Dienestrol diacetate.	31.8 (0.0035%)	Zoalene	113.5 (0.0125%)	do	Prevention and control of coccidiosis; promotion of fat distribution for tenderness and bloom.
a. 3.1	20.9	Penicillin	2.4-50	As procaine penicillin	Growth promotion and feed efficiency.
4.1 Dienestrol diacetate.	63.6 (0.007%)			For turkey broilers; withdraw 48 hours before slaughter; start treatment at 8 to 10 weeks of age; treat for 3 weeks.	Promotion of fat distribution for tenderness and bloom.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4875; Filed, May 2, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 51—UTILIZATION OF CONSCIENTIOUS OBJECTORS AND PROCEDURES FOR PROCESSING REQUESTS FOR DISCHARGE BASED ON CONSCIENTIOUS OBJECTION

The Deputy Secretary of Defense approved the following:

Sec.
51.1 Purpose.
51.2 Applicability.
51.3 Policy.
51.4 Criteria.
51.5 Procedure.
51.6 Required information.
51.7 Statement (counselling concerning VA benefits).
51.8 Statement (counselling concerning designation as conscientious objector).

AUTHORITY: The provisions of this Part 51 issued under 5 U.S.C. 301.

§ 51.1 Purpose.

This part establishes uniform procedures for the utilization of conscientious objectors in the Armed Forces and consideration of requests for discharge on the grounds of conscientious objection.

§ 51.2 Applicability.

The policies and procedures set forth herein apply to all personnel of the Army, Navy, Air Force, and Marine Corps and to all Reserve components thereof.

§ 51.3 Policy.

(a) No vested right exists for any individual to be discharged from military service at his own request before the expiration of his term of service, whether he is serving voluntarily or involuntarily. Administrative discharge prior to the completion of his term of service is discretionary with the service concerned, based on judgment of the facts and circumstances in the case.

(b) The fact of conscientious objection does not exempt men from the draft; however, the Congress has deemed it more essential to respect a man's religious beliefs than to force him to serve in the Armed Forces, and accordingly has recognized bona fide religious objection to participation in war, in any form, to the extent that such an objector (1–O classification) is not inducted into the Armed Forces but is required to serve his country for the same period of time in civilian work contributing to the maintenance of national health, safety, or interest under a prescribed Alternate Service Plan (Conscientious Objectors' Work Program). Consistent with this national policy, bona fide conscientious objection by persons who are members of the Armed Forces will be recognized to the extent practicable and equitable.

(c) Federal courts have held that a claim to exemption from military service under the UMT & S Act must be interposed prior to notice of induction and failure to make timely claim for exemption constitutes waiver of the right to claim. Therefore, request for discharge after entering military service, based solely on conscientious objection which existed but was not claimed prior to induction or enlistment, cannot be entertained. Similarly, requests for discharge based solely on conscientious objection claimed and denied by Selective Service prior to induction cannot be entertained.

(d) It is the policy of the Department of Defense that requests for discharge from the military service on the grounds of conscientious objection will be handled on an individual basis, with final determination made at the departmental headquarters of the individual's service in accordance with the facts and circumstances in the particular case and the criteria of this part. The type of discharge, if separation is deemed warranted, will be determined by the individual's military record, the standards set forth in DoD Directive 1332.14, "Administrative Discharge," December 20, 1965 (31 F.R. 705, 2887), and the procedural guidelines herein.

(e) In evaluating requests for discharge based on conscientious objection, great care must be exercised to insure the sincerity of the claim. It is essential that discharge procedures of the services not invite or permit abuse by unscrupulous persons who seek to avoid all obligations on the grounds of religious belief. Claims of conscientious objection by all persons, whether existing before or after entering military service should be judged by the same standards.

(f) The standards used by the Selective Service System in determining 1–O or 1–A–O classification of draft registrants prior to induction are considered appropriate for application to cases of servicemen who claim conscientious objection after entering military service. 1–A–O classification permits induction into the military service and the inductee is required to perform duties as outlined in § 51.5(a). 1–O classification does not permit induction into military service but does permit induction into the Alternate Service Plan (Conscientious Objectors' Work Program). In either of the classifications the registrant is required to fulfill his obligations under the UMT&S Act.

(g) In order to insure the maximum practicable uniformity among the services and between members of the same service, advisory opinion by the Selective Service that a classification of 1–O is appropriate will normally be a requisite for discharge or release of members with less than 2 years active service based on conscientious objection.

§ 51.4 Criteria.

(a) The criteria for determining conscientious objection (other than the statutory requirement that the objection be religious, as opposed to personal or philosophical) are not absolute objective measurements which can be applied across the board, but are the result of extensive experience and practices which have been upheld in the courts in connection with legal obligations for service. Among the factors considered are such items as membership in a peace church, training in home and church, the general demeanor and pattern of conduct of the individual, his employment in defense-connected activities, his participation in religious activities, and his credibility and the credibility of persons supporting his claim. In the case of servicemen not liable for induction after discharge because of having served 180 days or more, the individual's willingness to engage voluntarily in post-military work of the nature encompassed by the Alternate Service Plan of Selective Service may also be pertinent.

(b) While church membership and church tenets are relevant in determining conscientious objection, they are not compelling. The courts have held that mere membership in a religious group teaching conscientious objection is not an automatic basis for classification as a conscientious objector nor does membership in a group which does not require conscientious objection constitute an automatic basis for denying such classification. The law does not require affiliation with any particular group in order that an individual may be classified as a conscientious objector.

(c) Evaluation of the sincerity of a claim of conscientious objection requires objective consideration of professed belief not generally shared by persons in the military service. For that reason, particular care must be exercised not to deny bona fide convictions solely on the basis that the professed belief is incompatible with one's own.

§ 51.5 Procedure.

(a)(1) Individuals inducted into the Service who have previously been classified as 1–A–O by local induction boards should be assigned to noncombatant service, which in accordance with the President's Executive Order No. 10028, dated January 13, 1949, is defined as:

(i) Service in any unit of the armed forces which is unarmed at all times;

(ii) Service in the medical department of any of the armed forces, wherever performed; or

(iii) Any other assignment the primary function of which does not require the use of arms in combat provided that such other assignment is acceptable to the individual concerned and does not require him to bear arms or to be trained in their use.

The term "noncombatant training" shall mean any training which is not concerned with the study, use, or handling of arms or weapons.

(2) Such persons, upon induction into the Service, shall be transferred to a

training center, or station, for recruit training and shall be subject to all regular training, except the portions thereof specifically excepted by Executive Order No. 10028 quoted in subparagraph (1) of this paragraph. Thereafter, upon completion of recruit training, they shall be transferred to Hospital Corps, or Medical Department, for further training, provided they meet the requirements therefor. Such men, because of assignment to medical units will not be allowed to avoid the important or hazardous duties which are the responsibility of all members of the medical organization. Any man who does not meet the requirements for this training, or who fails to complete the course, will be retained in the service and employed in noncombatant duties.

(b) Personnel who claim to be conscientious objectors and state that they were so classified by their local board but their records do not so indicate:

(1) The Commanding Officer shall obtain a statement from the individual concerned and refer the case to the departmental headquarters of the individual's service for investigation and decision. The departmental headquarters will investigate the matter through Selective Service.

(2) If it is determined that the man should have been classified as 1–A–O, but inadvertently was not so classified, the records will be corrected, and the Commanding Officer will be directed to correct his records accordingly. The man then will be processed as indicated in paragraph (a) of this section.

(3) If it is determined that no change in classification is warranted, the individual will be notified to this effect.

(4) Upon first referring of the case, pending its decision, the individual should be retained at his command and employed in noncombatant duties.

(c)(1) Individuals requesting discharge for conscientious objection will submit information as required in § 51.6 and such other documentation of their cases as is deemed appropriate by the military department concerned. In order to preserve the maximum practicable uniformity of treatment for like cases, requests and supporting papers will be forwarded, together with any other pertinent information known to the immediate command, to departmental headquarters for individual determination of action on the basis of the facts and the special circumstances of each case.

(2) Immediately upon receipt of a request for discharge on grounds of conscientious objection, the member will be fully advised and counselled concerning the provisions of section 3103, Title 38, United States Code. That section provides, in pertinent part, that the discharge of any person on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authority, shall bar all rights (except government insurance) of such person under laws administered by the Veterans Administration based upon the period of service from which discharged or dismissed. The only exception is in cases in which it is established, to the satisfaction of the Administrator, that the member was insane. After counselling, the member will be required to sign and date the statement in § 51.7.

(3) Before making a determination concerning a possible discharge for conscientious objection in cases falling within the terms of § 51.3(g), the military department concerned will forward each case to the Director, Selective Service System, Washington, D.C. 20435, for an advisory opinion as to the individual's proper classification under the UMT&S Act. At the discretion of the military department concerned, advisory opinions may also be sought on members with two or more years service.

(4) In each case to be submitted to the Director, Selective Service System for an advisory opinion, the military department concerned will:

(i) Include a statement and report of a chaplain based upon an interview with the applicant, to include comments on the sincerity of the applicant in his belief and an opinion as to the source of the belief, unless the services of a chaplain are not reasonably available because of essential operations or the remoteness of the applicant's unit;

(ii) Include a statement by a psychiatrist, or by a medical officer when a psychiatrist is not available, based upon an interview with the applicant, in those cases wherein the applicant's medical history contains evidence of an emotional illness;

(iii) Review the application to insure that all information required by § 51.6 has been provided by the applicant, and

(iv) Complete DD Form 1589, February 1, 1967, "Summary Sheet for Review of Conscientious Objector Application."[1]

(d)(1) Individuals for whom 1–O classification is recommended by Selective Service System will be considered for discharge by reason of their conscientious objection to military service.

(2) Individuals for whom 1–A–O classification is recommended normally will not be considered for discharge for conscientious objection reasons, but will be reassigned to noncombatant duties as outlined in paragraph (a) of this section. Individuals so reassigned will be required to sign and date the statement in § 51.8.

(3) Individuals for whom neither 1–O nor 1–A–O classification is recommended by Selective Service will normally be retained in military service, subject to normal duty assignments.

(4) If, in the judgment of the commander concerned, any individual reassigned to noncombatant duties or returned to his normal duty assignment demonstrates or has previously demonstrated his inability or unwillingness to cooperate in a manner which constitutes the basis for disciplinary action, action will be taken as in the case of any other member of the military service who demonstrates similar behavior.

(e)(1) Individuals for whom 1–O classification is recommended by Selective Service will normally be discharged "For the Convenience of the Government." Conscientious objection will be cited as the supporting reason in order to avoid possible future confusion. Pending separation, the individual will be assigned duties providing the minimum conflict with his professed beliefs and will be required to maintain the same standards of performance and behavior as other personnel assigned to his unit.

(2) Personnel with less than 180 days' service (volunteers or inductees) who are determined to be bona fide conscientious objectors (1–0 classification) and whose request for separation is made early enough so that discharge occurs prior to completion of 180 days' active duty will be separated for the convenience of the Government by reason of conscientious objection to permit service in the Conscientious Objectors' Work Program. In such cases, the Selective Service System will be promptly notified of the date of discharge from the military service, the fact that the individual has not completed 180 days' active duty, and will be requested to "induct" the individuals for the alternate service provided by the UMT&S Act.

(f) Determination by the military department, in accordance with the facts of the case and the guidelines furnished herein, shall be final with respect to the administrative separation of its members.

§ 51.6 Required information.

Each person seeking release from active service from the Armed Forces, as a conscientious objector, will provide the information indicated below as the minimum required for consideration of his request. This in no way bars the Military Departments from requiring additional information as they desire. The individual may submit such other information as desired.

(a) *General information.* (1) Full name.

(2) Military serial number.

(3) Selective Service number.

(4) Service address.

(5) Permanent home address.

(6) Give the name and address of each school and college which you have attended, together with the dates of your attendance, and state in each instance the type of school (public, church, military, commercial, etc.).

(7) Give a chronological list of all occupations, positions, jobs, or type of work, other than as a student in school or college, in which you have at any time been engaged, whether for monetary compensation or not, giving the type of work, name of employer, address of employer and the from/to date for each position or job held.

(8) Give all addresses and dates of residence where you have formerly lived.

(9) Give the name and address of your parents and indicate whether they are living or deceased.

(10) State the religious denomination or sect of your father and mother.

[1] Filed as part of original document. Copies of this form may be obtained from the Military Departments.

(11) Did you apply to the Selective Service System (Local Board) for classification as a conscientious objector prior to entry into the Armed Forces? To which local board? What decision was made by the Board, if known?

(12) If you have served less than 180 days in the military service and are discharged as a conscientious objector, are you willing to perform work under the Selective Service Conscientious Objectors' Work Program? Yes _____ No _____. Will you consent to the issuance or an order for such work by your Local Selective Service Board? Yes _____ No _____.

(b) *Religious training and relief.* (1) Do you believe in a Supreme Being?

(2) Describe the nature of your belief which is the basis of your claim, and state whether or not your belief in a Supreme Being involves duties which to you are superior to those arising from any human relation.

(3) Explain how, when, and from whom or from what source you received the training and acquired the belief which is the basis of your claim.

(4) Give the name and present address of the individual upon whom you rely most for religious guidance.

(5) Under what circumstances, if any, do you believe in the use of force?

(6) Describe the actions and behavior in your life which in your opinion most conspicuously demonstrates the consistency and depth of your religious convictions.

(7) Have you ever given public expression, written or oral, to the views herein expressed as the basis for your claim? If so, specify when and where.

(c) *Participation in organizations.* (1) Have you ever been a member of any military organization or establishment before entering the Armed Forces for this tour? If so, state the name and address of same and give reasons why you became a member.

(2) Are you a member of a religious sect or organization? If your reply is "yes":

(i) State the name of the sect, and the name and location of its governing body or head if known to you.

(ii) When, where, and how did you become a member of said sect or organization?

(iii) State the name and location of the church, congregation, or meeting where you customarily attend.

(iv) Give the name, title, and present address of the pastor or leader of such church, congregation or meeting.

(v) Describe carefully the creed or official statements of said religious sect or organization in relation to participation in war.

(3) Describe your relationships with and activities in all organizations with which you are or have been affiliated, other than military, political, or labor organizations.

(d) *References.* (1) Give the name, full address, occupation or position, and relationship to you, concerning persons who could supply information as to the sincerity of your professed convictions against participation in war.

§ 51.7 Statement (counseling concerning VA benefits).

I have been counseled concerning possible nonentitlement to benefits administered by the Veterans Administration due to discharge from the military service as a conscientious objector. I understand that a discharge as a conscientious objector, who refuses to perform satisfactory military duty or otherwise to comply with lawful orders of competent military authority, may bar all rights, based upon the period of service from which discharged, under any laws administered by the Veterans Administration except my legal entitlement (if any) to any war risk, government (converted) or National Service Life Insurance.

§ 51.8 Statement (counseling concerning designation as conscientious objector).

I have been counseled concerning designation as a conscientious objector. Based on my religious training and belief, I consider myself to be a conscientious objector and am conscientiously opposed to participation in combatant training and service. I request assignment to noncombatant duties for the remainder of my term of service. I fully understand that on expiration of my current term of service I am not eligible for voluntary enlistment, reenlistment, or active service in the Armed Forces.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-4899; Filed, May 2, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-516]

PART 73—RADIO BROADCAST SERVICES

Substitution of Channels at Norfolk, Nebr.; Memorandum Opinion and Order

In the matter of amendment of the Table of Assignments in § 73.606(b) of the Commission rules and regulations to substitute Channel 19 for Channel 16 at Norfolk, Nebr.

1. On July 1, 1966, the Nebraska Educational Television Commission filed a petition (RM-998) requesting the assignment of television broadcast Channel 19 to Norfolk, Nebr., and that it be reserved for educational television broadcast use. The assignment possibilities at Norfolk were examined by means of the Commission's electronic computer program and it was found that Channel 16 had less impact on potential additional assignments than Channel 19. Accordingly, a notice of proposed rule making (Docket No. 16833; FCC 66-771) was issued on August 25, 1966, proposing to assign Channel 16 to Norfolk.

2. The petitioner filed comments in this proceeding reiterating its request for Channel 19 on the grounds that there was no meaningful difference in efficiency between Channels 19 and 16 and that Channel 16 would restrict the choice of a site to the northeast of Norfolk because of the assignment of Channel 16 to Fairmont, Minn. Norfolk and Fairmont are approximately 188 miles apart, and the minimum permissible separation between TV stations operating on Channel 16 in the Midwest is 175 miles. The petitioner did not supply information as to a specific site. The efficiency argument was not supported by engineering data and appeared to be based on consideration only of impact on other channels available for assignment to Norfolk, without regard to effect on availabilities elsewhere. The overall impact of a channel assignment extends out to as much as 175 miles in this area cochannel, and affects other technically related channels at various distances from 75 miles down to 20 miles. The total impact of the Channel 19 assignment was substantially greater. Accordingly, the report and order in Docket 16833 (FCC 66-1031) adopted November 16, 1966, assigned Channel 16 to Norfolk.

3. On December 5, 1966, the Nebraska Educational Television Commission filed an application (BPET-284) for authority to construct a new educational TV station to operate on Channel 16 at Norfolk, specifying a site some 16½ miles north-northeast of Norfolk and only 172.7 miles from Fairmont, Minn., less than the 175-mile required separation. The applicant, recognizing this, requests a waiver of § 73.611(b) of the Commission rules. The site was selected as the most desirable from the standpoint of good coverage of northeastern Nebraska. In view of the fact that usable channels are plentiful in this part of the country, such a waiver is not justified. Therefore, the site proposed in the application was examined as to possible assignments in the same manner as the original petition for Norfolk. Because of the distance, Channel 16 is not considered to be available at the proposed site. Of the remaining available channels, Channel 19 is found to be the most efficient in that it has the least impact on other usable but unassigned channels.

4. Normally, changes in the Table of TV Assignments are the subject of rule making proceedings. However, section 4(a) of the Administrative Procedure Act provides that a rule may be adopted without prior proceedings where they are unnecessary or would be contrary to the public interest. Here, the supply of usable but unassigned channels in the area involved is considered to be ample to meet foreseeable future needs. Petitioner has expressed a preference for Channel 19. It does not appear that the interests of any other party would be affected by the substitution. Accordingly, we find that rule making is unnecessary.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended and § 1.412(c) of the Commission rules: *It is ordered*, That, effective May 5, 1967, the Table of Assignments in § 73.606(b) of the Commission rules is amended, insofar as the city listed below is concerned to read as follows:

City	*Channel*
Norfolk, Nebr.	*19

NOTE: Offset for Channel 19 will be supplied in a subsequent order.

6. *It is further ordered,* That, Nebraska Educational Television Commission shall amend its pending application (BPET–284) to specify Channel 19 instead of Channel 16.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 26, 1967.

Released: April 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–4935; Filed, May 2, 1967; 8:48 a.m.]

[Docket No. 17147; FCC 67–510]

PART 73—RADIO BROADCAST SERVICES

UHF Television Broadcast Channel, Hopkinsville, Ky.; Report and Order

In the matter of amendment of the table of assignments in § 73.606(b) of the Commission rules to assign a UHF television broadcast channel to Hopkinsville, Ky., Docket No. 17147, RM–1054.

1. The Commission released a notice of proposed rule making herein on January 27, 1967 (FCC 67–117), published February 1, 1967, in the FEDERAL REGISTER at 32 F.R. 1136, inviting comments on a proposal of J. Shelby McCallum, Gary H. Latham, and E. T. Breathitt, Jr., of Benton and Hopkinsville, Ky., to assign UHF Channel 51 to Hopkinsville for a first television assignment. The petitioners filed joint comments supporting the proposed assignment or a lower UHF assignment for Hopkinsville and reaffirming their intention to apply promptly for authority to construct and operate a UHF station at Hopkinsville if an assignment is made. No other comments on the proposal were received.

2. It appears from petitioners' showing that Hopkinsville (1960 Census population 19,465), the seat of Christian County in southwestern Kentucky, is in a rapidly growing area, both in population and industrial development, and that a demand exists for a commercial UHF channel to provide a first local television service to Hopkinsville at this time. In these circumstances, and in light of the fact that the nearest existing television stations are some 60 or more miles from Hopkinsville, at Nashville, Tenn., and at Bowling Green and Paducah, Ky., we believe that the assignment of a UHF channel to Hopkinsville would serve a public need. As noted in the rule making notice, any three out of seven available channels below Channel 70 could be assigned to the area and provide geographic flexibility for the selection of a transmitter site of at least 10 miles cochannel and 5 miles on the "taboo" channels, but, of these, Channel 51 would have the least impact on available assignments both below and above Channel 69. We therefore believe Channel 51 should be assigned to Hopkinsville.

3. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered,* That, effective June 5, 1967, the table of assignments in § 73.606(b) of the Commission rules is amended by the addition of the following city:

City	*Channel No.*
Hopkinsville, Ky	51

NOTE: Offset for Channel 51 will be supplied in a subsequent order.

4. *It is further ordered,* That, this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 26, 1967.

Released: April 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–4936; Filed, May 2, 1967; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 988; Amdt. 2]

PART 195—CAR SERVICE

Union Pacific Railroad Co. Authorized To Operate Over Trackage of Southern Pacific Co.

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 27th day of April A.D. 1967.

Upon further consideration of Service Order No. 988 (31 F.R. 15488, 32 F.R. 4499) and good cause appearing therefor:

It is ordered, That:

Section 195.988 Service Order No. 988 (Union Pacific Railroad Company authorized to operate over trackage of Southern Pacific Company), be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1967, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1967.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), and 15(4), 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–4942; Filed, May 2, 1967; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order, Correction]

[Arizona 034184]

ARIZONA

Revocation of Reclamation Withdrawals

In F.R. Doc. 67–1602, appearing on page 2817 of the issue for February 11, 1967, the following change should be made:

Under paragraph 3, T. 8 S., R. 15 W., the land description should read sec. 30, lots 2, 3, and 4, E½, SE¼NW¼, and E½SW¼.

RILEY E. FOREMAN,
Acting State Director.

APRIL 24, 1967.

[F.R. Doc. 67–4914; Filed, May 2, 1967; 8:46 a.m.]

[1] Commissioners Lee and Wadsworth absent; Commissioners Cox and Loevinger abstaining from voting.

[1] Commissioner Lee absent.

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 100, 101, 103, 204, 211, 212, 213, 214, 215, 221, 223, 231, 234, 235, 236, 238, 239, 242, 243, 245, 248, 249, 251, 252, 253, 264, 292, 299, 312, 316a, 319, 334, 337, 339, 341, 343, 343a, 343b, 349, 499]

IMPLEMENTATION OF FREEDOM OF INFORMATION ACT

Notice of Proposed Rule Making

Pursuant to section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) notice is hereby given of the proposed issuance of the following rules implementing the Freedom of Information Act. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 30 days following the date of publication of this notice will be considered.

The proposed regulations set forth below are designed to comply with the requirements of the July 4, 1966, amendment of section 3 of the Administrative Procedure Act, P.L. 89–487, 80 Stat. 250, which will become effective on July 4, 1967. As required by that law, the Service has reviewed its statements of policy, interpretations, and administrative staff manuals and instructions to staff which affect the public, and has designated the portions which must be published or made available for public inspection. A considerable portion of such public material is being transferred to the regulations and appears in this notice of proposed rule making; in addition, the Service Statement of Organization will be revoked and major portions thereof appear herein. The remainder of the public material will be made available in public reading rooms being established by the Service at its Central Office and in each district headquarters in the United States.

Precedent decisions of the Service and of the Board of Immigration Appeals will be published and indexed, as heretofore. In addition, unpublished decisions will be made available in the public reading rooms, although names and identifying details will be eliminated when necessary to prevent a clearly unwarranted invasion of personal privacy. However, decisions which are of a summary nature and do not set forth reasons or explanations in support of the order will not be made available because they merely contain identifying data and do not serve to inform the public.

The proposed regulations also list the circumstances under which records of the Service will be made available to the public, as required by the new law. Among the records generally available to the public will be the records of proceeding in deportation proceedings, in naturalization proceedings, in administrative fine proceedings, or in any proceeding which is open to the public. Provision is made for public availability of other Service records under prescribed conditions. However, the Service is mindful of the need to prevent a clearly unwarranted invasion of personal privacy of the large numbers of persons who deal with it and who furnish detailed information regarding their personal lives and backgrounds. The regulations therefore authorize withholding of records and information in such situations unless their disclosure would not be deemed a clearly unwarranted invasion of personal privacy.

Part 100 is added to read as follows:

PART 100—STATEMENT OF ORGANIZATION

Sec.

100.1 Introduction.
100.2 Organization and delegations.
100.3 Places where, and methods whereby, information may be secured or submittals or requests made.
100.4 Field service.
100.5 Regulations.
100.6 Rule making.

AUTHORITY: The provisions of this Part 100 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103.

§ 100.1 Introduction.

The following sections describe the organization of the Immigration and Naturalization Service, including statements of delegations of final authority, indicate the established places at which, and methods whereby, the public may secure information, direct attention to the regulations relating to the general course and method by which its functions are channeled and determined. Part 103 of this chapter sets forth the procedures governing the availability of Service opinions, orders, and records.

§ 100.2 Organization and delegations.

The Attorney General has delegated to the Commissioner, the principal officer of the Immigration and Naturalization Service, authority to direct the administration of the Service and enforce the Act and all other laws relating to immigration and naturalization, except the authority delegated to the Board of Immigration Appeals. The Commissioner has delegated his authority to the following-described officers of the Service, within their respective operational areas of activity: Associate Commissioner, Operations; Associate Commissioner, Management; Deputy Associate Commissioner, Domestic Control; Deputy Associate Commissioner, Travel Control; Deputy Associate Commissioner, Security; Deputy Associate Commissioner, Administrative Services; Assistant Commissioner, Investigations; Assistant Commissioner, Enforcement; Assistant Commissioner, Examinations; Assistant Commissioner, Special Projects; Assistant Commissioner, Field Inspection and Security; Assistant Commissioner, Naturalization; Assistant Commissioner, Administration; Assistant Commissioner, Detention and Deportation; General Counsel; Chief Special Inquiry Officer; regional commissioner; district directors; officers in charge; immigration officers, and special inquiry officers.

§ 100.3 Places where, and methods whereby, information may be secured or submittals or requests made.

Any person desiring information relative to a matter handled by the Immigration and Naturalization Service, or any person desiring to make a submittal or request in connection with such a matter should communicate either orally or in writing with a district headquarters office or suboffice of the Service. If the office receiving the communication does not have jurisdiction to handle the matter, the communication, if written, will be forwarded to the proper office of the Service or, if oral, the person will be advised how to proceed. When the submittal or request consists of a formal application for one of the documents, privileges, or other benefits provided for in the laws administered by the Service or the regulations implementing those laws, the instructions on the form as to preparation and place of submission should be followed. In such cases, the provisions of this chapter dealing with the particular type of application may be consulted for regulatory provisions.

§ 100.4 Field service.

The territory within which officials of the Immigration and Naturalization Service are located is divided into regions, districts, suboffices, and Border Patrol sectors as follows:

(a) *Regional Offices.* The Northeast Regional Office, located in Burlington, Vermont, has jurisdiction over districts 1, 2, 3, 7, 21, 22, and 23 and Border Patrol sectors 1, 2, 3, and 4. The Southeast Regional Office, located in Richmond, Va., has jurisdiction over districts 4, 5, 6, 24, 25, 26, 27, and 28 and Border Patrol sectors 21 and 22. The Northwest Regional Office, located in St. Paul, Minn., has jurisdiction over districts 8, 9, 10, 11, 12, 29, 30, 31, and 32 and Border Patrol sectors 5, 6, 7, 8,

and 9. The Southwest Regional Office, located in San Pedro, Calif., has jurisdiction over districts 13, 14, 15, 16, 17, 18, 19, and 36 and Border Patrol sectors 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

(b) *District Offices.* The following districts, which are designated by numbers, have fixed headquarters and are divided as follows:

1. *St. Albans, Vt.* The district office in St. Albans, Vt., has jurisdiction over the State of Vermont; also, over the U.S. immigration office located in the Province of Quebec, Canada.

2. *Boston, Mass.* The district office in Boston, Mass., has jurisdiction over the States of New Hampshire, Massachusetts, and Rhode Island.

3. *New York City, N.Y.* The district office in New York City, N.Y., has jurisdiction over the following counties in the State of New York: Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester; and for primary inspection purposes only, the following counties in the State of New Jersey: Bergen, Essex, Hudson, Middlesex, and Union; also, over the U.S. immigration office located in Hamilton, Bermuda.

4. *Philadelphia, Pa.* The district office in Philadelphia, Pa., has jurisdiction over the States of Pennsylvania, Delaware, and West Virginia.

5. *Baltimore, Md.* The district office in Baltimore, Md., has jurisdiction over the State of Maryland.

6. *Miami, Fla.* The district office in Miami, Fla., has jurisdiction over the State of Florida, Cuba, the Caribbean Islands, and South America; also, over the U.S. immigration office located in Nassau, Bahamas.

7. *Buffalo, N.Y.* The district office in Buffalo, N.Y., has jurisdiction over the State of New York except that part within the jurisdiction of District No. 3; also, over the U.S. immigration offices located in the Province of Ontario, Canada.

8. *Detroit, Mich.* The district office in Detroit, Mich., has jurisdiction over the State of Michigan.

9. *Chicago, Ill.* The district office in Chicago, Ill., has jurisdiction over the States of Illinois, Indiana, and Wisconsin.

10. *St. Paul, Minn.* The district office in St. Paul, Minn., has jurisdiction over the States of Minnesota, North Dakota, and South Dakota; also, over the U.S. immigration office in the Province of Manitoba, Canada.

11. *Kansas City, Mo.* The district office in Kansas City, Mo., has jurisdiction over the States of Kansas and Missouri.

12. *Seattle, Wash.* The district office in Seattle Wash., has jurisdiction over the State of Washington; also, over the U.S. immigration offices located in the Province of British Columbia, Canada.

13. *San Francisco, Calif.* The district office in San Francisco, Calif., has jurisdiction over the State of Nevada and over the following counties in the State of California: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

14. *San Antonio, Tex.* The district office in San Antonio, Texas, has jurisdiction over the State of Oklahoma and the following counties in the State of Texas: Anderson, Andrews, Archer, Armstrong, Atascosa, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brisco, Brooks, Brown, Burleson, Burnet, Caldwell, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Edwards, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Franklin, Freestone, Frio, Gaines, Garza, Gillespie, Glasscock, Golaid, Gonzales, Gray, Grayson, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Irion, Jack, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Marion, Martin, Mason, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Real, Red River, Reagan, Roberts, Robertson, Rockwall, Runnels, Rusk, San Saba, Schleicher, Scurry, Shackelford, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titius, Tom Green, Travis, Upshur, Uvalde, Val Verde, Van Zandt, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, and Zavala.

15. *El Paso, Tex.* The district office in El Paso, Tex., has jurisdiction over the State of New Mexico, and the following counties in Texas: Brewster, Crane, Culberson, Ector, El Paso, Hudspeth, Jeff Davis, Loving, Midland, Pecos, Presidio, Reeves, Terrell, Upton, Ward, and Winkler.

16. *Los Angeles, Calif.* The district office in Los Angeles, Calif., has jurisdiction over the following counties in the State of California: Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.

17. *Honolulu, Hawaii.* The district office in Honolulu, Hawaii, has jurisdiction over the State of Hawaii and Guam, Mariana Islands.

18. *Phoenix, Ariz.* The district office in Phoenix, Ariz., has jurisdiction over the State of Arizona.

19. *Denver, Colo.* The district office in Denver, Colo., has jurisdiction over the States of Colorado, Utah, and Wyoming.

21. *Newark, N.J.* The district office in Newark, N.J., has jurisdiction over the State of New Jersey (except that for primary inspection purposes only the district office in New York City, N.Y., has jurisdiction over the counties of Bergen, Essex, Hudson, Middlesex, and Union).

22. *Portland, Maine.* The district office in Portland, Maine, has jurisdiction over the State of Maine.

23. *Hartford, Conn.* The district office in Hartford, Conn., has jurisdiction over the State of Connecticut.

24. *Cleveland, Ohio.* The district office in Cleveland, Ohio, has jurisdiction over the States of Ohio and Kentucky.

25. *Washington, D.C.* The district office in Washington, D.C., has jurisdiction over the District of Columbia, and the States of Virginia and North Carolina.

26. *Atlanta, Ga.* The district office in Atlanta, Ga., has jurisdiction over the States of Georgia, South Carolina, Alabama, Tennessee, and Arkansas.

27. *San Juan, P.R.* The district office in San Juan, P.R., has jurisdiction over the Commonwealth of Puerto Rico; also, over the Virgin Islands of the United States.

28. *New Orleans, La.* The district office in New Orleans, La., has jurisdiction over the States of Louisiana and Mississippi.

29. *Omaha, Nebr.* The district office in Omaha, Nebr., has jurisdiction over the States of Iowa and Nebraska.

30. *Helena, Mont.* The district office in Helena, Mont., has jurisdiction over the States of Montana and Idaho.

31. *Portland, Oreg.* The district office in Portland, Oreg., has jurisdiction over the State of Oregon.

32. *Anchorage, Alaska.* The district office in Anchorage, Alaska, has jurisdiction over the State of Alaska.

33. *Manila, Philippines.* The district office in Manila has jurisdiction over the Philippines, all of continental Asia lying to the east of the western borders of Afghanistan and Pakistan, Japan, Korea, Australia, New Zealand, and all other countries in the Pacific areas.

34. *Frankfurt, Germany.* The district office in Frankfurt, Germany, has jurisdiction over France, Germany, Benelux, Austria, Hungary, Poland, Bulgaria, Yugoslavia, Rumania, Czechoslovakia, Ireland, Norway, Sweden, Finland, United Kingdom of Great Britain and Northern Ireland, Iceland, Switzerland, Albania, and Union of Soviet Socialist Republics.

35. *Mexico City, Mexico.* The district office in Mexico City has jurisdiction over Mexico and Central America.

36. *Port Isabel, Tex.* The district office in Port Isabel, Tex., has jurisdiction over the following counties in Texas: Angelina, Aransas, Austin, Brazoria, Calhoun, Cameron, Chambers, Colorado, Fort Bend, Galveston, Grines, Hardin, Harris, Jackson, Jasper, Jefferson, Kenedy, Kleberg, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Refugio, Sabine, San Augustine, San Jacinto, San Patricio Shelby, Trinity, Tyler, Victoria, Walker Waller, Washington, Wharton, and Willacy

37. *Rome, Italy.* The district office in Rome, Italy, has jurisdiction over Spain Portugal (including insular possessions in the Atlantic), Italy, Malta, Greece, Turkey Cyprus, Syria, Lebanon, Israel, Jordan, Iraq Iran, Kuwait, Saudi Arabia, Yemen, Aden and Africa.

(c) *Suboffices.* The following offices in addition to the facilities maintained at Class A ports of entry listed in subparagraph (2) of this paragraph, indicated by asterisk, are designated as suboffices:

(1) *Interior locations.*

Albany, N.Y.
Albuquerque, N. Mex.
Boise, Idaho.
Cincinnati, Ohio.
Dallas, Tex.
Fairbanks, Alaska.
Fresno, Calif.
Memphis, Tenn.
Pittsburgh, Pa.
Reno, Nev.
Sacramento, Calif.
Salt Lake City, Utah.
St. Louis, Mo.
Spokane, Wash.
Syracuse, N.Y.
Tucson, Ariz.

(2) *Ports of entry for aliens arriving by vessel or by land transportation.* Subject to the limitations prescribed in this subparagraph, the following places are hereby designated as ports of entry for aliens arriving by any means of travel other than aircraft. The designation of such a port of entry may

withdrawn whenever, in the judgment of the Commissioner, such action is warranted. The ports are listed according to location by districts and are designated either Class A, Class B, or Class C. Class A means that the port is a designated port of entry for all aliens. Class B means that the port is a designated port of entry for aliens who at the time of applying for admission are lawfully in possession of valid resident aliens' border-crossing identification cards or valid nonresident aliens' border-crossing identification cards or are admissible without documents under the documentary waivers contained in Part 212 of this chapter. Class C means that the port is a designated port of entry only for aliens who are arriving in the United States as crewmen as that term is defined in section 101(a)(10) of the Act with respect to vessels.

DISTRICT NO. 1—ST. ALBANS, VT.

CLASS A

Alburg, Vt.
Alburg Springs, Vt.
Beebe Plain, Vt.
Beecher Falls, Vt.
Canaan, Vt.
Derby Line, Vt.
East Richford, Vt.
Highgate Springs, Vt.
Newport, Vt.
North Troy, Vt.
Norton, Vt.
Richford, Vt.
St. Albans, Vt.
West Berkshire, Vt.

CLASS B

Morses Line, Vt.

DISTRICT NO. 2—BOSTON, MASS.

CLASS A

Boston, Mass. (the port of Boston includes, among others, the port facilities at Beverly, Braintree, Chelsea, Everett, Hingham, Lynn, Manchester, Marblehead, Milton, Quincy, Revere, Salem, Saugus, and Weymouth, Mass.).
Gloucester, Mass.
Kittsburg, N.H.
Providence, R.I. (the port of Providence includes, among others, the port facilities at Davisville, Hillsgrove, Melville, Newport, Portsmouth, Quonset Point, and Tiverton, R.I.; and at Fall River and Somerset, Mass.).

CLASS C

New Bedford, Mass.
Newburyport, Mass.
Plymouth, Mass.
Provincetown, Mass.
Woods Hole, Mass.
Portsmouth, N.H.

DISTRICT NO. 3—NEW YORK, N.Y.

CLASS A

New York, N.Y. (the port of New York includes, among others, the port facilities at Bayonne, Carteret, Edgewater, Elizabeth, Hoboken, Jersey City, Linden, Perth Amboy, Port Newark, Sewaren, and Weehawken, N.J.; and at Poughkeepsie and Yonkers, N.Y.).

DISTRICT NO. 4—PHILADELPHIA, PA.

CLASS A

Erie, Pa.
Philadelphia, Pa. (the port of Philadelphia includes, among others, the port facilities at Delaware City, Lewes, New Castle, and Wilmington, Del.; at Artificial Island, Billingsport, Camden, Deepwater Point, Fisher's Point, Gibbstown, Gloucester City, Paulsboro, and Trenton, N.J.; and at Chester, Essington, Fort Mifflin, Marcus Hook, and Morrisville, Pa.).

DISTRICT NO. 5—BALTIMORE, MD.

CLASS A

Baltimore, Md.

CLASS C

Piney Point, Md.
Salisbury, Md.

DISTRICT NO. 6—MIAMI, FLA.

CLASS A

Bocagrande, Fla.
Fernandina, Fla.
Fort Pierce, Fla.
*Jacksonville, Fla.
*Key West, Fla.
Miami, Fla.
Panama City, Fla.
Pensacola, Fla.
*Port Everglades, Fla. (Fort Lauderdale)
St. Augustine, Fla.
*Tampa, Fla.
*West Palm Beach, Fla.

CLASS C

Port St. Joe, Fla.
St. Petersburg, Fla.

DISTRICT NO. 7—BUFFALO, N.Y.

CLASS A

Alexandria Bay, N.Y.
Buffalo, N.Y.
Cape Vincent, N.Y.
*Champlain, N.Y.
*Chateaugay, N.Y.
Clayton, N.Y.
*Fort Covington, N.Y.
Lewiston, N.Y.
*Massena, N.Y.
*Mooers, N.Y.
Morristown, N.Y.
*Niagara Falls, N.Y.
*Ogdensburg, N.Y.
Oswego, N.Y.
Rochester, N.Y.
*Rouses Point, N.Y.
*Thousand Islands Bridge, N.Y.
*Trout River, N.Y.
Youngstown, N.Y.

CLASS B

Cannons Corners, N.Y.
Churubusco, N.Y.
Hogansburg, N.Y.
Jamison's Line, N.Y.
Waddington, N.Y.

CLASS C

Albany, N.Y.
Sodus Point, N.Y.

DISTRICT NO. 8—DETROIT, MICH.

CLASS A

*Algonac, Mich.
Detroit, Mich.
Ecorse, Mich. (May 15–Oct. 15).
Grosse Isle Yacht Club, Grosse Isle, Mich. (May 15–Oct 15).
Isle Royale, Mich.
Jefferson Beach Marina, Jefferson Beach, St. Clair Shores, Mich. (May 15–Oct. 15).
Kean's Detroit Yacht Harbor, Detroit, Mich. (May 15–Oct. 15).
*Marine City, Mich.
Marysville, Mich.
*Port Huron, Mich.
*Roberts Landing, Mich.
*St. Clair, Mich.
*Sault Ste. Marie, Mich.

CLASS B

Alpena, Mich.
Detour, Mich.
Mackinac Island, Mich.
Rogers City, Mich.

CLASS C

Alpena, Mich.
Baraga, Mich.
Bay City, Mich.
Cheboygan, Mich.
Detour, Mich.
Escanaba, Mich.
Grand Haven, Mich.
Holland, Mich.
Houghton, Mich.
Ludington, Mich.
Mackinac Island, Mich.
Manistee, Mich.
Marquette, Mich.
Menominee, Mich.
Monroe, Mich.
Munising, Mich.
Muskegon, Mich.
Port Dolomite, Mich.
Port Inland, Mich.
Rogers City (Calcite), Mich.
Saginaw, Mich.
South Haven, Mich.

DISTRICT NO. 9—CHICAGO, ILL.

CLASS A

Chicago, Ill.
*Green Bay, Wis.
*Hammond, Ind.
*Milwaukee, Wis.

CLASS C

East Chicago, Ind.
Gary, Ind.
Michigan City, Ind.
Algoma, Wis.
Ashland, Wis.
Kenosha, Wis.
Kewaunee, Wis.
Manitowoc, Wis.
Marinette, Wis.
Port Washington, Wis.
Racine, Wis.
Sheboygan, Wis.
Sturgeon Bay, Wis.
Washburn, Wis.

DISTRICT NO. 10—ST. PAUL, MINN.

CLASS A

*Baudette, Minn.
*Duluth, Minn. (the port of Duluth includes, among others, the port facilities of Superior, Wis.).
*Ely, Minn.
*Grand Portage, Minn.
*International Falls, Minn.
*Lancaster, Minn.
*Noyes, Minn.
*Pine Creek, Minn.
Ranier, Minn.
*Roseau, Minn.
*Warroad, Minn.
*Ambrose, N. Dak.
*Antler, N. Dak.
*Carbury, N. Dak.
*Dunseith, N. Dak.
*Fortuna, N. Dak.
*Hannah, N. Dak.
*Hansboro, N. Dak.
*Maida, N. Dak.
*Neche, N. Dak.
*Noonan, N. Dak.
*Northgate, N. Dak.
Pembina, N. Dak.
*Portal, N. Dak.
*St. John, N. Dak.
*Sarles, N. Dak.
*Sherwood, N. Dak.
*Walhalla, N. Dak.
*Westhope, N. Dak.

CLASS B

Crane Lake, Minn.
Indus, Minn.
Oak Island, Minn.

CLASS C

Grand Marais, Minn.
Silver Bay, Minn.
Taconite Harbor, Minn.
Two Harbors, Minn.

DISTRICT NO. 12—SEATTLE, WASH.

CLASS A

*Aberdeen, Wash. (the port of Aberdeen includes, among others, the port facilities at South Bend and Raymond, Wash.).
*Anacortes, Wash.
*Bellingham, Wash.
*Blaine, Wash.

*Boundary, Wash.
*Danville, Wash.
Ferry, Wash.
Friday Harbor, Wash. (the port of Friday Harbor includes, among others, the port facilities at Roche Harbor, Wash.).
*Frontier, Wash.
*Laurier, Wash.
*Lynden, Wash.
*Metaline Falls, Wash.
Neah Bay, Wash.
Olympia, Wash.
*Oroville, Wash.
*Point Roberts, Wash.
*Port Angeles, Wash.
Port Townsend, Wash.
Seattle, Wash. (the port of Seattle includes, among others, the port facilities at Bangor, Blake Island, Bremerton, Eagle Harbor, Edmonds, Everett, Holmes Harbor, Houghton, Kennydale, Keyport, Kingston, Manchester, Mukilteo, Orchard Point, Point Wells, Port Gamble, Port Ludlow, Port Orchard, Poulsbo, Shuffleton, and Winslow, Wash.).
*Sumas, Wash.
*Tacoma, Wash. (the port of Tacoma includes, among others, the port facilities at Dupont, Wash.).

CLASS B

Nighthawk, Wash.

DISTRICT NO. 13—SAN FRANCISCO, CALIF.

CLASS A

San Francisco, Calif.

CLASS C

Eureka, Calif.

DISTRICT NO. 14—SAN ANTONIO, TEX.

CLASS A

*Del Rio, Tex.
*Eagle Pass, Tex.
*Falcon Heights, Tex.
*Hidalgo, Tex.
*Laredo, Tex.
*Los Ebanos, Tex.
*Progreso, Tex.
*Rio Grande City, Tex.
*Roma, Tex.

CLASS B

San Ygnacio, Tex.

DISTRICT NO. 15—EL PASO, TEX.

CLASS A

*Columbus, N. Mex.
El Paso, Tex.
*Fabens, Tex.
*Presidio, Tex.

CLASS B

Antelope Wells, N. Mex.
Monument No. 67, near Cloverdale, N. Mex.
Boquillas, Tex.
Candelaria, Tex.
Castolon, Tex.
Chinati, Tex.
Fort Hancock, Tex.
Heath Crossing, Tex.
Lajitas, Tex.
Polvo, Tex.
Porvenir, Tex.
Ruidosa, Tex.
San Vicente, Tex.
Stillwell Crossing, Tex.

DISTRICT NO. 16—LOS ANGELES, CALIF.

CLASS A

*Andrade, Calif.
*Calexico, Calif.
*San Diego, Calif.
*San Diego Border Station, Calif.
*San Luis Obispo, Calif. (the port of San Luis Obispo includes, among others, the port facilities at Avila, Estero Bay, El Capitan, Elwood, Gaviota, Morro Bay, and Santa Barbara, Calif.).
Los Angeles, Calif. (the port of Los Angeles includes, among others, the port facilities at San Pedro, Long Beach, Port Hueneme, and Ventura, Calif.).
*Tecate, Calif.

DISTRICT NO. 17—HONOLULU, HAWAII

CLASS A

*Agana, Guam, M.I. (including the port facilities at Apra Harbor, Guam).
Honolulu, Hawaii.

CLASS C

Hilo, Hawaii.
Kahului, Hawaii.
Nawiliwilli, Hawaii.
Port Allen, Hawaii.

DISTRICT NO. 18—PHOENIX, ARIZ.

CLASS A

*Douglas, Ariz.
*Lukeville, Ariz.
*Naco, Ariz.
*Nogales, Ariz.
*Sasabe, Ariz.
*San Luis, Ariz.

CLASS B

Lochiel, Ariz.

DISTRICT NO. 22—PORTLAND, MAINE

CLASS A

*Bangor, Maine (the port of Bangor includes, among others, the port facilities at Bar Harbor, Belfast, Brewer, Bucksport, Jonesport, Northeast Harbor, Prospect Harbor, Sandypoint, Seal Harbor, Searsport, and South West Harbor, Maine).
*Bridgewater, Maine.
*Calais, Maine (includes Ferry Point, Union and Milltown Bridges).
*Coburn Gore, Maine.
*Eastport, Maine.
*Fort Fairfield, Maine.
*Fort Kent, Maine.
*Hamlin, Maine.
*Houlton, Maine.
*Jackman, Maine.
*Limestone, Maine.
Lubec, Maine.
*Madawaska, Maine.
Portland, Maine.
*St. Aurelie, Maine.
*Van Buren, Maine.
*Vanceboro, Maine.

CLASS B

Daaquam, Maine.
Easton, Maine.
Estcourt, Maine.
Forest City, Maine.
Knoxford Line Road (Mars Hill), Maine.
Monticello, Maine.
Orient, Maine.
Robbinston, Maine.
St. Juste, Maine.
St. Pamphile, Maine.

CLASS C

Bath, Maine.
Boothbay Harbor, Maine.
Kittery, Maine.
Rockland, Maine.
Wiscasset, Maine.

DISTRICT NO. 23—HARTFORD, CONN.

CLASS A

Hartford, Conn. (the port of Hartford includes, among others, the port facilities at Bridgeport, Groton, New Haven, and New London, Conn.).

DISTRICT NO. 24—CLEVELAND, OHIO

CLASS A

Cleveland, Ohio.
*Sandusky, Ohio.
*Toledo, Ohio.

CLASS C

Ashtabula, Ohio.
Conneaut, Ohio.
Fairport, Ohio.
Huron, Ohio.
Lorain, Ohio.
Marblehead, Ohio.

DISTRICT NO. 25—WASHINGTON, D.C.

CLASS A

Washington, D.C. (includes the port facilities at Alexandria, Va.).
Moorehead City, N.C.
*Wilmington, N.C.
*Norfolk, Va. (includes the port facilities at Newport News and Fort Monroe, Va.).

CLASS C

Richmond, Va.
Yorktown, Va. (includes the port facilities at the U.S. Navy Mine Depot, Cheatham Annex, and at the U.S. Navy Mine School Va.).

DISTRICT NO. 26—ATLANTA, GA.

CLASS A

*Mobile, Ala.
Brunswick, Ga.
*Savannah, Ga.
*Charleston, S.C.
Georgetown, S.C.

CLASS C

Beaufort, S.C. (the port of Beaufort include Parris Island, Port Royal Island, and adjacent waters).

DISTRICT NO. 27—SAN JUAN, P.R.

CLASS A

Aguadilla, P.R.
Ensenada, P.R.
Fajardo, P.R.
Humacao, P.R.
Jobos, P.R.
Mayaguez, P.R.
Ponce, P.R.
San Juan, P.R.
*Christiansted, St. Croix, V.I.
Frederiksted, St. Croix, V.I.
Cruz Bay, St. John, V.I.
*Charlotte Amalie, St. Thomas, V.I.

DISTRICT NO. 28—NEW ORLEANS, LA.

CLASS A

Lake Charles, La.
New Orleans, La. (the port of New Orlea includes, among others, the port faciliti at Avondale, Bell Chasse, Braithwait Chalmette, Destrahan, Gretna, Harve Marrero, Norco, Port Sulphur, St. Ro and Westwego, La.).
Gulfport, Miss.

CLASS C

Baton Rouge, La.
Morgan City, La.
Pascagoula, Miss.

DISTRICT NO. 30—HELENA, MONT.

CLASS A

*Eastport, Idaho.
*Porthill, Idaho.
Chief Mountain, Mont. (May–October).
Del Bonita, Mont.
*Morgan, Mont.
*Opheim, Mont.
*Piegan, Mont.
*Raymond, Mont.
*Roosville, Mont.
*Scobey, Mont.
*Sweetgrass, Mont.
*Turner, Mont.

•Whitetail, Mont.
•Wildhorse, Mont.
•Willow Creek, Mont.

CLASS B

Whitlash, Mont.

DISTRICT NO. 31—PORTLAND, OREG.

CLASS A

Astoria, Oreg. (the port of Astoria includes, among others, the port facilities at Bradwood, Pacific City, Taft, Tillamook (including Garibaldi and Bay City), Warrenton, Wauna, and Westport, Oreg.).
Coos Bay, Oreg. (the port of Coos Bay includes, among others, the port facilities at Bandon, Brookings, Depoe Bay, Florence, Frankfort, Gold Beach, Newport (including Toledo), Port Orford, Reedsport, Waldport, and Yachats, Oreg.).
Portland, Oreg. (the port of Portland includes, among others, the port facilities at Beaver, Columbia City, Prescott, Rainier, and St. Helens, Oreg.; and Kalama, Longview, and Vancouver, Wash.).

DISTRICT NO. 32—ANCHORAGE, ALASKA

CLASS A

Anchorage, Alaska (the port of Anchorage includes, among others, the port facilities at Kodiak, Seward, Whittier and Valdez, Alaska).
•Haines, Alaska.
Juneau, Alaska.
•Ketchikan, Alaska (the port of Ketchikan includes, among others, the port facilities at Pelican, Petersburg, Sitka, and Wrangell, Alaska).
Skagway, Alaska.
•Tok, Alaska.

CLASS B

Eagle, Alaska.

DISTRICT NO. 36—PORT ISABEL, TEX.

CLASS A

Beaumont, Tex.
•Brownsville, Tex. (the port of Brownsville includes, among others, the port facilities at Port Isabel, Tex.).
•Corpus Christi, Tex. (the port of Corpus Christi includes, among others, the port facilities at Harbor Island, Ingleside, and Port Lavaca-Point Comfort, Tex.).
•Galveston, Tex. (the port of Galveston includes, among others, the port facilities at Freeport, Port Bolivar, and Texas City, Tex.).
•Houston, Tex. (the port of Houston includes, among others, the port facilities at Baytown, Tex.).
•Port Arthur, Tex. (the port of Port Arthur includes, among others, the port facilities at Orange and Sabine, Tex.).

(3) *Ports of entry for aliens arriving by aircraft.* In addition to the following international airports which are hereby designated as ports of entry for aliens arriving by aircraft, other places where permission for certain aircraft to land officially has been given and places where emergency or forced landings are made under Part 239 of this chapter shall be regarded as designated for the entry of aliens arriving by such aircraft:

DISTRICT NO. 1—ST. ALBANS, VT.

Burlington, Vt., Burlington Municipal Airport.

DISTRICT NO. 6—MIAMI, FLA.

Fort Lauderdale, Fla., Fort Lauderdale-Hollywood Airport.
Key West, Fla., Key West International Airport.
Miami, Fla., Chalks Flying Service Seaplane Base.
Miami, Fla., Miami International Airport.
Tampa, Fla., Tampa International Airport.
West Palm Beach, Fla., Palm Beach International Airport.

DISTRICT NO. 7—BUFFALO, N.Y.

Albany, N.Y., Albany County Airport.
Buffalo, N.Y., Greater Buffalo International Airport.
Massena, N.Y., Richards Field.
Ogdensburg, N.Y., Ogdensburg Harbor.
Ogdensburg, N.Y., Ogdensburg Municipal Airport.
Rochester, N.Y., Rochester-Monroe County Airport.
Rouses Point, N.Y., Rouses Point Seaplane Base.
Watertown, N.Y., Watertown Municipal Airport.

DISTRICT NO. 8—DETROIT, MICH.

Detroit, Mich., Detroit-City Airport.
Detroit, Mich., Detroit Metropolitan Wayne County Airport.
Port Huron, Mich., St. Clair County Airport.
Sault Ste. Marie, Mich., Sault Ste. Marie Airport.

DISTRICT NO. 9—CHICAGO, ILL.

Chicago, Ill., Chicago Midway Airport.

DISTRICT NO. 10—ST. PAUL, MINN.

Baudette, Minn., Baudette International Airport.
Duluth, Minn., Duluth International Airport.
Duluth, Minn., Sky Harbor Airport.
International Falls, Minn., Falls International Airport.
Ranier, Minn., International Seaplane Base.
Grand Forks, N. Dak., Grand Forks International Airport.
Minot, N. Dak., Minot International Airport.
Pembina, N. Dak., Port Pembina Airport.
Portal, N. Dak., Portal Airport.
Williston, N. Dak., Sloulin Field (Municipal).

DISTRICT NO. 12—SEATTLE, WASH.

Bellingham, Wash., Bellingham Airport.
Friday Harbor, Wash., Friday Harbor.
Oroville, Wash., Dorothy Scott Municipal Airport.
Oroville, Wash., Dorothy Scott Seaplane Base.
Port Townsend, Wash., Jefferson County International Airport.
Seattle, Wash., Boeing Municipal Air Field.
Seattle, Wash., Lake Union.
Spokane, Wash., Felts Field.

DISTRICT NO. 14—SAN ANTONIO, TEX.

Del Rio, Tex., Del Rio International Airport.
Eagle Pass, Tex., Eagle Pass Airport.
Laredo, Tex., Laredo International Airport.
McAllen, Tex., Miller International Airport.

DISTRICT NO. 15—EL PASO, TEX.

El Paso, Tex., International Airport.

DISTRICT NO. 16—LOS ANGELES, CALIF.

Calexico, Calif., Calexico International Airport.
San Diego, Calif., San Diego Municipal Airport (Lindbergh Field).

DISTRICT NO. 17—HONOLULU, HAWAII

Agana, Guam, Marlana Islands, Agana Field.

DISTRICT NO. 18—PHOENIX, ARIZ.

Douglas, Ariz., Bisbee-Douglas Airport.
Nogales, Ariz., Nogales International Airport.
Tucson, Ariz., Tucson International Airport.
Yuma, Ariz., Yuma International Airport.

DISTRICT NO. 22—PORTLAND, MAINE

Caribou, Maine, Caribou Municipal Airport.

DISTRICT NO. 24—CLEVELAND, OHIO

Akron, Ohio, Municipal Airport.
Cleveland, Ohio, Cleveland Hopkins Airport.
Put In Bay, Ohio, Put In Bay Airport.
Sandusky, Ohio, John G. Hinde Airport.

DISTRICT NO. 30—HELENA, MONT.

Cut Bank, Mont., Cut Bank Airport.
Glasgow, Mont., Glasgow International Airport.
Great Falls, Mont., Great Falls International Airport.
Havre, Mont., Havre-Hill County Airport.

DISTRICT NO. 32—ANCHORAGE, ALASKA

Juneau, Alaska, Juneau Municipal Airport.
Juneau, Alaska, Juneau Airport (Seaplane Base only).
Ketchikan, Alaska, Ketchikan Airport.
Wrangell, Alaska, Wrangell Seaplane Base.

DISTRICT NO. 36—PORT ISABEL, TEX.

Brownsville, Tex., Rio Grande Valley International Airport at Brownsville, Tex.

(4) *Immigration offices in foreign countries.*

Athens, Greece.
Guadalajara, Mexico.
Hamilton, Bermuda.
Hong Kong, B.C.C.
Monterrey, Mexico.
Montreal, Quebec, Canada.
Naples, Italy.
Nassau, Bahamas.
Ottawa, Ontario, Canada.
Palermo, Italy.
Tijuana, Mexico.
Tokyo, Japan.
Toronto, Ontario, Canada.
Vancouver, British Columbia, Canada.
Victoria, British Columbia, Canada.
Vienna, Austria.
Winnipeg, Manitoba, Canada.

(d) *Border Patrol Sectors.* Border Patrol sector headquarters and stations are situated at the following locations:

SECTOR NO. 1—HOULTON, MAINE

Calais, Maine.
Fort Fairfield, Maine.
Houlton, Maine.
Jackman, Maine.
Lincoln, Maine.
Van Buren, Maine.

SECTOR NO. 2—SWANTON, VT.

Beecher Falls, Vt.
Newport, Vt.
Richford, Vt.
Rouses Point, N.Y.
Swanton, Vt.
Whitehall, N.Y.

SECTOR NO. 3—OGDENSBURG, N.Y.

Malone, N.Y.
Massena, N.Y.
Ogdensburg, N.Y.
Watertown, N.Y.

SECTOR NO. 4—BUFFALO, N.Y.

Buffalo, N.Y.
Niagara Falls, N.Y.

SECTOR NO. 5—DETROIT, MICH.

Detroit, Mich.
Port Huron, Mich.
Saulte Ste. Marie, Mich.
Trenton, Mich.

SECTOR NO. 6—GRAND FORKS, N. DAK.

Bottineau, N. Dak.
Grand Forks, N. Dak.
Grand Marais, Minn.
International Falls, Minn.
Minot, N. Dak.
Pembina, N. Dak.
Portal, N. Dak.
Warroad, Minn.

SECTOR NO. 7—HAVRE, MONT.

Browning, Mont.
Havre, Mont.
Malta, Mont.

Shelby, Mont.
Sweetgrass, Mont.
Wolf Point, Mont.

SECTOR NO. 8—SPOKANE, WASH.

Bonners Ferry, Idaho.
Colville, Wash.
Oroville, Wash.
Spokane, Wash.
White Fish, Mont.

SECTOR NO. 9—BLAINE, WASH.

Bellingham, Wash.
Blaine, Wash.
Lynden, Wash.

SECTOR NO. 10—LIVERMORE, CALIF.

Bakersfield, Calif.
Fresno, Calif.
Livermore, Calif.
Sacramento, Calif.
Salinas, Calif.
Stockton, Calif.

SECTOR NO. 11—CHULA VISTA, CALIF.

Campo, Calif.
Chula Vista, Calif.
El Cajon, Calif.
Oceanside, Calif.
Oxnard, Calif.
Temecula, Calif.

SECTOR NO. 12—EL CENTRO, CALIF.

Calexico, Calif.
El Centro, Calif.
Indio, Calif.
Riverside, Calif.

SECTOR NO. 13—YUMA, ARIZ.

Blythe, Calif.
Yuma, Ariz.

SECTOR NO. 14—TUCSON, ARIZ.

Casa Grande, Ariz.
Douglas, Ariz.
Gila Bend, Ariz.
Nogales, Ariz.
Phoenix, Ariz.
Tucson, Ariz.
Willcox, Ariz.

SECTOR NO. 15—EL PASO, TEX.

Alamogordo, N. Mex.
Carlsbad, N. Mex.
Columbus, N. Mex.
El Paso, Tex.
Fabens, Tex.
Fort Hancock, Tex.
Las Cruces, N. Mex.
Lordsburg, N. Mex.
Sierra Blanca, Tex.

SECTOR NO. 16—MARFA, TEX.

Alpine, Tex.
Fort Stockton, Tex.
Lubbock, Tex.
Marfa, Tex.
Pecos, Tex.
Presidio, Tex.
Sanderson, Tex.

SECTOR NO. 17—DEL RIO, TEX.

Brackettville, Tex.
Carrizo Springs, Tex.
Comstock, Tex.
Del Rio, Tex.
Eagle Pass, Tex.
Ozona, Tex.
Sonora, Tex.
Uvalde, Tex.

SECTOR NO. 18—LAREDO, TEX.

Cotulla, Tex.
Hebbronville, Tex.
Laredo, Tex.
Zapata, Tex.

SECTOR NO. 19—MCALLEN, TEX.

Falfurrias, Tex.
McAllen, Tex.
Mercedes, Tex.
Rio Grande City, Tex.

SECTOR NO. 20—PORT ISABEL, TEX.

Brownsville, Tex.
Corpus Christi, Tex.
Galveston, Tex.
Harlingen, Tex.
Kingsville, Tex.

SECTOR NO. 21—NEW ORLEANS, LA.

Baton Rouge, La.
Gulfport, Miss.
Lake Charles, La.
Mobile, Ala.
New Orleans, La.
Pensacola, Fla.
Texarkana, Ark.

SECTOR NO. 22—MIAMI, FLA.

Jacksonville, Fla.
Key West, Fla.
Miami, Fla.
Tampa, Fla.
West Palm Beach, Fla.

§ 100.5 Regulations.

The regulations of the Immigration and Naturalization Service, published as Chapter I of Title 8 of the Code of Federal Regulations, contain information which, under the provisions of section 552 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383), is required to be published and is subdivided into Subchapter A (General Provisions, Parts 1 through 3, inclusive), Subchapter B (Immigration Regulations, Parts 100 through 299, inclusive), and Subchapter C (Nationality Regulations, Parts 306 through 499, inclusive). Any person desiring information with respect to a particular procedure (other than rule making) under the Immigration and Nationality Act should examine the part or section in Chapter I of Title 8 of the Code of Federal Regulations dealing with such procedures as well as the section of the Act implemented by such part or section.

§ 100.6 Rule making.

Section 103(a) of the Immigration and Nationality Act requires the Attorney General to establish such regulations as he deems necessary for carrying out his authority under the provisions of that Act. The Attorney General has delegated certain rule making authority to the Commissioner of Immigration and Naturalization. The provisions of the Federal Register Act (49 Stat. 500; 44 U.S.C. 301–314), as amended, and of the regulations thereunder (1 CFR—Administrative Committee of the Federal Register) as well as the provisions of section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) governing the issuance of regulations are observed.

PART 101—PRESUMPTION OF LAWFUL ADMISSION

Sections 101.2 and 101.3 are added to read as follows:

§ 101.2 Presumption of lawful admission; entry under erroneous name or other errors.

An alien who entered the United States as either an immigrant or nonimmigrant under any of the following circumstances shall be regarded as having been lawfully admitted in such status, except as otherwise provided in this part: An alien otherwise admissible whose entry was made and recorded under other than his full true and correct name or whose entry record contains errors in recording sex, names of relatives, or names of foreign places of birth or residence, provided that he establishes by clear, unequivocal, and convincing evidence that the record of the claimed admission relates to him, and, if entry occurred on or after May 22, 1918, if under other than his full, true and correct name that he also establishes that the name was not adopted for the purpose of concealing his identity when obtaining a passport or visa, or for the purpose of using the passport or visa of another person or otherwise evading any provision of the immigration laws, and that the name used at the time of entry was one by which he had been known for a sufficient length of time prior to making application for a passport or visa to have permitted the issuing authority or authorities to have made any necessary investigation concerning him or that his true identity was known to such officials.

§ 101.3 Alien Registration Receipt Card (Form I–151).

Upon establishment of lawful admission for permanent residence under this part, an Alien Registration Receipt Card, Form I–151, shall be issued without requiring the submission of an application or fee.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The heading of Part 103 is amended to read as set out above.

2. The authority citation in Part 103 is amended to read as follows:

AUTHORITY: The provisions of this Part 103 issued under sec. 501, 65 Stat. 290, sec. 103, 66 Stat. 173; 5 U.S.C. 140, 8 U.S.C. 1103. Interpret or apply secs. 281, 332, 343, 344, 405, 66 Stat. 230, 252, 263, 264, 280; 8 U.S.C. 1351, 1443, 1454, 1455, 1101 and note; sec. 3 of the Administrative Procedure Act (P.L. 89–487, 80 Stat. 250).

§ 103.1 [Amended]

3. Paragraph (c) of § 103.1 is amended to read as follows:

(c) *General Counsel.* The legal advisory, legislative, litigation, and trial attorney (including appellate trial attorney at the Board of Immigration Appeals) activities of the Service.

4. Paragraph (g) *Officers in charge* of § 103.1 *Delegations of authority* is amended by adding the following sentences at the end thereof: "The officers in charge in the places enumerated in

§ 212.1(h) of this chapter have the authority to act on requests for waiver of visa and passport requirements under the provisions of section 212(d)(4)(A) of the Act. The officers in charge of the offices located in Mexico City, Mexico; Guadalajara, Mexico; Monterrey, Mexico; Tijuana, Mexico; Frankfurt, Germany; Athens, Greece; Rome, Italy; Naples, Italy; Palermo, Italy; Vienna, Austria; Manila Philippines; Tokyo, Japan; and Hong Kong, B.C.C., are authorized to perform the following functions: Authorize waivers of grounds of excludability under sections 212 (h) and (i) of the Act; adjudicate applications for permission to reapply for admission to the United States after deportation or removal, if filed by an alien who has applied for an immigrant visa at an American consular office, when the application for permission to reapply is submitted in conjunction with an application for waiver of grounds of excludability under section 212 (h) or (i) of the Act; approve visa petitions for any immediate relative or preference status except third and sixth preferences; in cases in which the Department of State had delegated recommending power to the consular officer, approve recommendations made by consular officers for waiver of grounds of excludability in behalf of nonimmigrant visa applicants under section 212(d)(3) of the Act and concur in proposed waivers by consular officers of the requirement of visa or passport by a nonimmigrant on the basis of unforeseen emergency; exercise discretion to grant applications for the benefits of sections 211 and 212(c) of the Act; process Form I–90 applications and deliver duplicate Forms I–151; extend reentry permits; and process Form N–565 applications and deliver certificates issued thereunder. The officers in charge of the offices located in the following places are authorized to perform the following functions:

Athens—Authorize conditional entry under section 203(a)(7) of the Act;

Frankfurt—Authorize conditional entry under section 203(a)(7) of the Act;

Hamilton—Preinspection of passengers and crew on aircraft and surface vessels departing directly to the U.S. mainland;

Montreal—Preinspection of passengers and crew of aircraft departing directly to the U.S. mainland and authorize waivers of grounds of excludability under sections 212 (h) and (i); also, approve applications for permission to reapply for admission to the United States after deportation or removal, when filed in conjunction with an application for waiver of grounds of excludability under section 212 (h) or (i) of the Act;

Nassau—Preinspection of passengers and crew on aircraft and surface vessels departing directly to the U.S. mainland;

Rome—Authorize conditional entry under section 203(a)(7) of the Act; and

Vienna—Authorize conditional entry under section 203(a)(7) of the Act.

§ 103.2 [Amended]

5. Paragraph (a) *General* of § 103.2 *Applications, petitions, and other documents* is amended in the following respects:

a. The following sentence is inserted after the existing first sentence: "The native form of a name may also be required if such a document has been executed in an anglicized version thereof."

b. The existing third sentence is amended to read as follows: "Any required oath may be administered by an immigration officer or person generally authorized to administer oaths, including persons so authorized by Article 136 of the Uniform Code of Military Justice."

6. Subparagraph (1) *Requirements* of paragraph (b) *Evidence* of § 103.2 *Applications, petitions, and other documents* is amended in the following respects:

a. The following sentence is inserted after the existing first sentence: "Form I–134 may be used if an affidavit of support would be helpful in resolving any public charge aspect."

b. The following two sentences are added at the end thereof: "The status of an applicant or petitioner who claims that he is a lawful permanent resident alien of the United States will be verified from official records of the Service. In the absence of such a record, the applicant or petitioner shall be required to establish that he is a lawful permanent resident alien by the submission of evidence such as his passport bearing a Service endorsement reflecting a lawful admission for permanent residence, his Form I–151, Alien Registration Receipt Card, or his immigrant identification card."

§ 103.3 [Amended]

7. Paragraph (a) *Denials and appeals* of § 103.3 *Denials, appeals, and precedent decisions* is amended in the following respects:

a. The following sentence is inserted after the existing first sentence: "If the notification is made on Form I–292, the signed duplicate thereof constitutes the order of denial."

b. The following sentence is added at the end thereof: "An appeal, cross-appeal, answers thereto and accompanying brief, if any, shall become part of the record of proceeding and, if filed by an officer of the Service, a copy shall be served on the party affected."

8. Paragraph (c) of § 103.6 is amended by adding subparagraph (3) and paragraph (e) is amended to read as follows:

§ 103.6 Surety bonds.

* * * * *

(c) *Cancellation.* * * *

(3) *Substantial performance.* Substantial performance of all conditions imposed by the terms of a bond shall release the obligor from liability.

* * * * *

(e) *Breach of bond.* A bond is breached when there has been a substantial violation of the stipulated conditions. A final determination that a bond has been breached creates a claim in favor of the United States which may not be released or discharged by a Service officer. The district director having jurisdiction over the place where any immigration bond is retained shall finally determine whether a bond shall be declared breached or cancelled, and shall notify the obligors in writing on Form I–323 or Form I–391 of his decision.

§ 103.7 [Amended]

9. Section 103.7 is amended in the following respects:

a. The heading is amended to read: "Fees".

b. Paragraph (a) is deleted.

c. Paragraphs (b) and (c) are redesignated as paragraphs (a) and (b).

d. The third item in newly designated paragraph (b) is amended to read as follows:

For filing an application for a search of the records of the Immigration and Naturalization Service	$3.00

10. Section 103.8 is added to read as follows:

§ 103.8 Definitions pertaining to availability of information.

As used in this part the following definitions shall apply:

(a) The term "identifiable" means a reasonably specific description of the particular record sought which will permit its location with relative ease. The burden of identification rests with the person seeking the record.

(b) The terms "available" and "availability" signify the right to obtain information and include the rights of inspection, copying, and purchase of copies.

(c) The term "decision" has the same meaning as the term "opinion and order."

(d) The term "opinion and order" means a final written determination in a proceeding under the Act, accompanied by a statement of reasons. Orders made by check marks, stamps, or brief endorsements which are not supported by a reasoned explanation, or opinion and orders incorporating preprinted language on Service forms are not "opinions and orders."

(e) The term "records" include records of proceedings, documents, reports, and other papers maintained by the Service.

(f) The term "record of proceeding" is the official history of any hearing, examination, or proceeding before the Service, and in addition to the application, petition, order to show cause, or other initiating document, includes the transcript of hearing or interview, exhibits, and any other evidence relied upon in the adjudication; papers filed in connection with the proceeding, including motions and briefs; the Service officer's determination; notice of appeal or certification; the Board or other appellate determination; motions to reconsider or reopen; and documents submitted in support of appeals, certifications, or motions.

11. Section 103.9 is added to read as follows:

§ 103.9 Availability of decisions and interpretive material.

(a) *Precedent decisions.* There may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, bound volumes of designated precedent decisions entitled "Administrative Decisions Under Immigration and Nationality Laws

of the United States," each containing a cumulative index. Prior to publication in volume form current precedent decisions, known as interim decisions, are obtainable from the Superintendent of Documents on a single copy or yearly subscription basis. Bound volumes and current precedent decisions may be read at principal Service offices.

(b) *Unpublished decisions.* Each district director in the United States will maintain copies of unpublished Service and Board decisions relating to proceedings originating within his district. Each regional commissioner will maintain copies of unpublished decisions made by him. The Central Office will maintain copies on a national basis of unpublished Service decisions.

(c) *Deletion of identifying details.* To the extent required to prevent a clearly unwarranted invasion of personal privacy, the officer who makes the decision shall provide for deletions of names and such other identifying data as he deems appropriate from copies of decisions which are made available.

(d) *Statements of policy, interpretations, manuals, instructions to staff.* Statements of policy, interpretations, and manuals (or portions thereof) and instructions to staff that affect the public will be made available at district offices in the United States and at the Central Office with an accompanying index providing identifying information as to any material which is issued on or after July 4, 1967.

(e) *Public reading rooms.* The Central Office and each district office in the United States will provide a reading room or reading area where the material described in this section will be made available to the public. Additional materials will be made available in the public reading rooms, including the immigration and nationality laws, Title 8 of the United States Code Annotated, Title 8 of the Code of Federal Regulations, and a complete set of the forms listed in Parts 299 and 499 of this chapter. Fees will not be charged for providing access to any of these materials, but fees in accordance with § 103.10(e)(3) will be charged for furnishing copies.

(f) *Exemptions.* Except as provided in paragraph (d) of this section, no decision, statement of policy, interpretation, manual, or instruction to staff shall be made available when it is exempt from disclosure under section 3(e) of the Administrative Procedure Act, as amended.

12. Section 103.10 is added to read as follows:

§ 103.10 Records.

(a) *Statement of general policy.* The records of this Service contain detailed personal, biographic and financial information and data. Disclosure of such records, except as provided in paragraph (b) of this section, would either constitute a clearly unwarranted invasion of personal privacy under section 3(e)(6) of the Administrative Procedure Act, as amended, or would be improper under section 3(e)(4).

(b) *Available records.* Identifiable Service records not within the exemption relating to the protection of personal privacy and not otherwise exempt from disclosure will be made available upon compliance with the procedures prescribed in this section. In the following instances, disclosure of records would not constitute a clearly unwarranted invasion of personal privacy:

(1) Requests by any person for:

(i) Records of proceedings in deportation hearings.

(ii) Records of proceedings in naturalization examinations and hearings.

(iii) Records of proceedings in any other proceeding before the Service which was open to the public.

(iv) Records of proceedings in administrative fine cases.

(2) Requests by any person for a Service record relating to him; for any testimony, affidavit, document, data, or evidence submitted by him; and for any transcript made of his evidence.

(3) Any person entitled to have a record made available in accordance with subparagraph (2) of this paragraph may waive his right of privacy and consent in writing to another person's access to the same material. Visa petition records will be made available to a person other than the beneficiary only upon the petitioner's waiver and consent.

(4) Records may be made available, regardless of whether consent of the person to whom the record relates has been obtained, when requests are made by:

(i) Federal and State agencies (including political subdivisions and municipalities) for official use only.

(ii) Courts, when a subpoena or order is issued, provided that the General Counsel had approved release.

(iii) Insurance companies, provided that the request concerns evidence of a person's age and the information is required for the settlement of a life insurance claim.

(iv) Firms or corporations, such as those having national defense contracts, required by law to have such information in their records.

(v) Executors or administrators of an estate seeking information or records to which the decedent would have been entitled.

(5) The Commissioner, regional commissioners, and district directors may furnish information or make records available in any instance where in the opinion of such officer disclosure is in the public interest, regardless of whether the consent of the person to whom the record relates has been obtained.

(c) *Records exempt from disclosure.* Records exempt from disclosure under section 3(e) of the Administrative Procedure Act, as amended, or when disclosure is prohibited by any other law will not be made available. Such records include but are not limited to:

(1) Documents classified as defense information in accordance with Executive Order No. 10501 of November 5, 1953, as amended;

(2) Alien registration and fingerprint records, and alien address reports, pursuant to section 264(b) of the Act, unless the Commissioner authorizes release;

(3) Investigatory files or materials not incorporated in a record of proceeding or relied upon in making an order.

(d) *Places and manner of obtaining records—(1) Places.* Records shall be made available in the Central Office, each regional office, any district office in the United States, and the following offices: Agana, Guam; Albany, N.Y.; Cincinnati, Ohio; Dallas, Tex.; Hammond, Ind.; Houston, Tex.; Memphis, Tenn.; Milwaukee, Wis.; Norfolk, Va.; Pittsburgh, Pa.; Providence, R.I.; Reno, Nev.; St. Louis, Mo.; Salt Lake City, Utah; San Diego, Calif.; Spokane, Wash.; additionally, in particular cases, a district director may designate any other Service office.

(2) *Manner of requesting records; fees.* Requests for records may be made in person or by mail. Each request made under this section pertaining to the availability of an identifiable record shall include or consist of Form N–585, or Form I–550 when submitted in accordance with a request by an American consul, and shall be accompanied by a fee of $3 as provided in § 103.7(b). A fee shall not be required when the request is made by (i) Federal or State government agencies including political subdivisions and municipalities; or (ii) a representative of a religious, charitable, social service, or similar organization accredited by the Board pursuant to § 292.2 of this chapter. A single fee shall be charged for a request for a search relating to one individual even though information concerning him is in more than one record and in more than one place. Additional fees shall be required for copies of records and certifications as provided in paragraph (e)(3) of this section.

(3) *Temporary withholding of records.* Records relating to a proceeding pending before the Service may be withheld until the proceeding is completed. A naturalization proceeding is not completed until the court has entered a final order on the petition. Records relating to proceedings in which an appeal or a certification of an order is pending may be made available only when in the opinion of the district director compliance with the request will not disrupt the administrative process. Nothing contained herein is intended to impair the right of a party to a proceeding, or his attorney or representative, to examine the record of proceeding and obtain a copy thereof, as provided in § 292.4(b) of this chapter.

(e) *Authority to release information and certify records; fees for copies and certification.* (1) Authority coextensive with that of the Commissioner is hereby delegated to the officers listed below to furnish information from Service records to any person entitled thereto and to certify copies thereof, subject to such restrictions as may be imposed by law or this chapter:

(i) The Associate Commissioner, Management, as to files, documents, and records in the custody of the Central Office.

(ii) A regional commissioner or district director as to files, documents, and records in the custody of his office.

(2) The Chief, Records Administration and Information Branch, Central Office, may certify as to the nonexistence of an official record in the records of the Service.

(3) There shall be paid for furnishing any person or agency (other than an officer or agency of the United States or of any State, or any subdivision thereof for official use) copies of any part of the records of the Service, a fee of 25 cents per page, with a minimum fee of 50 cents for any such service, except that no fee in addition to the basic fee of $3 shall be required for the first page of a record furnished pursuant to a request for a search of the records. An additional fee of $1 is required for certification under seal.

13. Section 103.11 is added to read as follows:

§ 103.11 Finality of determinations.

A determination under this part denying a request to make a record available is final, and no appeal may be taken from it.

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

1. Paragraph (d) is amended by adding a new subparagraph (8), subparagraphs (1) and (2) of paragraph (e) are amended, and paragraph (f) is amended by designating the present text as subparagraph "(1) *General*" and adding a new subparagraph (2) of § 204.2 to read as follows:

§ 204.2 Documents.

* * * * * *

(d) *Evidence of family relationship between petitioner and beneficiary.* * * *

(8) *Blood tests.* When a blood relationship is claimed, the district director may require that blood tests be conducted of the petitioner, beneficiary, and other family members. Such blood tests shall be conducted at the expense of the petitioner by the United States Public Health Service or by a qualified medical specialist designated by the district director. Refusal to submit to blood tests when required may constitute a basis for denial of the petition. When the petitioner, the beneficiary, or other family members are outside the United States, a visa petition may be approved on contionship is claimed, the district director dition that the results of any requested blood tests will show that the existence of the claimed relationship is not precluded. When a visa petition is approved conditionally, the names and addresses of the persons of whom blood tests are to be conducted shall be set forth by the district director in the visa petition and in the notice of approval. Upon receipt of medical advice that the blood test results preclude the existence of the claimed relationship between the petitioner and the beneficiary, the district director shall withdraw his conditional approval and shall reopen the visa petition proceeding.

(e) *Evidence required to accompany petition for orphan*—(1) *General.* A petition filed on behalf of an orphan under § 204.1(b) must be accompanied by fingerprint charts on Form FD 258 of the petitioning U.S. citizen and spouse; evidence of U.S. citizenship of the petitioner as provided in paragraph (b) of this section; a certificate of marriage of the petitioner and spouse and proof of legal termination of their previous marriages, if any; proof of age of the orphan in the form of a birth certificate, or if such certificate is not available other evidence of his birth; evidence that the petitioner and spouse are able to care for the orphan properly, such as letters from employers, banks, and accountants, financial statements, copies of income-tax returns; a certified copy of the adoption decree together with certified translation, if the orphan has been lawfully adopted abroad; and evidence that the sole or surviving parent is incapable of providing for the orphan's care and has in writing irrevokably released the orphan for emigration and adoption if the orphan has only one parent. A child shall be considered as having a sole parent, his mother, when it is established that the child is illegitimate, and has not acquired a second parent within the contemplation of section 101(b)(2) of the Act. A child shall be considered as having a surviving parent when it is established that one of the child's parents is living while one is deceased, and the child has not acquired a second parent within the meaning of section 101(b)(2) of the Act. When a child who has a sole or surviving parent has been adopted abroad, the requirement for an irrevocable release in writing for the child's emigration and adoption shall be considered to have been met if the adoption decree clearly sets forth that the adoptive petitioner and spouse reside in the United States and that the child's only parent has in the presence of the court agreed to the adoption. A child who has been unconditionally abandoned to an orphanage shall be considered as having no parents. However, a child shall not be considered as having been abandoned when he has been placed temporarily in an orphanage, if the parent or parents intend to retrieve the child, or the parent or parents are contributing or attempting to contribute to the child's support, or the parent or parents otherwise exhibit that they have not terminated their parental obligations to the child.

(2) *Preadoption requirements.* If the orphan is to be adopted in the United States, unless the petitioner is a member of the Armed Forces of the United States, the petitioner must submit evidence of compliance with the preadoption requirements, if any, of the state of the orphan's proposed residence, other than for any such requirements that cannot be complied with prior to the orphan's arrival in the United States. For the purpose of this subparagraph, an orphan beneficiary of a petition filed by a member of the Armed Forces of the United States shall not be considered to be destined to any particular state, and such petitioner shall not be required to submit evidence of compliance with the preadoption requirements of any state.

* * * * * *

(f) *Evidence of professional status or of exceptional ability in sciences or arts*—(1) *General.* * * *

(2) *Physicians.* An alien physician shall be considered eligible for classification as a member of the professions if he establishes that he was graduated from a medical school in the United States or Canada, or that he was graduated from a foreign medical school and has successfully passed the examination given by the Educational Council for Foreign Medical Graduates, or that he was graduated from a foreign medical school and has obtained a full and unrestricted license to practice medicine in the country where he obtained his medical education. In any other case the district director may consult the Educational Council for Foreign Medical Graduates or other organizations and experts in the medical field for the purpose of obtaining an advisory opinion of the alien's qualifications as a physician.

* * * * * *

2. Section 204.6 is added to read as follows:

§ 204.6 Effect of changed employment on priority date for sixth preference classification.

When a new petition by another employer is approved in behalf of the beneficiary of a previously approved sixth-preference petition, and the beneficiary has accepted or intends to accept employment with the new petitioner, the beneficiary shall no longer be entitled to a priority date as of the date of filing of the original petition. Instead, his priority date shall be the date of filing of the subsequently approved petition for sixth preference classification. However, the original priority date shall be restored if the beneficiary returns to the original petitioner's employment or establishes that he intends upon arrival in the United States to be employed by the original employer as specified in the original petition, and that petition is still valid or is revalidated.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Section 211.5 is added to read as follows:

§ 211.5 Recording the entry of certain immigrant children admitted without immigrant visas.

When an immigrant alien who: (a) Is a child born subsequent to the issuance of an immigrant visa to his accompanying parent; or (b) is a child born during the temporary visit abroad of a mother who is a lawful permanent resident, or a national, of the United States, is admitted to the United States for lawful permanent residence without an immigrant visa, the admission shall be recorded on Form I-181.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. Section 212.1 is amended by adding new paragraphs (h) and (i) to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(h) *Officers authorized to act upon recommendations of United States consular officers for waiver of visa and passport requirements.* All district directors, the officers in charge at Blaine, Wash.; Noyes, Minn.; Niagara Falls, N.Y.; Calexico, Calif.; San Ysidro, Calif.; San Diego, Calif.; Douglas, Ariz.; Naco, Ariz.; Nogales, Ariz.; San Luis, Ariz.; Brownsville, Tex.; Del Rio, Tex.; Eagle Pass, Tex.; Hidalgo, Tex.; Laredo, Tex., and Roma, Tex., and all officers in charge of Service offices outside the United States are authorized to act upon recommendations made by U.S. consular officers or by officers of the Visa Office, Department of State, pursuant to the provisions of 22 CFR 41.7 for waiver of visa and passport requirements under the provisions of section 212(d)(4)(A) of the Act. The District Director at Washington, D.C., has jurisdiction in such cases recommended to the Service at the seat of Government level by the Department of State. Neither an application nor fee are required if the concurrence in a passport or visa waiver is requested by a U.S. consular officer or by an officer of the Visa Office. The district director or the Deputy Associate Commissioner, Travel Control, may at any time revoke a waiver previously authorized pursuant to this paragraph and notify the nonimmigrant alien in writing to that effect.

(i) *Cancellation of nonimmigrant visas by immigration officers.* Upon receipt of advice from the Department of State that a nonimmigrant visa has been revoked or invalidated, and request by that Department for such action, immigration officers shall place an appropriate endorsement thereon.

§ 212.2 [Amended]

2. The third sentence of § 212.2 *Consent to reapply for admission after deportation, removal, or departure at Government expense* is amended to read as follows: "If the applicant is abroad or is in the United States seeking advance permission to reapply prior to his departure from the United States, the application shall be filed with the district director having jurisdiction over the place where the deportation or removal proceedings were held; however, an alien who is abroad and is filing Form I–212 in conjunction with a request for a waiver under section 212 (g), (h), or (i), of the Act, or an alien who is in the United States and will file application for a waiver under section 212 (g), (h), or (i), with an American consul, should file Form I–212 and the application for the waiver simultaneously with the American consul."

3. Section 212.2 *Consent to reapply for admission after deportation, removal, or departure at Government expense* is further amended by adding the following two sentences at the end thereof: "The approval of an application filed by an alien whose departure will execute an order of deportation shall be conditioned upon his departure from the United States; otherwise, the approval shall not be conditioned or limited. However, the grant of permission to reapply does not waive inadmissibility under section 212 (a) (16) or (17) of the Act resulting from exclusion, deportation, or removal proceedings which are instituted subsequent to the date permission to reapply is granted."

§ 212.4 [Amended]

4. Paragraph (c) *Terms of authorization* of § 212.4 *Applications for the exercise of discretion under section 212(d)(3)* is amended by adding the following two sentences at the end thereof: "Unless the alien applies for admission during the period of validity of the authorization, a new authorization is required. An authorization may not be revalidated."

5. Section 212.5 is amended by adding paragraph (b) to read as follows:

§ 212.5 Parole of aliens into the United States.

* * * * *

(b) *Advance authorization.* When parole is authorized for an alien who will travel to the United States without a visa, the alien shall be issued Form I–512.

§ 212.6 [Amended]

6. The last sentence of paragraph (b) *Application* of § 212.6 *Nonresident alien border crossing cards* is deleted and the following two sentences are inserted in lieu thereof: "If the application is denied, the applicant shall be given a notice of denial with the reasons therefor on Form I–180. There shall be no appeal from such denial but such denial shall be without prejudice to a subsequent application for a visa or for admission to the United States."

7. Paragraph (d) of § 212.6 is amended to read as follows:

(d) *Voidance.* Forms I–185 and I–186 may be declared void, without notice, by an officer authorized to issue such forms and, upon voidance, shall be surrendered immediately. The alien to whom the form was issued shall be notified of the action taken and the reasons therefor by means of Form I–180 delivered in person or, if such action is not possible, by mailing the Form I–180 to the address shown on the nonresident alien border crossing card. Violations of the immigration laws or subsequent developments indicating inadmissibility shall be grounds, though not exclusive, for voidance of the forms. An appeal shall not lie from a decision voiding a nonresident alien border crossing card but such voidance shall be without prejudice to a subsequent application for a visa or for admission to the United States.

§ 212.7 [Amended]

8. Paragraph (c) *Section 212(e)* of § 212.7 *Waiver of certain grounds of excludability* is amended by inserting the following sentence immediately preceding the existing last sentence: "The applicant and his spouse shall be interviewed by an immigration officer in connection with the application."

9. Subparagraph (5) of paragraph (c) of § 212.8 is amended by inserting the heading "(i) *General*" preceding the existing text and by adding new subdivision (ii) to read as follows:

* * * * *

§ 212.8 Certification requirement of section 212(a)(14).

* * * * *

(c) *Department of Labor certifications in connection with visa petitions and applications for adjustment of status.* * * *

(5) *Aliens who are not members of the professions, who do not have exceptional ability in the sciences or arts, and whose occupations are not included in Schedules A, B, or C, 29 CFR Part 60*— (i) *General.* * * *

(ii) *Multiple certifications.* When a multiple certification on Form ES–575B has been issued by the Department of Labor to an employer who intends to employ a number of aliens in identical positions, the endorsed Form ES–575B, Form ES–575A bearing the individual certification of the Secretary of Labor or his designated representative, and required documentary evidence shall be submitted as attachments to the first visa petition or application for adjustment of status filed by or on behalf of an alien selected to fill one of the specified positions. Any visa petition or application for adjustment of status subsequently filed by or on behalf of another alien selected to fill any of the remaining specified positions need not be accompanied by Form ES–575B, but shall be accompanied by Form ES–575A bearing the individual certification of the Secretary of Labor or his designated representative, the required documentary evidence, and the information from the petitioner or applicant concerning the name, and Service file number, if known, of the first alien in whose case the relating Form ES–575B was filed.

* * * * *

PART 213—ADMISSION OF ALIENS ON GIVING BOND OR CASH DEPOSIT

§ 213.1 [Amended]

Section 213.1 *Admission under bond or cash deposit* is amended in the following respects:

a. The following sentence is added immediately after the existing first sentence: "Upon acceptance of such a bond, the district director shall notify the U.S. consular officer who requested the bond, giving the date and place of acceptance and the amount of the bond."

b. The last sentence is amended to read as follows: "For procedures relating to bond riders, acceptable sureties, cancellation or breaching of bonds, see Part 103 of this chapter."

PART 214—NONIMMIGRANT CLASSES

§ 214.1 [Amended]

1. Paragraph (a) *General* of § 214.1 *Requirements for admission, extension, and maintenance of status* is amended by inserting the following three sentences after the existing third sentence: "If failure to file a timely application is found to be excusable, an extension may be granted from the time of expiration of authorized stay. When because of reasons beyond his control, or special circumstances, an alien needs an additional period of less than 30 days beyond his authorized stay within which to effect his departure, he may be granted such time without filing an application for extension. Extensions to members of a family group shall be for the same period; if one member is eligible for only a six-month extension and another for a twelve-month extension, the shorter period shall govern."

§ 214.2 [Amended]

2. Paragraph (b) *Visitors* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding the following sentence at the end thereof: "Except for the spouse or child of an alien having status under section 101(a)(15)(H) of the Act, a personal interview is required before an extension of stay beyond one year from the date of admission may be granted to a B–2 visitor."

3. Subparagraph (1) *General* of paragraph (f) *Students* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by inserting the following sentence before the existing last sentence: "However, a Canadian national, or an alien landed immigrant of Canada who has a common nationality with Canadian nationals, returning to the United States as a student under section 101(a)(15)(F) of the Act after a temporary absence in Canada only, shall if otherwise admissible be readmitted, without presentation of Form I–20, for the remainder of his initial admission or current extension of stay as shown on his Form I–94."

4. Subparagraph (2) *Extension* of paragraph (f) *Students* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding the following sentence at the end thereof: "A student who has been compelled by illness to interrupt his schooling may be granted an extension of stay without being required to change his nonimmigrant status if he establishes that he will resume a full course of study after treatment."

5. Subparagraph (3) *Employment* of paragraph (f) *Students* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by inserting the following sentence after the existing tenth sentence: "A student who has been granted permission to accept employment for practical training and who temporarily departs from the United States, may be readmitted for the remainder of the authorized period if he presents Form I–20 endorsed by his school to indicate the date to which such training was authorized by the district director."

6. Paragraph (j) of § 214.2 is amended by inserting the heading "(1) *General*" preceding the existing text and by adding new subparagraph (2) to read as follows:

(j) *Exchange aliens*—(1) *General.* * * *

(2) *Aliens in cancelled programs.* When an exchange visitor program is cancelled by the Department of State a notification of the cancellation shall be sent by the district director to each participant in the program. The participant shall be informed that he may remain in the United States in his present status to continue his activities in the cancelled program until the date of expiration of his currently authorized stay and that he must terminate his participation in that program by that date. A copy of the notification to the alien shall be sent to the sponsor of the cancelled program. Where extension of the alien's stay will not exceed the time limitation on the type of program in which he is engaged, he shall also be informed that he may apply for an extension if he is accepted as a participant in another approved exchange program and submits Form DSP–66 executed by his new program sponsor. In such case, a release by the sponsor of the cancelled program shall not be required.

PART 215—CONTROLS UPON DEPARTURE OF PERSONS FROM AND ENTRY INTO THE UNITED STATES

Part 215 is added to read as follows:

§ 215.1 General.

Pursuant to Presidential Proclamation No. 3004 of January 17, 1953, the provisions of section 215 of the Act are in force and effect. The travel controls imposed upon citizens of the United States in time of war or national emergency are contained in 22 CFR Part 53. The controls imposed upon aliens departing from the United States are contained in 22 CFR Part 46.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies sec. 215, 66 Stat. 190; 8 U.S.C. 1185)

PART 221—ADMISSION OF VISITORS OR STUDENTS

Section 221.1 is amended to read as follows:

§ 221.1 Admission under bond.

The district director having jurisdiction over the intended place of residence of an alien may accept a bond on behalf of an alien defined in section 101(a)(15)(B) or (F) of the Act prior to the issuance of a visa to the alien upon receipt of a request directly from a U.S. consular officer or upon presentation by an interested person of a notification from the consular officer requiring such a bond. Upon acceptance of such a bond, the district director shall notify the United States consular officer who requested the bond, giving the date and place of acceptance and amount of the bond. All bonds given as a condition of admission of an alien under section 221(g) of the Act shall be executed on Form I–352. For procedures relating to bond riders, acceptable sureties, cancellation, or breaching of bonds, see Part 103 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies secs. 101, 221, 66 Stat. 166, 191; 8 U.S.C. 1101, 1201)

PART 223—REENTRY PERMITS

§ 223.1 [Amended]

The following sentence is inserted between the existing third and fourth sentences of § 223.1 *Application:* "Additional pages for the affixation of foreign visas may be attached to a valid reentry permit without formal application or fee."

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

1. Section 231.1 is amended by adding paragraph (d) to read as follows:

§ 231.1 Arrival manifests for passengers.

* * * * *

(d) *Preparation of Arrival-Departure Card, Form I–94.* When used either as an attachment to an arrival manifest on Form I–418 or as the basic arrival manifest document, the set of Forms I–94 presented for each alien passenger, except an immigrant, a Canadian citizen, or a British subject residing in Canada or Bermuda, shall be completely executed. For a U.S. citizen, an immigrant, a Canadian citizen, or a British subject residing in Canada or Bermuda, only the first four lines of the Form I–94 shall be completed. The Alien Registration Number shall be substituted for "passport number" on the Form I–94 presented for a returning lawful permanent resident of the United States.

2. Section 231.2 is amended by adding paragraph (c) to read as follows:

§ 231.2 Departure manifests for passengers.

* * * * *

(c) *Departure Forms I–94.* When used either as an attachment to a departure manifest on Form I–418 or as the basic departure manifest, the Form I–94 executed on its face to reflect the items required by § 231.1(d) for each class of arriving passengers, shall have the "departure record" information endorsed on the reverse by the carrier.

3. Section 231.3 is added to read as follows:

§ 231.3 Exemptions for private vessels and aircraft.

The provisions of this part relating to the presentation of arrival and departure manifests shall not apply to a private vessel or private aircraft not engaged directly or indirectly in the carriage of persons or cargo for hire.

PART 234—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS

Part 234 is added to read as follows:

Sec.
234.1 General.
234.2 Examination of aliens in the United States by civil surgeons when medical officers of the United States Public Health Service are not available.

AUTHORITY: The provisions of this Part 234 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies sec. 234, 66 Stat. 198; 8 U.S.C. 1224.

§ 234.1 General.

The manner in which the physical and mental examination of aliens shall be conducted is set forth in 42 CFR Part 34.

§ 234.2 Examination of aliens in the United States by civil surgeons when medical officers of the U.S. Public Health Service are not available.

(a) *Selection.* Whenever an alien presently in the United States files an application for a benefit under the immigration laws and a medical examination is required, it shall be conducted by a medical officer of the U.S. Public Health Service; however, if the alien resides in a locality where a medical officer of the U.S. Public Health Service is not available and such an officer is not located within a reasonable distance, the medical examination may be performed by a civil surgeon. Such a civil surgeon, who shall be a licensed physician and who shall have had not less than 4 years' professional experience, is to be selected by the district director having jurisdiction over the area of the alien's residence. Officers of county medical societies shall be consulted to obtain the names of competent surgeons willing to make the examinations. An understanding shall be reached with respect to the fees which the surgeon will charge for the medical examination, X-ray of chest, and blood test for syphilis. The fees agreed upon shall be paid by the alien directly to the surgeon making the examination. When practicable, only one surgeon shall be selected in a locality. If it is known that a civil surgeon is performing medical examinations of aliens under contract with the U.S. Public Health Service, he shall be selected, if possible, and any fee charged by such a surgeon shall also be paid directly by the alien.

(b) *U.S. Public Health Service hospital and outpatient clinic reports.* The examination of aliens at U.S. Public Health Service hospitals and outpatient clinics will be performed in accordance with the instructions and regulations contained in the "Manual for Medical Examination of Aliens." The results of the examinations will be recorded on Forms FS–398, Medical Examination of Visa Applicant, in duplicate, with notification of Class A, B, or C conditions. If Class A, B, or C conditions are present, a Medical Certificate, Form PHS–124(FQ) will also be issued. The original Forms FS–398 and PHS–124(FQ), if indicated, will be returned to the immigration officer by whom the alien was referred. The copy of Forms FS–398 and PHS–124(FQ) will be sent to the Medical Officer in Charge, U.S. Quarantine Station, Rosebank, Staten Island, N.Y. 10305, where a central file of these cases will be maintained.

(c) *Civil surgeon reports.* The medical examination of aliens by civil surgeons will be performed in accordance with the instructions and regulations contained in the "Manual for Medical Examination of Aliens." The results of the examinations will be recorded on Form FS–398, in duplicate. The completed Forms FS–398 with X-ray and other pertinent laboratory reports will be returned to the immigration officer by whom the alien was referred; that officer will forward the completed Forms FS–398, X-ray and other pertinent laboratory reports to the Medical Officer in Charge, U.S. Quarantine Station, Rosebank, Staten Island, N.Y. 10305. The findings of that Medical Officer in Charge shall then be awaited concerning the alien's physical and mental condition.

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

1. The heading of Part 235 is amended to read as set out above.

2. Section 235.1 is amended to read as follows:

§ 235.1 Scope of examination.

(a) *General.* All persons seeking to enter the United States shall make application in person to an immigration officer at a U.S. port of entry enumerated in Part 100 of this chapter at a time when an immigration office at the port is open for inspection.

(b) *U.S. citizens.* A person claiming U.S. citizenship must establish that fact to the examining immigration officer's satisfaction and must present a U.S. passport if such passport is required under the provisions of 22 CFR Part 53. If such an applicant for admission fails to satisfy the examining immigration officer that he is a U.S. citizen, he shall thereafter be inspected as an alien.

(c) *Alien members of U.S. Armed Forces and members of a force of a NATO country.* An alien member of the U.S. Armed Forces who is in the uniform of, or bears documents identifying him as a member of, such Armed Forces, and who is coming to or departing from the United States under official orders or permit of such Armed Forces is not subject to the exclusion provisions of the Act and a member of the force of a NATO country signatory to Article III of the Status of Forces Agreement seeking to enter the United States under official orders is exempt from the control provisions of the Act. An alien who is a member of either of the foregoing classes may, upon request, be inspected under the provisions of the Act by an immigration officer and if found admissible under the provisions of the Act, his entry as an alien shall be recorded. If such an alien does not appear to the examining immigration officer to be clearly and beyond a doubt entitled to enter the United States under the provisions of the Act, the alien shall be so informed and his entry shall not be recorded.

(d) *Qualifications for aliens.* The following general qualifications and requirements shall be met by an alien seeking to enter the United States regardless of whether he seeks to enter for permanent, indefinite, or temporary stay, and regardless of the purpose for which he seeks to enter: He shall present whatever documents are required and shall establish to the satisfaction of the immigration officer that he is not subject to exclusion under the immigration laws, Executive orders, or Presidential Proclamations and is entitled under all of the applicable provisions of the immigration laws and this chapter to enter the United States. For the purpose of this part, any coming to a U.S. port from a foreign port, from an outlying possession of the United States, from Guam, Puerto Rico, or the Virgin Islands of the United States or from another port of the United States at which examination under this part was not completed shall be regarded as an arrival. Any person, including an alien crewman, passing through the Canal Zone on board a vessel which enters and clears at the Canal Zone port only to transit the Zone, to refuel, or to land passengers or crewmen for medical treatment, shall not be regarded as coming from a foreign port solely by reason of such passage. Any person, including an alien crewman, on board a vessel which after arrival at a U.S. port of entry passes the Great Lakes seaway en route to another U.S. port and which enters and clears at points in Canada only to transit the seaway, to refuel, or to land passengers or crewmen for medical treatment, shall not be regarded as coming from a foreign port solely by reason of such passage. Any person, including an alien crewman, on board a vessel en route from one U.S. port to another U.S. port shall not be regarded as coming from a foreign port solely by reason of the vessel's stop at Freeport, Bahamas, for bunkering only.

(e) *Canadian nationals and other residents of Canada having a common nationality with Canadians entering the United States by small craft.* Upon being inspected and found eligible for admission as a temporary visitor for pleasure by an immigration officer, a Canadian national or other resident of Canada having a common nationality with Canadians who desires to enter the United States from Canada in a small pleasure craft of less than 5 net tons without merchandise to make visits of less than 24 hours to the immediate shore area of the United States bordering on lakes and rivers lying between the United States and Canada may be issued, without application or fee, Form I–68, Canadian Border Boat Landing Card, and may thereafter be permitted to make visits of less than 24 hours to the immediate shore area of the United States on the body of water designated on the Form I–68, from time to time for the duration of that navigation season without further inspection. If the bearer of Form

I–68 seeks to enter the United States by means other than small pleasure craft of less than 5 net tons without merchandise, or if he seeks to enter the United States for other purposes, or to proceed inland from the immediate shore area of the United States, he must apply for admission at a U.S. port of entry.

(f) *Arrival-Departure Card, Form I–94* — (1) *Nonimmigrant applicants.* A completely executed Form I–94 endorsed to show date and place of admission, period of admission, and nonimmigrant classification shall be issued to each nonimmigrant alien admitted to the United States except a nonimmigrant alien coming within the provisions of § 212.1(a) of this chapter who is admitted as a visitor for business or pleasure or to proceed in direct transit through the United States and a Mexican national in possession of a valid Form I–186 who is admitted as a border crosser to visit for a period of 72 hours or less in an area within 150 miles of the Mexican border. A Form I–94 valid for any number of entries during a specified 6-month period may be issued to a nonimmigrant alien who will have occasion to make frequent entries into the United States over the land borders.

(2) *Paroled aliens.* An alien paroled into the United States pursuant to the provisions of section 212(d)(5) of the Act, including an alien crewman, shall be issued a completely executed Form I–94 endorsed to show the date and place of parole, the period for, and conditions under which the alien was paroled into the United States.

3. Section 235.3 is amended to read as follows:

§ 235.3 Detention.

(a) *Prior to inspection.* All persons arriving at a port in the United States by vessel or aircraft shall be detained aboard the vessel or at the airport of arrival by the master, commanding officer, purser, person in charge, agent, owner, or consignee of such vessel or aircraft until admitted or otherwise permitted to land by an officer of the Service. Notice or order to so detain shall not be required.

(b) *Detention after inspection.* If a passenger on an arriving vessel or aircraft is not admitted, or otherwise permitted to land, by the examining immigration officer, the agent for the vessel or aircraft and the master or commanding officer, if available, shall be notified by means of service of Form I–259 made in person immediately upon completion of the immigration inspection. The Form I–259 shall list the names of each passenger not admitted or otherwise permitted to land and shall contain instructions as to the date and place the alien is to be delivered for further proceedings under the Act.

§ 235.8 [Amended]

4. Paragraph (a) *Report* of § 235.8 *Temporary exclusion* is amended by inserting the following sentence after the existing first sentence to read as follows: "The immigration officer shall, if possible, take a brief sworn question and answer statement from the alien, and the alien shall be served personally or by registered mail with a notice on Form I–147 of the action taken and the right to make written representations."

§ 235.9 [Amended]

5. Paragraph (e) *Application* of § 235.9 *Conditional entries* is amended by inserting the following three sentences after the existing first sentence to read as follows: "An application for conditional entry filed by an alien who can qualify as an immediate relative or as a special immigrant shall be rejected. An applicant who appears to be eligible for classification under section 203(a) (1), (2), (3), (4), or (5) of the Act shall be advised, but not required, to seek such classification if a visa number is available. An applicant for whom a nonpreference visa number is available and who is not coming to the United States to perform skilled or unskilled labor shall be advised but not required to apply for a nonpreference immigrant visa."

6. Section 235.10 is added to read as follows:

§ 235.10 U.S. Citizen Identification Cards.

To facilitate entry over the Canadian land border, a citizen and resident of the United States may apply at any district office for a U.S. Citizen Identification Card, Form I–197. To facilitate identification by immigration officers, a citizen and resident of the United States may apply at a district office in San Antonio, Tex.; El Paso, Tex.; Los Angeles, Calif.; Phoenix, Ariz.; or Port Isabel, Tex., for an Identification Card, Form I–179. The application for either card shall be made on Form I–196, accompanied by the fee required under § 103.7 of this chapter and one photograph 1½ inches by 1½ inches, and, in the case of a U.S. citizen who was not born in the United States, a certificate of naturalization or citizenship.

PART 236—EXCLUSION OF ALIENS

§ 236.2 [Amended]

1. Paragraph (a) of § 236.2 is amended by adding the following sentence as the first sentence:

(a) *Opening.* Exclusion hearings shall be closed to the public, unless the alien at his own instance broaches a request that the public, including the press, be permitted to attend; in that event, the hearing shall be open, provided that the alien states for the record that he is waiving the requirement in section 236 of the Act that the inquiry shall be kept separate and apart from the public. * * *

2. Paragraph (c) of § 236.2 *Hearing* is amended to read as follows:

(c) *Trial attorney.* The district director shall assign a trial attorney to every case in which the appellant's nationality is in issue or in which the special inquiry officer requests such assignment. In his discretion the district director may assign a trial attorney to any case in which he deems such assignment necessary or advantageous. The duties of the trial attorney shall include, but are not limited to, the presentation of evidence and the interrogation, examination, and cross-examination of the applicant and other witnesses. Nothing contained herein shall be construed to diminish the authority conferred upon the special inquiry officer in conducting proceedings under this part.

3. Section 236.3 is amended by adding a paragraph (d) to read as follows:

§ 236.3 Decision of the special inquiry officer; notice to the applicant.

* * * * *

(d) *Advice to alien ordered excluded.* An alien ordered excluded shall be furnished with Form I–296, Notice to Alien Ordered Excluded by Special Inquiry Officer, at the time of an oral decision by the special inquiry officer or upon service of a written decision.

4. Section 236.4 is amended to read as follows:

§ 236.4 Finality of order.

The order of the special inquiry officer shall be final except when a case has been certified as provided in Part 3 or Part 103 of this chapter, or when an appeal is taken to the Board of Immigration Appeals. A special inquiry officer shall have authority to certify his decision in any case to the Board of Immigration Appeals when it involves an unusually complex or novel question of law or fact. When the order of the special inquiry officer is to admit the applicant, the special inquiry officer shall place him on notice that the decision is subject to appeal by the district director as provided in § 236.5(e).

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Part 238 is amended to read as follows:

Sec.
238.1 Contracts.
238.2 Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands.
238.3 Aliens in immediate and continuous transit.
238.4 Preinspection outside the United States.

AUTHORITY: The provisions of this Part 238 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies sec. 238, 66 Stat. 202; 8 U.S.C. 1228.

§ 238.1 Contracts.

The contracts with transportation lines referred to in section 238(a) of the Act shall be made by the regional commissioner in behalf of the government and shall be on Form I–421. The contracts with transportation lines referred to in section 238(b) of the Act shall be made by the regional commissioner in behalf of the government and shall be on Form I–420. The contracts with transportation lines referred to in section 238(d) of the Act shall be made by

the Commissioner in behalf of the government and shall be on Form I–426. The contracts with transportation lines desiring their passengers and crews preinspected at places outside the United States shall be made by the Commissioner in behalf of the government and shall be on Form I–425.

§ 238.2 Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands.

(a) *Land-border agreements and overseas agreements.* Forms I–420 and I–421 shall be signed in duplicate and forwarded to the regional counsel. After acceptance, the district office and the signatory line shall be furnished with one copy of the agreement. The transmittal letter to the regional commissioner shall indicate whether the signatory to the agreement is a subsidiary or affiliate of a line which has already signed a similar agreement. Correspondence regarding ancillary contracts for office space and other facilities to be furnished by transportation lines at Service stations in Canada shall be similarly handled. Forms I–420 or I–421 shall not be used to cover special situations; instead, the facts shall be presented to the regional commissioner in order that an appropriate agreement may be drafted. If humane considerations are involved, the Service maintains inspection facilities, and neither the alien nor the transportation line could have foreseen that application for admission to the United States would be made within 2 years, a nunc pro tunc agreement may be entered into on Form I–421 appropriately modified by adding the following paragraph:

5. That the provisions of this agreement shall be effective only to the extent that they concern _____ who arrived at _____ on _____ on the _____.

(b) *Agreements with transportation lines*—(1) *Canada.* Currently effective agreements on Form I–421 (Rev. 6–29–58) exist with the following transportation lines regarding arrivals in Canada pursuant to section 238(a) of the Act:

Ab Atlanttrafik Line.
Achille Lauro Armatore (Lauro Lines) (see Home Lines Agency, Inc.).
Ahrenkiel & Bene.
Air France (Compagnie Nationale Air France—French National Airline).
Aktieselskabet Borgestad.
Alaska Coastal-Ellis Airlines.
Alexandria Navigation Co.
Alfred C. Toepfer Schiffahrtsgesellschaft, M.G.H.
Alfred Hold & Company.
American Export Lines, Inc.
American Mail Line, Ltd.
And. Smith Rederiaktiebolag.
Arosa Line, Inc.
Baltic Steamship Co., The.
Belgian Line (Compagnie Maritime Belge).
Messrs. Bernhard Schulte.
The Booth Steamship Company, Ltd.
The Bristol City Line of Steamships, Ltd.
British Overseas Airways Corporation.
The Cairn Line of Steamships, Ltd.
Caledonian Airways (Prestwick), Ltd.
Canadian Pacific Airlines.
Canadian Pacific Steamships, Ltd.
China Merchants Steam Navigation Co., Ltd.
China Union Lines, Ltd.
Christensen Canadian African Lines.
Columbus Line.
Compagnie Maritime Belge (see Belgian Line).
Compagnie Nationale Air France (see Air France).
Corporacion Peruana de Vapores.
County Line, Ltd.
Cunard Steam-ship Co., Ltd.
Daido Kaiun Kaisha, Ltd. (Daido Line).
Det Dansk-Franske Dampskibsselskab.
Det Forenede Dampskibs-Selskab of Copenhagen.
Deutsche Lufthansa Aktiengesellschaft (Lufthansa German Airlines).
Ditlev-Simonsen Lines (General Steamship Corp., Ltd.).
Donaldson Line, Ltd.
East Asiatic Company, The.
Egon Oldendorff Steamship Co.
Eikland & Salamis (I. M. Skaugen Shipowners).
El Al Israel Airlines.
Elder Dempster Lines, Ltd.
Ellerman & Bucknall Steamship Co., Ltd.
Ellerman's Wilson Line.
Ernst Russ Reideri.
Europe-Canada Line.
Farmand Shipping, Inc.
Fearnley & Eger, Inc.
Federal Motorship Corp.
Fjell Line.
Fredrik Hoyer, Skein, Norway.
French Line.
Fruit Express Line.
Furness Withy & Co., Ltd. (including Furness Warren Line, Furness Red Cross Line, Furness Prince Line).
Gestioni Esevcizio Navi.
Greek Line (General Steam Navigation Company of Greece, Ltd.).
Grimaldi Siosa Lines of Canada.
Gdynia America Line, Inc.
Halcyon Lijn N. V.
Hamburg-Amerika Linie.
Hamburg-Atlantik Linie G.m.b.H. (see Home Lines Agency, Inc.).
Hamburg Chicago Line (designation of a service operated by independent signatory lines A. Kirsten, Sartori & Berger and Ahrenkiel & Bene).
Hanseatische Reederei, Emil Offen & Co.
Head Line (see Ulster Steamship Co., Ltd.).
Helmdal Steamship Co., Ltd.
Heinrich Schmidt, G.M.B.H.
Holland-America Line.
Homes Lines Agency, Inc., as agents for Home Lines, Inc., National Hellenic American Line, S.A., Achille Lauro Armatore (Lauro Lines), and Hamburg-Atlantik Linie G.m.b.H.
Hugo-Stinnes Zweigniederlassung, Brennstoffeisen und Schiffahrts Gesellschaft.
Incres Steamship Co., Ltd.
Interocean Line.
Interocean Marine, Ltd.
Irish Shipping, Ltd.
Island Navigation Co., Tokyo.
"Italia" Societa Di Navigazione (Italian Line).
Johnson Line.
Johs. Fritzen & Sohn.
A. Kirsten.
A. F. Klaveness & Co. A/S.
Knutsen Line.
Koninklijke Luchtvaart Maatschappij N. V. (K.L.M. Royal Dutch Airlines).
Lamport & Holt Line, Ltd.
J. Lauritzen Line.
Lauro Lines (see Home Lines Agency, Inc.).
Leif Hoegh & Co. A/S.
Lord Line (see Ulster Steamship Co., Ltd.).
Lovenskiold Og Hoyers Rederi (formerly Sameiet Fossum A/S).
Lufthansa German Airlines (see Deutsche Lufthansa Aktiengesellschaft).
Lunham & Moore Shipping, Ltd.
Manchester Liners, Ltd.
Maritime Central Airways, Ltd.
Montship Lines, Ltd.
N. V. Maatschappij Zeevaart.
N. V. Stoomboot-Maatschappij "Hillegersberg".
National Hellenic American Line, S.A. (see Home Lines Agency, Inc.).
Netherland Line (Nederland).
Netherlands Ministry of Transport & Waterstaat Directorate-General of Shipping.
Nihonkai Kisen Kabushiki Kaisha (Pacific Ocean Line).
Nippon Yusen Kaisha (N.Y.K. Line).
Nissan Kisen Kaisha, Ltd.
Norddeutscher Lloyd (North German Lloyd).
Nordstern Reederei G.m.b.H. and C. Mackprang, Jr.
Northwest Airlines, Inc.
Norwegian American Line.
The Oceanic Steamship Co. (Matson Navigation Co.).
Oranje Line (Maatschappij Zeetransport N. V.).
Orient Steam Navigation Co. (Orient & Pacific Lines or Peninsular & Oriental Steam Navigation Co.).
Osaka Shosen Kaisha, Ltd. (Williams, Dimond & Co., authorized Agents).
Ove Skou.
Pacific Islands Transport Line.
Pacific Shipowners, Ltd.
Pacific Western Airlines.
Pan American World Airways System.
Pehrson & Wessel.
Port Line, Ltd.
Poseidon Lines.
Qantas Empire Airways, Ltd.
Rederiaktiebolaget Ragne.
Rodney Steamship Co., Ltd.
Royal Air Force Transport Command of the British Air Ministry.
Royal Mail Lines, Ltd.
Royal Rotterdam Lloyd (Lloydmail).
Sabena Belgian World Airlines.
Sameiet Fossum A/S (Now Lovenskiold Og Hoyers Rederi).
Sartori & Berger.
Scandinavian Airlines System, Inc.
Schulte & Bruns.
Shinnihon Steamship Co., Ltd.
States Steamship Co.
Stoomvaart M. C. Oostzee, Directors: Vinke & Co.
Swedish American Line.
Swiss Air Transport Co., Ltd., Swissair.
Swiss (Suisse) Atlantic S.A.
Taiwan Navigation Company, Ltd.
Trans Canada Air Lines.
Transmaris, Ltd.
Ulster Steamship Co., Ltd., The (Head Line and Lord Line).
Union Steam Ship Co. of New Zealand, Ltd.
United States Lines.
USSR—Aeroflot, The Ministry of Civil Aviation of the.
H. Vogemann.
Wallenius Line.
Watts, Watts, & Co., Ltd.
Westfal-Larsen Line.
Wrangell, H. M., & Co.
YNGVAR HVISTENDAHL (Scandia Shipping Agencies, Ltd.).
Zim-Israel America Lines.
Zim-Israel Navigation Co., Ltd.

(2) *Bermuda.* Currently effective agreements on Form I–421 (Rev. 6–29–58) exist with the following transportation lines regarding arrivals in Bermuda pursuant to section 238(a) of the Act:

British Overseas Airways Corp.
Guest Aerovias Mexico, S.A.
Iberia Airlines.
Linea Aeropostal Venezolana.

§ 238.3 **Aliens in immediate and continuous transit.**

(a) *Form I–426 agreements.* A transportation line bringing aliens to the United States pursuant to § 212.1(e)(1) of this chapter shall enter into an agreement on Form I–426. Such agreements shall be negotiated directly by the Central Office and the head offices of the transportation lines.

(b) *Signatory lines.* Currently effective agreements on Form I–426 exist with the following:

Achille Lauro—Armatore, Naples, Italy.
Aeriinte Eireann Teoranta (Irish Air Lines).
Aerolineas Argentinas.
Aerolineas INI and CIA S.A.
Aerolineas Peruanas, S.A.
Aeronaves de Mexico, S.A.
Aerovias Interamericanas de Panama, S.A. (Aerovias Panama Airways).
Aerovias Nacionales de Colombia (AVIANCA).
Aerovias Venezolanas, S.A. (AVENSA).
Air-India International Corp.
Air Jamaica, Ltd.
"ALCIONE", Soc. di Navigazione p. A., Palermo.
Alfred C. Toepfer Schiffahrtsgeselischaft M.B.H.
American Airlines, Inc.
American Banner Lines, Inc.
American Export Lines, Inc.
American International Airways, Inc.
American President Lines, Ltd.
AREA, Aerovias Ecuatorianas C. Ltda.
"ARETUSA", Soc. di Navigazione p. A., Palermo.
Argonaut Airways Corp.
Arosa Line, Inc., "Panama."
Athina Maritime Co., Ltd.
Atlantic Freighters, Ltd.
Atlantic Oil Carriers, Ltd.
Atlantic Tankers, Ltd.
Bahamas Airways, Ltd.
Blue Star Line, Inc., The.
Braniff Airways, Inc.
Brazalian International Airlines (Real-Aerovias Brazil, S.A.).
British Car Carriers, Ltd., and Nerdrum Lines.
British Eagle International Airlines, Ltd.
British Overseas Airways Corp.
British West Indian Airways, Ltd.
Brodin Line.
Caledonian Airways (Prestwick), Ltd.
Canadian National Railway Co.
Canadian Pacific Air Lines, Ltd.
Canadian Pacific Railway Co.
Capitol Airways, Inc.
Caribbean Atlantic Airlines, Inc.
Chandris (USA) Inc., as agents for Chandris Lines.
Chandris (USA) Inc., as agents for Maribianca Navegacion S.A. and Compania Panamena Europea Navegacion Ltda. S.A.
China Merchants Steam Navigation Co., Ltd.
China Union Lines, Ltd.
Compagnia Genovese di Armemento.
Compagnie Generale Transatlantique (French Line).
Compagnie Nationale Air France.
Compagnie de Transports Aeriens Intercontinentaux.
Companhia Colonial de Navegacao.
Compania Cubana de Aviacion, S.A.
Compania Dominicana de Aviacion, C. por A.
Companie Ecuatoriana de Aviacion, S.A.
Compania Mexicana de Aviacion, S.A. (CMA).
Compania Nacional de Turismo Aereo Limitada.
Compania Transatlantica Espanola, S.A.
Cunard Steamship Company, Ltd.
Daido Kaiun Kaisha, Ltd. (Daido Line).
Daiwa Navigation Co., Ltd., The.
Delaware and Hudson Railroad Corp.
Delta Air Lines, Inc.
A. Demades & Owners—SS AXIOS
Den Norske Amerikalinje A/S (See Norwegian America Line).
Ditlev-Simonsen Lines.
Dominion Navigation Co., Ltd.
Eastern Airlines, Inc.
El Al Israel Airlines.
"ELIOS", Soc. di Navigazione p. A., Palermo.
Elierman's Wilson Line, Ltd.
S.A. Empresa de Viacao Aerea Rio Grandense (Varig Airlines).
Empresa Guatemalteca de Aviacion.
Epirotiki Lines, Inc.
"ERICE", Soc. di Navigazione p. A., Palermo.
Eugenie Maritime Co., Ltd.
Europe-Canada Line.
EXPRINTER (SUCRS, S.A.).
Facilities Management Corp.
Fern-Ville Lines.
Fiesta Cruise Lines, Inc.
Flugfelag Islands, H.F. (Iceland Airways).
Flying Tiger Line Inc., The.
Furness-Withy and Co., Ltd.
General Airways, Inc.
General Steam Navigation Co., Ltd., of Greece—Greek Line.
Giacomo Costa fu Andrea (Linea "C"), Genoa.
Global Chartering & Brokerage Co., Inc.
Globe Air Ltd., Basel, Switzerland.
Great Eastern Line.
Grey Goose Bus Lines, Ltd.
Grimaldi Siosa Lines Joint Service.
Guest Aerovias Mexico, S.A.
Hamburg American Line.
Holland-America Line.
Home Lines Agency Inc., as agent for Home Lines Inc., and Hamburg-Atlantik Linie, G.m.b.H. & Co.
Horn-Linie.
Hugo Stinnes Transozean Schiffahrts, gmbh, Mulheim-Ruhr, Germany.
Iberia Lineas Aereas Espansolas.
Icelandic Airlines, Inc. (Loftleidir, H.F.).
Iiho Kaium Kaisha, Ltd.
Indo-China Steam Navigation Co., Ltd., The.
Intercontinental, U.S., Inc.
International Aircraft Services, Inc.
International Airlines, Inc.
Interocean Airways, S.A., Luxembourg.
Italian Line, "Italia" Societa per Azioni di Navigazione, Genoa.
Japan Airlines Co., Inc.
Kawasaki Kisen Kaisha, Ltd.
Klaveness Line.
Koninkiijke Luchtvaart Maatschappij N. V. (K.L.M. Royal Dutch Airlines).
Korean National Airlines.
Kulukundis Shipping Agency, Inc.
Laeisz, F., Hamburg, Germany.
Linea Aerea Nacional, Chile.
Linea Aeropostal Venezolana (LAV).
Lineas Aereas Costarricenses, S.A. (LACSA).
Lineas Aereas de Nicaragua, S.A.
Lineas Aereas Taxader S.A.
Linee Aeree Italiane (ALITALIA).
Livanos Maritime Co., Ltd.
Lufthansa German Airlines (Deutsche Lufthansa Aktiengeselischaft).
Mackey Airlines, Inc.
Marchessini Lines.
Marine Mercante Nicaraguense, S.A. (Mamenic Line).
Maritime Central Airways, Ltd.
Maritime Company of the Philippines.
McCormick Shipping Corp.
"MEGRA" Soc. di Navigazione p. A., Palermo.
Mitsui Steamship Co., Ltd.
N. V. Scheepvaart Maatschappij "Trans-Ocean" (Trans-Ocean Steamship Co.).
Naess Shipping Co., Inc.
National Airlines, Inc.
NATUMEX Lines—Naviera Turistica Mexicana S.A.
Naviera Aznar Sociedad Anonima.
Nederland Line.
Netherlands Ministry of Transport and Waterstaat Directorate-General of Shipping.
New York Central Railroad Co.
New Zealand Shipping Co., Ltd., Norton, Lilly & Co., Inc., General Agents.
Nihonkai Kisen Kaisha.
Nippon Yusen Kaisha (N.Y.K. Line).
Northeast Airlines, Inc.
North German Lloyd Passenger Agency, Inc.
Northwest Airlines, Inc.
Norwegian America Line (Den Norske Amerikalinje A/S).
Ocean Cargo Line, Ltd.
Ocean Tanker Line, Ltd. (Lavino Shipping Co., Philadelphia, Agents).
Ocean Tankers, Ltd.
Olsen Line, Fred (Fred Olsen & Co.).
Olympic Airways, S.A.
Ontario Central Airlines, Ltd.
Orient Steam Navigation Co., Ltd.
Osaka Shosen Kaisha, Ltd.
Overseas National Airways.
Ozean/Stinnes Linien.
Pacific Australia Direct Line.
Pacific Far East Line, Inc.
Pacific Islands Transport Line A/S THOR DAHL.
Pacific Micronesian Line, Inc.
Pacific Ocean Line.
Pacific Shipowners, Ltd., Suva, Fiji.
Pacific Steam Navigation Co.
Pacific Western Airlines, Ltd.
Pakistan International Airlines Corp.
Pan American-Grace Airways, Inc.
Pan American World Airways, Inc.
Panoceanic Tanker Line, Ltd.
Peninsular & Occidental Steamship Co.
Peninsular & Oriental Steam Navigation Co.
Philippine Air Lines.
"POLINNIA" Soc. di Navigazione p. A., Palermo.
President Airlines, Inc.
Qantas Empire Airways, Ltd.
REAL S/A—Transportes Aereos.
Rederiaktiebolaget Nordstjernan (Johnson Line), Stockholm.
Riddle Airlines, Inc.
Royal Mail Lines, Ltd.
Royal Netherlands Steamship Co.
Royal Rotterdam Lloyd.
Sabena Belgian Air Lines.
Sahsa Honduras Airlines.
Saturn Airways, Inc.
Scandinavian Airlines System, Inc.
Scindia Steam Navigation Co., Ltd.
Seven Seas Airlines, Inc.
Shinwa Kaiun Kaisha, Ltd.
Showa Shipping Co., Ltd.
Sicula Oceanica, S.A. (SIOSA Lines).
Societa Italiana di Armamento "SIDARMA".
Societa Italiana Transporti Marittimi of Genoa (Sitmar Line).
South Pacific Air Lines.
Southern Air Transport, Inc.
Standard Airways, Inc.
States Steamship Co.
Swedish American Line.
Swiss Air Transport Co., Ltd. (SWISSAIR).
TACA International Airlines, S.A.
Taiwan Navigation Co., Ltd.
Theofano Maritime Co., Ltd.
Transatlantic Steamship Co., Ltd. (Rederiaktiebolaget Transatlantic).
Trans-Canada Air Lines.
Trans Caribbean Airways, Inc.
Transcontinental S.A. de Transportes C. El.
Trans International Airlines, Corp.
Trans Meridian Flying Services, Ltd.
Transocean Airlines.
Transportation Corp. of America (Trans Caribbean Airways).
Transportes Aereos Nacionales, S.A. (TAN Airlines).
Trans World Airlines, Inc.
Trent Maritime Co., Ltd.
Triton Shipping, Inc.
Twentieth Century Airlines.
United Air Lines, Inc.
United Philippine Line.
United States Lines, Inc.
United States Overseas Airlines, Inc.
United White Shipping Co., Ltd.

Venezuelan International Airlines, Inc.
Western Airlines.
Westfal Larsen Line.
White Star Maritime Co., Ltd.
Winchester, J. H., & Co., as agents for Costa Line.
Yamashita Steamship Co., Ltd.
Ybarra & Co., Inc.
Zim Israel Navigation Co., Ltd.

§ 238.4 Preinspection outside the United States.

The following transportation lines have entered into agreements on Form I–425 for the preinspection of their passengers and crews at places outside the United States:

AT BERMUDA

Air Venturers of Houston, Inc.
American Flyers Airline Corp.
British Overseas Airways Corp.
Capitol Airways, Inc.
Eastern Air Lines, Inc.
Flying Tiger Line Inc., The.
Furness, Withy and Co., Ltd.
Guest Aerovias Mexico, S.A.
Pan American World Airways, Inc.
Saturn Airways.
Swedish American Line Agency, Inc.
World Airways, Inc.

AT MONTREAL

American Flyers Airline Corp.
British Overseas Airways Corp.
Capitol Airways, Inc.
Deutsche Lufthansa Aktiengesellschaft (Lufthansa German Airlines).
Eagle Airways (Bermuda) Ltd.
Eastern Air Lines, Inc.
Nordair Ltee—Nordair Ltd.
Northeast Airlines, Inc.
Pan American World Airways, Inc.
Saturn Airways, Inc.
Trans-Canada Air Lines.
Trans World Airlines, Inc.
United Air Lines, Inc.
World Airways, Inc.
World Wide Airways, Inc.

AT NASSAU

Air Venturers of Houston, Inc.
American Flyers Airline Corp.
Bahamas Airways, Ltd.
British Overseas Airways Corp.
Capitol Airways, Inc.
Eagle Airways (Bermuda), Ltd.
Eastern Air Lines.
Flying Tiger Line, Inc., The.
Mackey Airlines, Inc.
McCormick Shipping Corp., Eastern Shipping Corp. Agents.
Modern Air Transport, Inc.
National Airlines, Inc.
Pan American World Airways, Inc.
Trans-Canada Air Lines.
Trans World Airlines, Inc.
United Air Lines, Inc.
World Airways, Inc.

AT VANCOUVER

Air Canada.
American Flyers Airline Corp.
Canadian Pacific Air Lines, Ltd.
Pacific Western Airlines, Ltd.
Qantas Empire Airways, Ltd.
United Air Lines, Inc.
World Airways, Inc.

AT VICTORIA

Black Ball Transport, Inc.
British Columbia Coast Steamship Service.
Canadian Pacific Railway Co.
Yarmouth Cruises, Inc.

AT TORONTO

American Airlines, Inc.
American Flyers Airline Corp.
British Eagle International Airlines, Ltd.
Caledonian Airways (Prestwick), Ltd.
Canadian Pacific Air Lines, Ltd.
Capitol Airways, Inc.
Eastern Air Lines, Inc.
Mohawk Airlines, Inc.
Nordair Ltee—Nordair Ltd.
Pan American World Airways, Inc.
Saturn Airways, Inc.
Trans-Canada Air Lines.
United Air Lines, Inc.
World Airways, Inc.

AT WINNIPEG

Northwest Airlines, Inc.

PART 239—SPECIAL PROVISIONS RELATING TO AIRCRAFT: DESIGNATION OF PORTS OF ENTRY FOR ALIENS ARRIVING BY CIVIL AIRCRAFT

§ 239.2 [Amended]

1. Paragraph (a) of § 239.2 is amended to read as follows:

(a) *Place of landing.* Aircraft carrying passengers or crew required to be inspected under the Act shall land at the international air ports of entry enumerated in Part 100 of this chapter unless permission to land elsewhere shall first be obtained from the Commissioner of Customs in the case of aircraft operated by scheduled airlines, and in all other cases from the district director of Customs or other Customs officer having jurisdiction over the Customs port of entry nearest the intended place of landing. Whenever permission is granted to land at other than a designated international air port of entry, the owner, operator, or person in charge of the aircraft shall pay any additional expenses incurred in inspecting passengers or crew on board such aircraft, except that when permission is granted to a scheduled airline to land an aircraft operating on a schedule, no inspection charge shall be made for overtime service performed by immigration officers if the aircraft arrives substantially in accordance with schedules on file with the Service.

2. The first sentence of paragraph (b) *Advance notice of arrival* of § 239.2 *Landing requirements* is amended by deleting the word "Collcctor" and inserting in licu thereof the words "district dircctor".

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.7 [Amended]

1. Section 242.7 *Cancellation of proceedings* is amended by adding the following sentence at the end thereof: "A special inquiry officer may, in his discretion, terminate deportation proceedings to permit respondent to proceed to a final hearing on a pending application or petition for naturalization when the respondent has established prima facie eligibility for naturalization and the case involves exceptionally appealing or humanitarian factors; in every other case, the deportation hearing shall be completed as promptly as possible notwithstanding the pendency of an application for naturalization during any stage of the proceedings."

§ 242.8 [Amended]

2. Paragraph (a) *Authority* of § 242.8 *Special Inquiry Officers* is amended by adding the following sentence after the existing first sentence: "A special inquiry officer shall have authority to certify his decision in any case to the Board of Immigration Appeals when it involves an unusually complex or novel question of law or fact."

3. Paragraph (b) of § 242.9 is amended to read as follows:

§ 242.9 Trial attorney.

* * * * *

(b) *Assignment.* The district director shall assign a trial attorney to every case within the provisions of § 242.16(c), to every case in which an unrepresented respondent is incompetent or under 16 and is not accompanied by a guardian, relative or friend, and to every case in which the special inquiry officer requests assignment of a trial attorney. He shall also assign a trial attorney to every case in which the Commissioner approves the the submission of nonrecord information (§ 242.17(a)). In his discretion, whenever he deems such assignment necessary or advantageous, the district director may assign a trial attorney to any other case at any stage of the proceeding.

§ 242.16 [Amended]

4. Paragraph (a) *Opening* of § 242.16 *Hearing* is amended by adding the following sentence at the end thereof: "Depending upon physical facilities, reasonable limitation may be placed upon the number in attendance at any one time, with priority being given to the press over the general public."

5. Paragraph (b) *Pleading by respondent* of § 242.16 *Hearing* is amended by adding the following sentence at the end thereof: "When, pursuant to this paragraph, the special inquiry officer may not accept an admission of deportability, he shall direct a hearing on the issues."

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

§ 243.8 [Amended]

Section 243.8 *Imposition of sanctions* is amended by adding the following two sentences at the end thereof: "The consular officer shall be notified of any determination made with respect to the waiver of sanctions if a visa petition is approved. If the sanctions are not waived, the notice informing the petitioner that the petition has been approved shall also notify him that the sanctions imposed by section 243(g) of the Act have not been waived."

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

§ 245.1 [Amended]

1. The last sentence of paragraph (f) *Concurrent applications to overcome exclusionary grounds* of § 245.1 *Eligibility* is amended to read as follows: "An applicant for adjustment under this part may also apply for the benefits of section 212(c) of the Act, for permission to reapply after deportation or removal and for the benefits of section 212(a)(28)(I)(ii) of the Act."

§ 245.3 [Amended]

2. Section 245.3 *Adjustment of status under section 13 of the Act of September 11, 1957* is amended by inserting the following two sentences after the existing third sentence: "In view of the annual limitation of 50 on the number of aliens whose status may be adjusted under section 13 of the Act of September 11, 1957, an alien who is prima facie eligible for adjustment of status to that of a lawful permanent resident under another provision of law shall be advised to apply for adjustment pursuant to such other provision of law. An applicant for the benefits of section 13 of the Act of September 11, 1957 shall not be subject to the labor certification requirement of section 212(a)(14) of the Act."

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

1. Section 248.1 is amended to read as follows:

§ 248.1 Eligibility.

An alien admitted in immediate and continuous transit through the United States without a visa pursuant to section 238(d) of the Act, or an alien classified as a nonimmigrant under section 101(a)(15)(D) of the Act is not eligible for any change of nonimmigrant classification under section 248 of the Act. An alien classified as a nonimmigrant under section 101(a)(15)(C) or (J) of the Act is not eligible for any change of nonimmigrant classification other than a change to classification under section 101(a)(15)(A) or (G) of the Act. Any other alien lawfully admitted to the United States as a nonimmigrant, including an alien who acquired such status pursuant to section 247 of the Act, who is continuing to maintain his nonimmigrant status, may apply to have his nonimmigrant classification changed to any other nonimmigrant classification for which he may be found qualified. In determining whether an applicant has continued to maintain his nonimmigrant status the district director shall consider whether the alien has remained in the United States for a longer period than that authorized by the Service, and shall consider any conduct by the applicant relating to his maintenance of the status from which the applicant is seeking a change. An applicant may be considered as having maintained his nonimmigrant status within the meaning of this section even though he did not submit his application for change of nonimmigrant classification before his authorized temporary stay in the United States had expired, or during the period initially granted him by the district director to depart from the United States upon denial of an application for extension of temporary stay, if the district director is satisfied that the alien has not otherwise violated his nonimmigrant status and is a bona fide nonimmigrant. A nonimmigrant applying for a change to classification as a student under section 101(a)(15)(F) of the Act shall not be considered ineligible for such change solely because he may have started attendance at school before his application was submitted. An alien shall be considered prima facie ineligible for change of nonimmigrant classification as one who is no longer maintaining his nonimmigrant status, upon the introduction in Congress of a private bill seeking to confer upon him the status of a lawful permanent resident of the United States.

§ 248.2 [Amended]

2. Section 248.2 *Application* is amended by inserting the following two sentences after the existing seventh sentence: "Fees shall not be required in connection with requests for change of classification to that under section 101(a)(15)(A) and 101(a)(15)(G) of the Act. No fee shall be required when a change to exchange alien status as described in section 101(a)(15)(J) of the Act is requested by an agency of the U.S. Government and Form DSP-66, Certificate of Eligibility for Exchange-Visitor Status, submitted by the Agency will be accepted in lieu of Form I-506."

PART 249—CREATION OF RECORDS OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE

Section 249.1 is amended to read as follows:

§ 249.1 Waiver of inadmissibility.

In conjunction with an application under section 249 of the Act, an otherwise eligible alien who is inadmissible under paragraph (9), (10), or (12) of section 212(a) of the Act may request a waiver of such ground of inadmissibility pursuant to the provisions of section 212(h) of the Act and apply for the benefits of section 212(a)(28)(I)(ii) of the Act.

PART 251—ARRIVAL MANIFESTS AND LISTS: SUPPORTING DOCUMENTS

1. Section 251.1 is amended by adding paragraph (d) to read as follows:

§ 251.1 Arrival manifests and lists.

* * * * *

(d) *Notations on arrival manifests.* Upon completion of the examination of each crewman listed on the Form I-418 presented by the master or agent of an arriving vessel, the examining immigration officer shall place one of the following symbols in column (5) of the Form I-418 opposite the name of the crewman: "USC" for a crewman admitted as a United States citizen; "N" for a crewman admitted as a lawful permanent resident; "D-1" for an alien crewman granted a conditional landing permit under section 252(a)(1) of the Act; "D-2" for an alien crewman granted a conditional landing permit under section 252(a)(2) of the Act; "Parolee" for an alien crewman paroled pursuant to section 212(d)(5) of the Act; and "Refused" for an alien crewman whose request for a landing permit has been refused. The examining immigration officer shall sign his name, title and the date of the inspection following the last entry in column (5) of the Form I-418 when the examination of the crew is completed. The master of the vessel shall be furnished Form I-410 as a receipt for the arrival manifest, Form I-418, and the immigration officer shall list on that form the names of all crewmen who have been refused conditional landing permits.

2. Section 251.5 is added to read as follows:

§ 251.5 Exemptions for private vessels and aircraft.

The provisions of this part relating to submission of arrival and departure manifests and lists shall not apply to a private vessel or a private aircraft not engaged directly or indirectly in the carriage of persons or cargo for hire.

PART 252—LANDING OF ALIEN CREWMEN

Section 252.1 is amended by adding paragraph (g) to read as follows:

§ 252.1 Examination of crewmen.

* * * * *

(g) *Refusal of conditional landing permit.* When an alien crewman is refused a conditional landing permit for any reason, the Form I-95 presented by him at time of examination shall be endorsed "Permission to land temporarily at all U.S. ports is refused" and the Form I-95 shall be given to the master or agent of the vessel or aircraft and, in the case of vessels, the alien crewman's name shall be listed on the Form I-410 delivered to the master of the vessel upon completion of the examination of the crew. If an alien crewman who has been refused a conditional landing permit is in possession of Form I-184, the Form I-184 shall be lifted by the examining immigration officer and, except in the case of an alien crewman who is refused a conditional landing permit solely because he is not in possession of a valid passport or visa, the Form I-184 shall be voided. In the case of an alien crewman refused a conditional landing permit because he is not in possession of a valid passport or visa, the Form I-184 shall be delivered to the master or agent of the vessel with instructions to return it to the alien crewman after the vessel has departed from the United States.

PART 253—PAROLE OF ALIEN CREWMEN

§ 253.1 [Amended]

Paragraph (a) *General* of § 253.1 *Parole* is amended by adding the following sentence at the end thereof: "The guarantee of payment for medical and other related expenses required by section 253 of the Act shall be executed by the owner, agent, consignee, commanding officer or master on Form I–510."

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

§ 264.1 [Amended]

1. The sixth sentence of paragraph (c) *Replacement of registration* of § 264.1 *Registration and fingerprinting* is amended by deleting the reference "§ 103.7(c)" and inserting the reference "§ 103.7(b)" in lieu thereof.

2. The last sentence of paragraph (f) *Registration and fingerprinting of children who reach age fourteen* of § 264.1 *Registration and fingerprinting* is amended to read as follows: "In the case of an alien who is not a lawful permanent resident, the Form I–102, and the alien's Form I–94 or I–95 shall be noted to show that he has been registered and the date of registration."

3. Section 264.1 is amended by adding paragraph (g) to read as follows:

(g) *Temporary evidence of registration.* Form I–94, appropriately endorsed, may be issued as temporary evidence of registration and lawful admission for permanent residence to a lawful permanent resident alien who is departing temporarily from the United States and has applied on Form I–90 for issuance of Form I–151, if the district director is unable to issue and deliver the Form I–151 prior to the alien's contemplated return to the United States. The alien shall surrender such Form I–94 to the Service upon receipt of Form I–151.

PART 292—REPRESENTATION AND APPEARANCES

1. Paragraph (b) of § 292.4 is amended to read as follows:

§ 292.4 Appearances.

* * * * *

(b) *Availability of records.* During the time a case is pending, and except as otherwise provided in § 103.2(b) of this chapter, a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with § 103.10 of this chapter, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in § 103.10 of this chapter.

2. Section 292.6 is added to read as follows:

§ 292.6 Interpretation.

Interpretations of this part will be made by the Board of Immigration Appeals, subject to the provisions of Part 3 of this chapter.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following forms and references thereto in alphabetical and numerical sequence:

Form No. and title and description

FS–398—Medical Examination of Visa Applicant.
I–68—Canadian Border Boat Landing Card.
I–134—Affidavit of Support.
I–147—Notice of Temporary Exclusion from United States.
I–179—Identification Card for Resident Citizen in the United States.
I–180—Notice of Voidance of Form I–186.
I–196—Application for U.S. Citizen Identification Card.
I–197—U.S. Citizen Identification Card.
I–296—Notice to Alien Ordered Excluded by Special Inquiry Officer.
I–410—Receipt for Crew List.
I–420—Agreement (Land-Border) Between Transportation Line and United States.
I–421—Agreement (Overseas) Between Transportation Line and United States.
I–510—Guarantee of Payment.
I–512—Authorization for Parole or Conditional Entry of an Alien into the United States.
I–550—Application for Verification of Last Entry of an Alien.
N–585—Application for Information from or Copies of Immigration and Naturalization Records.
PHS–124(FQ) Medical Certificate.

PART 312—EDUCATIONAL REQUIREMENTS FOR NATURALIZATION

Part 312 is added to read as follows:

Sec.
312.1 Literacy requirements.
312.2 Knowledge of history and Government of the United States.
312.3 Petitions pending for 1 year.

AUTHORITY: The provisions of this Part 312 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply 312, 332, 66 Stat. 239, 252; 8 U.S.C. 1423, 1443.

§ 312.1 Literacy requirements.

The ability of a petitioner to speak English shall be determined from answers to questions normally asked in the course of the preliminary investigation and preliminary examination. A petitioner's ability to read and write English shall be tested by excerpts from one or more parts of the Federal Textbooks on Citizenship written at the elementary literacy level. These textbooks may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, and are available at certain public educational institutions. The matter written by a petitioner shall be retained in his file.

§ 312.2 Knowledge of history and Government of the United States.

The test of a petitioner's knowledge of the history and form of government of the United States shall be given in the English language unless he is exempt from speaking English. The scope of the testing shall be limited primarily to subject matters covered in the Federal Textbooks on Citizenship. In choosing the subject matters and in phrasing questions, due consideration shall be given to the extent of the petitioner's education, background, age, length of residence in the United States, opportunities available and efforts made to acquire the requsite knowledge, and any other elements or factors relevant to an appraisal of the adequacy of his knowledge and understanding.

§ 312.3 Petitions pending for 1 year.

A petitioner for naturalization shall be given three opportunities to meet the educational and literacy requirements: The first when the petition is filed; the second approximately 6 months later; and the third approximately 6 months thereafter, at or before the final hearing. However, a designated examiner may schedule a reexamination at an earlier time when he believes the intelligence and educational background of the petitioner so warrants; or, in anticipation of an imminent final hearing in a court having only one or two hearings a year, if he believes the petitioner may be able to qualify. In the discretion of a supervisory officer, opportunities beyond the period of 1 year may be afforded if the petitioner was unable to appear for reexamination because of illness or other sufficient cause or when continuing bona fide efforts indicate that the petitioner may qualify within a reasonable period of time.

PART 316a—RESIDENCE, PHYSICAL, PRESENCE, AND ABSENCE

Part 316a is amended by adding §§ 316a.2, 316a.3, and 316a.4 to read as follows:

§ 316a.2 American institutions of research.

The following-listed organizations have been determined to be American institutions of research recognized by the Attorney General:

Albert Einstein College of Medicine of Yeshiva University (only in relationship to its research programs).
American Friends of the Middle East, Inc.
American Institutes of Research in the Behavioral Sciences (only in relationship to research projects abroad).
American University, The, Cairo, Egypt.
American University of Beirut (Near East College Associations).
Arctic Institute of North America, Inc.
Armour Research Foundation of Illinois Institute of Technology.
Asia Foundation, The (formerly Committee for a Free Asia, Inc.).
Atomic Bomb Casualty Commission.

Bermuda Biological Station for Research, Inc.
Bernice P. Bishop Museum of Polynesian Antiquities, Ethnology and Natural History at Honolulu, Hawaii.
Brown University (Department of Engineering), Providence, R.I.
Buffalo Eye Bank and Research Society, Inc.
Burma Office of Robert N. Nathan Associates, Inc.
Center of Alcohol Studies, Laboratory of Applied Biodynamics of Yale University.
Central Registry of Jewish Losses in Egypt.
College of Engineering, University of Wisconsin.
College of Medicine, State University of New York.
Colorado State University (Research Foundation), Fort Collins, Colo.
Colorado University (International Economic Studies Center), Boulder, Colo.
Columbia University (Parker School of Foreign and Comparative Law) and (Faculty of Pure Science), New York, N.Y.
Cornell University (International Agricultural Development, University of the Philippines-Cornell University Graduate Education Program).
Department of French, and Department of Scandinavian Languages of the University of California, Berkeley, Calif.
Fletcher School of Law and Diplomacy, Medford, Mass.
Ford Foundation, 477 Madison Avenue, New York, N.Y.
Free Europe Committee, Inc. (formerly National Committee for a Free Europe (including Radio Free Europe)).
George Williams Hooper Foundation, San Francisco Medical Center, University of California, San Francisco, Calif.
Graduate Faculty of Political and Social Science Division of the New School for Social Research, New York, N.Y.
Institute of International Education.
International Center for Social Research, Inc., New York, N.Y.
International Development Foundation, Inc.
International Development Services, Inc.
International Research Associates, Inc.
Iran Foundation, Inc., The.
Kossuth Foundation, Inc., The, New York, N.Y.
Massachusetts Institute of Technology.
Natural Science Foundation, Philadelphia, Pennsylvania.
Paderewski Foundation, Inc.
Peabody Museum of Natural History of Yale University.
People to People Health Foundation, Inc., The (only in relationship to the scientific research activities that will be carried on abroad by the medical staff of the SS "Hope").
Population Council, The, New York, N.Y.
Radio Liberty Committee, Inc. (formerly American Committee for Liberation, Inc.; American Committee for Liberation of the Peoples of Russia, Inc.; American Committee for Liberation from Bolshevism, Inc.).
School of International Relations of the University of Southern California.
SIRIMAR (Societa Internazionale Recerche Marine) Division, Office of the Vice President for Research, Pennsylvania State University.
Social Science Research Council.
Stanford Center for Chinese Studies in Taipei, Taiwan.
Stanford Research Institute, Menlo Park, Calif.
Stanford University (the George Vanderbilt Foundation), Stanford, Calif.
Syracuse University.
Tulane University Medical School.
University of Alabama Medical Center.
University of Chicago (as a participant in the International Cooperation Administration Program No. W–74 only).
University of Hawaii, Honolulu, Hawaii.
University of Notre Dame, Notre Dame, Ind.
Wenner-Gren Foundation for Anthropological Research, Inc.
Williams College, Economic Department, Williamstown, Mass.

The regional commissioner shall forward a copy of each decision regarding an American institution of research to the Assistant Commissioner, Naturalization.

§ 316a.3 Public international organizations of which the United States is a member by treaty or statute.

The following-listed organizations have been determined to be public international organizations of which the United States is a member by treaty or statute:

The North Atlantic Treaty Organization.
United Nations and all agencies and organizations which are a part thereof.

The regional commissioner shall forward a copy of each decision regarding a public international organization to the Assistant Commissioner, Naturalization.

§ 316a.4 International Oragnizations Immunities Act designations.

The following public international organizations are entitled to enjoy the privileges, exemptions, and immunities provided for in the International Organizations Immunities Act, and are considered as public international organizations of which the United States is a member by treaty or statute within the meaning of section 316(b) of the Act and as public international organizations in which the United States participates by treaty or statute within the meaning of section 319(b) of the Act:

Asian Development Bank (E.O. 11334, Mar. 7, 1967).
Caribbean Organization (E.O. 10983, Dec. 30, 1961).
Coffee Study Group (E.O. 10943, May 19, 1961).
European Space Research Organization (E.O. 11318, Dec. 5, 1966).
Food and Agriculture Organization, The (E.O. 9698, Feb. 19, 1946).
Great Lakes Fishery Commission (E.O. 11059, Oct. 23, 1962).
Inter-American Defense Board (E.O. 10228, Mar. 26, 1951).
Inter-American Development Bank (E.O. 10873, Apr. 8, 1960).
Inter-American Institute of Agricultural Sciences (E.O. 9751, July 11, 1946).
Inter-American Statistical Institute (E.O. 9751, July 11, 1946).
Inter-American Tropical Tuna Commission (E.O. 11059, Oct. 23, 1962).
Intergovernmental Committee for European Migration (formerly the Provisional Intergovernmental Committee for the Movement of Migrants from Europe) (E.O. 10335, Mar. 28, 1952).
Intergovernmental Maritime Consultative Organization (E.O. 10795, Dec. 13, 1958).
Interim Communications Satellite Committee (E.O. 11227, June 2, 1965).
International Atomic Energy Agency (E.O. 10727, Aug. 31, 1957).
International Bank for Reconstruction and Development (E.O. 9751, July 11, 1946).
International Civil Aviation Organization (E.O. 9863, May 31, 1947).
International Coffee Organization (E.O. 11225, May 22, 1965).
International Cotton Advisory Committee (E.O. 9911, Dec. 19, 1947).
International Cotton Institute (E.O. 11283, May 27, 1966).
International Finance Corporation (E.O. 10680, Oct. 2, 1956).
International Hydrographic Bureau (E.O. 10769, May 29, 1958).
International Joint Commission—United States and Canada (E.O. 9972, June 25, 1948).
International Labor Organization, The (functions through staff known as The International Labor Office) (E.O. 9698, Feb. 19, 1946).
International Monetary Fund (E.O. 9751, July 11, 1946).
International Pacific Halibut Commission (E.O. 11059, Oct. 23, 1962).
International Telecommunication Union (E.O. 9863, May 31, 1947).
International Telecommunications Satellite Consortium (E.O. 11277, Apr. 30, 1966).
International Wheat Advisory Committee (E.O. 9823, Jan. 24, 1947).
Organization for European Economic Co-operation (E.O. 10133, June 27, 1950) (Now known as Organization for Economic Co-operation and Development; 28 F.R. 2959, Mar. 26, 1963).
Organization of American States (includes Pan American Union) (E.O. 10533, June 3, 1954).
Pan American Health Organization (includes Pan American Sanitary Bureau) (E.O. 10864, Feb. 18, 1960).
Preparatory Commission of the International Atomic Energy Agency (E.O. 10727, Aug. 31, 1957).
Preparatory Commission for the International Refugee Organization and its successor, the International Refugee Organization (E.O. 9887, Aug. 22, 1947).
Southeast Asia Treaty Organization (E.O. 10866, Feb. 20, 1960).
South Pacific Commission (E.O. 10086, Nov. 25, 1949).
United Nations, The (E.O. 9698, Feb. 19, 1946).
United Nations Educational, Scientific, and Cultural Organizations (E.O. 9863, May 31, 1947).
Universal Postal Union (E.O. 10727, Aug. 31, 1957).
World Health Organization (E.O. 10025, Dec. 30, 1948).
World Meteorological Organization (E.O. 10676, Sept. 1, 1956).

PART 319—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SPOUSES OF UNITED STATES CITIZENS

Part 319 is amended by adding § 319.3 to read as follows:

§ 319.3 Public international organizations in which the U.S. participates by treaty or statute.

Organizations designated by the President as international organizations pursuant to the International Organizations Immunities Act are considered as public international organizations in which the United States participates by treaty or statute within the meaning of section 319(b) of the Act. For a list of such organizations see § 316a.4 of this chapter. In addition, the following have been determined to be public international organizations within the purview of section 319(b) of the Act:

The North Atlantic Treaty Organization.
The United Nations and all agencies and organizations which are a part thereof.

The regional commissioner shall forward a copy of each decision regarding a public international organization to the Assistant Commissioner, Naturalization.

PART 334—PETITION FOR NATURALIZATION

Section 334.11 is amended to read as follows:

§ 334.11 Petition for naturalization and preliminary application.

A person who desires to apply for naturalization shall, before filing his petition for naturalization, execute and submit preliminary application Form N–400. Former citizens who are applying under section 324(a) or 327 of the Act shall execute supplement Form N–400A. Seamen who are applying under section 330 of the Act shall execute supplement Form N–400B. The Service shall notify the applicant when and where to appear with his witnesses for preliminary investigation and filing his petition for naturalization.

Paragraph (b) of § 334.16 is amended to read as follows:

§ 334.16 Amendment of petition or application for naturalization.

* * * * *

(b) *After final action on petition or application.* Whenever an application is made to the court to amend a petition or application for naturalization after final action thereon has been taken by the court, a copy of the application shall be served upon the district director having administrative jurisdiction over the territory in which the court is located, in the manner and within the time provided by the rules of court in which application is made. No objection shall be made to the amendment of a petition for naturalization after the petitioner for naturalization has been admitted to citizenship if the motion or application is to correct a clerical error arising from oversight or omission. A representative of the Service may appear at the hearing upon such application and be heard in favor of or in opposition thereto. When the court orders the petition amended, the clerk of court shall transmit a copy of the order to the district director for inclusion in the Service file.

PART 337—OATH OF ALLEGIANCE

Part 337 is amended by adding § 337.4 to read as follows:

§ 337.4 When request for change of name granted.

When the court has granted the petitioner's change-of-name request, the petitioner shall subscribe his new name to the written oath of allegiance on the reverse of the original naturalization petition.

PART 339—FUNCTIONS AND DUTIES OF CLERKS OF NATURALIZATION COURTS

§ 339.2 [Amended]

Section 339.2 *Monthly reports* is amended by adding the following sentences at the end thereof: "The clerk of court shall show on Form N–4 the inclusive numbers of all petitions filed, and list individually by name and number in the spaces provided therein all petitions filed during the month. In lieu of forwarding duplicate petitions to the Service with his report on Form N–4, the clerk may deliver the petitions to the examiner immediately after filing."

PART 341—CERTIFICATES OF CITIZENSHIP

§ 341.5 [Amended]

Section 341.5 *Report and recommendation* is amended by adding the following sentences at the end thereof: "When the person or persons through whom citizenship is claimed cannot be produced for any of the reasons prescribed by § 341.2(b) and the claimant is unable to produce a substitute witness, favorable action may nevertheless be taken on the application only if (a) the testimony of the claimant or the acting parent or guardian, and (b) Service or State Department records, and (c) documentary evidence clearly and convincingly establish that citizenship was acquired or derived in the manner claimed; that it was not subsequently lost in any manner, and that no doubt remains that the relationship exists to the person or persons through whom citizenship is claimed. In such an instance, the assigned officer shall include as an exhibit in the record a supplemental memorandum waiving the testimony and reciting the basis therefor."

PART 343—CERTIFICATE OF NATURALIZATION OR REPATRIATION; PERSONS WHO RESUMED CITIZENSHIP UNDER SECTION 323 OF THE NATIONALITY ACT OF 1940, AS AMENDED, OR SECTION 4 OF THE ACT OF JUNE 29, 1906

§ 343.1 [Amended]

Section 343.1 *Application* is amended by adding the following sentence after the existing first sentence: "The applicant shall be required to appear in person before an assigned officer for interrogation under oath or affirmation upon the application."

PART 343a—NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME; CERTIFIED COPY OF REPATRIATION PROCEEDINGS

Paragraph (c) of § 343a.1 is amended by adding the following sentence at the beginning of that paragraph:

§ 343a.1 Application for replacement of or for new naturalization or citizenship paper.

* * * * *

(c) *Disposition.* The applicant shall be required to appear in person before an assigned officer for interrogation under oath or affirmation upon the application. * * *

Section 343a.2 is added to read as follows:

§ 343a.2 Return or replacement of surrendered certificate of naturalization or citizenship.

A certificate of naturalization or citizenship in a Service file which was surrendered on a finding that loss of U.S. nationality had occurred directly or through a parent by reason of section 404 (b) or (c) of the Nationality Act of 1940 or section 352 of the Immigration and Nationality Act and which finding is no longer valid in view of Schneider v. Rusk, 377 U.S. 163, may be returned to the person to whom it was issued, provided he has not since been naturalized in the United States. If such naturalization has occurred, he should be informed that in view thereof the certificate cannot be returned or replaced and should be advised that he may, if he wishes, proceed through normal legal channels for a reopening of the subsequent naturalization case and the vacating of the order and judgment therein. If, after having been surrendered to the Department of State or to this Service, the certificate has been lost, mutilated, or destroyed as a result of either Service action or the action of that Department, a replacement certificate may be issued in the name shown in the surrendered certificate without fee and without requiring the submission of Form N–565. A surrendered certificate shall not be regarded as mutilated and a replacement shall not be issued solely because of holes made in it to accommodate an Acco fastener, unless the citizen declines to accept the return of the surrendered certificate in that condition and insists upon issuance of a replacement. When it is desired that the replacement certificate be furnished in a name other than the one shown in the surrendered certificate, the regular application procedure with payment of fee must be followed. The naturalized person shall be required to appear in person, if within the United States, before an assigned officer for interrogation under oath or affirmation upon the request for return of the certificate.

PART 343b—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY A FOREIGN STATE

1. Section 343b.1 is amended to read as follows:

§ 343b.1 Application.

A naturalized citizen who desires to obtain recognition as a citizen of the United States by a foreign state shall submit an application on Form N–577. He shall not be furnished with verification of his

naturalization for such purpose in any other way. An applicant who is a claimant against a foreign government for property damage pursuant to the provisions of a peace treaty shall not be requested to furnish the name, official title, and address of a foreign official unless such information is available when the investigation of the applicant is conducted. The applicant shall be required to appear in person before an assigned officer for interrogation under oath or affirmation upon the application.

2. Sections 343b.2, 343b.3, 343b.4, and 343b.5 are added to read as follows:

§ 343b.2 Number of applications required.

A special certificate of naturalization is delivered to one foreign government official only. An applicant who desires recognition as a U.S. citizen by more than one foreign official, whether in the same country or not, must file a separate application for each certificate required.

§ 343b.3 Interrogation.

When Form N–577 presents a prima facie case, it shall be forwarded to the district director, without first interrogating the applicant, for issuance of the certificate. Interrogation of the applicant shall be conducted before the application is forwarded if he appears in person to file the application or if it is necessary in order to properly adjudicate the case. In that event the officer interviewing the applicant will complete the report on page 2 of Form N–577 before transmitting the application to the district director. In all other cases the interview shall take place at any time before the certificate is transmitted to the State Department (unless the applicant is abroad) and the report completed after the interview.

§ 343b.4 Applicant outside of United States.

If the application is received by a Service officer stationed outside the United States, he shall, when practicable, interrogate the applicant before the application is forwarded to the district director in the United States having jurisdiction over the applicant's place of residence for issuance of the certificate. When such interrogation is not practicable, the certificate may nevertheless be issued and the recommendation conditioned upon satisfactory interrogation by a State Department Representative. When forwarding the certificate in such a case, the Secretary of State shall be informed that the applicant has not been interviewed, and requested to have his representative abroad interview the applicant regarding identity and possible expatriation. If identity is not established or if expatriation has occurred, the request shall be made that the certificate be returned to the Service.

§ 343b.5 Verification of naturalization.

The application shall not be granted without first obtaining verification of the applicant's naturalization.

3. Paragraph (a) of § 343b.11 is amended to read as follows:

§ 343b.11 Disposition of application.

(a) *Issuance of certificate.* If the application is granted, a special certificate of naturalization on Form N–578 shall be issued by the district director and forwarded to the Secretary of State for transmission to the proper authority of the foreign state. The district director shall forward the original certificate by letter, in triplicate, to the Secretary of State, Attention: Office of Special Consular Services, Department of State, Washington, D.C. 20520; forward the application and the duplicate certificate to the official Service file, and send Form N–568 to the applicant.

* * * * *

PART 349—LOSS OF NATIONALITY

Part 349 is added to read as follows:

§ 349.1 Japanese renunciation of nationality.

A Japanese who renounced United States nationality pursuant to the provisions of section 401(l), Nationality Act of 1940, who claims that his renunciation is void, shall complete Form N–576, Supplemental Affidavit to be Submitted with Applications of Japanese Renunciants. The affidavit shall be submitted to the Assistant Attorney General, Civil Division, Department of Justice, Washington, D.C. 20530, with a covering letter requesting a determination of the validity of the renunciation. (Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies 401(i), 54 Stat. 1169; 8 U.S.C. 801, 1946 ed.)

PART 499—NATIONALITY FORMS

§ 499.1 [Amended]

Section 499.1 *Prescribed forms* is amended by adding the following forms and references thereto in numerical sequence:

Form No. and title and description

N–568—Form Letter Stating Special Certificate of Naturalization has been Forwarded.
N–576—Supplemental Affidavit to be Submitted with Applications of Japanese Renunciants.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: April 24, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67–4674; Filed, Apr. 26, 1967; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 67–4900, Federal Deposit Insurance Corporation, *infra*.

Office of the Secretary

[Dept. Circular, Public Debt Series; No. 5–67]

4¼ PERCENT TREASURY NOTES OF SERIES C–1968

Offering of Notes

APRIL 27, 1967.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 4¼ percent Treasury Notes of Series C–1968:

(1) At 99.95 percent of their face value in exchange for 4¼ percent Treasury Notes of Series D–1967, dated November 15, 1965, due May 15, 1967; or

(2) At 99.95 percent of their face value plus a payment of $1 per $1,000 to the United States, in exchange for 2½ percent Treasury Bonds of 1962–67, dated May 5, 1942, due June 15, 1967, in amounts of $1,000 or multiples thereof.

Interest will be adjusted on the bonds of 1962–67 as of May 15, 1967. Cash payments due to subscribers will be made as set forth in section IV hereof. The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open only on May 1 through May 3, 1967, for the receipt of subscriptions.

2. In addition, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 4¾ percent Treasury Notes of Series B–1972, which offering is set forth in Department Circular, Public Debt Series—No. 6–67, issued simultaneously with this circular.

II. *Decription of notes.* 1. The notes will be dated May 15, 1967, and will bear interest from that date at the rate of 4¼ percent per annum, payable on a semiannual basis on August 15, 1967, and on February 15 and August 15, 1968. They will mature August 15, 1968, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before May 15, 1967, or on later allotment, and may be made only in a like face amount of securities of the two issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. Cash payments due to subscribers will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District following acceptance of the securities surrendered. In the case of registered securities, the payment will be made in accordance with the assignments thereon.

2. *4¼ percent notes of Series D–1967.* When payment is made with notes in bearer form, coupons dated May 15, 1967, should be detached and cashed when due. When payment is made with registered notes, the final interest due on May 15, 1967, will be paid by issue of interest checks in regular course to holders of record on April 14, 1967, the date the transfer books closed. A cash payment of $0.50 per $1,000 on account of the issue price of the notes will be made to subscribers.

3. *2½ percent bonds of 1962–67.* When payment is made with bonds in bearer form, coupons dated June 15, 1967, must be attached to the bonds in bearer form when surrendered. Accrued interest from December 15, 1966, to May 15, 1967 ($10,37088 per $1,000), plus the payment ($0.50 per $1,000) due to the subscriber on account of the issue price of the new notes will be credited, the payment of $1 per $1,000 due the United States will be charged and the difference ($9.87088 per $1,000) will be paid to subscribers.

V. *Assignment of registered securities.* 1. Treasury securities in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4¼ percent Treasury Notes of Series C–1968"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4¼ percent Treasury Notes of Series C–1968 in the name of ------"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4¼ percent Treasury Notes of Series C–1968 in coupon form to be delivered to ----------."

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering,

which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 67-4924; Filed, May 2, 1967; 8:47 a.m.]

[Dept. Circular, Public Debt Series; No. 6-67]

4¾ PERCENT TREASURY NOTES OF SERIES B-1972

Offering of Notes

APRIL 27, 1967.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 4¾ percent Treasury Notes of Series B-1972 at par:

(1) In exchange for 4¼ percent Treasury Notes of Series D-1967, dated November 15, 1965, due May 15, 1967;

(2) With a cash payment of $1 per $1,000 to the United States in exchange for 2½ percent Treasury Bonds of 1962-67, dated May 5, 1942, due June 15, 1967, in amounts of $1,000 or multiples thereof;

(3) With a cash payment of $3 per $1,000 to the subscriber in exchange for 5¼ percent Treasury Certificates of Indebtedness of Series A-1967, dated August 15, 1966, due August 15, 1967;

(4) With a cash payment of $1.50 per $1,000 to the United States in exchange for 3¾ percent Treasury Notes of Series A-1967, dated September 15, 1962, due August 15, 1967; or

(5) With a cash payment of $2 per $1,000 to the subscriber in exchange for 4⅞ percent Treasury Notes of Series E-1967, dated February 15, 1966, due August 15, 1967.

Interest will be adjusted as of May 15, 1967, in the case of the securities due June 15 and August 15, 1967. Net payments on account of accrued interest due subscribers and cash adjustments due to and from subscribers will be made as set forth in section IV hereof. The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open only on May 1 through May 3, 1967, for the receipt of subscriptions.

2. In addition, holders of the 4¼ percent notes of Series D-1967, and the 2½ percent bonds of 1962-67 are offered the privilege of exchanging all or any part of such securities for 4¼ percent Treasury Notes of Series C-1968, which offering is set forth in Department Circular, Public Debt Series—No. 5-67, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated May 15, 1967, and will bear interest from that date at the rate of 4¾ percent per annum, payable semiannually on November 15, 1967, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1972, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before May 15, 1967, or on later allotment, and may be made only in a like face amount of securities of the five issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. Cash payments due to subscribers will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District following acceptance of the securities surrendered. In the case of registered securities, the payment will be made in accordance with the assignments thereon.

2. *4¼ percent notes of Series D-1967.* Coupons dated May 15, 1967, should be detached and cashed when due.[1]

3. *2½ percent bonds of 1962-67.* Coupons dated June 15, 1967, must be attached to bonds in bearer form when surrendered. Accrued interest from December 15, 1966, to May 15, 1967 ($10.37088 per $1,000), will be credited, the payment ($1 per $1,000) due the United States will be charged and the difference ($9.37088 per $1,000) will be paid to subscribers.

4. *5¼ percent certificates of Series A-1967.* Coupons dated August 15, 1967, must be attached to the certificates when surrendered. Accrued interest from February 15 to May 15, 1967 ($12.90746 per $1,000), plus the cash payment of $3 per $1,000 will be paid to subscribers.

5. *3¾ percent notes of Series A-1967.* Coupons dated August 15, 1967, must be attached to the notes in bearer form when surrendered. Accrued interest from February 15 to May 15, 1967 ($9.21961 per $1,000), will be credited, the payment ($1.50 per $1,000) due the United States will be charged and the difference ($7.71961 per $1,000) will be paid to subscribers.

6. *4⅞ percent notes of Series E-1967.* Coupons dated August 15, 1967, must be attached to the notes in bearer form when surrendered. Accrued interest from February 15 to May 15, 1967 ($11.98550 per $1,000), plus the cash payment of $2 per $1,000 will be paid to subscribers.

V. *Assignment of registered securities.* 1. Treasury securities in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4¾ percent Treasury Notes of Series B-1972"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4¾ percent Treasury Notes of Series B-1972 in the name of_____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4¾ percent Treasury Notes of Series B-1972 in coupon form to be delivered to_____."

VI. *General provisions.* 1. As fiscal agents of the United States, Federal

[1] Interest due on May 15, 1967, on registered securities will be paid by issue of interest checks in regular course to holders of record on Apr. 14, 1967, the date the transfer books closed.

Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 67-4925; Filed, May 2, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Filing of Revised Protraction Diagrams

APRIL 25, 1967.

Notice is hereby given that effective at and after 10 a.m. on May 31, 1967, the following revised protraction diagrams are officially filed of record in the Idaho Land Office, Room 327, Federal Building, Boise, Idaho 83701. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the lands for all authorized purposes. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

IDAHO REVISED PROTRACTION DIAGRAMS

Nos. 7, 9, 43, 44, 50, 58, 67, 72, 73, 77, 81, 82, 86, 87, 96, 104 and 105

BOISE MERIDIAN

Approved March 6, 1967

No. 96

Tps. 5 and 6 N., Rs. 12, 13, and 14 E.

BOISE MERIDIAN

Approved April 6, 1967

No. 7

T. 40 N., Rs. 8 and 9 E.
T. 41 N., R. 8 E.

No. 9

Ts. 38 and 39 N., R. 8 E.

No. 43

T. 22 N., R. 3 E.
T. 23 N., R. 4 E.

No. 44

Ts. 23 and 24 N., R. 2 W.
T. 19 N., R. 3 W.

No. 50

T. 21 N., Rs. 5 and 6 E.

No. 58

T. 17 N., Rs. 14 and 15 E.
T. 18 N., Rs. 13, 14, and 15 E.

No. 67

T. 14 N., Rs. 10, 11, and 12 E.
T. 15 N., Rs. 11 and 12 E.

No. 72

Tps. 13 and 14 N., Rs. 16, 17, and 18 E.

No. 73

T. 13 N., Rs. 14 and 15 E.
T. 14 N., Rs. 13, 14, and 15 E.

No. 77

T. 12 N., R. 12 E.
T. 13 N., Rs. 10, 11, and 12 E.

No. 81

T. 10 N., Rs. 14, 15, and 16 E.
T. 11 N., R. 15 E.

No. 82

T. 9 N., Rs. 11, 12, and 13 E.
T. 10 N., Rs. 11 and 12 E.

No. 86

Ts. 8 and 9 N., Rs. 15 and 16 E.

No. 87

Ts. 7 and 8 N., Rs. 11, 12, and 13 E.

No. 104

Ts. 14 and 15 S., R. 44 E.

No. 105

Ts. 9, 10, 11, 12, and 13 N., Rs. 45 and 46 E.

Copies of these diagrams are for sale at one dollar ($1) each by the Cadastral Engineering Office, Bureau of Land Management, Post Office Box 2237, Boise, Idaho 83701.

EUGENE E. BABIN,
Acting Manager, Land Office.

[F.R. Doc. 67-4915; Filed, May 2, 1967; 8:46 a.m.]

[Utah 2679]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 25, 1967.

The U.S. Forest Service, Department of Agriculture, has filed application for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid rights.

The applicant desires the land for campground use within the Ashley National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

ASHLEY NATIONAL FOREST

SALT LAKE MERIDIAN

Spirit Lake Recreation Area

T. 1 N., R. 17 E.,
Sec. 10, 29 acres, described by metes and bounds, located in unsurveyed SW¼NW¼NE¼, NW¼SW¼NE¼, NE¼NW¼, and N½SE¼NW¼.

UINTAH MERIDIAN

Splash Dam Recreation Area

T. 2 N., R. 8 W.,
Sec. 18, S½SE¼SW¼, and SW¼SW¼SE¼;
Sec. 19, N½NE¼NW¼.

The areas described aggregate 50 acres.

Grandview Recreation Area

T. 2 N., R. 8 W.,
Sec. 17, W½SW¼SW¼;
Sec. 18, SE¼SE¼SE¼.

The areas described aggregate 30 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-4916; Filed, May 2, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 19]

CORN AND SOYBEANS IN ILLINOIS, INDIANA, OHIO, AND WISCONSIN

Extension of Closing Date for Filing of Applications for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7 of the Code of Federal Regulations, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for corn, and soybean crop insurance for the 1967 crop year in all counties in Illinois, Indiana, Ohio, and Wisconsin where such insurance is otherwise authorized to be offered is hereby extended until the close of business on May 12, 1967. Such applications received during this period will be accepted only after it

is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-4952; Filed, May 2, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-39]

CALIFORNIA NUCLEAR, INC.

Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 8 to License No. 13-10042-1 held by California Nuclear, Inc., 2323 South Ninth Street, Lafayette, Ind. This amendment increases the quantity of source material which California Nuclear, Inc., may possess at its Bureau County, Ill., and Will County, Ill., facilities from 4,000 pounds to 40,000 pounds.

The license has not been amended to provide for an increase in the quantity of source material which California Nuclear, Inc., may possess at its Benton County, Wash., facility. The State of Washington became an agreement State on December 31, 1966, and has regulatory authority for byproduct and source material at the Benton County site. The license has been amended in its entirety to reflect the changes which are necessary because of the assumption of regulatory authority by the State of Washington.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated. The licensee has adequate facilities, equipment, and procedures for storing and handling of the source material. There are no additional health and safety considerations involved in the storing and handling of the source material.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing by any party and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

Dated at Bethesda, Md., April 26, 1967.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

BYPRODUCT, SOURCE, AND SPECIAL NUCLEAR MATERIAL LICENSE

[License No. 13-10042-1; Amdt. No. 8]

The Atomic Energy Commission having found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life and property.

C. The application for license amendment dated March 7, 1967, complies with the requirements of the Atomic Energy Act of 1954, as amended, and is for a purpose authorized by that Act.

D. Issuance of the amendment will not be inimical to the common defense and security nor to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 13-10042-1 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended; 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material"; 10 CFR Part 40, "Licensing of Source Material"; 10 CFR Part 70, "Special Nuclear Material"; a license is hereby issued to California Nuclear, Inc., 2323 South Ninth Street, Lafayette, Ind. 47905, to receive and possess waste byproduct and source material in any State of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150; to receive and possess special nuclear material in any State of the United States; to receive, possess, process, repackage, store, and to dispose by burial in the soil, waste special nuclear material at a facility located in Benton County, Wash.; to receive, possess, and store waste byproduct, source, and special nuclear material at a facility located in Lockport Township, Will County, Ill.; and to receive, possess, process, repackage, and store waste byproduct, source and special nuclear material at a facility located in Bureau County, Ill.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time at each of its facilities located in Will County, Ill., and Bureau County, Ill., more than:

A. 50,000 curies of byproduct material
B. 40,000 pounds of source material
C. 5,000 grams of special nuclear material in accordance with the following:

(a) No single package shall contain more than 100 grams of uranium 235 or 60 grams of uranium 233 or 60 grams of plutonium or any combination thereof such that the sum of the ratios of the quantity of each special nuclear material to the quantities specified herein does not exceed unity. Unity shall be determined by the following formula:

$$\frac{\text{grams contained } U^{235}}{100}+\frac{\text{grams contained } U^{233}}{60}+\frac{\text{grams contained Pu}}{60}\leqq 1$$

(b) No single package shall contain more than 15 grams of any combined uranium 235, uranium 233, and plutonium per cubic foot of total volume.

2. The licensee shall not possess at its facility located in Benton County, Wash., more than 5,000 grams of special nuclear material in accordance with the following:

(a) No single package shall contain more than 100 grams of uranium 235 or 60 grams of uranium 233 or 60 grams of plutonium or any combination thereof such that the sum of the ratios of the quantity of each special nuclear material to the quantities specified herein does not exceed unity. Unity shall be determined by the following formula:

$$\frac{\text{grams contained } U^{235}}{100}+\frac{\text{grams contained } U^{233}}{60}+\frac{\text{grams contained Pu}}{60}\leqq 1$$

(b) No single package shall contain more than 15 grams of any combined uranium 235, uranium 233, and plutonium per cubic foot of total volume.

3. Each accumulation of packages shall contain not more than 500 grams of uranium 235 or 300 grams of uranium 233 or 300 grams of plutonium or combinations thereof such that the sum of the ratios of the quantity of each special nuclear material to the quantities specified herein does not exceed unity, as determined by the following formula:

$$\frac{\text{grams contained } U^{235}}{500}+\frac{\text{grams contained } U^{233}}{300}+\frac{\text{grams contained Pu}}{300}\leqq 1$$

and shall be stored at least 12 feet from any other packages containing special nuclear material.

4. Except as specifically provided otherwise by this license, the licensee shall receive, possess, process, repackage, store, and dispose of byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application dated October 23, 1963, as amended December 9, 1963; April 21, 1964; August 18, 1964; August 28, 1964; September 18, 1964; October 12, 1964; February 3, 1965; November 24, 1965; and March 31, 1966; and in the application dated August 16, 1966, as amended August 31, 1966; September 9, 1966; September 14, 1966; October 3, 1966; and March 7, 1967 (hereafter collectively referred to as the "application").

5. Operations shall be conducted by William D. Johnson, Radiation Protection Officer, Frederick P. Beierle, and other individuals designated by the licensee's Radiation Protection Officer upon satisfactory completion of the licensee's training program.

6. A copy of the "Radiological Physics Safety Manual for Atomic Energy Commission Operations" dated August 25, 1966, shall be supplied to each employee engaged in operations under this license.

7. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Department of Transportation and other agencies of the United States having jurisdiction.

When Department of Transportation regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Department of Transportation in §§ 173.391-173.395, 49 CFR Part 173, "Regulations Applying to Shippers," and §§ 177.823, 177.860 (c) and (d), 49 CFR Part 177, "Regulations Applying to Shipments Made By Way of Common, Contract, Or Private Carriers By Public Highways," and (2) any requests for modifications or exceptions to those requirements, any request for special approvals referred to in those requirements, and any notifications referred to in those requirements shall

be filed with, or made to, the Atomic Energy Commission.

8. A. The licensee may process and repackage byproduct, source, and special nuclear material at its facility located in Bureau County, Ill.

B. The licensee may process and repackage special nuclear material at its facility located in Benton County, Wash.

9. The licensee shall not process or repackage any radioactive waste at its facilities in Benton County, Wash., and/or Bureau County, Ill., until the structures described in the application have been erected and until radiation safety equipment has been secured and installed.

At such time as the licensee begins to process and repackage waste material, the licensee shall notify the Chief, Isotopes Branch, Division of Materials Licensing.

10. The licensee shall not store any package containing licensed material at its facilities in Benton County, Wash., and Bureau County, Ill., for more than 6 months from date of receipt.

11. Special nuclear material may be disposed of by burial at a site located in the southeast corner of section 9, Township 12, North Range 26 EMW, Benton County, Wash., in accordance with procedures and limitations set forth in the application dated August 18, 1964, and amendments thereto dated August 28, 1964; September 18, 1964; and February 3, 1965.

12. The licensee shall bury any accumulation of packages containing special nuclear material in the quantities specified in Condition 3 of this license in such a manner as to have a minimum of eight inches of earth in all directions from any other packages containing special nuclear material.

13. Should any water sample obtained from the test well reveal an increase in the concentrations of radioactive material determined prior to commencement of the burial operations, the licensee shall perform further surveys to determine whether or not the increase is due to the land burial operations. Should the radioactivity be determined to originate in the burial ground, the licensee shall notify the Director, Division of Materials Licensing, within thirty (30) days of such findings.

14. The licensee shall not open any packages at its facility in Lockport Township, Will County, Ill., except to repair or repackage containers damaged in transit.

15. The licensee shall not store any package at its facility in Lockport Township, Will County, Ill., for more than 1 year from date of receipt.

16. The licensee shall not receive any byproduct, source, or special nuclear material at the Lockport Township, Will County site until the building, fencing, and other safeguards designed to protect against unauthorized entry have been completed.

At such time as the licensee begins to store packages, the licensee shall notify the Chief, Isotopes Branch, Division of Materials Licensing.

17. The licensee is authorized to receive at the Commonwealth Edison Company Dresden Nuclear Power Station, Morris, Ill., approximately 2,000 curies of byproduct material contained in about 5,000 cubic feet of resin and to package the resins in concrete tanks. The licensee shall receive, package, and store the resins in accordance with the radiological safety procedures and limitations specified in Condition 4. of this license and the application for license amendment dated September 26, 1966, as amended September 29, 1966, and October 25, 1966.

This license shall expire August 31, 1968.

Date of issuance: April 26, 1967.

For the Atomic Energy Commission.

J. A. McBride,
Director,
Division of Materials Licensing.

[F.R. Doc. 67-4897; Filed, May 2, 1967; 8:45 a.m.]

AGREEMENTS BETWEEN ATOMIC ENERGY COMMISSION AND STATE OF LOUISIANA

Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Notice is hereby given that Commissioner Wilfrid E. Johnson, on behalf of the Atomic Energy Commission, and the Honorable C. C. Aycock, Lieutenant Governor of the State of Louisiana, have signed the agreement below for discontinuance of certain Commission regulatory authority. Commissioner Johnson and Lt. Gov. Aycock have also signed the memorandum of understanding below, designed to facilitate the parties' administration of the above agreement. The Atomic Energy Commission and the State of Louisiana have also entered into an agreement under section 274 i. of the Atomic Energy Act of 1954, as amended, under which the State will perform certain functions on behalf of the Commission. This agreement, as shown below, was signed by Commissioner Johnson, Lt. Gov. Aycock, and Roy A. Parker, Director, Louisiana Division of Radiation Control. The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150) which was published in the Federal Register issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668.

Dated at Germantown, Md., this 28th day of April 1967.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

Agreement Between the U.S. Atomic Energy Commission and the State of Louisiana for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, The U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of Louisiana is authorized under West's LSA–R.S. 51:1051 et seq., to enter into this Agreement with the Commission; and

Whereas, The Governor of the State of Louisiana certified on June 15, 1966, that the State of Louisiana (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on April 3, 1967, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE *VIII.* This Agreement shall become effective on May 1, 1967, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at Baton Rouge, State of Louisiana, in triplicate, this 17th day of April, 1967.

For the United States Atomic Energy Commission.

[SEAL] WILFRID E. JOHNSON,
Commissioner.

For the State of Louisiana.

[SEAL] C. C. AYCOCK,
Lieutenant Governor.

MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF LOUISIANA

The State of Louisiana ("State") and the U.S. Atomic Energy Commission ("Commission") have this date entered into an "Agreement between the U.S. Atomic Energy Commission and the State of Louisiana for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended" ("274 b. Agreement"), the effective date of which is May 1, 1967.

An area of submerged land off the coast of the State is currently in dispute between the State and the United States in a cause pending before the U.S. Supreme Court, styled *United States of America* v. *State of Louisiana, et al.*, No. 9 Original ("pending litigation").

This memorandum of understanding between the State and the Commission is made solely to facilitate the parties' administration of the 274 b. Agreement in view of, but without prejudice to, the pending litigation.

It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State as follows:

First: The State shall not license or regulate, on its own behalf, those materials subject to the 274 b. Agreement ("agreement materials") and located in the disputed area or seaward thereof which (a) are in the possession of non-citizens of the State or (b) are on or in the seabed or structures affixed thereto.

Second: The Commission acknowledges its present practice of regarding possession and use of agreement materials on the high seas by the citizens of littoral States which have entered into agreements with the Commission pursuant to section 274 b. of the Atomic Energy Act of 1954, as amended, as properly subject to the regulatory authority assumed by such States pursuant to such agreements: *Provided, however,* That nothing herein shall in any way be construed to affect or limit the right of the Commission to alter or amend such practice at any time. Should the Commission decide to eliminate or alter or amend such practice, it will consult with the State before taking action to implement such decision offshore of the State.

Third: Nothing herein nor in the 274 b. Agreement nor any action or abstention taken pursuant to either document shall in any manner affect, or be alleged to affect, the position of either party in the pending litigation.

Fourth: This memorandum of understanding shall become effective on May 1, 1967, and shall remain in effect so long as the 274 b. Agreement remains in effect, but shall be subject to modification from time to time by agreement of the parties and shall be subject to the outcome of the pending litigation.

Done at Baton Rouge, State of Louisiana, in triplicate, this 17th day of April, 1967.

For the United States Atomic Energy Commission.

[SEAL] WILFRID E. JOHNSON,
Commissioner.

For the State of Louisiana.

[SEAL] C. C. AYCOCK,
Lieutenant Governor.

AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF LOUISIANA PURSUANT TO SECTION 274I. OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

The State of Louisiana ("State") and the U.S. Atomic Energy Commission ("Commission") have this date entered into an "Agreement between the U.S. Atomic Energy Commission and the State of Louisiana for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended" ("274 b. Agreement"), the effective date of which is May 1, 1967.

The State and the Commission have this date also entered into a "memorandum of understanding between the U.S. Atomic Energy Commission and the State of Louisiana", with the same effective date, in order to facilitate the parties' administration of the 274 b. Agreement in view of, but without prejudice to, a cause pending before the U.S. Supreme Court, styled United States of America v. State of Louisiana, et al., No. 9 Original ("pending litigation") concerning an area of submerged land off the coast of the State which is currently in dispute between the State and the United States.

Under section 274 i. of the Atomic Energy Act of 1954, as amended, the Commission in carrying out its licensing and regulatory responsibilities under the Act is authorized to enter into agreements with any State to perform inspections or other functions on a cooperative basis as the Commission deems appropriate. In view of the pending litigation, but without prejudice thereto, the parties deem it appropriate that the State be authorized to perform certain functions for and on behalf of the Commission.

It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

First: The Commission hereby authorizes the State to perform, for and on behalf of the Commission, the following functions with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass in the possession of Commission licenses in and seaward of the area of submerged land which is the subject of the pending litigation:

(a) Perform inspections to determine compliance with the Commission's rules and regulations and with the provisions of the applicable Commission licenses;

(b) Notify Commission licensees in writing of any items of noncompliance disclosed by such inspections, and request the licensees concerned to advise the State of corrective action taken or to be taken;

(c) With respect to emergency situations in which an immediate and serious hazard to public health and safety, or property, exists, take such temporary emergency measures as may be required to eliminate the hazard.

Such functions as are performed by the State pursuant hereto shall be performed without cost or expense to the Commission.

Second: The functions authorized to be performed hereunder shall be subject to the Commission's supervision and shall be performed by the State in accordance with such standards, criteria, policies and procedures as may be specified by the Commission from time to time. The State shall promptly notify the Commission of all activities performed by the State hereunder.

Third: In taking any actions authorized hereunder, the State shall not undertake to amend or revoke Commission licenses, nor to institute judicial action against Commission licensees.

Fourth: Nothing herein nor in the 274 b. Agreement nor any action or abstention taken pursuant to either document shall in any manner affect, or be alleged to affect, the position of either party in the pending litigation.

Fifth: Nothing herein shall be deemed to preclude or affect in any manner the authority of the Commission to perform or to have performed by others any or all of the functions described herein. Should the Commission decide to have others perform such functions, it will use its best efforts to provide the State with advance notice thereof.

Sixth: This Agreement shall become effective on May 1, 1967, and shall remain in effect so long as the 274 b. Agreement remains in effect unless sooner terminated by either party on 30 days' prior written notice.

Done at Baton Rouge, State of Louisiana, in triplicate, this 17th day of April, 1967.

For the United States Atomic Energy Commission.

[SEAL] WILFRID E. JOHNSON,
Commissioner.

For the State of Louisiana.

[SEAL] C. C. AYCOCK,
Lieutenant Governor.

For the Louisiana Division of Radiation Control.

ROY A. PARKER,
Director.

[F.R. Doc. 67-4926; Filed, May 2, 1967; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described applications for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

The Greater Toledo Educational Television Foundation, Inc., Manhattan Boulevard at Elm, Toledo, Ohio, File No. 194, to expand the facilities of noncommercial educational television station WGTE, Channel 30, Toledo, Ohio.

Alabama Educational Television Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala., File No. 195, to improve the facilities of the State network by establishing a new production center at Montevallo, Ala.

Kentucky State Board of Education, State Office Building, Frankfort, Ky., File No. 196, to improve the facilities of noncommercial educational television station, Channel 46, Lexington, Ky.

Any interested person may, pursuant to 45 CFR 60.8 within 30 calendar days from the date of this publication, file comments regarding the above applications with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 67-4940; Filed, May 2, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18477; Order E-25066]

COMPANIA PANAMENA DE AVIACION, S.A. (COPA)

Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of April 1967.

Compania Panamena de Aviacion, S.A. (COPA), a corporate national of Panama, holds a foreign air carrier permit authorizing it to engage in foreign air transportation with respect to persons, property and mail between a point or points in Panama and Miami, Fla., and to engage in off-route charter trips in foreign air transportation in accordance with Part 212 of the Board's Economic Regulations.[1] The permit was awarded pursuant to the designation of COPA by Panama under the United States-Panama air transport agreement. This authority has never been exercised by COPA.

The Government of Panama has formally requested that COPA's foreign air carrier permit be canceled, and has advised the Board that it has canceled the Panamanian operating rights under which COPA is authorized to conduct services.

Based upon the foregoing the Board tentatively finds that the foreign air carrier permit now held by COPA should be canceled, and that, unless objections are received within 15 days from the date of service of this order, the Board should make such tentative findings final and submit to the President for his approval a final order canceling the said permit.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, subject to the approval of the President, that the foreign air carrier permit issued to Compania Panamena de Aviacion, S.A. (COPA), be canceled;

2. That any interested persons having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 15 days of service of this order;[2]

3. That if timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon the following: Compania Panamena de Aviacion, S.A., and the Ambassador of the Government of Panama.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-4921; Filed, May 2, 1967; 8:46 a.m.]

[Docket No. 18463]

GUELPH AIR SERVICES, LTD.

Notice of Hearing

Notice is hereby given that a hearing on the above-entitled application is assigned to be held on May 16, 1967, at 10 a.m., e.d.s.t., in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., April 26, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-4922; Filed, May 2, 1967; 8:46 a.m.]

[Docket No. 17619]

TWIN CITIES-CALIFORNIA SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the above-entitled proceeding is hereby assigned for hearing on June 1, 1967, at 10 a.m., in the Capitol Ballroom, St. Paul Hilton Hotel, Kellogg Boulevard at Wabasha, St. Paul, Minn., and is to be recessed for further hearing in Washington, D.C., on June 5, 1967, at 10 a.m., in Room 726, Universal Building, Connecticut and Florida Avenues NW., before Examiner Ralph L. Wiser.

This is an investigation instituted by the Board to determine whether the public convenience and necessity require the addition, alteration, amendment, or modification of air carrier authorizations so as to provide nonstop service between Minneapolis/St. Paul, on the one hand, and Los Angeles and San Francisco/Oakland, Calif., on the other hand. Applications of seven air carriers for authority to provide such service have been consolidated. The Board's order instituting the investigation provides that any award made in this case shall be subject to a restriction that no single-plane service shall be provided between California and points east of the Twin-Cities. Without limiting the scope of the issues raised by the pleadings in this proceeding, particular attention will be directed to the following matters:

1. The requirement of the public convenience and necessity for the air transportation proposed by one or more of the applicants;

2. The fitness, willingness, and ability of the applicants to perform the proposed air transportation and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder; and

3. The terms, conditions, and limitations which should be attached to any authorization issued herein.

For further details with respect to the issues involved in this proceeding, interested persons are referred to the orders and notices entered by the Board and the Examiner, the documents filed by the parties, and the examiner's prehearing conference report served February 13, 1967, and supplemental prehearing conference reports served February 16, 1967, and February 24, 1967, all of which are on file with the Docket Section of the Civil Aeronautics Board.

[1] The permit was issued pursuant to Order E-22740, adopted July 9, 1965, and will expire 5 years from Oct. 5, 1965, the effective date of the permit.

[2] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding shall file with the Board on or before May 25, 1967, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., April 26, 1967.

[SEAL] RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 67-4923; Filed, May 2, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17200-17208; FCC 67M-687]

FETZER CABLE VISION ET AL.

Order Scheduling Further Hearing Conference

In re petitions by Fetzer Cable Vision, Kalamazoo, Mich., Docket No. 17200, File No. CATV 100-12; Booth American Co., North Muskegon, Muskegon, Muskegon Township, Muskegon Heights, Norton Township, and Roosevelt Park, Mich., Docket No. 17201, File No. CATV 100-45; Allegan Tele-Ception, Inc., Allegan, Mich., Docket No. 17202, File No. CATV 100-116; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Grand Rapids-Kalamazoo market (ARB-36), et al., Docket Nos. 17203, 17204, 17205, 17206, 17207, 17208.

Pursuant to a hearing conference as of this date and with the concurrence of all counsel: *It is ordered,* That a further hearing conference will be held at a date to be hereinafter determined.

Issued: April 25, 1967.

Released: April 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN WAPLE,
Secretary.

[F.R. Doc. 67-4927; Filed, May 2, 1967; 8:47 a.m.]

[Docket Nos. 17261, 17262; FCC 67M-688]

BILL GARRETT BROADCASTING CORP. AND FAULKNER RADIO, INC.

Order Rescheduling Hearing

In re applications of Bill Garrett Broadcasting Corp., Slidell, La., Docket No. 17261, File No. BPH-5482; Faulkner Radio, Inc., Slidell, La., Docket No. 17262, File No. BPH-5493; for construction permits.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered,* That the evidentiary hearing in this proceeding is scheduled to begin on June 19, 1967, at 10 a.m., in the offices of the Commission in Washington, D.C.

Issued: April 25, 1967.

Released: April 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4928; Filed, May 2, 1967; 8:47 a.m.]

[Docket Nos. 17336, 17337; FCC 67M-698]

LOGAN BROADCASTING CO. AND UPPER BROADCASTING CO.

Order Following Prehearing Conference

In re applications of Logan Broadcasting Co., Logan, Ohio, Docket No. 17336, File No. BP-16820; Leonard E. Walk, James H. Rich, Bernard M. Friedman, Thomas W. Fletcher, Robert L. Purcell and Raymond E. Rohrer doing business as Upper Broadcasting Co., Upper Arlington, Ohio, Docket No. 17337, File No. BP-17039; for construction permits.

At a prehearing conference held today it was agreed that the following procedural steps shall be effected on the dates specified:

June 5, 1967—Preliminary exchange of direct engineering presentation.

June 14, 1967—Exchange of direct presentations, engineering and non-engineering.

June 29, 1967—Freeze date. After this date applicants will not supplement direct presentations.

July 5, 1967—Notification of witnesses.

July 11, 1967—Hearing—continued from May 29, 1967.

So ordered.

Issued: April 26, 1967.

Released: April 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4929; Filed, May 2, 1967; 8:47 a.m.]

[Docket No. 16980; FCC 67M-697]

MADISON COUNTY BROADCASTING CO., INC. (WRTH)

Order Continuing Prehearing Conference

In re application of Madison County Broadcasting Co., Inc. (WRTH), Wood River, Ill., Docket No. 16980, File No. BP-16612; for construction permit.

The Hearing Examiner having under consideration the petition for continuance of prehearing conference filed by Madison County Broadcasting Co. on April 25, 1967;

It appearing, that no useful purpose would be served by holding the conference now scheduled for April 28, 1967, in view of certain critical pleadings which are now pending before the Commission in this case; and

It further appearing, that the other parties have no objection to the requested continuance;

It is ordered, That the aforementioned petition is granted and that further prehearing conference is continued from April 28 to July 5, 1967 at 2 p.m. in the offices of the Commission at Washington, D.C.

Issued: April 25, 1967.

Released: April 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4930; Filed, May 2, 1967; 8:47 a.m.]

[Docket Nos. 17005, 17006; FCC 67M-691]

ROMAC BATON ROUGE CORP. AND CAPITOL TELEVISION BROADCASTING CORP.

Order Regarding Procedural Dates

In re applications of Romac Baton Rouge Corp., Baton Rouge, La., Docket No. 17005, File No. BPCT-3725; Capitol Television Broadcasting Corp., Baton Rouge, La., Docket No. 17006, File No. BPCT-3809; for construction permit for new television broadcast station (Channel 33).

It appearing, that on April 21, 1967, the applicants filed a "Joint Request" directed to the Commission's Review Board for approval of an agreement looking toward dismissal of the application of Capitol Television Broadcasting Corp., and that pendency of this pleading renders it appropriate to hold in abeyance further procedural steps connected with the hearing until after the Review Board has disposed of the joint request;

Accordingly, it is ordered, On the Hearing Examiner's own motion, that the heretofore scheduled dates of: (1) April 23, 1967, for exchange of exhibits; (2) May 6, 1967, for notification re witnesses; and (3) May 25, 1967, for commencement of hearing are all hereby postponed without date pending Review Board action on the "Joint Request" filed by the applicants on April 21, 1967.

Issued: April 26, 1967.

Released: April 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4931; Filed, May 2, 1967; 8:47 a.m.]

[Docket Nos. 17391-17394; FCC 67M-695]

SHEN-HEIGHTS TV ASSOCIATION ET AL.

Order Scheduling Hearing

In re: cease and desist order to be directed against the following CATV operators: Shen-Heights TV Association,

owner and operator of a CATV system at Shenandoah, Pa., Docket No. 17391; City TV Corp., owner and operator of a CATV system at Mahanoy City, Pa., Docket No. 17392; Schuylkill Valley Trans-Video, owner and operator of a CATV system at Brockton, Pa., Docket No. 17393; Ashland Video Co., owner and operator of a CATV system at Ashland, Pa., Docket No. 17394.

It is ordered, This 18th day of April 1967, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 17, 1967, at 10 a.m.; and that a prehearing conference shall be held on May 9, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: April 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4932; Filed, May 2, 1967; 8:47 a.m.]

[Docket Nos. 17381, 17382; FCC 67M-696]

TELEVISION CABLE AND WAYMART CABLE TV

Order Scheduling Hearing

In re cease and desist order to be directed against the following CATV operators: Television Cable, operator of a CATV system at Carbondale, Pa., Docket No. 17381; Waymart Cable TV, operator of a CATV system at Waymart, Pa., Docket No. 17382.

It is ordered, That David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 20, 1967, at 10 a.m.; and that a prehearing conference shall be held on May 17, 1967, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: April 25, 1967.

Released: April 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4933; Filed, May 2, 1967; 8:48 a.m.]

[Docket Nos. 16290, 16291; FCC 67M-699]

WMGS, INC. (WMGS) AND OHIO RADIO, INC.

Order Rescheduling Hearing

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097; for renewal of license; Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16423; for construction permit.

Pursuant to a prehearing conference as of this date: *It is ordered*, That there will be a further hearing conference on June 1, 1967, at 2 p.m., and the evidentiary hearing be and the same is hereby scheduled to commence on June 26, 1967, 10 a.m., both sessions to be held in the Commission's offices, Washington, D.C.

Issued: April 26, 1967.

Released: April 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4934; Filed, May 2, 1967; 8:48 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

Comptroller of the Currency

BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM

Joint Call for Report of Condition Insured Banks

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a report of condition as of the close of business April 25, 1967, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 461,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 183,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 79,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January 1961, and any port of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated January 1961, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962,[1] and shall send the same to the Federal Deposit Insurance Corporation.

[SEAL] K. A. RANDALL,
Chairman,
Federal Deposit Insurance Corporation.
WILLIAM B. CAMP,
Comptroller of the Currency.
WILLIAM McC. MARTIN, Jr.,
Chairman,
Board of Governors of the Federal Reserve System.

[F.R. Doc. 67-4900; Filed, May 2, 1967; 8:45 a.m.]

[1] Filed as part of original document.

FEDERAL MARITIME COMMISSION

STATE OF ALASKA ET AL.

Security for Protection of Public Indemnification of Passengers for Nonperformance of Transportation; Notice of Application for Certificate

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation:

State of Alaska.
Jugoslavenska linijska plovidba-Rijeka (Jugolinija Yugoline).
Dominion Navigation Co., Ltd.
Themistocles Navegacion, S.A. (National Hellenic Line).
Okeania, S.A. (Chandris Lines).
Companhia Colonial de Navegacao (C.C.N. The Portuguese Line).
Compagnie Francaise de Navigation (Paquet Lines).
Det Bergenske Dampskibsselskab (Bergen Line).

Greene Line Steamers, Inc.
Canadian Pacific Railway Company (Canadian Pacific).
Atlantic Far East Lines, Inc. (Orient Overseas Line).

Dated: April 28, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4938; Filed, May 2, 1967; 8:48 a.m.]

[Docket No. 67-7; 1st Suppl. Order]

SEA-LAND SERVICE, INC.

Order of Suspension, Expansion of Investigation West Coast/Alaska Trade and Change of Title

There have been filed with the Federal Maritime Commission by Sea-Land Service, Inc., respondent in this proceeding, amendments to its Seattle/Kodiak Tariff FMC-F No. 9, setting forth increased rates and charges and/or new rules, regulations and practices affecting such rates and charges, to become effective April 30, 1967, designated as follows:

2d revised page 14.
7th revised page 22.
6th revised page 23.
5th revised page 24.
4th revised page 25.
5th revised page 25.
10th revised page 26.
9th revised page 27.
3d revised page 28.
8th revised page 29.
3d revised page 29-A.
4th revised page 29-A.
4th revised page 30.
6th revised page 31.
7th revised page 32.
2d revised page 33.
4th revised page 34.

Upon consideration of the said tariff pages and a protest thereto filed by the State of Alaska, there is reason to believe that proposed increased rates and charges if permitted to become effective, may be unjust, unreasonable, or otherwise unlawful in violation of section 16 (first), and 18(a) of the Shipping Act, 1916, and/or section 3 of the Intercoastal Shipping Act, 1933.

It is ordered, That pursuant to the authority of section 3 of the Intercoastal Shipping Act, 1933, and section 22 of the Shipping Act, 1916 the investigation in this proceeding is hereby expanded to include a hearing and an investigation into the lawfulness of the increased rates and charges contained in the aforementioned tariff filings, including the rules and regulations affecting such rates and charges, with a view to making such findings and orders in the premises as the facts and circumstances warrant. The expanded investigation shall also include a hearing concerning the lawfulness of all of Sea-Land's rates and practices in the Seattle/Alaska trade. In the event the matter hereby placed under investigation is changed, amended or reissued either upon termination of the suspension period or before the investigation has been concluded, such changed, amended, or reissued matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of all tariff matter bearing the diamond increase symbol on the aforementioned pages be suspended and the use thereof be deferred to and including August 29, 1967, unless otherwise ordered by this Commission;

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues here and before stated as a reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedules under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933. This investigation among other things, shall determine (a) whether the increased rates will yield a return in the Alaska trade which is unjust and unreasonable; and (b) whether the increased rates to and from Kodiak, Alaska, subject this cargo or port to undue or unreasonable prejudice or disadvantage in violation of section 16 (first), Shipping Act, 1916;

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., a consecutively numbered supplement to its aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until August 30, 1967, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent, protestant and intervenor herein; (II) the said respondent, protestant and intervenor be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon all parties to this proceeding.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67-4939; Filed, May 2, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-300]

EL PASO NATURAL GAS CO.

Notice of Application

APRIL 26, 1967.

Take notice that on April 19, 1967, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-300 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation and sale of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a measuring and regulating station and necessary appurtenances at a point adjacent to its 26-inch O. D. Ignacio to Sumas mainline in Klickitat County, Wash.

Applicant also seeks authorization to sell and deliver to Northwest Natural Gas Co. (Northwest) volumes of natural gas for resale and distribution in the community of Klickitat, Wash., and environs. Applicant plans to use the proposed facilities to make the above proposed deliveries to Northwest who estimates its third year requirements for maximum daily and maximum annual volumes of 2,105 and 556,476 Mcf of natural gas, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $14,512, said cost to be financed through the use of working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 25, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4910; Filed, May 2, 1967; 8:45 a.m.]

[Docket No. G-6195 etc.]

GULF OIL CORP.

Findings and Order After Statutory Hearing; Correction

APRIL 20, 1967.

Gulf Oil Corp. (successor to The British-American Oil Producing Co.), Docket Nos. G-6195 et al.; Gulf Oil Corp, Docket No. G-15894.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, accepting FPC gas rate schedules for filing, redesignating FPC gas rate schedules, substituting respondent, redesignating proceedings, and accepting agreements and undertakings for filing, issued February 16, 1967, and published in the FEDERAL REGISTER March 1, 1967 (F.R. Doc. 67-2119, 32 F.R. 3413-3417), in the chart after Docket No. "G-15894", change purchaser, field and location to read "Kansas-Nebraska Natural Gas Co., Inc., Logan County, Colo., Armstrong field," in lieu of "Colorado Interstate Gas Co., Logan County, Okla., Armstrong field".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4911; Filed, May 2, 1967; 8:46 a.m.]

[Docket No. CP67-301]

WESTERN GAS SERVICE CO. AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

APRIL 26, 1967.

Take notice that on April 20, 1967, Western Gas Service Co. (Applicant), Post Office Box 9777, El Paso, Tex. 79988, filed in Docket No. CP67-301 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the unincorporated community of Adams, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes that Respondent build a city gate station on its transmission line at a point approximately 7,000 feet due east of the community of Adams, Okla. at which point Applicant will connect its proposed natural gas distribution system. Applicant estimates the maximum daily and maximum annual third year requirements at 208 Mcf and 13,689 Mcf of natural gas, respectively. Applicant states that this would be an initial connection with Respondent.

Applicant estimates the total cost of constructing the proposed distribution at approximately $18,633, said cost to be financed through the use of short-term notes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 25, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4912; Filed, May 2, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 67-4900, Federal Deposit Insurance Corporation, *supra*.

SECURITIES AND EXCHANGE COMMISSION

[70-4470]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Acquisition of Common Stock of Subsidiary Company by Holding Company

APRIL 27, 1967.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York, N.Y. 10017, a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9, 10, and 12 thereof as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Columbia proposes to acquire from the Union National Bank of Pittsburgh ("Union"), estate trustee, 15 shares of the common stock of Big Marsh Oil Co. ("Big Marsh"), a nonutility subsidiary company of Columbia. The proposed acquisition, arising from Union's desire to liquidate an estate, is to be for a cash consideration of $500 per share or $7,500. Union has stated that no commissions will be charged in connection with the sale of such stock.

Big Marsh is engaged in the production of natural gas from the Big Marsh Field in Raleigh County, W. Va. All of the gas produced by Big Marsh is sold, under contract, to United Fuel Gas Co., an associate company in West Virginia. The balance sheet of Big Marsh, as of December 31, 1966, shows total assets, less related depreciation and depletion reserves, of $674,914 and common stock equity of $627,872 or $702 per share. For the 12 months then ended, its operating revenues amounted to $163,258, resulting in earnings of $35.12 per share, or 14.2 times the proposed purchase price. Dividends during the same period amounted to $40 per share, or a yield of 8 percent per annum on the purchase price.

Columbia presently owns 651 shares of Big Marsh common stock, par value $100 per share, representing approximately 73 percent of the total 894 shares outstanding. The remaining 243 shares are owned by 39 stockholders. There is virtually no market for the shares of Big Marsh common stock. Columbia views the future production and revenues of the Big Marsh wells during their remaining years with some uncertainty, and it proposes to make no further acquisitions of Big Marsh common stock except pursuant to a section 11(e) plan under which it would purchase all the remaining minority held shares.

The fees and expenses to be incurred in connection with the proposed acquisition are estimated at $110, including $100 for services, at cost, of Columbia Gas System Service Corp., the system service company. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 22, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-4917; Filed, May 2, 1967; 8:46 a.m.]

[812-2052]

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Application for Order Exempting Proposed Transaction Between Affiliated Persons

APRIL 27, 1967.

Notice is hereby given that E. I. du Pont de Nemours & Company ("applicant"), Wilmington, Del. 19898, a Delaware corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting the proposed sale to applicant by Wilmington Trust Co. ("WTC"), a Delaware chartered commercial bank, of certain real estate in Wilmington, Del., at a price of $315,000. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

Christiana Securities Co. ("Christiana"), a registered closed-end investment company, owns aproximately 29 percent of the outstanding common stock of applicant. Approximately 45 percent of the outstanding common stock of Christiana is held of record as trustee or nominee by WTC. Under section 2(a)(9) of the Act applicant is presumed to be controlled by Christiana and WTC is an affiliated person of Christiana under section 2(a)(3) of the Act.

The property in question consists of 4,200 square feet of ground area improved by a two-story office building in the block adjacent to the west end of applicant's Nemours Building. It was acquired by WTC on February 28, 1964, as part of a larger transaction and was carried by the seller at a net book value of $209,656. Shortly after acquisition WTC improved the property at a cost of $15,432. The application contains an appraisal of the property dated September 1, 1963, which estimated the fair market value of the property to be $295,000 as of that date. Since this appraisal there have been a number of conveyances of property in the vicinity of the property in question which in the opinion of applicant's real estate experts have tended to appreciate other property values in the area.

Applicant has acquired all the other properties in the block in which the property proposed to be acquired is situated. The entire block is potentially useful to applicant because of its location immediately adjacent to applicant's Nemours Building and applicant wishes to acquire the property in question in order to protect applicant's substantial investment in its home office buildings in Wilmington. The price proposed to be paid represents $75 per square foot for the ground area and improvements. Purchase prices per square foot of ground area paid by applicant for other properties in the block with varying types of improvements range from $20 to $145 and average $52 per square foot. Applicant states that the good condition of the improvements on the property proposed to be acquired as compared to the condition of most of the improvements on the other properties in the block contributes to the relatively higher value of this property. Prices per square foot of ground area paid by persons other than applicant during the past several years for properties with varying improvements near applicant's home office buildings range from $44 to $90.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company from selling to such company or any company controlled by such registered investment company any security or other property, with certain exceptions, unless the Commission finds, upon application under section 17(b) of the Act, that the terms of the proposed transaction are reasonable and fair and do not involve overreaching and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Notice is further given that any interested person may, not later than May 16, 1967 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4918; Filed, May 2, 1967; 8:46 a.m.]

NYLO-THANE PLASTICS CORP.

Order Suspending Trading

APRIL 27, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nylo-Thane Plastics Corp., Farmingdale, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 28, 1967, through May 7, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4919; Filed, May 2, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. MC-C-5455]

NOTICE OF FILING OF PETITION FOR A DECLARATORY ORDER

APRIL 28, 1967.

Petitioner: WILKINS-ROGERS MILLING CO., INC., 3261 K Street NW., Washington, D.C. 20007. Petitioner's representative: A. Francis Vitt, Jr., 501 Colorado Building, Washington, D.C. 20005. By petition filed March 31, 1967, petitioner states its primary business is general milling of food grains into flour and corn meal, and the processing and preparation of flour and corn meal into grain product mixes. Petitioner has customers in several states, including Virginia, and ships flour and mixes in sacks and other containers marked with its brand names "Washington" and "Indian Head Corn Meal," in vehicles owned by it and operated by its employees. Petitioner has three wholly owned operating subsidiaries, Knox-Crutchfield, Inc., White Star Mills, Inc., and Loudon County Milling Co., Inc. Petitioner states that the products produced by it in Washington are sold to the subsidiaries as well as to wholesalers and retailers. Finished products are transported in its vehicles. Petitioner also states that transportation by it for all three of its subsidiaries does not amount to 5 percent of the total volume of its transportation, and that its own brand goods amount for more than 95 percent of the total tonnage transported.

Petitioner requests the Commission (1) to hear this petition; (2) to give such notice as may be required; (3) to initiate such hearings and requests further information or oral presentation as deemed necessary; and (4) to issue a declaratory order recognizing it as a private carrier for itself and for its wholly owned subsidiaries.

Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication, file representations, consisting of an original and six copies, supporting or opposing the relief sought by petitioners.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4943; Filed, May 2, 1967; 8:48 a.m.]

[Notice 444]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 28, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 72442 (Sub-No. 4) (Deviation No. 1), AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, N.C. 28052, filed April 17, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Charlotte, N.C., and Atlanta, Ga., over Interstate Highway 85, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Greensboro, N.C., over U.S. Highway 29 and Alternate U.S. Highway 29 via Charlotte, N.C., Spartanburg and Greenville, S.C., and Athens and Atlanta, Ga., to LaGrange, Ga., thence over Georgia Highway 219 to junction Georgia Highway 103, thence over Georgia Highway 103 to Columbus, Ga. (also from Greenville, S.C., over U.S. Highway 123 to Cornelia, Ga., thence over U.S. Highway 23 to Atlanta, Ga., thence over Georgia Highway 85 to Columbus), thence over U.S. Highway 280 to Richland, Ga., thence over Georgia Highway 55 to Dawson, Ga., thence over U.S. Highway 82 to Albany, Ga. (also from Athens, Ga., over U.S. Highway 129 to Macon, Ga., thence over U.S. Highway 41 to Cordele, Ga., thence over Georgia Highway 257 to Albany, Ga.), thence over U.S. Highway 19 to Thomasville (also from Albany over Georgia Highway 133 to Moultrie, Ga., thence over U.S. Highway 319 to Thomasville, Ga.), (2) from Whitmire, S.C., over South Carolina Highway 72 to the South Carolina-Georgia State line, thence over Georgia Highway 72 to Athens, Ga., (3) from Seneca, S.C., over South Carolina Highway 59 to the South Carolina-Georgia State line, thence over Georgia Highway 59 to Commerce, Ga., thence over Georgia Highway 15 to Jefferson, Ga., thence over Georgia Highway 11 to Monroe, Ga., and (4) from Atlanta, Ga., over U.S. Highway 78 via Athens, Ga., to Thomson, Ga. (also from Atlanta over U.S. Highway 278 to Thomson), thence over U.S. Highway 78 to Augusta, Ga., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 374) (Cancels Deviation No. 323), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 17, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Boston, Mass., over Massachusetts Highway 3 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Rhode Island Highway 3 approximately 1 mile north of Nooseneck, R.I., (2) from Boston, Mass., over U.S. Highway 1 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Interstate Highway 95, (3) from Pawtucket, R.I., over city streets and access roads to Interstate Highway 95 (within the city of Pawtucket), (4) from Providence, R.I., over city streets and access roads to Interstate Highway 95 (within the city of Providence), (5) from junction Interstate Highway 95 and Rhode Island Highway P–37 approximately 6 miles south of Providence, R.I., over Rhode Island P–37 to junction Rhode Island Highway 3 approximately 3 miles north of Natick, R.I., (6) from junction Interstate Highway 95 and Rhode Island Highway 117 approximately 1 mile west of Apponaug, R.I., over Rhode Island Highway 117 to junction Rhode Island Highway 3 approximately 1 mile east of Centerville, R.I.

(7) From junction Rhode Island Highways 2 and 3 approximately 1 mile east of Crompton, R.I., over Rhode Island Highway 2 to junction Interstate Highway 95 approximately 2 miles west of East Greenwich, R.I. (8) from junction Rhode Island Highway 3 and Interstate Highway 95 approximately 2 miles northeast of Wyoming, R.I., over Interstate Highway 95 to junction U.S. Highway 1 at Groton, Conn., and (9) from Pawcatuck, Conn., over Connecticut Highway 2 to junction Interstate Highway 95 approximately 2 miles southeast of North Stonington, Conn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Boston, Mass., over U.S. Highway 1 via Dedham and North Attleboro, Mass., to Providence, R.I. (also from Dedham over Massachusetts Highway 1-A to North Attleboro), thence over Rhode Island Highway 3 to Westerly, R.I., thence over U.S. Highway 1 and Alternate U.S. Highway 1 via Port Chester, N.Y., to New York, N.Y., and (2) from Providence, R.I., over Rhode Island Highway 3 to junction Rhode Island Highway 3-A, thence over Rhode Island Highway 3-A to Arctic, R.I., thence over Rhode Island Highway 117 to junction Rhode Island Highway 3, thence over Rhode Island Highway 3 via Wyoming, R.I., to Hopkinton, R.I., thence over Rhode Island Highway 84 to the Rhode Island-Connecticut State line, thence over Connecticut Highway 95 to New London, Conn., and return over the same routes.

No. MC 1515 (Deviation No. 375) (Cancels Deviation No. 353), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed April 24, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 65 and U.S. Highway 31, south of Lacon, Ala., over Interstate Highway 65 to junction U.S. Highway 31 near Kimberly, Ala., with the following access route: From Gullman, Ala., over U.S. Highway 278 to junction Interstate Highway 65, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 31 via Columbia, Tenn., and Calera, Jemison, and Mountain Creek, Ala., to Montgomery, Ala., and return over the same route.

No. MC 1515 (Deviation No. 376) (Cancels Deviation No. 296), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed April 24, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Nashville, Tenn., over Interstate Highway 65 to junction Tennessee Highway 50A, thence over Tennessee Highway 50A to Lewisburg, Tenn., thence over Alternate U.S. Highway 31 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction U.S. Highway 31, 3 miles south of Elkton, Tenn., with the following access route: From Franklin, Tenn., over Tennessee Highway 96 to junction Interstate Highway 65, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 31 via Columbia, Tenn., and Calera, Jemison, and Mountain Creek, Ala., to Montgomery, Ala., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4944; Filed, May 2, 1967; 8:48 a.m.]

[Notice 1057]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 28, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 110420 (Sub-No. 540) (Republication), filed April 13, 1967, published in the FEDERAL REGISTER April 27, 1967 and republished this issue. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, in tank vehicles, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant indicates it could tack at Carpentersville, Ill., to serve points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: May 18, 1967, Room 401, Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 124078 (Sub-No. 272) (Republication), filed April 12, 1967, published in FEDERAL REGISTER April 27, 1967 and republished this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: May 18, 1967, Room 401, Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 52657 (Sub-No. 647) (Republication), filed July 18, 1966, and published FEDERAL REGISTER issues of August 4, 1966, and January 5, 1967, and republished this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. In the above-specified proceeding, Operating Rights Board No. 1 issued an order dated November 30, 1966, granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) trailers, trailer chassis, semitrailers, semitrailer chassis (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, from points in Lee County, Iowa, and those in Lower Swatara Township (Dauphin County), Pa., to points in the United States, including Alaska, but excluding Hawaii, and of returned trailers and trailer chassis, from the destination points above to the origin points above; (2) tractors, in secondary movements, in driveaway service, only when drawing trailers in initial movements, from points in Lee County, Iowa, and those in Lower Swatara Township (Dauphin County), Pa., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming and the District of Columbia; (3) trailer bodies and containers (except such of these commodities which because of size or weight require the use of special equipment), from points in Lee County, Iowa, to points in the United States, including Alaska, but excluding Hawaii.

(4) Trailer bodies and containers (except empty freight containers and except such of these commodities which because of size or weight require the use of special equipment), from points in Lower Swatara Township (Dauphin County), Pa., to points in the United States, including Alaska, but excluding Florida, Georgia, Hawaii, and South Carolina; (5) trailer bodies and empty freight containers (except those which because of size or weight require the use of special equipment), from points in Lower Swatara Township (Dauphin County), Pa., to points in Florida, Georgia, and South Carolina; (6) materials, supplies, and parts used in the manufacture, assembly, or servicing of trailers, trailer chassis, semitrailers, semitrailer chassis, trailer bodies, and containers (except such of these commodities which because of size or weight require the use of special equipment), when moving at the same time and in the same vehicle with trailers, trailer chassis, semitrailers, semitrailer chassis, trailer bodies or containers, from points in Lee County, Iowa, to points in the United States, including Alaska, but excluding Hawaii; (7) materials, supplies, and parts used in the manufacture, assembly, or servicing of trailers, trailer chassis, semitrailers, semitrailer chassis, trailer bodies, and containers (except empty freight containers and except such of these commodities which because of size or weight require the use of special equipment), when moving at the same time and in the same vehicle with trailers, trailer chassis, semitrailers, semitrailer chassis, trailer bodies, or containers (except empty freight containers), from points in Lower Swatara Township (Dauphin County), Pa., to points in the United States, including Alaska, but excluding Florida, Georgia, Hawaii, and South Carolina.

(8) Materials, supplies, and parts used in the manufacture, assembly, or servicing of trailers, trailer chassis, semitrailers, semitrailer chassis, and empty freight containers (except such of these commodities which because of size or weight require the use of special equipment), when moving at the same time and in the same vehicle with trailers, trailer chassis, semitrailers, semitrailer chassis, or empty freight containers, from points in Lower Swatara Township (Dauphin County), Pa., to points in Florida, Georgia, and South Carolina. An order of the Commission, Division 1, acting as an Appellate Division, dated April 17, 1967, and served April 21, 1967, finds the authority granted by order of November 30, 1966, be, and it is hereby, modified as follows: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *trailers, trailer chassis, semitrailers, semitrailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, from points in Lee County, Iowa, and those in Lower Swatara Township (Dauphin County), Pa., to points in the United States, including Alaska, but excluding Hawaii, and of *returned trailers and trailer chassis,* from the destination points above to the origin points above; (2) *tractors,* in secondary movements, in driveaway service, only when drawing trailers in initial movements, from points in Lee County, Iowa, and those in Lower Swatara Township (Dauphin County), Pa., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming, and the District of Columbia.

(3) *Truck and trailer bodies, and containers* (except pails, drums, and cans, and except such of these commodities which because of size or weight require the use of special equipment), from points in Lee County, Iowa, to points in the United States, including Alaska, but excluding Hawaii; (4) *truck and trailer bodies, and containers* (except such of these commodities which because of size

or weight require the use of special equipment), from points in Lower Swatara Township (Dauphin County), Pa., to points in the United States including Alaska, but excluding Florida, Georgia, Hawaii, and South Carolina; (5) *truck and trailer bodies, and empty freight containers* (except such of these commodities which because of size or weight require the use of special equipment), from points in Lower Swatara Township (Dauphin County), Pa., to points in Florida, Georgia, and South Carolina; (6) *materials, supplies, and parts* used in the manufacture, assembly, or servicing of trailers, trailer chassis, semitrailers, semitrailer chassis, truck and trailer bodies, and containers (except pails, drums, and cans, and except such of these commodities which because of size or weight require the use of special equipment), when moving at the same time and in the same vehicle with trailers, trailer chassis, semitrailers, semitrailer chassis, truck bodies, trailer bodies, or containers (except pails, drums, and cans), from points in Lee County, Iowa, to points in the United States, including Alaska, but excluding Hawaii.

(7) *Materials, supplies, and parts* used in the manufacture, assembly, or servicing of trailers, trailer chassis, semitrailers, semitrailer chassis, truck and trailer bodies, and containers (except such of these commodities which because of size or weight require the use of special equipment), when moving at the same time and in the same vehicle with trailers, trailer chassis, semitrailers, semitrailer chassis, truck bodies, trailer bodies, or containers, from points in Lower Swatara Township (Dauphin County), Pa., to points in the United States, including Alaska, but excluding Florida, Georgia, Hawaii, and South Carolina; (8) *materials, supplies, and parts* used in the manufacture, assembly, or servicing of trailers, trailer chassis, semitrailers, semitrailer chassis, truck and trailer bodies, and empty freight containers (except such of these commodities which because of size or weight require the use of special equipment), when moving at the same time and in the same vehicle with trailers, trailer chassis, semitrailers, semitrailer chassis, truck bodies, trailer bodies, or empty freight containers, from points in Lower Swatara Township (Dauphin County), Pa., to points in Florida, Georgia, and South Carolina; that applicant is fit willing and properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published in the FEDERAL REGISTER of August 4, 1966, and the notice of the authority granted by Operating Rights Board No. 1 as published in the FEDERAL REGISTER of January 5, 1967, may have an interest in and would be prejudiced by the lack of proper notice of the authority granted and modified as set forth above (solely with respect to the authority to transport containers as changed in items (4) and (7) a notice of the authority actually granted by this order will be published in the FEDERAL REGISTER, and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 78643 (Notice of Filing of Petition To Reopen Docket for the Purpose of Including Authority Erroneously Omitted From Certificate), filed April 4, 1967. Petitioner: HART MOTOR EXPRESS, INC., Minneapolis, Minn. Petitioner's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Petitioner sets forth that prior to 1952, George Hart, doing business as Hart Motor Express held authority, the part here pertinent, to transport general commodities (with the usual exceptions) * * * "between Minneapolis, St. Paul, South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, Minn. * * *" In 1952 George Hart filed an application to transfer the authority from the individual, to Hart Motor Express, Inc., in MC-FC-54911-B. Said transfer was approved. Following compliance with the order in MC-FC 54911-B a certificate was issued on March 11, 1953. However, in place of the above-named points, authority to serve the Minneapolis-St. Paul, commercial zone, as defined by the Commisssion was used. By the instant petition, petitioner requests that a corrected certificate be issued in MC 78643 to properly reflect the authority issued in MC 78643 Sub 2 and specifically transferred to Hart Motor Express, Inc., in MC-FC-54911-B. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 125918 (Sub-No. 4) (Notice of Filing of Petition for Authority To Add Additional Contracting Shipper to Present Operating Authority), filed April 17, 1967. Petitioner: JOHN A. DI MEGLIA, White Horse Pike, Ancora, N.J. 08037. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a permit in No. MC 125918, issued April 22, 1966, authorizing operations as a contract carrier by motor vehicle over irregular routes in the transportation of the following: *Brick, tile,* and *clay products,* from Ancora, N.J., to points in New Jersey, with no transportation for compensation on return except as otherwise authorized, and subject to the following conditions: (1) The authority granted herein shall be restricted to shipments having a prior movement by rail from origins beyond New Jersey; and (2) the operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Diener Brick Co. of Collingswood, N.J. By the instant petition, petitioner requests to add Glenwood Refractory Co., of Brooklyn, N.Y., as an additional contracting shipper for same commodities to the above authority, which petitioner believes will be consistent with the public interest and still restrict its limited operations. Any person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against, the petition within 30 days from the date of publication in the FEDERAL REGISTER. Also, petitioner shall within a period of 30 days from the date of this publication, file verified statements in support of the petition including appropriate evidence of shipper support for the modification proposed.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 2900 (Sub-No. 154), filed April 13, 1967. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Roland Rice, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Charlotte, N.C., and Knoxville, Tenn., from Charlotte over Interstate Highway 85 to junction North Carolina Highway 16; thence over North Carolina Highway 16 to junction North Carolina Highway 10; thence over North Carolina Highway 10 to junction U.S. Highway 321; thence over U.S. Highway 321 to junction U.S. Highways 64 and 70; thence over U.S. Highway 64 (also U.S. Highway 70) to junction Interstate Highway 40; thence over Interstate Highway 40 to junction U.S. Highway 70 at or near Asheville, N.C.; thence over U.S. Highway 70 to Knoxville, Tenn., and return over the same route, serving no intermediate points. NOTE: Applicant states the instant application seeks to convert a portion of the irregular route authority sought to be acquired in the application concurrently filed in Docket No. MC-F-9728, published in the FEDERAL REGISTER issue of April 26, 1967. The authority sought to be acquired as it relates to this application includes a restriction to the transportation of interline traffic originating at or destined to points beyond Charlotte, N.C. This application seeks regular route authority between Charlotte, N.C., and Knoxville, Tenn., without the restriction in the authority sought to be acquired. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Charlotte, N.C., or Jacksonville, Fla.

No. MC 59856 (Sub-No. 25), filed April 17, 1967. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 408 Industrial Avenue, Post Office Box 1411, Casper, Wyo. 82601. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), (1) between Lander and Rawlins, Wyo., over U.S. Highway 287, serving all intermediate points (except those between Rawlins and Muddy Gap, Wyo. and points intermediate thereto), (2) serving Federal Radorock Mill site, located approximately 27 miles north of Jeffrey City, Continental Uranium Mine, located approximately ten (10) miles south of Jeffrey City, Green Mountain Mine, located approximately ten (10) miles south of Jeffrey City, and Sno-Ball Mine, located approximately ten (10) miles south of Jeffrey City, Wyo., as off-route points in connection with said regular route operations, (3) between Lander and Riverton, Wyo., over Wyoming Highway 789, serving all intermediate points, (4) between Lander and Fort Washakie, Wyo. over U.S. Highway 287, serving all intermediate points, (5) between Fort Washakie and Ethete, Wyo., over an unnumbered county highway, serving all intermediate points, and (6) between Lander and the Columbia Geneva Mill at Atlantic City, Wyo., from Lander over U.S. Highway 287 to junction Wyoming Highway 28, thence over Wyoming Highway 28 to the Columbia Geneva Mill at Atlantic City, and return over the same route, serving all intermeditate points. NOTE: This application is directly related to MC–F 9729, published FEDERAL REGISTER issue of April 26, 1967. If a hearing is deemed necessary, applicant requests it be held at Cheyenne or Casper, Wyo.

No. MC 68980 (Sub-No. 11), filed March 8, 1967. Applicant: CHECKER EXPRESS CO., a corporation, 960 West Montana, Milwaukee, Wis. 53215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Milwaukee, and Fillmore, Wis.: (a) from Milwaukee over Wisconsin Highway 57 to junction Wisconsin Highway 84, thence over Wisconsin Highway 84 to Fillmore, and return over the same route, serving all intermediate points and the off-route point of Fredonia, Wis; (b) from Milwaukee over Wisconsin Highway 57 to Cedarburg, thence over Ozaukee County Trunk I to junction Wisconsin Highway 33, thence over Wisconsin Highway 33 to junction Ozaukee County Trunk M, thence over Ozaukee County Trunk M to Fillmore, and return over the same route, serving all intermediate points and the off-route point of Fredonia, Wis.; (2) between Milwaukee, and junction U.S. Highway 141 and Wisconsin Highway 57: from Milwaukee over U.S. Highway 141 to junction Wisconsin Highway 57, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. NOTE: This application is directly related to MC–F 9696, published FEDERAL REGISTER issue of March 22, 1967. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 105275 (Sub-No. 38), filed April 24, 1967. Applicant: W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Post Office Box 399, Watertown, N.Y. 13602. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between points in Massachusetts. NOTE: Applicant states that joinder of the authority sought herein could be tacked at Springfield, Worcester, and Boston, Mass., and surrounding areas for through service to or from points in Massachusetts. Common control and dual operations may be involved. This application is a matter directly related to docket No. F–9733, published FEDERAL REGISTER issue of May 3, 1967. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass., or Albany, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–9732. Authority sought for purchase by A. J. WEIGAND, INC., 1046 North Tuscarawas Avenue, Dover, Ohio, of the operating rights and certain property of SHEFFLER HI-WAY EXPRESS, INC., 42 Federal Street, Niles, Ohio, and for acquisition by WEIGAND GMC TRUCK SALES, INC., also of Dover, Ohio, and in turn by JOSEPH A. FRATES, 2060 Illuminating Building, Cleveland, Ohio, of control of such rights and property through the purchase. Applicants' attorney: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Operating rights sought to be transferred: *Metal shipping containers and carriers* and *parts therefor*, as a *contract carrier*, over irregular routes, from Niles, Ohio, to certain specified counties in Pennsylvania, New York, and West Virginia. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Republic Steel Corp., Cleveland, Ohio. Vendee is authorized to operate as a *common carrier* in Ohio, New York, Pennsylvania, Maryland, West Virginia, Kentucky, Michigan, Illinois, Indiana, Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9733. Authority sought for purchase by W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y., of the operating rights and certain property of DELL TRANSPORTATION CO., INC., 386 Plainfield Street, Worcester, Mass., and for acquisition by LAWRENCE E. SMITH and HELEN E. SMITH, both also of Watertown, N.Y., of control of such rights and property through the purchase. Applicants' attorney: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–85787, Sub-1, covering the transportation of property as a common carrier, in intrastate commerce within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Vermont, Maine, New Hampshire, Ohio, Delaware, Maryland, Rhode Island, Illinois, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–105275, Sub-38, is a matter directly related.

No. MC–F–9734. Authority sought for control by BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312, of SCHREIBER TRUCKING CO., INC., 1391–1399 Washington Boulevard, Pittsburgh, Pa. 15206, and for acquisition by JOHN J. BRADY, SR., 2 North 17th Street, Fort Dodge, Iowa, of control of SCHREIBER TRUCKING CO., INC., through the acquisititon by BRADY MOTORFRATE, INC. Applicants' attorney: Homer E. Bradshaw, 11th Floor, Des Moines Building, Des Moines, Iowa. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Pittsburgh, Pa., and Baltimore, Md., serving all intermediate points in Pennsylvania, and Hagerstown, and Frederick, Md., between Frederick, Md., and Baltimore, Md. (for operating convenience only), serving no intermediate points; between Pittsburgh, Pa., and New York, N.Y., serving all intermediate points between Pittsburgh and Armagh, Pa., including Armagh, and all intermediate points in New Jersey, with restriction; between Somerville, N.J., and Newark, N.J., serving all intermediate points, with restriction; between Breezewood, Pa., and Harrisburg, Pa. (for operating convenience only), not serving Harrisburg or the intermediate points; between Chambersburg, Pa., and Elizabeth, N.J., serving all intermediate points in New Jersey, with no service at Chambersburg, with restriction; between Philadelphia, Pa., and Newark, N.J., serving all intermediate points in New Jersey, with no service at

Philadelphia, with restriction; between Pittsburgh, Pa., and Albany, N.Y., serving all intermediate points in New York and certain off-route points, between Silver Creek, N.Y., and Albany, N.Y.; between Frederick, Md., and Baltimore, Md., serving all intermediate points, with restriction, between Armagh, Pa., and Bedford, Pa., serving all intermediate points, between Harrisburg, Pa., and Baltimore, Md. (for operating convenience only), not serving Harrisburg or the intermediate points, between Westfield, N.Y., and Troy, N.Y., serving all intermediate points, and the off-route point of Hammondsport, N.Y., between Pittsburgh, Pa., and Chicago, Ill., serving no intermediate points, between Fremont, Ohio, and Chicago, Ill. (for operating convenience only), not serving Fremont or the intermediate points, between Pittsburgh, Pa., and Chicago, Ill., serving no intermediate points, between Pittsburgh, Pa., and Deerfield, Ohio (for operating convenience only), not serving Deerfield or the intermediate points, between Akron, Ohio, and Van Wert, Ohio (for operating convenience only), not serving the Termini or the intermediate points, between Jersey City, N.J., and Albany, N.Y., serving all intermediate points, with restriction; between New York, N.Y., and Albany, N.Y., serving all intermediate points, with restriction; between Lewistown, Pa., and Syracuse, N.Y., serving all intermediate points in New York, with no service at Lewistown, between Binghamton, N.Y., and Utica, N.Y., serving all intermediate points, between Hollidaysburg, Pa., and Waverly, N.Y., not serving Hollidaysburg or the intermediate points, between Horseheads, N.Y., and Cortland, N.Y., between Jasper, N.Y., and East Avon, N.Y., serving all intermediate points, between Butler, Pa., and Ebensburg, Pa., serving all intermediate points between Butler and Indiana, Pa., including Indiana, with no service at Ebensburg, (operations are authorized over irregular routes, in connection with the foregoing regular-route operations, serving all points as intermediate or off route points (except authorized points on the regular routes), within certain specified areas), between Chicago, Ill., and Kankakee, Ill., serving all intermediate points; over numerous alternate routes for operating convenience only; *general commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, liquor, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Philadelphia, Pa., and Trenton, N.J., serving all intermediate and off-route points in Pennsylvania within ten miles of Philadelphia;

General commodities, during the season extending from the 1st day of May to the 30th day of September, inclusive, between McConnellsville, N.Y., and North Bay and Sylvan Beach, N.Y., serving all intermediate points; *general commodities*, with no seasonal restriction, between Camden, N.Y., and Utica, N.Y., serving all intermediate and the off-route point of Florence, N.Y., and CCC Camp No. S–113, located 6 miles southeast of Camden; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes between points in Oneida County, N.Y., between points in Oneida County, on the one hand, and on the other certain specified points in New York, between Chicago, Ill., and Chicago Heights, Ill.; *canned, preserved and prepared foodstuffs*, and *beans*, in bags, from certain specified points in New Jersey, points in New York, and certain specified points in Maryland with exceptions to Pittsburgh, Pa., and points in Pennsylvania within 50 miles of the Point Bridge in Pittsburgh; *canned and preserved foodstuffs*, from Hammonton, N.J., and certain specified points in Delaware, to Pittsburgh, Pa., and points within 25 miles of the Point Bridge in Pittsburg; *copper wire*, from Camden, N.Y., to certain specified points in Rhode Island, New York, N.Y., Newark, N.J., Worcester and Springfield, Mass., and Bridgeport and New Haven, Conn.; *empty reels and spools*, from the above destination points to Camden, N.Y.; *copper rods*, from Elizabeth, N.J., and certain specified points in Connecticut, to Camden, N.Y.; and *steel wire*, from Bridgeport and New Haven, Conn., to Camden, N.Y. BRADY MOTORFRATE, INC., is authorized to operate as a *common carrier* in Iowa, Nebraska, Illinois, Minnesota, Missouri, South Dakota, Indiana, Ohio, Kentucky, Michigan, Wisconsin, and Kansas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9735. Authority sought for control by BRUCE MOTOR FREIGHT, INC., 3920 Delaware Avenue, Des Moines, Iowa 50313, of HAWKEYE MOTOR EXPRESS, INC., 1250 First Street NW., Cedar Rapids, Iowa 52405, and for acquisition by E. W. HARLAN, also of Des Moines, Iowa, CHARLES F. ILES, HAROLD E. McKINNEY, both of 214 15th Street, Des Moines, Iowa, and R. A. BROWN, SR., Post Office Box S, Bettendorf, Iowa, of control of HAWKEYE MOTOR EXPRESS, INC., through the acquisition by BRUCE MOTOR FREIGHT, INC. Applicants' attorney: Homer E. Bradshaw, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Cedar Rapids, Iowa, and Ottumwa, Iowa, between Sigourney, Iowa, and Oskaloosa, Iowa, between Oskaloosa, Iowa, and Ottumwa, Iowa, serving all intermediate points; between Cedar Rapids, Iowa, and Chicago, Ill., serving certain intermediate and off-route points, restricted to delivery only, and the off-route point of Marion, Iowa, without restriction. BRUCE MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Minnesota, Iowa, Missouri, Kansas, Illinois, Wisconsin, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9736. Authority sought for purchase by OGDEN & MOFFETT COMPANY, 3565 24th Street, Port Huron, Mich. 48060, of the operating rights and certain property of HUB CARTAGE CO., 1141 Springwells, Detroit, Mich. 48209, and for acquisition by NEIL M. MARSHALL, 19101 Riverside Drive, Birmingham, Mich., of control of such rights and property through the purchase. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Detroit, Mich., and Pontiac, Mich., serving all intermediate points, and the off-route point of the site of the plant of Kelsey-Hayes Co., located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., and off-route points within 5 miles of Pontiac, and those within 5 miles of the specified route; and under a certificate of registration in No. MC–109450 Sub 5, covering the transportation of commodities generally, as a common carrier in intrastate commerce, within the State of Michigan. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Indiana, and Ohio. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–58152 Sub–17 is a matter directly related.

No. MC–F–9737. Authority sought for purchase by SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246, of (1) a portion of the operating rights and certain property of PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C., (2) the operating rights and certain property of PETROLUEM TRANSIT CORPORATION OF SOUTH CAROLINA, Post Office Box 921, Lumberton, N.C., and (3) a portion of the operating rights and certain property of PETROLEUM TRANSIT CORPORATION OF VIRGINIA, Post Office Box 921, Lumberton, N.C., and for acquisition by FRED J. SCHWERMAN, CARL L. SCHWERMAN, ESTATE OF FRED SCHWERMAN, SR. (FRED J. SCHWERMAN, RICHARD D. SCHWERMAN, and GEORGE LAIKIN, CO-EXECUTORS), and GRANDCHILDREN and SPECIAL TRUSTS (FRED J. SCHWERMAN, CARL L. SCHWERMAN, and GEORGE LAIKIN, TRUSTEES) all also of Milwaukee, Wis., of control of such rights and property through the purchase. Applicants' attorneys: James R. Ziperski, 611 South 28th Street, Milwaukee, Wis. 53246, and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Operating rights sought to be transferred: (1) *Asphalt and fuel oils*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Wilmington, N.C., to points in Virginia; *petroleum asphalt*, in bulk, in tank vehicles, from Port Wentworth, Ga., to points in Pinellas County, Fla.; *dry cement*, from Harleyville, S.C., and certain specified points in Tennessee, to points in North Carolina; *magnesium oxide, calcined and dead burned magnesite, calcium oxide, calcium hydroxide, and magnesium hy-*

droxide, in bulk, and *magnesium hydroxide slurry or sludge,* in bulk, in tank vehicles, from Port St. Joe, Fla., to Washington, D.C., and points in Alabama, Arkansas, Georgia, Louisiana, Kentucky, Maryland, Mississippi, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

Cutback asphalt, hot liquid asphalts, asphalt paving cements and tar prime, in bulk, in tank vehicles, from Norfolk, Va., to points in North Carolina; *propane* and *butane,* in bulk, in tank vehicles, from the terminal of Trans-Southern pipeline, at or near Sanford, N.C., to points in that part of Virginia on and south of U.S. Highway 60; *creosote oil,* in bulk, in tank vehicles, from Wilmington, N.C., to points in Henrico County, Va.; *asphalt, including asphalt emulsion,* in bulk, in tank vehicles, from Asheville, N.C., and points within 15 miles thereof, to points in Virginia and Tennessee; *petroleum products* (except petro acids and chemicals, and asphalt and asphalt products), in bulk, in tank vehicles, from terminals off the Colonial pipeline at or near Selma, N.C., to certain specified counties in Virginia, and points in Virginia south thereof (except Portsmouth, Va., and points within 10 miles thereof), and certain specified counties in South Carolina; *cement,* in bulk, and in bags, from the plantsite of Ideal Cement Co., Castle Hayne, N.C., located approximately 8½ miles from Wilmington, N.C., on or near U.S. Highway 117, to points in South Carolina; *nitrogen fertilizer solutions,* in bulk, in tank vehicles, from Wilmington, N.C., and points within 25 miles thereof, to points in Virginia and South Carolina; *nitrogen solutions,* in bulk, in tank vehicles, from Wilmington, N.C., and points within 10 miles thereof, to points in Georgia, Maryland, and Delaware; *mineral filler and pulverized slate,* in bulk, in tank and hopper type vehicles, from points in Stanly County, N.C., to points in South Carolina, Georgia and Virginia; *petroleum and petroleum products,* as defined in appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, in bulk, from Guntersville, Ala., to points in Mississippi, Flordia, Georgia, South Carolina, North Carolina, Kentucky, Alabama, and Tennessee (except petroleum chemicals to Kingsport, Tenn.); *limestone,* ground or pulverized, and

Mineral filler, between points in Georgia, between points in North Carolina, between points in South Carolina, with restriction; *phosphate rock,* in bulk, from points in that part of Beaufort County, N.C., south of the Pamlico River and east of Durham Creek, to points in Virginia and South Carolina; *petroleum and petroleum products* as described in appendix XIII to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209, including *naphtha,* but excluding all other acids and chemicals as described in appendix XV thereto, from Guntersville, Ala., to points in Louisiana; *phosphate rock,* in bulk, from points in that part of Beaufort County, N.C., south of the Pamlico River and east of Durham Creek, to points in North Carolina; *liquid fertilizer,* from Lumberton, N.C., to points in South Carolina; *dimethyl-terephthalate and terephthalic acid,* in bulk, from the plantsite of Amoco Chemicals Corp. at or near Decatur, Ala., to points in Alabama, Georgia, Kentucky, Illinois, Indiana, Mississippi, North Carolina, Ohio, South Carolina, and Tennessee (except Kingsport, Tenn.), with restriction; and *phosphate products,* in bulk, from points in Beaufort County, N.C., south of Pamlico River and east of Durham Creek, to points in North Carolina, South Carolina, and Virgina, with restrictions; (2) *petroleum products,* in bulk, in tank vehicles, as a *common carrier,* over irregular routes, from Wilmington, N.C., to certain specified counties in South Carolina; *asphalt,* in truckload lots, from Port Wentworth, Ga., to points in South Carolina, and points in North Carolina within 75 miles of the South Carolina-North Carolina State line; *asphalt,* in bulk, in tank vehicles, from Wilmington, N.C., to certain specified counties in South Carolina, from Savannah, Ga., to Tampa, Fla.; and *liquid asphalt,* in bulk, in tank vehicles, from Port Wentworth, Ga., to Chattanooga, Tenn., to points within 10 miles thereof; and

(3) *Petroleum and petroleum products,* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, in bulk, in tank vehicles, as a *common carrier,* over irregular routes, from points in York County, Va., to points in Delaware, Maryland, North Carolina, West Virginia, and the District of Columbia; *asphalt,* in bulk, in tank vehicles, from Richmond, Va., to points in North Carolina; *mineral filler* and *dolomitic limestone,* in bulk, in tank and hopper type vehicles, from Buchanan (Botetourt County), Va., to points in North Carolina, South Carolina, Georgia, and West Virginia, from points in Russell County, Va., to points in Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and West Virginia; *petroleum products* (except petro acids and chemicals, and asphalt and asphalt products), in bulk, in tank vehicles, from terminals off the Colonial pipeline at or near Montvale, Va., to points in North Carolina, and that part of West Virginia, in, south, and east of certain specified Counties in West Virginia; and *liquid asphalt and liquid asphalt products,* in bulk, from Roanoke, Va., to points in North Carolina, Tennessee, and West Virginia. Vendee is authorized to operate as a *common carrier* in Kentucky, Tennessee, Iowa, Illinois, Wisconsin, Minnesota, Missouri, Indiana, Georgia, Alabama, South Carolina, Florida, North Carolina, Mississippi, Kansas, West Virginia, Nebraska, North Dakota, Oklahoma, Texas, Ohio, Michigan, South Dakota, Louisiana, Pennsylvania, Maryland, Virginia, Colorado, Montana, New Mexico, Vermont, Wyoming, Massachusetts, Connecticut, New Hampshire, Rhode Island, New Jersey, Delaware, California, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9738. Authority sought for purchase by GENERAL TRANSFER COMPANY, 2880 North Woodford Street, Decatur, Ill. 62526, of the operating rights and property of EDWARD WADE, doing business as A & F TRUCK LINES, 2705 North Oakland Avenue, Decatur, Ill., and for acquisition by M. W. CROSBY and C. E. MAXEY, both also of Decatur, Ill., of control of such rights and property through the purchase. Applicants' attorney: Kirkwood Yockey, 501 Union Federal Building, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *Storage tanks, structural steel and fabricated steel articles* requiring special handling and special equipment due to size or weight, as a *common carrier,* over regular routes, from Decatur, Ill., to St. Louis, Mo., serving intermediate and off-route points within 20 miles of St. Louis, restricted to delivery only; *malt beverages,* between Milwaukee, Wis., and Jacksonville, Ill., serving no intermediate points; *canned goods,* from Merrill and Neillsville, Wis., and Tipton and Peru, Ind., to Jacksonville, Ill., serving no intermediate points and certain off-route points, restricted to pickup only; *canned foods,* over irregular routes, from certain specified points in Indiana, to certain specified points in Illinois; *malt beverages,* from Peoria, Ill., to St. Louis, Mo., from St. Louis, Mo., to certain specified points in Illinois, from Evansville, Ind., to Decatur and Springfield, Ill., from La Fayette, Ind., and Milwaukee, Wis., to certain specified points in Illinois; *feed,* from St. Louis, Mo., to points in Macon and Christian Counties, Ill.; *fresh fruits and vegetables,* from points in Van Buren and Berrien Counties, Mich., to Decatur, Ill.; *fruits, vegetables, live and dressed poultry, eggs* and *groceries,* from St. Louis, Mo., to Decatur, Ill.; and *storage tanks, structural and fabricated steel articles,* requiring special handling and special equipment due to size or weight, from Decatur, Ill., to points in Indiana. Vendee is authorized to operate as a *common carrier* in Illinois, Kentucky, Indiana, Missouri, and Iowa. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9739. Authority sought for purchase by JAYNE'S MOTOR FREIGHT, INC., 860 North Avenue, East, Elizabeth, N.J., of a portion of the operating rights of CENTRAL TRANSFER COMPANY, 38 Esther Street, Newark, N.J. 07105, and for acquisition by WILLARD D. JAYNE and WILLIAM E. JAYNE, JR., both also of Elizabeth, N.J., of control of such rights through the purchase. Applicants' attorneys and representative, respectively: Michael J. Marzano, 17 Academy Street, Newark, N.J. 07102, Bowes & Millner, 1060 Broad Street, Newark, N.J. 07102, and George A. Olsen, 69 Tonnelc Avenue, Jcrscy City, N.J. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over irregular routes, between points in Passaic, Bergen, Essex, Hudson, Union, Middlcsex, and Somerset Counties, N.J., on the one hand, and, on the

other, those in Connecticut west of U.S. Highway 5, including points on the indicated portion of the highway specified. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4945; Filed, May 2, 1967; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 28, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 4000-A, 8 filed March 3, 1967. Applicant: SOUTH WHITLEY TRUCKING COMPANY, INC., South Whitley, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Tippecanoe, Ind., as an off-route point, in connection with applicant's presently authorized regular route operations. Both intrastate and interstate authority is sought.

HEARING: Wednesday, May 31, 1967, 10 a.m., e.s.t., at the Public Service Commission of Indiana, Room 909 State Office Building, Indianapolis, Ind. Request for procedural information, including the time for filing protests, concerning this application, should be addressed to the Public Service Commission of Indiana, Indianapolis, Ind. 46209, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 20094, filed April 12, 1967. Applicant: KEYSTONE TRUCK LINES, INC., 501 South Rockford, Tulsa, Okla. Applicant's representative: Charles D. Dudley, 419 Northwest 6th Street, Oklahoma City, Okla. 73102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *freight*, between Oklahoma City, Okla., and junction of State Highway 51 and U.S. Highway 270; from Oklahoma City, Okla., via State Highway 3 to junction of State highway 3 and U.S. Highway 81, thence via U.S. Highway 81 to junction of U.S. Highway 81 and State Highway 51, thence via State Highway 51 to junction of State Highway 51 and U.S. Highway 270, serving the towns of Okeene, Southard, and Canton, Okla., and return over the same route. Between junction of State Highway 51 and State Highway 58 and Fairview, Okla.; from junction of State Highway 51 and State Highway 58 via State Highway 58 to Fairview and return over the same route. Between junction of State Highway 51 and State Highway 8 and Fairview, Okla.; from junction of State Highway 51 and State Highway 8 via State Highway 8 to Fairview and return over the same route. The above-described authority is to be construed as one single operating right, with service authorized to, from, and between all points named, with the right to tack, join, unitize, and consolidate with all presently held authority of applicant, or future authority issued to applicant by the Oklahoma Corporation Commission. Both intrastate and interstate authority is sought.

HEARING: Not set. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Secretary, Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4946; Filed, May 2, 1967; 8:49 a.m.]

[Notice 376]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 28, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1759 (Sub-No. 23 TA), filed April 25, 1967. Applicant: FROEHLICH TRANSPORTATION CO., INC., 31 Victory Street, Stamford, Conn. 06902. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products, fresh* (except frozen and unleavened bakery products), from the plantsite of Arnold Bakers, Inc., at or near Greenwich, Conn., and plantsites of S. B. Thomas, Inc., at or near Long Island City, N.Y., and Totowa, N.J., to Buffalo, N.Y., and (2) *stale, damaged, refused, rejected, and nonsalable bakery products*, fresh (except frozen and unleavened bakery products) *and empty containers*, from Buffalo, N.Y., to the plantsites of Arnold Bakers, Inc., at Greenwich, Conn., and Port Chester, N.Y., and the plantsites of S. B. Thomas, Inc., at Long Island City, N.Y. and Totowa, N.J., for 180 days. Supporting shippers: Arnold Bakers, Inc., Greenwich, Conn., and S. B. Thomas, Inc., 33-01 Queens Boulevard, Long Island City, N.Y. Send protests to: David J. Kiernan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 23976 (Sub-No. 19 TA), filed April 26, 1967. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., 5940 North Basin Street, Portland, Oreg. 97217. Applicant's Representative: John G. McLaughlin, Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Firefighting equipment and supplies* between points in Deschutes County, Oreg., on the one hand, and, on the other, points in Oregon, Washington, Idaho, and those in and north of Lassen, Shasta, Trinity, and Humboldt Counties, Calif., for 150 days. Supporting shipper: Thomas J. O'Reilly, Assistant General Counsel, General Services Administration, Washington, D.C. Send protests to: District Supervisor S. F. Martin, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 33278 (Sub-No. 19 TA), filed April 25, 1967. Applicant: LEE AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, St. Louis, Mo. 63102. Applicant's representative: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *Iron and steel, and iron and steel articles,*

materials, and supplies used in the manufacture of iron and steel and steel articles (except commodities in bulk and commodities requiring the use of specialized equipment), serving points in Putnam County, Ill., as off-route points in connection with applicant's authorized operations between Detroit, Mich., and St. Louis, Mo., for 180 days. Supporting shippers: La Barge Pipe & Steel Co., George Hayden, Traffic Manager, 7400 South Broadway, St. Louis, Mo. 63111, and Whitehead & Kales Co., Earl W. Beck, Traffic Manager, 58 Haltiner Street, River Rouge, Mich. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 44801 (Sub-No. 7 TA), filed April 26, 1967. Applicant: O. C. WILEY & SONS, INC., 632 Oakley Avenue, Lynchburg, Va. 24501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groceries*, in containers, from Richmond and Lynchburg, Va., to Virginia Foods, Inc., Warehouse, at Bluefield, Va. (operations will be conducted through Bluefield, W. Va.), for 180 days. Supporting shipper: Taylor & Sledd, Inc., Post Office Box 6796, Richmond, Va. 23230, and Lynchburg Storage Co., 1323 Jefferson Street, Lynchburg, Va. 24501. Send protests to: George S. Hale, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 52579 (Sub-No. 59 TA), filed April 25, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Aaron Hoffman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Hayesville, N.C., and Montgomery, Ala., for 150 days. Supporting shipper: Kathi Originals, Inc., 1350 Broadway, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 111401 (Sub-No. 223 TA), filed April 25, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in bulk, in shipper-owned trailers, from Greenwood Helium Plant near Elkhart, Kans., to San Diego, Calif., for 150 days. Supporting shipper: Gardner Cryogenics Corp., 2136 City Line Road, Lehigh Valley Industrial Park, Bethlehem, Pa. 18017. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 111729 (Sub-No. 227 TA) (Correction), filed April 14, 1967, published in FEDERAL REGISTER issue of April 25, 1967, and republished as corrected, this issue. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy (same address as above). The purpose of this republication is to show the correct spelling of the county in New York, part (1)(b) as Onondaga, in lieu of Onandaga, which was published erroneously in previous publication. NOTE: The rest of the authority sought remains as previously published.

No. MC 113828 (Sub-No. 129 TA), filed April 25, 1967. Applicant: O'BOYLE TANK LINES, INC., 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silico aluminate slurry*, in tank vehicles, from Havre de Grace, Md., to Spring Grove, Pa., for 150 days. Supporting shipper: J. M. Huber Corp., Menlo Park, N.J. 08837. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Room 1220, 12th and Constitution Avenues NW., Washington, D.C. 20423.

No. MC 114848 (Sub-No. 35 TA), filed April 25, 1967. Applicant: WHARTON TRANSPORT CORPORATION, Post Office Box 13068, Riverside Station, Memphis, Tenn. 38113. Applicant's representative: John L. Lemay, 1498 Channel Avenue, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, and fertilizer ingredients*, dry, in bulk, from Memphis, Tenn., to points in Indiana, for 148 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: William W. Garland, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 390 Federal Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 114965 (Sub–No. 31 TA). Applicant: CYRUS TRUCK LINE, INC., Post Office Box 327, R.F.D. No. 1, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, Apt & Apt, 104 South Washington, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in dump- or hopper-type vehicles, from Kansas City, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, for 180 days. Supporting shippers: Occidental Agricultural Chemicals Corp., 1301 Avenue of Americas, New York, N.Y. 10019. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 114965 (Sub-No. 32 TA), filed April 26, 1967. Applicant: CYRUS TRUCK LINE, INC., Post Office Box 327—R.F.D. No. 1, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, Apt & Apt, 104 South Washington Street, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Trenton, Mo., to points in Kansas, Iowa, and points in Richardson, Pawnee, Johnson, and Nemaha Counties, Nebr., for 180 days. Supporting shippers: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: District Supervisor M. E. Taylor, Bureau of Operations, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 115162 (Sub–No. 145 TA), filed April 26, 1967. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Suite 2025, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, from Pensacola, Fla., to points in Mississippi, for 180 days. Supporting shipper: Agrico Chemical Co., 5050 Popular Avenue, Memphis, Tenn. 38101. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 120981 (Sub-No. 6 TA), filed April 26, 1967. Applicant: NORTH TENNESSEE FREIGHT LINE, INC., 606 Fifth Avenue South, Nashville, Tenn. 37203. Applicant's representative: George M. Catlett, Suite 703, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lexington, Ky., and Lebanon, Ky.: From Lexington over U.S. Highway 60 to Versailles, Ky., thence over U.S. Highway 62 to Lawrenceburg, Ky., thence over U.S. Highway 127 to Harrodsburg, Ky., thence over U.S. Highway 68 to Lebanon, and return over the same route, serving no intermediate points, for 180 days. Supporting shippers: Angell Manufacturing Co., Inc., 1546 Stanley Avenue, Dayton, Ohio 45404 and Jane Sportswear, Lebanon, Ky. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Court House, Nashville, Tenn. 37203.

No. MC 123639 (Sub-No. 99 TA), filed April 26, 1967. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's

representative: James C. Hardman, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans., to points in Colorado, Illinois, Indiana, Iowa, Michigan, Nebraska, Nevada, Ohio, Utah, and Wisconsin, for 180 days. Restriction: The authority sought above is restricted to the transportation of traffic originating at the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans. Supporting shipper: Griffith, Inc., Highway 24 West, Downs, Kans. 67437. Send protests to: Luther H. Oldham, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 127450 (Sub-No. 2 TA), filed April 26, 1967. Applicant: T. G. GARLAND, doing business as B & W FREIGHT LINES, Post Office Box 181, Wellington, Tex. 79095. Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *General commodities*, between Wellington, Tex., and Mangum, Okla., over Texas Highway 203 to the Texas-Oklahoma State line, thence over Oklahoma Highway 9 to Mangum, for 180 days. Supporting shipper: Farmers Union Co-Op Gin; Supermarket, Inc.; Strick Industries; Ponder Chevrolet Co.; Ripley Harris Plumbing; Mangum Equipment, Inc.; Bryant & Sons Building Contractors; Jack's Produce; Gold Star Dairy; Herman's Farm Store; Johnson Mortuary; Graumann Clothiers; C. R. Anthony Store; Mangum Lumber Co.; Armco Steel Corp., Metal Products Division; Mangum Public Schools; and Mangum and Greer County Chamber of Commerce, all of Mangum, Okla. Send protests to: Harold M. Gregory, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 128007 (Sub-No. 10 TA), filed April 26, 1967. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe* and *clay pipe allied products*, from Pittsburg, Kans., to points in Missouri, Iowa, Nebraska, Minnesota, North Dakota, South Dakota, and Oklahoma, for 150 days. Supporting shipper: W. S. Dickey Clay Manufacturing Co., Commerce Towers, Kansas City, Mo. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 128882 (Sub-No. 1 TA), filed April 25, 1967. Applicant: R. W. STEELE, doing business as R. W. STEELE TRUCKING COMPANY, 320 Heaslet Street, Clovis, N. Mex. 88101. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts thereof*, from Valley, Nebr., and points within 5 miles thereof to points in New Mexico and Texas for 150 days. Supporting shipper: Robert H. Schiller, Shur-Gro Irrigation Co., Inc., 2280 North Prince, Clovis, N. Mex. 88101. Send protests to: Jerry R. Murphy, District Supervisor, Interstate Commerce Commission, 109 Federal Building, 421 Gold SW., Albuquerque, N. Mex. 87101.

No. MC 129001 (Sub-No. 1 TA), filed April 25, 1967. Applicant: TIMBER TRANSPORT, INC., Post Office Box 386, Enterprise, Oreg. 97828. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Joseph, Oreg., to Vancouver, Wash., for 180 days. Supporting shipper: Chief Joseph Lumber Co., Post Office Box 21, Joseph, Oreg. 97846. Send protests to: S. F. Martin, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 129018 (Sub-No. 1 TA), filed April 25, 1967. Applicant: DARRELL D. WYLIE, 521 West Sixth Street, Russell, Kans. 67665. Applicant's representative: Charles J. Kimball, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and dairy products*, as defined by the Commission in 61 M.C.C. 209, 273, from Lincoln, Grand Island, and Holdredge, Nebr., to points in Kansas (except points in Wyandotte County), and *empty containers* on return for 150 days. Supporting shipper: Beatrice Foods Co., 726 L Street, Lincoln, Nebr. 68501. Send protests to: I. C. Peterson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 129027 (Sub-No. 1 TA), filed April 26, 1967. Applicant: WILLIAM V. DEMAIO, doing business as TALBOT MOTOR LINES, Post Office Box 236, Smithbridge Road, Rural Delivery No. 2, Glen Mills, Pa. 19342. Applicant's representative: John H. Derby, 2122 Cross Road, Glenside, Pa. 19038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, cardboard and cardboard products*, from Chester, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Dee Paper Co., Inc., Front and Broomall Streets, Chester, Pa. 19013. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 129030 (Sub-No. 1 TA), filed April 25, 1967. Applicant: LEO MORFELD, Waverly, Mo. 64096. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bags, in bulk, and in mixed shipments of bags and bulk, from Lawrence and Olathe, Kans., to Alma, Waverly, and Melta Bend, Mo. and, (2) *feed*, in bags, in bulk, and in mixed shipments of bag and bulk, from Kansas City and Muncie, Kans., to Alma, Waverly, and Melta Bend, Mo., for 150 days. Supporting shipper: Alma Farmers Co-op Association, Alma, Mo. Send protests to: B. J. Schreier, District Supervisor, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas, City, Mo. 64106.

No. MC 129031 TA, filed April 25, 1967. Applicant: KLAUSNER TRANSPORTATION CO., INC., 809 South Main Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw material cut goods, findings, and other items necessary to manufacture finished garments; and loose finished garments on hangers*, between Los Angeles, and Whittier, Calif., on the one hand, and, on the other, the port of entry on the international boundary line between the United States and Mexico, at Calexico, Calif., for 180 days. Supporting shipper: Cataline, Inc., a subsidiary of Kayser-Roth Corp., 6040 Bandini Boulevard, Los Angeles, Calif. 90054. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90054.

No. MC 129034 TA, filed April 26, 1967. Applicant: LOOMIS COURIER SERVICE, INC., 55 Battery Street, Seattle, Wash. 98121. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Interoffice records and memoranda, accounting and billing records, commercial papers, documents, written instruments, and business records*, between Portland, Oreg., on the one hand, and, on the other, points in Clark and Cowlitz Counties, Wash., for 180 days. Supporting shippers: Safeway Stores, Inc., Post Office Box 2071, Portland, Oreg. 97214; Crown Zellerbach Corp., Post Office Box 3953, Portland, Oreg. 97208; J. C. Penney Co., Post Office Box 3665, Portland, Oreg. 97208. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

MOTOR CARRIER OF PASSENGERS

No. MC 129037 (Sub-No. 1 TA) filed April 26, 1967. Applicant: JOSEPH PESCE AND PASQUALE PORCARO, a partnership, doing business as J & P TRUCK LIMOUSINE SERVICE, 671 East 230th Street, Bronx, N.Y. 10466. Applicant's representative: W. J. Augello, Jr., 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, in door-to-door service, in vehicles not exceeding eight passengers per vehicle, between Stamford, Conn., and race tracks located in New York City, and points in Nassau and Westchester Counties, N.Y., and Saratoga, N.Y., for 150 days. Supporting shippers: This application is supported by eleven (11) individual passengers. Their statements may be examined at the offices of the Interstate Commerce Commission in Washington, D.C., or at the field office listed below. Send protests to: Robert E. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4947; Filed, May 2, 1967; 8:49 a.m.]

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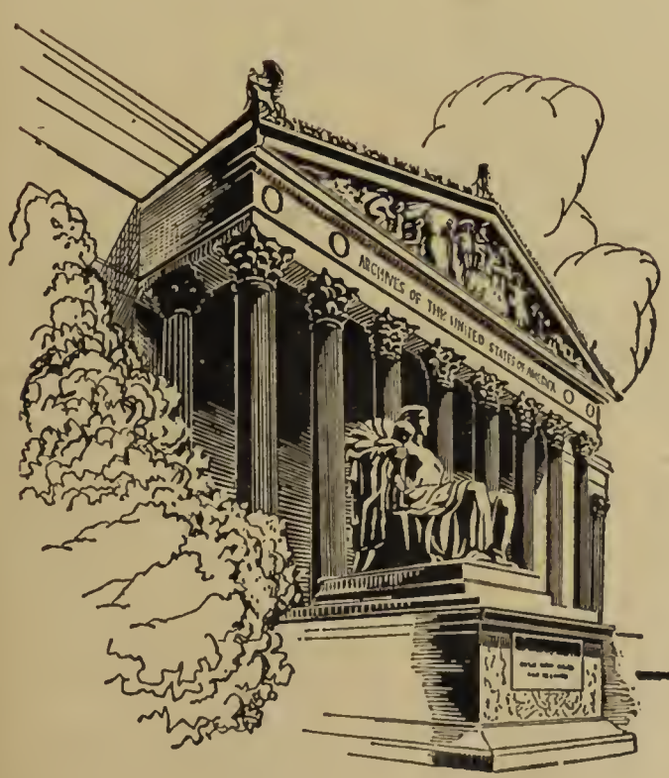
FEDERAL REGISTER

VOLUME 32 • NUMBER 85

Wednesday, May 3, 1967 • Washington, D.C.

PART II

Department of Agriculture



Proposed Standby Defense Food Orders

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PROCEDURE GOVERNING PETITIONS AND APPEALS

Notice of Proposed Standby Defense Food Order

Notice is given hereby that a standby order is being developed to aid in carrying out the emergency responsibility of the U.S. Department of Agriculture in the event of nuclear attack upon the United States. Such order would be a part of the regular, ongoing defense preparedness plans of the Department, as a standby measure designed to be issued and made effective, under applicable authority, only if this country is attacked with nuclear weapons. It would afford any person affected by any other Defense Food Order an avenue for asserting that compliance therewith would work an exceptional or unreasonable hardship upon him, and a procedure for petitioning for appropriate relief.

The purpose of this notice is to allow and encourage the affected industries to become familiar with the basic framework of management policies and procedures under conditions of the most extreme national emergency, and to afford interested persons the opportunity to submit relevant data, views and comments.

PROPOSED STANDBY DEFENSE FOOD ORDER No. 1

PROCEDURE GOVERNING PETITIONS AND APPEALS

Sec.
1. Purpose.
2. Definitions.
3. Basis for petitions.
4. Procedure for filing and contents of petitions.
5. Action on petitions and right of appeal.
6. Appeals Board.
7. Procedure for filing appeals.
8. Action on appeals.

AUTHORITY: Sections 101, 701–705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151–2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App., note under section 2153); E.O. 10998 (27 F.R. 1524, 3 CFR, 1959–63 Comp., p. 543); Defense Mobilization Order 8400.1 (28 F.R. 12164, 32A CFR DMO 8400.1).

SECTION 1. *Purpose.* This order sets forth the procedure for filing petitions, for actions on such petitions, and for appeals from such actions, pursuant to Defense Food Orders providing for petitions and appeals under this order.

SEC. 2. *Definitions.* (a) "Defense Food Order" means (1) a Defense Food Order, Suborder, or Amendment thereof issued by an authorized representative of the U.S. Department of Agriculture, or (2) other order, regulation, or directive under defense authorities, administered in whole or in part by the U.S. Department of Agriculture.

(b) "Order Administrator" means any person designated to administer the Defense Food Order which is the subject of a petition or appeal.

(c) "Appeals Board" means the U.S. Department of Agriculture Defense Food Order Appeals Board established pursuant to section 6 hereof.

(d) "Petition" means a written request signed by a person, or his authorized representative, seeking relief from the provisions of a Defense Food Order.

(e) "Appeal" means a written request signed by a person, or his authorized representative, seeking review by the Appeals Board of final action taken on a petition by the Order Administrator.

SEC. 3. *Basis for petitions.* The basis for a petition shall be exceptional or unreasonable hardship or other grounds as may be provided in the Defense Food Order under which a petition is filed.

SEC. 4. *Procedure for filing and contents of petitions.* Petitions shall be filed with the appropriate Order Administrator. Each petition shall set forth all pertinent facts, the Defense Food Order involved, the nature of the relief sought, and the justification therefor.

SEC. 5. *Action on petitions and right of appeal.* (a) The Order Administrator shall consider the petition and notify the petitioner in writing as to the action taken. Within 10 days after receiving such notification of the action taken, the petitioner may request in writing reconsideration thereof by the Order Administrator, stating new evidence or other basis for such reconsideration.

(b) Following reconsideration, the Order Administrator shall promptly notify the petitioner in writing of his determination. The petitioner may file an appeal, in the manner prescribed in section 7 of this order, within 15 days after receiving such notification of the determination.

SEC. 6. *Appeals Board.* There is hereby established a U.S. Department of Agriculture Defense Food Order Appeals Board, which shall consider all appeals filed pursuant to this order. The Secretary of Agriculture shall appoint the Appeals Board consisting of three members, each with an alternate, one of whom shall be appointed as Chairman. In the absence of a member of the Board, his alternate shall act in his place. Agreement by two members of the Appeals Board shall constitute a determination by the Board.

SEC. 7. *Procedure for filing appeals.* An appeal shall be filed with the Order Administrator and shall set forth (1) the name, address, and business of the appellant; (2) the nature of the action appealed from, including but not being limited to, its date, case or other identifying number, and the Defense Food Order involved; (3) the basis for the appeal; and (4) a request for a hearing and the justification therefor, if the appellant desires a hearing in the matter.

SEC. 8. *Action on appeals.* (a) The Order Administrator shall forward such appeal promptly to the Appeals Board. The Appeals Board shall docket such appeal and, in its discretion, may hold a formal or informal hearing on such appeal either upon its own initiative or upon request by the appellant.

(b) If a hearing is to be held, the Appeals Board shall fix the date, time, and place and shall so notify the appellant and the Order Administrator. The Appeals Board may also arrange for participation in such hearing by other appropriate persons or Government officials. An appellant may be represented by counsel or other person. If he is represented by counsel or other person but is not present at the hearing, the appellant must notify the Appeals Board in writing that he has authorized such counsel or other person to represent him.

(c) (1) The Chairman of the Appeals Board shall notify in writing the appellant, the Order Administrator, and other parties to the appeal, of its decision. Within 15 days following receipt of such notification of the decision of the Appeals Board, the appellant or any other party to the appeal may file a request that such decision be reconsidered. Upon a showing of good cause in such request, the Appeals Board shall reconsider its decision, and promptly notify the parties of its final action.

(2) Additional copies of this proposed standby Order may be obtained from the Defense Programs Branch, Transportation and Warehouse Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 250, Liberty Loan Building, Washington, D.C. 20250 (Telephone: Dupont 8–7173). Any person who wishes to submit written data, views, or comments concerning the foregoing proposal may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 90 days after publication of this notice in the FEDERAL REGISTER.

(3) All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 27th day of April 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67–4909; Filed, May 2, 1967; 8:45 a.m.]

FOOD MANAGEMENT

Notice of Proposed Standby Defense Food Order

Notice is given hereby that a standby order is being developed to aid in carrying out the emergency responsibility of the U.S. Department of Agriculture in the event of nuclear attack upon the United States. Such order would be a part of the regular ongoing defense preparedness plans of the Department as a standby measure designed to be issued and made effective, under applicable authority, only if this country is attacked with nuclear weapons. It would provide a framework within which suborders could be issued to meet specific needs at any time and place. It would recognize the possibility of a temporarily fragmented nation by being so designed as

to permit issuance and administration at county, State or National levels of the Department's emergency organization as the circumstances may require.

The purpose of this notice is to allow and encourage the affected industries to become familiar with the basic framework of management policies and procedures under conditions of the most extreme national emergency, and to afford interested persons the opportunity to submit relevant data, views and comments.

PROPOSED STANDBY DEFENSE FOOD ORDER No. 2

FOOD MANAGEMENT

Sec.
1. Purpose.
2. Definitions.
3. Territorial scope.
4. Applicability.
5. Contracts and other obligations.
6. Resupply bases.
7. Regulatory provisions.
8. Petitions for relief from hardship.
9. Exceptions.
10. Reports, records and communications.
11. Investigations, inspections and audits.
12. Violations.

AUTHORITY: Sections 101, 701–705, 707, 709, 713, 64 Stat. 799 et seq., as amended (50 U.S.C. App. 2071, 2151–2155, 2157, 2159, 2163); E.O. 10480, as amended (50 U.S.C. App., note under sec. 2153); E.O. 10998 (27 F.R. 1524, 3 CFR 1959–63 Comp., p. 543); Defense Mobilization Order 8400.1 (28 F.R. 12164, 32A CFR DMO 8400.1); Assignment of Defense Responsibilities in USDA (29 F.R. 3820); as amended; Delegation 1—Emergency Delegation of Priorities and Allocations Powers (29 F.R. 3824).

SECTION 1. *Purpose.* The purpose of this order is to provide a means for the orderly maintenance of processing, storage, and wholesale distribution of food in the present emergency. It provides also a means of encouraging conservation and efficient utilization of food. It is intended as a temporary mechanism, to be replaced by more specific and specially tailored procedures when conditions improve sufficiently to render such procedures practicable.

SEC. 2. *Definitions.* As used in this order and in suborders issued pursuant hereto:

(a) "Order Administrator" means the Secretary of Agriculture or any employee of the U.S. Department of Agriculture to whom authority has been or hereafter may be delegated to issue and administer this order or suborders pursuant to its provisions.

(b) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing. For purposes of this order, the term also includes the U.S. Government and any agency thereof, and the governments of all States, Commonwealths and Territories, the District of Columbia, and any of their political subdivisions and agencies, but such inclusion is with respect only to their status as customers.

(c) "Food" means all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk, by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption. For the purposes of this order the term "food" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but shall not include any such material after it loses its identity as an agricultural commodity or agricultural product.

(d) "Food facilities" means any or all individual plants or establishments in which or from which food is processed, stored, or distributed to customers.

(e) "Food producer" means any person operating a farm, ranch, or other enterprise for the production of unprocessed food for sale.

(f) "Food processor" means any person engaged in the business of altering or converting food from a raw, live, or semiprocessed state to a processed product ready for consumption or further processing.

(g) "Food wholesaler" means any person engaged in the business of assembling food for sale or other distribution to persons other than ultimate consumers. The term includes purveyors to hotels and restaurants; the bulk warehouse operations of any person distributing food primarily to his wholly owned, member, or associated, food retailers; such persons as assemblers or country shippers of fruits and vegetables, eggs and other foods similarly handled; and food producers when selling or distributing food of their own production to other than assemblers, country shippers, processors or ultimate consumers. The term relates only to establishments where food is assembled, stored, packed or repacked or otherwise handled, and excludes brokers and central sales offices located elsewhere.

(h) "Respondent" means any food processor or food wholesaler who is subject to the provisions of this order.

(i) "Food retailer" means any person engaged in the business of distributing food to ultimate consumers, including among others, any person engaged in (1) the operation of food stores which are wholly owned by a chain or are members of or associated with a wholesaling cooperative or association; (2) the operation of an institutional or in-plant food service or other away-from-home eating place; or (3) on-site preparation of food incidental to on-site consumption or sale to ultimate consumers.

(j) "Customer" means any person, other than an ultimate consumer, to whom a food wholesaler or food processor sells or delivers food under the provisions of this order or to whom he customarily has sold or delivered food.

(k) "Ultimate consumer" means any natural person or household procuring, holding, or preparing food for final consumption by such a person or within such a household, and any person receiving food service at an institutional, in-plant or other away-from-home eating place.

(l) "Distribute" or "distribution" means the act of consigning or physically moving, transferring or delivering food to customers.

(m) "Lot" or "shipment" means any specific quantity, usually a number of packages or a bulk quantity by weight or volume, of food being or to be (1) sold, offered or contracted for sale; (2) processed, offered or contracted for processing; or (3) transported, offered or contracted for transportation.

(n) "Resupply base" means either or both of the specific terms defined as follows:

(1) "Special Product Base" is a quantity to which a special and separate percentage rate of resupply is applied, and means that quantity, in terms of dollar volume, of sugar and sweeteners, or other specified food or group of foods found to be in critically short supply or because of its nature to be inappropriate for inclusion in a General Products Base, which a particular respondent distributed to a particular customer during a specified base period, computed in accordance with section 6 hereof;

(2) "General Products Base" is an aggregate quantity to which a general percentage rate of resupply is applied, and means that quantity, in terms of aggregate dollar volume, of all of the types or kinds of food, except foods excluded pursuant to section 6(c)(3) hereof, which a particular respondent distributed to a particular customer during a specified base period, computed in accordance with section 6 hereof.

SEC. 3. *Territorial scope.* The provisions of this order and of any suborders issued pursuant hereto shall be applicable within _____.[1]

SEC. 4. *Applicability.* Subject to the exceptions provided for in section 9 hereof, the provisions of this order and of any suborders issued pursuant hereto shall apply:

(a) To any or all persons with respect to the operation and utilization of their respective food facilities; and

(b) To any or all persons with respect to distribution of food, except those persons specifically and individually exempted from the provisions hereof by an applicable suborder issued pursuant hereto: *Provided,* That no such suborder shall be issued unless and until the Order Administrator is satisfied that distribution of the food stocks of the persons thus exempted is being regulated by the government of the State or a subdivision thereof in a manner having substantially the same effects as those required to accomplish the purposes hereof with respect to distribution of food to civilians.

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[1] EXPLANATORY NOTE (Not part of this order): This order may be issued simultaneously at any or all operating levels of the USDA emergency organization. Only this provision and the suborders provided for will vary. The description of the specific jurisdiction to be inserted in this space may be amended from time to time by the Order Administrator at State or higher levels to meet prevailing conditions.

SEC. 5. *Contracts and other obligations.* (a) Except with respect to military requirements as provided for in section 7 (e) hereof, the provisions of this order and of suborders issued pursuant hereto and the requirements thereunder shall be observed without regard to contracts or obligations heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

(b) No person shall be held liable for damages or penalties for any default under any contract when such default results directly or indirectly from compliance with this order or any suborder issued pursuant hereto or any requirement thereunder.

SEC. 6. *Resupply bases*—(a) *General.* Resupply bases shall be one or the other, or both, of the kinds defined in paragraph (n) of section 2 hereof. They shall be established according to the general rules set forth in this section, and to the specific provisions of any applicable suborder issued pursuant hereto. In the event of termination of suborders pursuant to the provisions of section 7(a)(2)(i) hereof, resupply bases established pursuant to any terminated suborders shall remain in full force and effect unless and until a subsequent suborder issued pursuant hereto requires modification or termination thereof.

(b) *Who shall establish resupply bases.* (1) Each respondent shall establish from his own records resupply bases for each of his regular customers as required under this order or any suborder issued pursuant hereto.

(2) The Order Administrator shall establish resupply bases for persons for whom respondents have no records of prior distribution, and in doing so he may rely upon the records of such persons or upon such other information as is available to him.

(c) *General rules for establishment of resupply bases.* (1) For purposes of this order, each respondent shall classify his operations according to the following classes: (i) "Continuous," meaning that respondent's distribution of food proceeds at a substantially constant rate throughout the year; or (ii) "intermittent," meaning that respondent's distribution of food characteristically increases or decreases markedly in certain seasons of the year because of the seasonal activities of some or all of his customers; or that it varies seasonally because of the seasonal nature of production and distribution of the food processed or distributed. If the Order Administrator determines that any respondent is incorrectly classified, he may require such respondent to change such classification as the Order Administrator deems appropriate to accomplish the purposes of this order.

(2) A Special Product Base shall be established separately for sugar and other sweeteners and for each food or combination of foods identified in appropriate suborders issued pursuant hereto. Each such Special Product Base shall be the average weekly dollar volume of the particular food distributed by a respondent to a particular customer during a specified base period.

(3) Each General Products Base shall be the average weekly dollar volume of distribution by a respondent to a particular customer during a specified base period, except that there shall be excluded from such bases the dollar volume of (i) foods for which Special Product Bases are required; (ii) foods with respect to which a respondent is excepted from the provisions hereof by the provisions of Section 9 hereof; and (iii) nonfood products.

(4) The base periods for the purposes of establishing resupply bases shall be (i) for continuous respondents, the 8 calendar weeks last preceding the first nuclear attack upon the United States, or such earlier 8-week period as is specified by the Order Administrator; and (ii) for intermittent respondents a moving period consisting of the quarter year one year prior to the quarter in which distribution is being made or is to be made pursuant hereto.

(d) *Adjustment, assignment and reassignment of resupply bases.* (1) The Order Administrator may adjust any resupply base when he determines that such base is incorrect, unrepresentative, or in any manner inconsistent with the purposes of this order. Any request for such adjustment shall be treated as a Petition for Relief from Hardship pursuant to the applicable provisions of section 8 hereof.

(2) The Order Administrator may assign all or part of the resupply bases established by him pursuant to section 6(b)(2) hereof to one or more respondents, who thereafter shall treat the persons for whom they are established as their regular customers. The Order Administrator shall give notice of such an assignment to the assignee or assignees.

(3) The Order Administrator may reassign any or all resupply bases among respondents as necessary to accomplish the purposes of this order. In so doing he shall recognize to the extent practicable the historical respondent-customer relationships, and shall give notice of such a reassignment to both the initial and subsequent assignees.

SEC. 7. *Regulatory provisions*—(a) *General.* (1) No person shall process or distribute food, or contract or otherwise agree to do so, contrary to the applicable provisions of this order or of any suborder issued pursuant hereto.

(2) Suborders issued pursuant hereto and applicable within a Metropolitan Area, a County or a State shall be subject to the following limitations:

(i) Whenever an Order Administrator issues any suborders pursuant hereto, he shall provide therein as he deems necessary or advisable for supersedure, on dates specified, of any or all suborders theretofore issued by Order Administrators of lesser territorial scope within his jurisdiction;

(ii) In any event, whenever this order is terminated all suborders issued pursuant to it likewise shall terminate except as to completion of products then being processed and to deliveries already in transit pursuant thereto; and

(iii) The termination of this order or of any suborder issued pursuant to it shall not operate to relieve any respondent of liability pursuant to section 12 hereof with respect to any violation committed prior to such termination.

(b) *Food processing.* (1) Food processors shall use raw food, partially processed food and ingredients in such manner and in such minimum or maximum proportions, at such maximum rates, and for the processing of such food products, as are specified from time to time in applicable suborders issued pursuant hereto.

(2) No food processor shall process food products in excess of such maximum aggregate quantities or such maximum output rates as are specified from time to time in applicable suborders issued pursuant hereto, or process products the processing of which is prohibited by any suborder issued pursuant hereto.

(c) *Fitness for human consumption.* (1) Each respondent shall take all reasonable precautions to assure that food distributed by him for human consumption is fit for such consumption, or is such that the end products processed therefrom will be fit for such consumption when processing is completed.

(2) Whenever the Order Administrator has knowledge, or receives information from any person deemed by him to be qualified, that food being processed or distributed, or offered for processing or distribution, for human consumption, is unfit for such consumption or unlikely to be fit for such consumption after processing, he shall restrict or prohibit, by suborder issued pursuant hereto, the processing or distribution of such food, or require the processing thereof into specified food products; and any such restriction, prohibition or requirement may apply to any or all foods, singly or by groups or classifications, or to any or all individual lots or shipments thereof, or may specify points or areas of origin from which any or all shipments for processing or distribution are restricted or prohibited, or may effect any combination of the foregoing, as the Order Administrator deems necessary to accomplish the purposes of this paragraph.

(d) *Distribution for civilian use.* (1) As a condition of obtaining food for his operations, each respondent is required hereby to supply food to customers for whom resupply bases have been established by or assigned to him pursuant to the applicable provisions of section 6 hereof and of suborders issued pursuant hereto. Such distribution by each respondent shall be substantially equitable among such customers, including assigned customers, in relation to their respective shares of the aggregate of all such resupply bases established by or assigned to such respondent, but no respondent shall be held responsible for failure to distribute as required for reasons beyond his control. If for any reason a respondent cannot supply food to a particular customer, he immediately shall notify the Order Administrator.

(2) No respondent shall distribute food to any customer at rates in excess of such percentages of aggregate and

individual General Products Bases and Special Product Bases as are prescribed in applicable suborders issued from time to time pursuant hereto, except that a respondent need not break cases, boxes, bags or other customary pricing units solely to comply with such rates.

(3) Distribution for civilian use shall be on the basis of 1 week's supply: *Provided, however,* That the Order Administrator (i) may authorize individual respondents to distribute multiples of 1 week's supply at correspondingly longer intervals, to any or all of their customers in view of unusual circumstances; and (ii) may authorize all respondents, by suborder issued pursuant hereto, to distribute multiples of 1 week's supply, at correspondingly longer intervals, to any or all of their customers if he determines that such action will promote more orderly and efficient distribution.

(e) *Set-aside for Armed Forces.* (1) Any respondent who supplied one or more kinds of food to the Armed Forces of the United States during the 12 calendar months last preceding the date of the first nuclear attack upon the United States shall set aside for such Armed Forces, (i) a portion of his inventory of each such kind of food on hand on the effective date of this order; and (ii) a portion of his subsequent daily receipts or processing output of each such kind of food in accordance with the requirements of subparagraphs (2) and (3) of this paragraph: *Provided,* That no such set-asides shall be required with respect to any food which by its nature cannot be set aside and stored as required in this paragraph, nor shall any such set-aside be required in addition to those provided for in subparagraphs (4) and (5) of this paragraph during the period in which deliveries are being made pursuant to outstanding contracts with the Armed Forces.

(2) The quantity of each such kind of food to be set aside by a respondent shall be not less than (i) the percentage which his volume of deliveries of such food to the Armed Forces, during such 12-month period, was of his total deliveries of such food to all customers during such period; or (ii) such other percentage as may be prescribed by the Order Administrator in an applicable suborder issued pursuant hereto. The quantity of each such food to be set aside shall be determined on the basis of weight, measure, number, or dollar volume, at the option of the respondent.

(3) For purposes of subparagraphs (1) and (2) of this paragraph, there is established hereby a set-aside period during which quantities of food required to be set aside shall remain available for purchase, or for contracts to purchase, by the Armed Forces. The initial set-aside period shall be the 30 calendar days, or such other number of days as may be specified in a suborder issued pursuant hereto, next following the effective date of this order. The quantities required to be set aside during such initial set-aside period shall be cumulative with respect to the applicable percentage of daily receipts or processing output, in addition to the same percentage of the quantity in inventory at the beginning of such period. Thereafter, such set-aside period shall progress or move forward, a day at a time, so that the end of a current set-aside period occurs at the close of each calendar day. Quantities required to be set aside after the initial set-aside period shall be cumulative only with respect to receipts or processing output during each set-aside period. Quantities of food set aside prior to the commencement of any such set-aside period no longer shall be required to remain set aside.

(4) Any respondent who has contracted to furnish to the Armed Forces of the United States food of types or in packages not customarily sold to civilians, shall set aside the undelivered portions of such contracts for a period of 60 days after the effective date of this order or the date of processing, acquisition or packaging thereof subsequent to the effective date of this order, or such other period as may be prescribed in applicable suborders issued pursuant hereto. Unless the Armed Forces furnish, confirm or revise delivery schedules within such period, the set-aside required by this subparagraph shall terminate.

(5) Any respondent who has contracted to furnish to such Armed Forces food of types and in packages customarily sold to civilians shall set aside the undelivered portions of such contracts for a period of 30 days after the effective date of this order or the date of processing or acquisition thereof subsequent to the effective date of this order, or such other period as may be prescribed in applicable suborders issued pursuant hereto. Unless the Armed Forces furnish, confirm or revise delivery schedules within such period, the set-aside required by this subparagraph shall terminate.

SEC. 8. *Petitions for relief from hardship.* Any person affected by this order or any suborder issued pursuant hereto who considers that compliance therewith would work an exceptional or unreasonable hardship upon him may file a petition for relief pursuant to the provisions of Defense Food Order No. 1.

SEC. 9. *Exceptions. Except as provided* otherwise in applicable suborders issued pursuant hereto, this order shall not apply to any person:

(a) In his capacity as an ultimate consumer;

(b) In his capacity as a food retailer;

(c) In his capacity as a producer using food for feeding poultry or livestock or for planting crops;

(d) With respect to processing or distributing agricultural products and by-products commonly classed as "animal or poultry feed," and by their nature either unfit for human consumption or unfit for such consumption without further processing;

(e) With respect to processing or distributing "seed" in its commonly understood meaning, including all seeds which customarily are sold to users for planting for the production of agricultural crops;

(f) With respect to distribution of raw, live, unprocessed or semiprocessed food or ingredients to a respondent for processing;

(g) With respect to moving to a safer place food in danger of loss or damage from the elements or the effects of attack, or moving food from one location to another for such purposes as storage, salvage, regrading, repacking or manipulation necessary for its preservation in good condition;

(h) With respect to assembling, preparing for market in fresh form, and distributing fluid milk or fresh fruits and vegetables except potatoes;

(i) With respect to cotton, tobacco, wool, mohair, hemp, flax fiber, inedible agricultural fats and oils, naval stores or other agricultural products not ingestible by humans;

(j) In his capacity as a carrier or public warehouseman, with respect to food in his custody but not owned by him; or

(k) Who otherwise is a respondent but is identified in any suborder issued pursuant to section 4(b) hereof as exempt from the provisions hereof with respect only to distribution of food.

SEC. 10. *Reports, records and communications.* (a) All reports required to be filed hereunder and all communications concerning this order, unless otherwise provided, shall be addressed to the Order Administrator, Defense Food Order No. 2, in care of the Chairman of the USDA County or Metropolitan Area Defense Board having jurisdiction over the location of the respondent making the report.

(b) Each respondent, within 2 days after the effective date hereof or after civil defense authorities permit access to his business premises, shall report as above, by any means available, his remaining capability to process, store, or distribute food (whichever is applicable) and the specfic reasons for any inability to function at preemergency capacity. Supplemental information relating to capability, requirements for goods and services, availability of raw materials, and stocks ready for sale may be required at any subsequent time.

(c) Each respondent shall maintain complete and accurate records from which he determined General Products and Special Product Bases, and of his use of, inventories of, and transactions in food, for a period of 3 years after the date of suspension or termination of this Defense Food Order No. 2 or such shorter period as may be authorized in writing by the Order Administrator (or other authorized representative of the Secretary of Agriculture.) Records may be retained in the original form or by microfilm or other legible, permanent process.

SEC. 11. *Investigations, inspections and audits.* The Order Administrator or any designated representative of the Secretary of Agriculture is authorized to make such investigations and to make such inspections and audits of the books, records, and other writings, premises and food stocks of any person subject to this order, as he may deem necessary for the enforcement or administration of this order or any suborder issued hereunder, and in connection therewith to exercise

the subpoena power under section 705 of the Defense Production Act of 1950, as amended (50 U.S.C. 2155), after defining the scope and purpose of the investigation, inspection or audit to which the subpoena relates.

SEC. 12. *Violations.* Any person who violates or who conspires to violate any provision of this order or any suborder issued pursuant hereto may be denied all benefits under any order or suborder issued under defense authorities and administered by the U.S. Department of Agriculture, enjoined from further violation, and in case of willful violation, prosecuted under any or all applicable laws.

Additional copies of this proposed standby Order may be obtained from the Defense Programs Branch, Transportation and Warehouse Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 250, Liberty Loan Building, Washington, D.C. 20250 (Telephone: Dupont 8–7173). Any person who wishes to submit written data, views or comments concerning the foregoing proposal may do so by filing them in duplicate, at the same address, within 90 days after publication of this notice.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in the manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 27th day of April 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67–4908; Filed, May 2, 1967; 8:45 a.m.]

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How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 12]

PART 1012—MILK IN TAMPA BAY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Tampa Bay marketing area (7 CFR Part 1012), it is hereby found and determined that:

(a) Subparagraphs (2), (3), and (4) in § 1012.16(b) of the order do not tend to effectuate the declared policy of the Act for the months of May and June 1967.

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This action will suspend for the months of May and June 1967, the provisions that limit the quantity of producer milk that may be diverted to nonpool plants by cooperatives and proprietary handlers. Without the suspension, the order would limit the quantity of producer milk that may be diverted by a cooperative association to 25 percent of all milk of its member producers physically received at pool plants during the month. The same percentage limitation on the diversion of its producer receipts would apply to the operator of a pool plant.

The Independent Dairy Farmers' Association, Tampa Bay Division, requested the suspension. This association markets about 60 percent of the producer milk in the Tampa Bay area.

The diversion limitation has been causing an extreme hardship on the association and disorderly conditions in the market. The association performs the role of balancing the milk supplies for the entire market. In doing so, substantial quantities of member milk, which must currently be disposed of to surplus outlets, would otherwise have to be kept out of the pool because of the diversion limitation. This would result in lower returns to the association's members relative to other producers on the market.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning a proposed termination of the aforesaid provisions (32 F.R. 6206). Opposition to the proposed termination was expressed by certain producers. Such persons, however, have advised that they do not oppose a suspension of these provisions for the period proposed.

Therefore, good cause exists for making this order effective May 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period May 1, 1967, through June 30, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 1, 1967.

Signed at Washington, D.C., on May 1, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–4995; Filed, May 3, 1967; 8:48 a.m.]

[Milk Order 127]

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq), and of the order regulating the handling of milk in the San Antonio, Tex., marketing area (7 CFR Part 1127), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the period from April 1, 1967, through June 30, 1967:

The provision contained in § 1127.11 which reads: "*Provided*, That if the days of production of such person for which milk is diverted exceed one-third of the days of production that milk is delivered to a pool plant during the month, such milk shall cease to be producer milk for the entire period of such diversions."

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order is necessary to provide for the orderly disposal of producer milk excess to fluid milk needs by removing a limitation on diversions of such producer milk to manufactured product uses at nonpool plants. Much of the reserve milk for this market has been handled at pool plants operated by cooperative associations where it was used in the manufacture of semiprocessed cheese which is shipped to distant points for final processing. The outlet for this semiprocessed cheese is not currently available, so that larger quantities of producer milk must be diverted in the months of highest seasonal production to nonpool plants under the producer milk diversion provisions of the order.

(4) This suspension order is supported by cooperative association handlers whose members deliver more than 90 percent of the total producer milk in this market and by other handlers operating pool plants.

Therefore, good cause exists for making this order effective April 1, 1967.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period of April 1, 1967, through June 30, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1967.

Signed at Washington, D.C., on May 1, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–4996; Filed, May 3, 1967; 8:48 a.m.]

[Milk Order 134]

PART 1134—MILK IN WESTERN COLORADO MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Western Colorado marketing area (7 CFR Part 1134), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of May through September 1967:

In § 1134.12(b)(1) the following: "for at least 5 days", and "without limit during the other days of such month", relating to the diversion of milk for the account of a cooperative association.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions

and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will enable the cooperative association to maintain producer status under the order for its membership pending a hearing which it has requested to consider amendment of the diversion provisions of the order to conform to current marketing conditions in the Western Colorado marketing area. The members of the cooperative association are the principal suppliers of milk to handlers regulated by the order. Unless this action is taken, the producer status of many of the cooperative's members will be jeopardized in the coming months, and disorderly marketing conditions will result for them.

(4) Interested parties were afforded opportunity to file written data, views, and arguments concerning this suspension (32 F.R. 6206). None was filed in opposition.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period May 1 through September 31, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 1, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–4997; Filed, May 3, 1967; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4)

Correction

In F.R. Doc. 67–4729, appearing in the issue for Thursday, April 27, 1967, at page 6496, make the following changes:

1. In § 1488.2(x), "GSN–4" should read "GSM–4".

2. In § 1488.5, line 7, the word "amount" should read "account".

3. In the footnote 1 appearing at the end of the third column, page 6499, the word "area" in line 6, should read "areas".

4. In § 1488.11, the fifth sentence should read: "If such evidence is not furnished within the time specified, the financing agreement may be terminated by the General Sales Manager and on such termination, if payment under the bank obligation or account receivable has not yet been received, at the option of CCC the bank obligation and the account receivable shall become due and payable."

5. The Acting Vice President's signature should read "D. M. Rubel".

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR DEFENSE INFORMATION

Use of Narcotic or Hallucinogenic Drugs for Nonmedical Purposes

On January 10, 1967, the Atomic Energy Commission published in the FEDERAL REGISTER (32 F.R. 234) proposed amendments of its regulation, 10 CFR Part 10, "Criteria and Procedures for Determining Eligibility for Access to Restricted Data or Defense Information", which would clarify, among the security criteria, the one concerning the habitual use of drugs by making it apply explicitly to narcotic and hallucinogenic drugs, and would include as an additional element to be evaluated the single or occasional use of narcotic or hallucinogenic drugs, except as prescribed or administered by a licensed physician.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. Upon consideration of the comments submitted in response to the notice of proposed rule making, none of which opposed the proposed changes, the Commision has adopted the amendments set forth below. These amendments are the same as the proposed amendments published for comment.

Pursuant to the Atomic Energy Act of 1954, as amended, Executive Orders 10450 and 10865, and the Administrative Procedure Act of 1946, as amended, the following amendments of 10 CFR Part 10 are published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER.

1. 10 CFR Part 10, § 10.11, paragraph (a)(9), is amended to read as follows:

(9) Been, or is, a user of narcotic or hallucinogenic drugs habitually, without adequate evidence of rehabilitation.

2. 10 CFR Part 10, § 10.11 is amended to delete the period at the end of paragraph (b)(11) and substitute a semicolon therefor, and to add an additional paragraph (b)(12), reading as follows:

(12) Has used a narcotic or hallucinogenic drug, except as prescribed or administered by a physician licensed to dispense drugs in the practice of medicine.

(Sec. 145, 68 Stat. 942; 42 U.S.C. 2165; sec. 161, 68 Stat. 948; 4 2U.S.C. 2201; E.O. 10450, 18 F.R. 2489; 3 CFR, 1949–53 Comp., p. 936; E. O. 10865, 25 F.R. 1583; 3 CFR, 1959–63 Comp., p. 398)

Dated at Washington, D.C., this 26th day of April 1967.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 67–4989; Filed, May 3, 1967; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1192]

PART 13—PROHIBITED TRADE PRACTICES

Crown Tuft, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Crown Tuft, Inc., et al., Dalton, Ga., Docket C–1192, Apr. 11, 1967]

Consent order requiring a Dalton, Ga., manufacturer of carpet rolls to cease misbranding its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

Order. It is ordered that respondents Crown Tuft, Inc., a corporation, and its officers, and Arthur B. Lauman and James C. Barbre, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the names or amount of constituent fibers contained therein.

2. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to designate on labels any fiber or fibers, present in the amount of less than 5 percentum of the total fiber weight of such textile fiber products, by the term "other fiber" or "other fibers," except as permitted by section 4(b) of the Textile Fiber Products Identification Act.

4. Setting forth required information on labels in an abbreviated form in violation of Rule 5(a) of the rules and regulations, in instances other than as permitted by Rule 33(d) of such rules and regulations.

5. Setting forth a generic name or fiber trademark on a label without making a full and complete content disclosure the first time the generic name or fiber trademark appears on the label.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 11, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-4960; Filed, May 3, 1967; 8:45 a.m.]

[Docket No. 6412]

PART 13—PROHIBITED TRADE PRACTICES

David Crystal, Inc.

Subpart—Advertising falsely or misleadingly: § 13.235 *Source or origin:* 13.235-60 Place: 13.235-60(a) Domestic products as imported. Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin:* 13.1325-70 Place: 13.1325-70 (a) Domestic products as imported.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, David Crystal, Inc., New York, N.Y., Docket 6412, Apr. 7, 1967]

Order modifying a cease and desist order, issued February 21, 1956, 21 F.R. 1560, against a New York City manufacturing clothier by allowing the use of the designation "London" in advertising and labeling, provided there is a clear disclosure that the garments are made in the United States.

The modified order to cease and desist, as follows:

It is ordered, That the respondent, David Crystal, Inc., a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of wearing apparel in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that the country of origin of the design or manufacture of respondent's wearing apparel is England or any other part of the British Isles, or any other country, if such is not the fact.

2. Using any pictorial representation which simulates in appearance the British Royal Coat of Arms unless accompanied by clear and conspicuous language indicating country of origin.

3. Using the word "London" in the advertising or labeling of said wearing apparel without clearly and conspicuously disclosing that the wearing apparel is styled and manufactured in the United States of America.

4. Using the word "Limited," or its abbreviation "Ltd.," to designate, describe or refer to any wearing apparel which respondent manufactures or designs unless the word "Limited" or its abbreviation "Ltd." is used as part of the name of a corporation actually in existence.

5. Using the phrase "By Appointment to H.M. the Late King George VI" or any other words or phrases of similar import to designate, describe or refer to any wearing apparel which respondent manufactures, sells and distributes unless said wearing apparel is designed or manufactured in England or the British Isles.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist set forth herein.

Issued: April 7, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-4961; Filed, May 3, 1967; 8:45 a.m.]

[Docket No. C-1191]

PART 13—PROHIBITED TRADE PRACTICES

Sunrise Fashions, Inc., and Hyman and Richard Singer

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Sunrise Fashions, Inc., et al., New York, N.Y., Docket C-1191, Apr. 11, 1967]

Consent order requiring a New York City manufacturer of woolen garments to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sunrise Fashions, Inc., a corporation, and its officers, and Hyman Singer and Richard Singer, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 11, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-4962; Filed, May 3, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-CE-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On February 21, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3100) stating that the Federal Aviation Administration proposed to designate controlled airspace in the Juneau, Wis., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The two comments received were favorable.

The Dodge County Airport coordinates recited in the transition area designation in the notice of proposed rule making have been changed slightly in this final rule. Since these changes are minor in nature and impose no additional burden on any person, they are being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148), the following transition area is added:

JUNEAU, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dodge County Airport (latitude 43°25'35" N., longitude 88°42'00" W.) and within 2 miles each side of the 195° bearing from Dodge County Airport, extending from the 5-mile radius area to 8 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on April 18, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-4979; Filed, May 3, 1967; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-115]

PART 13—EXAMINATION, MEASUREMENT, AND TESTING OF CERTAIN PRODUCTS

Importation of Petroleum Products in Bulk

In a notice of proposed amendment to § 13.10 of the Customs Regulations (19 CFR 13.10) relating to the importation of petroleum products in bulk, as published in the FEDERAL REGISTER on March 13, 1965 (30 F.R. 3385), mention was made of a report of the Comptroller General of the United States concerning customs control over unloadings of bulk petroleum from importing vessels and the determination of the quantities thereof.

Among other things, the report recommended the inclusion in the Customs Regulations of a requirement that, as a condition for the acceptance by customs of reports by licensed public gaugers as to the quantities of imported petroleum gauged by them, public gaugers be required to adhere to standards similar to those prescribed by the Customs Service for its own inspectors when gauging bulk petroleum imported by vessel. The Bureau concurs in this recommendation. It also believes that in such cases the public gaugers should be required to post performance bonds and § 13.10 of the Customs Regulations is being amended to so provide.

After consideration of all representations received in response to the notice, the Bureau has concluded that under certain conditions the sealing of all valves on the pipelines from the importing vessels to receiving shore tanks or continuous physical customs supervision over the discharge of petroleum or petroleum products, as set forth in the proposed amendment, would result in needless expense and impair operating efficiency which should be avoided, if possible. Moreover, the location and size of importers' facilities at any given port affect the extent of needed customs supervision and control over the discharge of the merchandise and its gauging. The Bureau has decided that these determinations can best be made locally pursuant to guidelines prescribed by the Bureau from time to time.

The proposed changes in § 13.10 of the Customs Regulations have been revised to conform with the above views.

The Customs Regulations are accordingly amended as follows:

1. The centerhead preceding § 13.10 is amended to read: "Petroleum and Petroleum Products."

2. The heading of § 13.10 and paragraph (a) are amended to read:

§ 13.10 Importation of petroleum and petroleum products in bulk.

(a) (1) When petroleum or petroleum products subject to duty at a specific rate per gallon are imported in bulk in tank vessels and are to be transferred into shore storage tanks, both the plans of each shore tank showing all outlets and inlets and the gauge table for each tank showing its capacity in U.S. gallons per inch or fraction of an inch of height shall be certified as correct by the proprietor of the tank. One set of these plans and gauge tables so certified shall be kept on file at the plant of the oil company and shall be available at all times to customs officers. Another certified set of the shore tank plans and gauge tables shall be filed in the customhouse for use in verifying the customs officers' reports. The district director of customs may require such additional sets of shore tank plans, including subsidiary pipeline plans, and gauge tables as he may deem necessary. The inlet and outlet valves of each tank shall have tags of a permanent type affixed thereto by the proprietor or lessee indicating the use of the valves. Whenever practicable the district director of customs may require the measurements and calibrations as shown on the gauge tables to be verified by a customs officer.

(2) Each district director of customs shall establish for his district controls and checks on the unlading and shore tank gauging of petroleum and petroleum products imported by vessel. Depending on local conditions, the district director of customs may employ any of the following methods of control of imported petroleum or petroleum products.

(i) Complete and continuous supervision by a customs officer when other methods are not considered adequate, or when the importer requests continuous supervision.

(ii) Subject to such checks as may be deemed necessary, the district director of customs may accept the reports of quantities of imported petroleum and petroleum products made by licensed public gaugers whose standards and procedures of gauging have been approved by the Bureau as corresponding to those required of customs gaugers. Applications for such approval shall be made to the Bureau by the licensed public gaugers through the local district directors of customs.

(iii) Use of positive displacement meters at installations where provided by the importer.

(iv) Use of turbine-type meters at installations where provided by the importer.

(v) Sealing of all valves when practical.

(vi) Taking of vessel ullages before and after the discharge.

(3) A licensed public gauger (firm or individual) whose standards and procedures of gauging have been approved by the Bureau shall, as a condition for the acceptance for customs purposes of his reports of gauging, be required to file a bond with the district director of customs to insure that his gauging is in conformance with these approved standards and procedures, and with such general or specific procedures as may be required by the district director of customs for each of the discharging facilities in his district. The form of the required bond will be available from the district director of customs upon application.

(4) The district director of customs is authorized to approve, for each such licensed public gauger in his district, general or specific procedures to be followed by the public gauger at each of the discharging facilities in the district.

* * * * *

3. Paragraphs (b), (c), (d), and (e) are amended by inserting the words "petroleum or" before the words "a petrolcum product" or "petroleum products" whenever they appear in those paragraphs.

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

This amendment shall become effective 30 days after its publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: April 27, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-4986; Filed, May 3, 1967; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Fair Packaging and Labeling Act

Section 6 of the Fair Packaging and Labeling Act (Public Law 89-755; 80 Stat.

1299, 1300) provides that regulations promulgated by the Secretary of Health, Education, and Welfare under section 4 or 5 of that act shall follow the procedure and shall be subject to judicial review pursuant to the provisions of section 701 (e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 (e), (f), (g)). To reflect this provision in the appropriate procedural regulations in Chapter I of Title 21, Code of Federal Regulations, Part 2 is amended in the following respects, pursuant to the authority vested in the Secretary by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371 (a)) and delegated by him to the Commissioner (21 CFR 2.120), and pursuant to the provisions of 5 U.S.C. 552 (Public Law 89–554; 80 Stat. 383):

§ 2.48 [Amended]

1. Section 2.48 *Purpose of holding public hearings* is amended by changing the portion in the first sentence that reads "and section 3(a)(2)" to read "sections 4 and 5 of the Fair Packaging and Labeling Act, and section 3(a)(2)".

§ 2.52 [Amended]

2. Section 2.52 *Definitions* is amended by changing in paragraph (i) the portion that reads "and section 3(a)(2)" to read "and sections 4 and 5 of the Fair Packaging and Labeling Act, and section 3(a)(2)".

§ 2.65 [Amended]

3. Section 2.65 *Procedure for filing petitions* is amended by changing in the first sentence of the form in paragraph (b) the portion that reads "or with section 3(a)(2)" to read "or with section 5 of the Fair Packaging and Labeling Act or section 3(a)(2)".

§ 2.66 [Amended]

4. Section 2.66 *Proposals and petitions* is amended by changing the portion of paragraph (a) that reads "and section 3(a)(2)" to read "and sections 4 and 5 of the Fair Packaging and Labeling Act, or section 3(a)(2)".

§ 2.68 [Amended]

5. Section 2.68 *Hearings under section 701(e) of the act* is amended by changing the portion of paragraph (a) that reads "and section 3(a)(2)" to read "and sections 4 and 5 of the Fair Packaging and Labeling Act, and section 3(a)(2)".

6. Section 2.120(a) is amended to read as follows:

§ 2.120 Direct delegations from the Secretary.

(a) The Secretary has delegated to the Commissioner (25 F.R. 8625) all the functions vested by Congress in the Secretary and the Department under the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, the Federal Caustic Poison Act, the Federal Hazardous Substances Act, the Import Milk Act, the Filled Milk Act, and the Tea Importation Act.

* * * * *

7. Section 2.121(b)(2)(i) is amended to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(b) * * *

(2) * * *

(i) Have been designated by the Commissioner of Food and Drugs to conduct examinations, inspections, and investigations; to collect and obtain samples; to have access to and to copy and verify records; and to supervise compliance operations, for the enforcement of the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, the Federal Caustic Poison Act, the Federal Hazardous Substances Act, the Import Milk Act, the Filled Milk Act, and the Tea Importation Act.

* * * * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: April 26, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67–4999; Filed, May 3, 1967; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Demethylchlortetracycline Hydrochloride-Nystatin Tablets

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 141c and 146c of the antibiotic drug regulations are amended to provide for tests and methods of assay and certification of demethylchlortetracycline hydrochloride-nystatin tablets, as follows:

The following new section is added to Part 141c:

§ 141c.271 Demethylchlortetracycline hydrochloride-nystatin tablets.

(a) *Potency*—(1) *Demethylchlortetracycline hydrochloride content.* Proceed as directed in § 141c.266(a). Its content of demethylchlortetracycline hydrochloride is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams thereof that it is represented to contain.

(2) *Nystatin content.* Proceed as directed in § 148k.7(b)(1) of this chapter. Its content of nystatin is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units thereof that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(c) *Disintegration time.* Proceed as directed in § 141a.9(c) of this chapter.

2. The following new section is added to Part 146c:

§ 146c.271 Demethylchlortetracycline hydrochloride-nystatin tablets.

Demethylchlortetracycline hydrochloride-nystatin tablets are tablets that conform to all the requirements and are subject to all procedures prescribed by § 146c.259 for demethylchlortetracycline hydrochloride-nystatin capsules, except that:

(a) Each tablet contains 300 milligrams of demethylchlortatracycline hydrochloride and 500,000 units of nystatin.

(b) The moisture content is not more than 4 percent.

(c) It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(d) In addition to the requirements prescribed by § 146c.259, demethylchlortetracycline hydrochloride-nystatin tablets shall disintegrate within 1 hour. A person who requests certification shall therefore also submit, for disintegration time studies, results of this test by him and a sample of six tablets.

(e) The fee for the tablets submitted for disintegration time shall be $3.

This order provides for the certification of an additional dosage form of an antibiotic drug which has been determined to be safe and efficacious. Since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–5000; Filed, May 3, 1967; 8:49 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Hollow Plastic Toys Containing Mineral Oil; Exemption From Certain Labeling Requirements

The Commissioner of Food and Drugs has received a request, submitted pursuant to section 3(c) of the Federal Hazardous Substances Act and § 191.62 of the regulations thereunder, to exempt from the requirements of the act hollow plastic toys containing mineral oil.

Based on the information submitted in the request, and other relevant information, the Commissioner has concluded

that hollow plastic toys containing mineral oil meeting the conditions set forth in this order do not present a reasonably foreseeable hazard of chemical pneumonitis and, therefore, do not require for the adequate protection of the public health and safety the special labeling specified in § 191.7(b)(3)(ii) for certain petroleum distillates.

Accordingly, pursuant to the provisions of that act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 191.63(a) is amended by adding thereto a new subparagraph, as follows:

§ 191.63 Exemption for small packages, minor hazards, and special circumstances.

(a) * * *

(32) Hollow plastic toys containing mineral oil are exempt from the labeling specified in § 191.7(b)(3)(ii), under the following conditions:

(i) The article contains no other ingredient that would cause it to possess the aspiration hazard specified in § 191.7(b)(3)(ii).

(ii) The article contains not more than 6 fluid ounces of mineral oil.

(iii) The mineral oil has a viscosity of at least 70 S.U.S. at 100° F.

(iv) The mineral oil meets the specifications in the N.F. for light liquid petrolatum.

(v) The container bears the statement "CAUTION—Contains light liquid petrolatum N.F. Discard if broken or leak develops."

* * * * *

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Act contemplates such modification of labeling requirements under certain conditions.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: April 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-5001; Filed, May 3, 1967; 8:49 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

SUBCHAPTER B—WELFARE-PENSION REPORTS

PART 465—EXEMPTION FROM BONDING REQUIREMENTS

Subpart B—Exemptions

SAVINGS AND LOAN ASSOCIATIONS

Pursuant to section 13(e) of the Welfare and Pension Plans Disclosure Act (76 Stat. 39, 29 U.S.C. 308(d)) the U.S. Savings & Loan League submitted a petition on behalf of certain savings and loan associations which maintain welfare and pension benefit plans for their own employees, requesting that they be exempted from the bonding requirements of section 13 of the Welfare and Pension Plans Disclosure Act (hereinafter referred to as the "Act") with regard to plans administered by such institutions for the benefit of their own employees. The petition was submitted and considered in accordance with 29 CFR Part 465 and section 13(e) of the Act which permits the Secretary to grant an exemption from the bonding requirements of section 13 for covered plans when adequate evidence is offered of the financial responsibility of such plans or that other bonding arrangements provide adequate protection of beneficiaries and participants of a plan.

In support of the petition it was asserted that rigorous standards of financial responsibility are required of savings and loan associations subject to applicable Federal law, and that the continual maintenance of these standards is assured by the nature of the supervision undertaken by the Federal Home Loan Bank Board. The petition also asserted that such savings and loan associations maintain adequate fidelity bonding coverage subject to examination and review by Federal supervisory authorities. In addition, it is asserted that the factors which form the basis for the Department of Labor's ruling exempting banking institutions from the scope of the bonding regulations, with respect to covered plans for the benefit of their own employees (29 CFR 465.19 and 465.20) form an equally sound basis for granting the petition of the United States Savings and Loan League.

On February 28, 1967, notice was published in the FEDERAL REGISTER (32 F.R. 3363) inviting interested persons to submit objections with respect to the petition within 15 days from the date of publication of the proposed exemption in the FEDERAL REGISTER. The period for filing objections having elapsed and no objections having been received, and upon consideration of the petition filed, I find that adequate evidence has been presented as to the financial responsibility of plans administered by savings and loan associations subject to Federal law and the supervision of Federal agencies.

Therefore pursuant to section 13(e) of the Welfare and Pension Plans Disclosure Act (76 Stat. 39, 29 U.S.C. 308(d)), Secretary's Order No. 24-63 (28 F.R. 9172), Secretary's Order No. 25-63 (28 F.R. 9173), Title 29 CFR, Chapter IV, Part 465 is hereby amended by adding new §§ 465.21 and 465.22 to Subpart B, to read as follows:

SAVINGS AND LOAN ASSOCIATIONS SUBJECT TO FEDERAL REGULATION

§ 465.21 Exemption.

An exemption from the bonding requirements of subsections 13(a) and (b) of the Welfare and Pension Plans Disclosure Act is granted whereby savings and loan associations (including building and loan associations, cooperative banks and homestead associations) specified in § 465.22 are not required to comply with subsections 13(a) and (b) of the Act, with respect to welfare and pension benefit plans covered by the Act for the benefit of their own employees, where such a savings and loan association is the administrator of such plans.

§ 465.22 Conditions of exemption.

This exemption applies only to those savings and loan associations (including building and loan associations, cooperative banks and homestead associations) subject to regulation and examination by the Federal Home Loan Bank Board.

This amendment shall take effect on publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on this 27th day of April 1967.

THOMAS R. DONAHUE,
Assistant Secretary of Labor for Labor-Management Relations.

[F.R. Doc. 67-4967; Filed, May 3, 1967; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

COAST GUARD; DEPARTMENT OF TRANSPORTATION

1. In § 3.1(g), subparagraph (4) is amended to read as follows:

§ 3.1 Definitions.

* * * * *

(g) "Secretary concerned" means:

* * * * *

(4) The Secretary of Transportation, with respect to matters concerning the Coast Guard (Public Law 89-670);

* * * * *

2. In § 3.7, paragraph (h) is amended to read as follows:

§ 3.7 Persons included.

* * * * *

(h) *Coast Guard.* Active service in Coast Guard on or after January 29, 1915, while under jurisdiction of the Treasury Department, Navy Department, or the Department of Transportation. (See § 3.6 (c) and (d) as to temporary members of the Coast Guard Reserves.)

* * * * *

3. In § 3.802, paragraph (a) is amended to read as follows:

§ 3.802 Medal of Honor.

(a) The Secretary of the Department of the Army, the Department of the Navy, the Department of the Air Force, or the Department of Transportation

will determine the eligibility of applicants to be entered on the Medal of Honor Roll and will deliver to the Administrator of the Veterans Administration a certified copy of each certificate issued in which the right of the person named in the certificate to the special pension is set forth. The special pension will be authorized on the basis of such certification. (38 U.S.C. 560, 561)

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective April 1, 1967.

Approved: April 26, 1967.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 67-4981; Filed, May 3, 1967; 8:47 a.m.]

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.30, paragraphs (r) and (s) are added to read as follows:

§ 17.30 Definitions.

* * * * *

(r) *Research center.* The term "research center" means an institution (or part of an institution) the primary function of which is research, training of specialists and demonstrations and which, in connection therewith, provides specialized, high quality diagnostic and treatment services for inpatients and outpatients.

(s) *Specialized medical resources.* The term "specialized medical resources" means medical resources (whether equipment, space, or personnel) which, because of cost, limited availability, or unusual nature, are either unique in the medical community or are subject to maximum utilization only through mutual use.

2. In § 17.46, a new paragraph (d) is added and the former paragraph (d) is amended and redesignated paragraph (e) so that the added and amended material reads as follows:

§ 17.46 Persons entitled to hospital or domiciliary care.

* * * * *

(d) Hospital care when incidental to, and to the extent necessary for, the use of a specialized Veterans Administration medical resource pursuant to a sharing agreement entered into under § 17.210, may be authorized for any person designated by the other party to the agreement as a patient to be benefited under the agreement.

(e) Charges will be made for services rendered persons comprehended under paragraph (b) of this section at rates approved by the Bureau of the Budget. The Chief Medical Director will prescribe rates to be charged for services rendered persons entitled under paragraph (c) of this section. Charges will be made for services rendered persons under sharing agreements as provided for in such agreements.

3. In § 17.48, paragraph (h) is added to read as follows:

§ 17.48 Considerations applicable in determining eligibility for hospital or domiciliary care.

* * * * *

(h) Within the limits of Veterans Administration facilities, any veteran who is receiving hospital care in a hospital under the direct and exclusive jurisdiction of the Veterans Administration, or in a Federal hospital under agreement, may be furnished medical services to correct or treat any non-service-connected disability in addition to treatment for the disability for which he is hospitalized; *Provided,* The veteran is willing and furnishing the services would (1) be in the veteran's interest, (2) not prolong his hospitalization, and (3) not interfere with the furnishing of medical services under other provisions of Part 17 to other veterans.

4. In § 17.49(a), subparagraph (3) (vii) is amended to read as follows:

§ 17.49 Veterans Administration policy on priorities for hospital and domiciliary care.

(a) *Priorities for hospital care.* * * *

(3) *Priority groups.* * * *

(vii) Group VII includes persons eligible under § 17.46 (b), (c), or (d) (active duty or retired military personnel, beneficiaries from other Federal agencies, veterans of nations allied with the United States in World War I or II, persons treated under sharing agreements, etc.).

* * * * *

5. In § 17.50, paragraph (k) is added to read as follows:

§ 17.50 Utilization of facilities other than those under direct and exclusive jurisdiction of the Veterans Administration.

* * * * *

(k) Hospital care in State or local, public or private, facilities may be authorized when incidental to, and to the extent necessary for, the use of a specialized medical resource pursuant to a sharing agreement entered into under § 17.210 for any veteran eligible for hospital care under other provisions of Part 17.

6. In § 17.52, the headnote is amended and paragraph (c) is added to read as follows:

§ 17.52 Medical and ancillary services on a contract or fee basis.

* * * * *

(c) Subject to such terms and conditions as the Chief Medical Director shall prescribe, Directors of Veterans Administration hospitals, domiciliaries, and outpatient clinics may enter into contracts with medical schools or clinics to provide scarce medical specialist services (including, but not limited to, services of radiologists, pathologists, psychiatrists, etc.) in facilities under the direct and exclusive jurisdiction of the Veterans Administration.

7. In § 17.60, paragraph (d) is added to read as follows:

§ 17.60 Outpatient treatment and examination.

* * * * *

(d) The use of a specialized medical resource or any medical service incidental to, and necessary for, its use under a sharing agreement entered into under § 17.210, may be authorized, if:

(1) In the case of a specialized medical resource and services made available by the other party to the sharing agreement, the patient is a veteran eligible under any other provision of this section, or

(2) In the case of a specialized medical resource and services available within the limits of Veterans Administration facilities, the patient is a person designated by the other party to the sharing agreement as a patient to be benefited under the agreement.

8. Section 17.62 is revised to read as follows:

§ 17.62 Charges for medical services.

Charges will be made for services provided to non-VA beneficiaries (including dental services, supplies, medicines, orthopedic and prosthetic appliances and for domiciliary care) as follows:

(a) If he is a person treated under the provisions of § 17.60(a)(9), or a pensioner of a nation allied with the United States in World War I and World War II, charges will be made at rates prescribed by the Chief Medical Director, or

(b) If he is a beneficiary of another Federal agency, charges will be made at rates prescribed by the Bureau of the Budget, or

(c) If he is a person designated by the other party to an agreement for sharing medical resources as a patient to be benefited under the agreement, charges will be made as provided for in the agreement, or

(d) If he is a person who has received domiciliary care for which he was not eligible, charges will be made at rates prescribed by the Chief Medical Director.

9. Sections 17.210, 17.211, 17.212, and 17.220 are added to read as follows:

SHARING OF MEDICAL FACILITIES, EQUIPMENT, AND INFORMATION

§ 17.210 Sharing specialized medical resources.

Subject to such terms and conditions as the Chief Medical Director shall prescribe, Directors of Veterans Administration hospitals may enter into agreements for sharing medical resources with other hospitals, including State or local, public or private hospitals, medical schools or other medical installations having hospital facilities in a medical community with geographical limitations determined by the Chief Medical Director: Provided:

(a) The agreement will achieve one of the following purposes:

(1) It will secure the use of a specialized medical resource which otherwise might not be feasibly available by providing for the exchange of use of specialized medical resources when such an agreement will obviate the need for a

similar resource to be installed or provided at a facility operated by the Veterans Administration, or

(2) It will secure effective use of Veterans Administration specialized medical resources by providing for the mutual use, or exchange of use, of specialized medical resources in a facility operated by the Veterans Administration, which have been justified on the basis of veterans' care, but which are not utilized to their maximum effective capacity; and

(b) The agreement is determined to be in the best interest of the prevailing standards of the Veterans Administration Medical Program; and

(c) The agreement provides for reciprocal reimbursement based on a charge which covers the full cost of the use of specialized medical resources, incidental hospital care or other needed services, supplies used, and normal depreciation and amortization costs of equipment.

§ 17.211 Sharing medical information services.

(a) *Agreements for exchange of information.* Subject to such terms and conditions as the Chief Medical Director shall prescribe, Directors of Veterans Administration hospitals, may enter into agreements with medical schools, Federal, State or local, public or private hospitals, research centers, and individual members of the medical profession, under which medical information and techniques will be freely exchanged and the medical information services of all parties to the agreement will be available for use by any party to the agreement under conditions specified in the agreement.

(b) *Purpose of sharing agreements.* Agreements for the exchange of information shall be used to the maximum extent practicable to create at each Veterans Administration hospital which has entered into such an agreement, an environment of academic medicine which will help the hospital attract and retain highly trained and qualified members of the medical profession.

(c) *Use of electronic equipment.* Recent developments in electronic equipment shall be utilized under information sharing programs to provide a close educational, scientific, and professional link between Veterans Administration hospitals and major medical centers.

(d) *Furnishing information services on a fee basis.* The educational facilities and programs established at Veterans Administration hospitals and the electronic link to medical centers shall be made available for use by medical entitles in the surrounding medical community which have not entered into sharing agreements with the Veterans Administration, in order to bring about utilization of all medical information in the surrounding medical community, particularly in remote areas, and to foster and encourage the widest possible cooperation and consultation among all members of the medical profession in the surrounding medical community.

(e) *Establishing fees for information services.* Subject to such terms and conditions as the Chief Medical Director shall prescribe, Directors of Veterans Administration hospitals shall charge for information and educational facilities and services made available under paragraph (d) of this section. The fee may be on an annual or other periodic basis, at rates determined, after appropriate study, to be fair and equitable. The financial status of any user of such services shall be taken into consideration in establishing the amount of the fee to be paid.

§ 17.212 Reports.

The Chief Medical Director or his designee will prepare for the Administrator, for submission to the Congress, not more than 60 days after the end of each fiscal year, separate reports on the activities carried out under § 17.210 (Sharing Specialized Medical Resources) and § 17.211 (Sharing Medical Information Services). Each report shall include (a) an appraisal of the effectiveness of the programs authorized by such regulations and the degree of cooperation from other sources, financial and otherwise, and (b) recommendations for the improvement or more effective administration of such programs. (38 U.S.C. 5057, sec. 203, Public Law 89–785)

§ 17.220 Coordination of programs with Department of Health, Education, and Welfare.

Programs for sharing specialized medical resources or medical information services shall be coordinated to a maximum extent practicable, with programs carried out under title IX of the Public Health Service Act under the jurisdiction of the Department of Health, Education, and Welfare.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: March 17, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 67–4982; Filed, May 3, 1967; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 35—HOSPITAL AND STATION MANAGEMENT

Fees and Charges for Copying, Certification, Search of Records, and Related Services

On pages 578 and 579 of the FEDERAL REGISTER of January 18, 1967, there was published a notice of proposed rule making to issue a regulation governing fees and charges for copying, certification, search of records, and related services. Interested persons were given 30 days in which to submit written data, views, or arguments regarding the proposed regulations.

No objection has been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date. This regulation shall be effective as of June 1, 1967.

Dated: April 10, 1967.

[SEAL] LEO J. GEHRIG,
Acting Surgeon General.

Approved: April 22, 1967.

WILBUR J. COHEN,
Acting Secretary.

Part 35 is amended by the addition of a new § 35.17, to read as follows:

§ 35.17 Fees and charges for copying, certification, search of records and related services.

A prescribed fee, in accordance with the schedule in paragraph (c) of this section, shall be collected for each of the listed services.

(a) *Application for services.* Any person requesting (1) a copy of a clinical record, clinical abstract, or other document containing clinical information; or (2) a certification of a clinical record or document; or (3) a search of clinical records, shall make written application therefor to the Public Health Service facility having custody of the subject matter involved. Such application shall state specifically the particular record or document requested, and the purpose for which such copy or document is desired to be used. The application shall be accompanied by a deposit in an amount equal to the prescribed charge for the service rendered. Where it is not known if a clinical record or other document is in existence, the application shall be accompanied by a minimum deposit of $2.50.

(b) *Authorization for disclosure.* The furnishing of copies of PHS records containing confidential clinical information must comply with the requirements of Part I, Title 42, Code of Federal Regulations, governing authorization for the disclosure of such information.

(c) *Schedule of fees.*

(1) Photocopy reproduction of a clinical record or other document (through use of facility equipment):	
(a) Processing (searching, preparation of record and use of equipment), first page	$3.25
(b) Each additional page	.25
(2) Certification, per document	.25
(3) Unsuccessful searching, per hour (minimum charge 1 hour)	2.50
(4) Clinical abstracts, per request	3.00
(5) Arranging commercial duplication of a clinical record, per request	[a] 5.50
(6) If the requested material is to be transmitted by registered mail, airmail, or special delivery mail, the postal fees therefor shall be added to the other fees provided above, unless the applicant has included proper postage or stamped return envelopes for this purpose.	

[a] The private concern which duplicates records for an applicant will make a separate charge therefor and will bill the applicant directly.

(d) *Waiver of fee.* The prescribed fee may be waived, in the discretion of the medical officer in charge, under the following circumstances:

(1) When the service or document is requested by another agency of the Federal Government for use in carrying out official Government business.

(2) When a clinical record is requested for the purpose of providing continued medical care to a Service beneficiary by a non-Service physician, clinic, or hospital, in which case the record will be forwarded only to the physician, clinic, or hospital concerned.

(3) When the service or document is requested by an attorney in the prosecution of a Service beneficiary's personal injury claim against a third person, involving the concurrent assertion of a Government medical care claim under 42 U.S.C. 2651–2653. In such case, the service or document requested will be furnished only upon compliance with all additional requirements for the release of records in third party recovery cases, including the proper execution of form PHS–4686, Agreement to Assign Claim Upon Request.

(4) When the service or document is requested by, and furnished to, a Member of Congress for official use.

(5) When the service or document is requested by, and furnished to, a court in lieu of the personal court appearance of an employee of the Public Health Service.

(6) When the service or document is required to be furnished free in accordance with a Federal statute or an Executive order.

(7) When the furnishing of the service or document requested without charge would be an appropriate courtesy to a foreign country or international organization.

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483(a); sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216)

[F.R. Doc. 67–4983; Filed, May 3, 1967; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Released Rates Order MC–505]

PART 287—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

Released Rates of Motor Common Carriers of Household Goods

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 12th day of April 1967.

Upon consideration of a petition filed March 2, 1967, by the Household Goods Carriers' Bureau, to which no reply has been filed, seeking amendment of this order (entered June 7, 1966, 102 M.C.C. 277, published in 31 F.R. 8919), to provide an increased valuation charge on shipments of household goods destined to points in Mexico;

It appearing, that special conditions exist on such shipments because carriers operating in the United States, under authority of the Commission, cannot operate in Mexico, thus requiring unloading of the goods at the border, which increases the cost of insuring such shipments;

And it further appearing, that the special circumstances described above may terminate or change in the foreseeable future, and the exact cost of insuring such shipments will be more precisely determinable after a reasonable period during which the carriers will be able to obtain more precise data concerning actual extent of loss and damage on such shipments:

It is ordered, That § 287.201 (49 CFR 287.201) be, and it is hereby, amended as follows:

§ 287.201 **Released rates on household goods.**

(a) *Establishment authorized; rate bases* * * *

Released values and liability limitations	Transportation rate basis	Storage in transit rate basis
* * *	* * *	* * *
* * *	Base transportation rate plus a valuation charge of 50 cents for each $100, or fraction thereof of the released value of the entire shipment. On shipments destined to a point in Mexico and picked up prior to Dec. 31, 1968, the valuation charge will be $1.50 for each $100, or fraction thereof of the released value of the entire shipment.	* * *

* * * * * * *

It is further ordered, That this amendment become effective June 1, 1967.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304, interpret or apply sec. 219, as amended 220, as amended; 49 U.S.C. 319, 20)

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–5007; Filed, May 3, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 42]

EGGS AND EGG PRODUCTS

Proposal To List Silicon Dioxide as Optional Anticaking Ingredient in Dried Eggs and Dried Yolks

Notice is given that W. R. Grace & Co., Davison Chemical Division, 101 North Charles Street, Baltimore, Md. 21203, has filed a petition proposing that the standards of identity for dried eggs (21 CFR 42.30) and dried egg yolks (21 CFR 42.60) be amended by listing silicon dioxide as an optional anticaking ingredient at a maximum level of 1 percent by weight and with labeling requirements as hereinafter indicated. Grounds set forth in the petition indicate that silicon dioxide at the proposed level is functionally effective as an anticaking agent in dried eggs and dried yolks.

Accordingly, it is proposed that § 42.30 (a) and (d) (1) and § 42.60 (a) and (d) (1) be amended to read as follows:

§ 42.30 Dried eggs, dried whole eggs; identity; label statement of optional ingredients.

(a) Dried eggs, dried whole eggs are prepared by drying liquid eggs that conform to § 42.10, with such precautions that the finished food is free of viable *Salmonella* micro-organisms. They may be powdered. Before drying, the glucose content of the liquid eggs may be reduced by one of the optional procedures set forth in paragraph (b) of this section. Either silicon dioxide complying with the provisions of § 121.1058 of this chapter or sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount of silicon dioxide used is not more than 1 percent and the amount of sodium silicoaluminate used is less than 2 percent by weight of the finished food. The moisture content of the finished food, if an optional anticaking ingredient is used, does not exceed 5 percent by weight; however, if an optional anticaking ingredient is not used, the moisture content may exceed 5 percent, but it does not exceed 8 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965, p. 257, sections 16.002 and 16.003, under "Total Solids."

* * * * *

(d) (1) When either of the optional anticaking ingredients specified in paragraph (a) of this section is used, the label shall bear the statement "Not more than 1 percent silicon dioxide added as an anticaking agent" or "Less than 2 percent sodium silicoaluminate added as an anticaking agent," whichever is applicable.

* * * * *

§ 42.60 Dried egg yolks, dried yolks; identity; label statement of optional ingredients.

(a) Dried egg yolks, dried yolks is the food prepared by drying egg yolks that conform to § 42.40, with such precautions that the finished food is free of viable *salmonella* micro-organisms. Before drying, the glucose content of the liquid egg yolks may be reduced by one of the optional procedures set forth in paragraph (b) of this section. Either silicon dioxide complying with the provisions of § 121.1058 of this chapter or sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount of silicon dioxide used is not more than 1 percent and the amount of sodium silicoaluminate used is less than 2 percent by weight of the finished food. The moisture content of the finished food, if an optional anticaking ingredient is used, does not exceed 3 percent by weight; however, if an optional anticaking ingredient is not used, the moisture content may exceed 3 percent but does not exceed 5 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965, p. 257, sections 16.002 and 16.003, under "Total Solids."

* * * * *

(d) (1) When either of the optional anticaking ingredients specified in paragraph (a) of this section is used, the label shall bear the statement "Not more than 1 percent silicon dioxide added as an anticaking agent" or "Less than 2 percent sodium silicoaluminate added as an anticaking agent," whichever is applicable.

* * * * *

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: April 24, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-5005; Filed, May 3, 1967; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES SILICON DIOXIDE, CALCIUM SILICATE

Proposal Regarding Use in Certain Foods

Section 121.1058 excludes use of silicon dioxide as an anticaking agent in infant foods, except as an incidental additive resulting from salt or salt substitutes used as components of such foods. Section 121.1135 excludes use of calcium silicate as an anticaking agents in infant foods and foods for special dietary uses, with the same exception.

Excluding use of silicon dioxide and calcium silicate in these important food items was believed necessary to preclude a potential adverse effect on their nutritional value; however, reconsideration of available data indicates that use of these additives as anticaking agents in nutritionally important foods, consistent with good manufacturing practice and at levels not in excess of 2 percent by weight of the food, would have no significant effect on the total dietary of individuals ingesting these special foods.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Part 121 be amended:

§ 121.1058 [Amended]

1. In § 121.1058(b) by deleting subparagraph (3).

2. By revising § 121.1135 to read as follows:

§ 121.1135 Calcium silicate.

Calcium silicate, including synthetic calcium silicate, may be safely used in food in accordance with the following prescribed conditions:

(a) It is used as an anticaking agent in food in an amount not in excess of that reasonably required to produce its intended effect.

(b) It will not exceed 2 percent by weight of the food, except that it may be present up to 5 percent by weight of baking powder.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with

the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 24, 1967.

J. K. KIRK,
Associate Commissioner For Compliance.

[F.R. Doc. 67-5006; Filed, May 3, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 67-SO-50]

AIRWORTHINESS DIRECTIVES

Piper PA-28 and PA-32 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Piper PA-28 and PA-32 series airplanes. There have been failures of the main landing gear torque links on Piper PA-28 and PA-32 series airplanes that could result in the wheel assembly falling out of the landing gear cylinder. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection of the main landing gear torque links and replacement if necessary on Piper PA-28 and PA-32 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PIPER. Applies to Piper PA-28 and PA-32 series airplanes equipped with main landing gear torque links which are drilled for lubricator fittings.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To preclude the possibility of failure of the main landing gear torque link, accomplish the following:

(a) Measure the distance from the edge of the bolt hole to the edge of the machined surface on the boss on the small (scissor) end of each of the main landing gear torque links. If this distance is 0.350 inches or less, the link must be replaced, either individually or in pairs, with Piper Part No. 65691-00. When replacing the link, install Piper Kit No. 757 123, which consists of a grease bolt, P/N 65788-00, a brake line clip, P/N 63332-05, a washer, P/N 62833-27, an AN310-C5 nut, P/N 404 122, and an AN381-2-8 cotter pin, P/N 424 080. One kit is required per landing gear.

(b) Inspect to determine the amount of contact on the face of the torque link stops. If the contact of the stops is along the inboard edge only, or outboard edge only, the face must be reworked to insure contact is maintained over the entire width of the bearing surface. This is required to preclude the possibility of side loads on the torque links.

NOTE: Service the landing gear assembly to assure correct fluid content, air pressure and piston exposure in accordance with the Piper PA-28 or PA-32 Service Manual, as appropriate.

(Piper Service Bulletin No. 248 dated Apr. 21, 1967, covers this same subject.)

Issued in East Point, Ga., on April 24, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-4974; Filed, May 3, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-57]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the Minneapolis, Minn. (Flying Cloud Airport), control zone.

The Minneapolis, Minn. (Flying Cloud Airport), control zone is presently designated as follows:

That airspace within a 3-mile radius of Flying Cloud Airport (latitude 44°49'30" N., longitude 93°27'25" W.), and within 2 miles each side of the Flying Cloud VOR 292° radial extending from the 3-mile radius zone to 7 miles west of the VOR, from 0600 to 2200 hours, local time, daily.

Due to the present designation of the control zone, any change in the hours during which the control zone is effective requires rule making action which is often time consuming. This requirement will be eliminated by altering the control zone designation to permit its effective hours to be changed by NOTAM. In addition, the alteration contained herein will increase the control zone to the normal 5-mile radius. As a result, and having completed a comprehensive review of the terminal airspace structural requirements at Flying Cloud Airport, Minneapolis, Minn., the Federal Aviation Administration proposes the following airspace action:

Redesignate the Minneapolis, Minn. (Flying Cloud Airport), control zone as that airspace within a 5-mile radius of Flying Cloud Airport latitude 44°49'30" N., longitude 93°27'25" W.); and within 2 miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7 miles west of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

During the time the proposed control zone is in effect, it will provide controlled airspace protection for aircraft executing prescribed arrival and departure procedures at Flying Cloud Airport during descent below 1,000 feet above the surface and during climb to 700 feet above the surface. The control zone will continue to be effective during the hours that the FAA control tower is in operation at Flying Cloud Airport, presently from 0600 to 2200 hours, local time, daily. The FAA will continue to provide weather observations and disseminate weather information during the times that the control zone is in effect. In the event the hours for the operation of the control tower change, the effective times of the control zone will change. When this occurs, notice will be given prior to any such change by a Notice to Airmen, and continuously published thereafter in the Airman's Information Manual.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Build-

ing, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on April 20, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-4975; Filed, May 3, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-58]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the Milwaukee, Wis. (Timmerman Airport), control zone.

The Milwaukee, Wis., (Timmerman Airport), control zone is presently designated as follows:

That airspace within a 3-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'05" W.) and within 2 miles each side of the Timmerman VOR 337° radial, extending from the 3-mile radius zone to 7 miles northwest of the VOR; and within 2 miles each side of the Timmerman VOR 214° radial, extending from the 3-mile radius zone to 6 miles southwest of the VOR, effective from 0600 to 2200 hours, local time, daily.

Since designation of this part-time control zone, the instrument approach procedure for Timmerman Airport has been modified. The present control zone does not adequately protect this modified procedure. In addition, due to the present designation of the control zone, any change in the hours during which the control zone is effective requires rule making action which is often time consuming. This requirement will be eliminated by altering the control zone designation to permit its effective hours to be changed by NOTAM. Finally, the alteration contained herein will increase the control zone to the normal 5-mile radius. As a result, and having completed a comprehensive review of the terminal airspace structural requirements at Timmerman Airport, Milwaukee, Wis., the Federal Aviation Administration proposes the following airspace action:

Redesignate the Milwaukee, Wis. (Timmerman Airport), control zone as that airspace within a 5-mile radius of Timmerman Airport latitude 43°06'40" N., longitude 88°02'05" W.); within 2 miles each side of the Timmerman VOR 336° radial, extending from the 5-mile radius zone to 7 miles northwest of the VOR; and within 2 miles each side of the Timmerman VOR 214° radial, extending from the 5-mile zone to 6 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

During the times the proposed control zone is in effect, it will provide controlled airspace protection for aircraft executing prescribed arrival and departure procedures at Timmerman Airport during descent below 1,000 feet above the surface and during climb to 700 feet above the surface. The control zone will continue to be effective during the hours that the FAA control tower is in operation at Timmerman Airport, presently from 0600 to 2200 hours, local time, daily. The FAA will continue to provide weather observations and disseminate weather information during the times that the control zone is in effect. In the event the hours for the operation of the control tower change, the effective times of the control zone will change. When this occurs, notice will be given prior to any such change by a Notice to Airman, and continuously published thereafter in the Airman's Information Manual.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on April 20, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-4976; Filed, May 3, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-6]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations which would alter the Presque Isle, Maine, control zone and 700-foot-floor transition area.

The amendment would reflect the conversion of the Sprague ville, Maine, LFR to an RBN and a 2-degree change in the bearing of the control zone from the RBN. There will also be an editorial change in the effective times of the control zone.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be effective in less than 30 days.

In view of the foregoing the amendment is hereby adopted effective April 27, 1967, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Presque Isle, Maine, control zone all after the word "Sprague ville" and insert in lieu thereof "RBN 169° bearing extending from the 5-mile radius zone to 7 miles south of the RBN. This control zone is effective from 0800 to 2000 hours local time, Sunday through Friday; 0800 to 1730 hours, local time Saturday; and during specific times established in the Notices to Airmen."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Presque Isle, Maine, Transition Area the phrase "Sprague ville R.R. south course extending from the 8-mile radius area to 8 miles south of the R.R.", and insert in lieu thereof "Sprague ville RBN 169° bearing extending from the 8-mile radius area to 8 miles south of the RBN."

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on April 18, 1967.

WAYNE HENDERSHOT,
Acting Director.

[F.R. Doc. 67-4977; Filed, May 3, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-48]

TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Cloquet, Minn., terminal area and alter controlled airspace in the Duluth, Minn., terminal area.

The Duluth, Minn., transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Duluth, Minn., International Airport (latitude 46°50'28" N., longitude 92°11'35" W.); within 2 miles each side of the Duluth VORTAC 023° radial extending from the 8-mile radius area to 18 miles northeast of the VORTAC; and within 2 miles each side of the Duluth ILS west course extending from the 8-mile radius area to 8 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Duluth International Airport; within 8 miles northwest and 5 miles southeast of the Duluth VORTAC 051°

radial extending from the 35-mile radius area to 41 miles northeast of the VORTAC; and within 8 miles east and 5 miles west of the Duluth VORTAC 197° radial extending from the 35-mile radius area to 34 miles south of the VORTAC; excluding the portion which overlies the Hibbing, Minn., transition area.

A new public-use instrument approach procedure has been developed for the Cloquet, Minn., Municipal Airport, utilizing the Duluth, Minn., VORTAC facility as a navigational aid. The Duluth VORTAC facility is located 14 nautical miles northeast of the Cloquet Municipal Airport. As a result, and having completed a comprehensive review of the airspace structural requirements at Cloquet, Minn., the Federal Aviation Administration proposes to take the following airspace action:

(1) Designate the Cloquet, Minn., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Cloquet Municipal Airport (latitude 46°42'02" N., longitude 92°30'23" W.); and within 2 miles each side of the Duluth, Minn., VOR 244° radial, extending from the 5-mile radius area southwest to 22 miles southwest of the VOR.

(2) Redesignate the Duluth, Minn., transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Duluth International Airport (latitude 46°50'28" N., longitude 92°11'35" W.); within 2 miles each side of the Duluth VOR 023° radial, extending from the 8-mile radius area to 18 miles northeast of the VOR; and within 2 miles each side of the Duluth ILS localizer west course, extending from the 8-mile radius area to 8 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Duluth International Airport; within a 34-mile radius of the Duluth VOR; and within 8 miles northwest and 5 miles southeast of the Duluth VOR 051° radial, extending from the 35-mile radius area to 41 miles northeast of the VOR; excluding the portion which overlies the Hibbing, Minn., transition area.

The Cloquet, Minn., proposed 700-foot floor transition area will provide controlled airspace protection for departing aircraft during climb from 700 to 1,200 feet above the surface. It will also provide this protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface.

The proposed 1,200-foot floor transition area at Duluth, Minn., will provide controlled airspace for the protection of the DME arc portion of the new instrument approach procedure for Cloquet Municipal Airport. The proposed Duluth, Minn., 700-foot floor transition area will remain the same as it is presently designated.

The floors of the airways that traverse the transition areas proposed herein will automatically coincide with the floors of the transition areas.

Specific details of this proposal and the procedure which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on April 20, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-4978; Filed, May 3, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 378]

[Docket No. 18487; SPDR-8]

INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS AND TOUR OPERATORS

Notice of Proposed Rule Making

MAY 1, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 378 which would extend the requirement of prior approval of all inclusive tour charters through December 31, 1968. The reasons for the proposal are set out in the explanatory statement. The amendment is proposed under authority of section 204 (a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.

Interested persons may participate in the proposed rule making by submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before June 5, 1967, will be considered by the Board. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. In enacting Part 378 to authorize supplemental air carriers to perform inclusive tour charters for tour operators, the Board decided that such authority should be subject to a prior approval procedure, rather than under "blanket exemption," during the initial stage, primarily because the administration of the tour program would involve problems which could not be anticipated.[1] Inasmuch as such a procedure would impose substantial burdens on the Board and the carrier and it was believed that its indefinite duration was unnecessary, provision was made in the regulation for the lapse of the prior approval requirements on January 1, 1968, at which time the authority to conduct inclusive tours would be by blanket exemption. However, the Board reserved the right to extend the prior approval requirement should such a step be found necessary.

After approximately 1 year's administration of the program, we are of the view that extension of the prior approval procedure is necessary. Prospective tour operators are still generally unfamiliar with the requirements of Part 378, and significant problems continue to arise in processing applications thereunder.[2] In sum, we believe that the limited experience to date under the prior approval procedure is such that before permitting a blanket exemption to take effect we should continue, at least for an additional year, to exercise control over inclusive tour operations so as to insure compliance with the regulations and the qualifications of tour operators. Accordingly, it is proposed to extend the statement of authorization procedure for an additional year.

Proposed rule. It is proposed to amend Part 378 of the Special Regulations (14 CFR Part 378) as follows:

1. Amend § 378.10 to read:

§ 378.10 Requirement of a Statement of Authorization.

No inclusive tour or series of tours scheduled to commence on or before December 31, 1968, shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there shall be in effect a statement of authorization issued by the Board authorizing the specific tour or series of tours.

2. Amend paragraph (a) of § 378.18 to read:

[1] Supplemental Air Service Proceeding, Order E-23350, Mar. 11, 1966, pp. 17-18. Part 378 was adopted concurrently (SPR-14), effective May 13, 1966.

[2] During 1966-67, 15 applications for inclusive tour authority were granted, four denied, and five dismissed.

§ 378.18 **Procedure applicable to periods on or after January 1, 1968.**

(a) No inclusive tour or series of tours scheduled to commence on or after January 1, 1969, shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board a tour prospectus satisfying the requirements of § 378.13. If a series of tours is to be operated for one tour operator pursuant to one charter contract, the prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the completion of the last tour shall not be over 180 days. The tour prospectus shall be filed at least 60 days before commencement of the tour or tours. Late filing of the prospectus will not be permitted except for good cause shown.

* * * * *

[F.R. Doc. 67-4992; Filed, May 3, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

CANNED SPINACH

U.S. Standards for Grades [1]

A notice of proposed rule making was published in the FEDERAL REGISTER of March 1, 1966 (31 F.R. 3253), regarding a revision of the U.S. Standards for Grades of Canned Spinach (7 CFR 52.1901–52.1911) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624). Interested persons were allowed until January 1, 1967, to submit written data, views, or arguments for consideration in connection with the proposed revision. In view of additions and changes proposed the U.S. Department of Agriculture desires further consideration by interested parties.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than January 1, 1968, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submission made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (par. (b) of § 1.27, as amended, at 29 F.R. 7311).

Statement of considerations leading to the second proposed revision. A proposal to revise the grade standards for canned spinach was published in the FEDERAL REGISTER of March 1, 1966. Changes proposed included:

(1) Two separate styles subjectively defined to be designated as:

(a) "Whole leaf"; and

(b) "Cut Leaf" or "Sliced".

(2) A modification of the method for ascertaining drained weights;

(3) Lowering of the drained weight values for all container sizes except the No. 10 size;

(4) An introduction of a new standardization concept using attributes principals.

Interested persons were given until January 1, 1967, to submit comments, views, and arguments.

Comments received regarding the proposal from the Canners League of California, Ozark Canners and Freezers Association, and some individual spinach canners suggested the following:

(1) The study of the new concept be extended for a period of 1 year because the quality of the raw product during the 1966 spinach canning season was such that it was not possible to evaluate the applicability of the proposed allowances;

(2) Further consideration be given to drained weight requirements, specifically the values proposed for No. 10 containers. A lowering of the drained weight values for this container size was suggested by the Canners League of California.

(3) A third style to be designated as "Chopped" be included since this style comprises a substantial proportion of the canned spinach pack in the Ozark area;

(4) Objective definitions for the styles of "Cut leaf" or "Sliced" and "Chopped";

(5) Allowances for defects specifically applicable to the style of "chopped."

The Canners League of California later requested the grade standards be amended to include certain portions of the proposal. These portions were restricted to:

(1) Inclusion of the two styles proposed;

(2) The modified method for ascertaining drained weights;

(3) The proposed drained weight values except as modified for the No. 10 container size and the lower limit value for No. 2½ container.

An amendment to the U.S. Standards for Grades of Canned Spinach was published in the FEDERAL REGISTER of March 23, 1967, to become effective on that date which complied with the aforementioned request.

A supplemental amendment to include the style of "Chopped" in the Canned Spinach grade standards was published in the FEDERAL REGISTER of April 14, 1967, to become effective upon publication on request of the Ozark Canners and Freezers Association.

The second notice of proposed rule making will provide an opportunity for additional study of the attributes concept of standards. In addition to the attributes principles employed, the following changes in the amended grade standards are proposed:

(1) Objective definitions for the styles of "Cut Leaf" or "Sliced" and "Chopped"—Chopped style was not included in the March 1, 1966, proposal;

(2) Separate allowances applicable to the style of "Chopped";

(3) Specific allowances for stem material—Previously proposed but increased slightly in second proposal;

(4) The nomenclature for the grade currently designated as Grade C (Standard would be changed to Grade B (Extra Standard)—Previously proposed).

The new concept would incorporate the following changes in standardization format and context:

(1) The current quality factors of "Color", "Absence of Defects", and "Character" would be combined under one basic factor designated as "Defects". Defects would be classified as "Minor", "Major", and "Severe" according to the degree of intensity or to the adverse effect on the appearance or eating quality of the product.

(2) Stem material, currently considered under the factor of character, would be made a separate quality factor.

(3) Allowances currently provided for in the separate quality factors would be statistically combined to provide allowances for the different degrees of defects.

(4) A sample unit size consisting of 10 ounces of drained spinach, regardless of container size, would be specified.

(5) The numerical scoring system currently employed would be eliminated and the grade of a lot of canned spinach would be ascertained on an attribute basis.

(6) A new sampling plan would reflect a more constant relationship between total sample weight and lot weight regardless of container size.

(7) Acceptance criteria would be provided for the determination of compliance with quality requirements as well as compliance with drained weights.

(8) A new score sheet is proposed which would require recording the number of the various classes of defects rather than the numerical scores of each quality factor as currently required.

Representatives of the U.S. Department of Agriculture will be available upon appointment to discuss and demonstrate the proposed revision to interested persons during the period from date of publication of this proposal in the FEDERAL REGISTER and January 1, 1968. Requests for such appointments should be made in writing to:

Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS U.S. Department of Agriculture, Washington, D.C. 20250.

The proposed revision is as follows:

Subpart—U.S. Standards for Grades of Canned Spinach

PRODUCT DESCRIPTION, STYLES, GRADES

Secs.

52.1901 Product description.
52.1902 Styles of canned spinach.
52.1903 Grades of canned spinach.

DEFINITIONS OF TERMS AND SYMBOLS

52.1904 Definitions of terms and symbols.

FILL OF CONTAINER

52.1905 Recommended fill of container.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

RECOMMENDED DRAINED WEIGHTS
52.1906 Recommended drained weights.
FACTORS OF QUALITY
52.1907 Factors of quality.
PRODUCT CHARACTERISTICS
52.1908 Classification of defects.
TOLERANCES FOR GRADE COMPLIANCE
52.1909 Tolerances for stem material.
52.1910 Tolerances for color, character, damage, and harmless extraneous material.
LOT ACCEPTANCE
52.1911 Lot acceptance for drained weights.
52.1912 Lot acceptance for quality.
SAMPLING PLANS
52.1913 Single sampling plans and acceptance levels.
SCORE SHEET
52.1914 Score sheet for canned spinach.

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, STYLES, GRADES

§ 52.1901 Product description.

"Canned Spinach", as defined in the definitions and standards of identity for canned vegetables (21 CFR 51.990) issued pursuant to the Federal Food, Drug, and Cosmetic Act, means the product properly prepared from the succulent leaves of the spinach plant and is packed with the addition of water in hermetically sealed containers and sufficiently processed by heat to prevent spoilage. Citric acid or a vinegar may be added in a quantity not more than sufficient to permit effective processing by heat without discoloration or other impairment of the product. One or more of the optional seasoning ingredients may be added in a quantity sufficient to season the food:

(a) Salt,
(b) A vinegar,
(c) Spice,
(d) Refined sugar (sucrose),
(e) Refined corn sugar (dextrose),
(f) Corn sirup, dried corn sirup, glucose sirup, dried glucose sirup,
(g) Monosodium glutamate.

52.1902 Styles of canned spinach.

(a) "Whole leaf" spinach consists substantially of the leaf and adjoining portion of the stem.

(b) "Cut leaf" or "Sliced" spinach consists of the leaf and adjoining portion of stem that has been cut predominantly into large pieces approximating ¾ inch or more in the longest dimension or cut predominantly into approximate strips.

(c) "Chopped" spinach consists of the leaf and adjoining portion of stem that has been cut predominantly into small pieces less than approximately ¾ inch in the longest dimension.

52.1903 Grades of canned spinach.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned spinach that has a good flavor and odor and has an attractive appearance and eating quality within the limitations as specified herein with respect to: (1) Color; (2) character; (3) stem material; (4) damage; and (5) harmless extraneous material.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of canned spinach that has a good flavor and odor and has a reasonably attractive appearance and eating quality within the limitations as specified herein with respect to: (1) Color; (2) character; (3) stem material; (4) damage; and (5) harmless extraneous material.

(c) "Substandard" is the quality of canned spinach that fails to meet the requirements for "U.S. Grade B."

DEFINITIONS OF TERMS AND SYMBOLS

§ 52.1904 Definitions of terms and symbols.

(a) *Terms.*

Defect	Any specifically defined variation from a particular requirement.
Deviant	A sample unit that exceeds an upper limit (such as for stem material or various defect classifications) or fails to meet a lower limit (such as drained weights).
Sample	Any number of sample units to be used for inspection of a lot.
Sample Unit	The entire contents of a container, a portion of the contents of a container, or a combination of the contents of two or more containers as specified to be used for inspection.

(b) *Symbols.*

Avg. (or $\bar{X}'_{min}$)	Minimum sample average drained weight.
LL	Lower limit for individual drained weights.
UL	Upper limit is the value which represents the maximum amount of stem material or the maximum number of defects a sample unit may have for a grade classification.

FILL OF CONTAINER

§ 52.1905 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. The recommended fill of container for canned spinach is the maximum amount of spinach that can be sealed in a container and processed by heat without impairment of quality. It is recommended that the product and packing medium occupy not less than 90 percent of the water capacity of the container.

RECOMMENDED DRAINED WEIGHTS

§ 52.1906 Recommended drained weights.

(a) *General.* The recommended drained weight values in Table I of this subpart are not incorporated in the grades of the finished product, since drained weight, as such, is not a factor of quality for the purpose of these grades.

(b) *Method for ascertaining drained weight.* The drained weight of canned spinach is determined when the product is at approximately room temperature (68° F.). The contents of the containers are emptied upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.00937 ± 3 percent square openings). With the sieve flat on the tray, the container of spinach is placed open end down in the sieve in an upright position. The container is lifted off the spinach without spreading the spinach out on the sieve. The spinach is allowed to drain for exactly 2 minutes. The weight of the spinach and sieve minus the weight of the dry sieve is the drained weight of the spinach. A sieve 8 inches in diameter is used for the equivalent of a No. 3 size can (404 x 700) and smaller and a sieve 12 inches in diameter is used for containers larger than the equivalent of a No. 3 size can.

TABLE 1—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED SPINACH [1]

Container designation (metal, unless otherwise stated)	Container size overall dimensions		Capacity weight H_2O at 68° F.—ounces (avoirdupois)	Minimum drained weight—ounces (avoirdupois)	
	Diameter (inches)	Height (inches)		LL.	Avg. or $\bar{X}_{min}$
8Z tall	2 1/16	3 1/16	8.65	4.8	5.2
No. 1 picnic	2 1/16	4	10.90	6.3	6.8
No. 300	3	4 7/16	15.20	8.6	9.1
No. 1 tall	3 1/16	4 1 3/16	16.60	9.4	10.0
No. 303	3 3/16	4 9/16	16.85	9.6	10.2
No. 303 glass			17.70	9.4	10.0
No. 2	3 7/16	4 9/16	20.50	11.9	12.6
No. 2½	4 1/16	4 1 3/16	29.75	17.6	18.6
No. 2½ glass			29.50	15.8	16.6
No. 10	6 3/16	7	109.45	54.7	58.4

[1] These drained weights are the same as those published in the FEDERAL REGISTER of Mar. 23, 1967, to become effective on that date.

FACTORS OF QUALITY

§ 52.1907 Factors of quality.

(a) *General.* The grade of a lot of canned spinach is based on requirements for product characteristics with respect to the following quality factors:

(1) Flavor and odor;
(2) Color;
(3) Character;
(4) Stem material;
(5) Damage;
(6) Harmless extraneous material.

(b) *Sample unit size.* Compliance with requirements for factors of quality is based on:

(1) Whole leaf; cut leaf—10 ounces of drained spinach.

(2) Chopped—(i) Flavor and odor, color, and character—10 ounces of drained spinach.

(ii) Stem material, damage, and harmless extraneous material—2 ounces of drained spinach.

PRODUCT CHARACTERISTICS

§ 52.1908 Classification of defects.

TABLE II—CLASSIFICATION OF DEFECTS

Quality factor	Defect	Classification		
		Minor	Major	Severe
Color	Variable, slightly dull, or otherwise adversely affected to a degree that is noticeable.		X	
	Adversely affected to a degree that is objectionable			X
Character	Appearance or eating quality is adversely, but not seriously, affected by a mushy texture, disintegration, ragged cutting, or shredded leaves and stems or portions, thereof, as applicable for the style.		X	
	Appearance or eating quality is seriously affected			X
	WHOLE LEAF			
Damage	Discoloration 3/32 sqnare inch but less than 1 square inch on a leaf or stem or portion thercof; or other injury less than 3/32 square inch that materially affects the appearance or eating quality of the product.	X		
	Discoloration 1 square inch or more but less than 4 square inches on a leaf or stem or portion thereof; or other injury less than 1 square inch that seriously affects the appearance or eating quality of the product.		X	
	Discoloration more than 4 square inches on a leaf or stem or portion thereof.			X
	CUT LEAF			
	Discoloration 3/32 square inch or more on a portion of leaf or stem; or other injury or discoloration less than 3/32 square inch that materially affects the appearance or eating quality of product.	X		
	CHOPPED			
	Discoloration or other injury that materially affects the appearance or eating quality of the portions of leaves and stems.	X		
	GRASS AND WEEDS			
Harmless extraneous material.	Green, fine, tender, string-like blades and stems of grass and weeds (aggregate measurement).			
	Whole leaf; cut leaf:			
	3 inches or less	X		
	More than 3 inches but not more than 8 inches		X	
	More than 8 inches			X
	Chopped:			
	½ inch or less	X		
	More than ½ inch but not more than 1½ inches		X	
	More than 1½ inches			X
	Green, coarse grass and weeds (aggregate mesurement).			
	Whole leaf; cut leaf:			
	½ inch or less	X		
	More than ½ inch but not more than 2 inches		X	
	More than 2 inches			X
	Chopped:			
	½ inch or less		X	
	More than ½ inch			X
	Grass and weeds other than green (aggregate measurement).			
	Whole leaf; cut leaf:			
	½ inch or less		X	
	More than ½ inch			X
	Chopped: Any amount			X
	Seed head:			
	The seed-bearing portion of a spinach plant			
	Longer than 1 inch or is objectionable or pieces that materially affect the appearance or eating quality of the product.		X	

TOLERANCES FOR GRADE COMPLIANCE

§ 52.1909 Tolerances for stem material.

Stem material is that portion of the spinach plant below the point of attachment to the leaf.

TABLE III—TOLERANCES FOR STEM MATERIAL (ALL STYLES)

Grade classification	Stem material sample unit UL
	Percent, by weight
U.S. Grade A	25
U.S. Grade B	30

§ 52.1910 Tolerances for color, character, damage, and harmless extraneous material.

TABLE IV—TOLERANCES FOR COLOR, CHARACTER, DAMAGE, HARMLESS EXTRANEOUS MATERIAL (Whole leaf; cut leaf)

Grade classification	Defect classification	Number of defects		
		Sample average	Sample unit UL	Maximum for deviants
U.S. Grade A	Severe	0.25	1	2
	Major	1.50	4	6
	Total [1]	4.00	8	11
U.S. Grade B	Severe	.50	2	3
	Major	4.00	8	11
	Total [1]	12.00	18	23

[1] Total—The sum of severe, major, and minor.

TABLE V.—TOLERANCES FOR COLOR, CHARACTER, DAMAGE, HARMLESS EXTRANEOUS MATERIAL (CHOPPED)

Grade classification	Defect classification	Number of defects		
		Sample average	Sample unit UL	Maximum for deviants
U.S. Grade A	Severe	0.25	1	2
	Major	1.50	4	6
	Minor (grass and weeds)	2.00	4	7
	Total [1]	15.00	22	27
U.S. Grade B	Severe	.50	2	3
	Major	4.00	8	11
	Minor (grass and weeds)	6.00	10	14
	Total [1]	40.00	51	59

[1] Total—The sum of severe, major, minor (grass and weeds), and other minor.

LOT ACCEPTANCE

§ 52.1911 Lot acceptance for drained weights.

A lot of canned spinach is considered as meeting the minimum drained weights if the following criteria are met:

(a) The average of the drained weights from all the containers in the sample meets the average drained weight in Table I of this subpart (designated as "Avg." or $\overline{X}'_{min}$); and

(b) The number of deviants for drained weight do not exceed the applicable acceptance number specified in the single sampling plan contained in Table VI of this subpart.

§ 52.1912 Lot acceptance for quality.

A lot of canned spinach shall be considered as meeting the quality requirements for the applicable grade as specified in this subpart: *Provided*, That:

(a) The sample average values for the various defect classifications specified in Table IV or Table V, as applicable for the style of this subpart are not exceeded;

(b) The number of deviants from the requirements for stem material specified in Table III as applicable for the grade does not exceed the applicable acceptance number specified in the Single Sampling Plan (Table VI) of this subpart (deviants for stem material are permitted in addition to other deviants);

(c) The number of deviants from the requirements for defects specified in Table IV or Table V, for the applicable style, for the respective grade does not exceed the acceptance number specified for the sample size in the Single Sampling Plan (Table VI) of this subpart;

(d) When the order of production is known, no three deviants out of five successive sample units occur; and

(e) The product meets the requirements for flavor and odor.

SAMPLING PLANS

§ 52.1913 Single sampling plans and acceptance levels.

The minimum sample size for canned spinach shall be the exact number of sample units prescribed in Table VI of this subpart.

TABLE VI—SINGLE SAMPLING PLANS AND ACCEPTANCE LEVELS

Container size or designation	Lot size (number of containers)								
8Z tall (211 x 304) or smaller	4,600 or less	4,601–22,900	22,901–48,200	48,201–91,500	91,501–137,200	137,201–205,800	205,801–320,000	320,001–460,000	Over 460,000
No. 1 picnic (211 x 400)	3,500 or less	3,501–17,300	17,301–34,600	34,601–69,300	69,301–103,900	103,901–155,800	155,801–242,400	242,401–350,000	Over 350,000.
No. 300 (300 x 407) No. 1 tall (301 x 411) No. 303 (303 x 406) No. 303 glass (303 x 411) No. 2 (307 x 409)	2,400 or less	2,401–12,000	12,001–24,000	24,001–48,000	48,001–72,000	72,001–108,000	108,001–168,000	168,001–240,000	Over 240,000.
No. 2-½ (401 x 411) No. 2-½ glass (401 x 414)	1,300 or less	1,301–6,400	6,401–12,800	12,801–25,500	25,501–38,300	38,301–57,400	57,401–89,300	89,301–130,000	Over 130,000.
No. 10 (603 x 700)	400 or less	401–2,000	2,001–3,900	3,901–7,800	7,801–11,800	11,801–17,700	17,701–27,500	27,501–40,000	Over 40,000.

SINGLE SAMPLING PLAN FOR QUALITY AND DRAINED WEIGHT COMPLIANCE

Sample size for quality compliance (number of sample units) [1] and for drained compliance (number of containers) [2]	3	6	13	21	29	38	48	60	72.
Acceptance number	0	1	2	3	4	5	6	7	8.

[1] The sample size for quality compliance is expressed in terms of number of sample units—(see § 52.1908).

[2] The sample size for drained weight compliance is expressed in terms of number of individual containers.

SCORE SHEET

§ 52.1914 Score sheet for canned spinach.

No., size and kind of container	
Label	
Container mark or identification {cans/glass cases	
Net weight (ounces)	
Vacuum (inches)	
Drained weight (ounces)	
Style	

Quality factors	Defects						Average
	Minor	Major	Severe	Minor	Major	Severe	
Color Character Damage Harmless extraneous material							
Total (each classification)							
Total (minor major severe)							
Stem material {A—UL=25 percent B—UL=30 percent							

Flavor and odor {Good Objectionable	

Dated: April 26, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-4848; Filed, May 3, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-891]

NEVADA

Notice of Proposed Classification of Public Lands; Correction

APRIL 27, 1967.

Notice of proposed classification, serial number Nevada 891, for retention for multiple use management was published as F.R. Doc. No. 67-3492 on page 5376 of the issue for Thursday, March 30, 1967.

The legal description of the lands involved in paragraph 4 should be corrected to read as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 43 N., R. 28 E., unsurveyed,
Secs. 1 and 2;
Sec. 3, E½NE¼;
Sec. 11, N½NE¼, NE¼NW¼;
Sec. 12, N½.
T. 44 N., R. 28 E., unsurveyed,
Sec. 34, SE¼SE¼;
Sec. 35, S½;
Sec. 36, S½S½.
T. 43 N., R. 29 E., unsurveyed,
Sec. 6, W½;
Sec. 7, NW¼NW¼.
T. 44 N., R. 29 E., unsurveyed,
Sec. 35, S½S½.

The areas described above aggregate approximately 3,100 acreas.

The correction will not affect the acreage as indicated above.

For the State Director.

DANIEL P. BAKER,
Manager, Nevada Land Office.

[F.R. Doc. 67-4985; Filed, May 3, 1967; 8:47 a.m.]

[Serial No. N-892]

NEVADA

Notice of Proposed Classification of Public Lands; Correction

Notice of proposed classification, serial number Nevada 892, for retention for multiple use management, was published as F.R. Doc. No. 67-3493 on pages 5376 and 5377 of the issuc for Thursday, March 30, 1967.

The legal description of the lands described in paragraph 4, other lands excluded from proposed classification, should be corrected, in part, to read as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 1 N., R. 67 E.,
Sec. 12, W½NW¼, S½.
T. 1 N., R. 68 E.,
Sec. 7, Lot 4.
T. 2 N., R. 70 E.,
Sec. 6, E½SE¼, SE¼NE¼.
T. 2 N., R. 69 E.,
Sec. 35, E½SE¼, SE¼NE¼.
T. 1 N., R. 69 E.,
Sec. 2, SE¼, Lot 1, SE¼NE¼.

The total acreage of other lands excluded from proposed classification should be corrected to read:

Total acreage: 16,107.18.

For the State Director.

DANIEL P. BAKER,
Manager, Nevada Land Office.

[F.R. Doc. 67-4964; Filed, May 3, 1967; 8:45 a.m.]

[New Mexico 2044]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 26, 1967.

The Forest Service, U.S. Department of Agriculture has filed application, Serial No. New Mexico 2044 for the withdrawal of lands described below. The lands were conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. They lie within the exterior boundaries of the Cibola National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for the addition to, and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of national resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 11 N., R. 11 W.,
Sec. 5, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 7, lots 1, 2, 3, 4, E½W½, and E½;
Secs. 8 and 9;
Sec. 33, E½, S½NW¼, and SW¼.

The area described aggregates 3,108.64 acres.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 67-4965; Filed, May 3, 1967; 8:45 a.m.]

[Montana 1786(SD)]

SOUTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 26, 1967.

The Department of Agriculture, on behalf of the Forest Service, has filed application, Montana 1786(SD), for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the land for the development of roadside zones and a Y interchange on Highway U.S. 16 in the Black Hills National Forest, S. Dak.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will understake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BLACK HILLS NATIONAL FOREST

BLACK HILLS PRINCIPAL MERIDIAN

Keystone Y and U.S. Highway 16 Roadside Zone

T. 1 S., R. 6 E.,
Sec. 30, S½SW¼SE¼, and SW¼SE¼SE¼;
Sec. 31, N½SE¼, NE¼NE¼NW¼, and SE¼NE¼;
Sec. 32, NW¼NE¼NW¼, and NW¼NW¼.

Except mineral patents identified as M.S. 1257 Oregon and Colorado Lodes and portions of M.S. 1198 Golden Lode and M.S. 1895 Yankton Lode with 22.3 acres, more or less.

The net area described aggregates 187.7 acres, more or less.

Also: A strip of land 350 feet on each side of the centerline on undivided portions of U.S. Highway 16 through the following legal subdivisions:

T. 1 S., R. 6 E.,
Sec. 12, Lot 8;
Sec. 13, Lot 1, SW¼NE¼;
Sec. 21, SE¼SE¼;
Sec. 28, N½NE¼, N½NW¼, and SW¼NW¼;
Sec. 29, SE¼NE¼, N½SE¼, SW¼SE¼, S½SW¼, and NE¼SW¼;
Sec. 30, Lot 7, SE¼SW¼;
Sec. 31, Lot 1, NW¼NE¼NW¼.

These undivided highway areas, as described, aggregate 212 acres.

Also: A strip of land including 350 feet outside of the centerline of each of the roadways and the interspace between divided portions of U.S. Highway 16 through the following legal subdivisions:

T. 1 S., R. 6 E.,
Sec. 13, SW¼NE¼;
Sec. 14, SW¼SE¼;
Sec. 21, SE¼SE¼;
Sec. 22, SE¼SE¼;
Sec. 23, NE¼, SE¼NW¼, SW¼, and NW¼SE¼;
Sec. 27, NW¼NE¼;
Sec. 28, NE¼NE¼.

Except H.E.S. 279, consisting of 23.18 acres in the SW¼ of sec. 23.

The net area of the areas described aggregates 202 acres, more or less.

The total area described aggregates 601.7 acres, more or less.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 67-4963; Filed, May 3, 1967; 8:45 a.m.]

PROCUREMENT AGENTS, CONTRACTING UNIT

Redelegation of Authority Regarding Contracts and Leases

APRIL 26, 1967.

SECTION 1. *Authority.* Pursuant to the authority contained in section 2 of Order No. 698 of the Bureau of Land Management and Amendment 11 thereto, the following are hereby redelegated the authority contained therein in amounts up to $10,000; except that procurements from established sources (GSA, FSS, etc.) may be made in any amount:

(a) Procurement Agents (Contracting Unit).

SEC. 2. *Effective date.* This order is effective upon publication in the FEDERAL REGISTER.

RALPH J. MITCHELL,
Acting Director, Denver Service Center.

APRIL 26, 1967.

[F.R. Doc. 67-4966; Filed, May 3, 1967; 8:46 a.m.]

Bureau of Land Management

[Serial No. N-815]

NEVADA

Notice of Proposed Classification of Public Lands for Multiple Use Management

Correction

In F.R. Doc. 67-4328, appearing in the issue for Thursday, April 20, 1967, at page 6217, lines 11 and 12, column 1, page 6218, should read "Sec. 14, W½NE¼, W½, NW¼SE¼, S½SE¼".

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1966 Rev., Supp. No. 19]

CITIZENS CASUALTY COMPANY OF NEW YORK

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Citizens Casualty Company of New York, New York, N.Y., under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), to qualify as an acceptable surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States, will expire on May 31, 1967, and will not be renewed.

Bond approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by the Citizens Casualty Company of New York.

Dated: May 1, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67-4987; Filed, May 3, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

ALEXANDER AUCTION SALES & SERVICE ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

Alexander Auction Sales & Service, Buhl, Idaho, Oct. 5, 1965.
G. & L. Sale Barn, Hopedale, Ill., Mar. 29, 1961.
Mound City Livestock Auction Co., Mound City, Kans., Apr. 19, 1963.
Columbus Livestock Commission Co., Columbus, Miss., June 1, 1966.
Lemmon Livestock Sales Co., Lemmon, S. Dak., Nov. 28, 1949.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 28th day of April 1967.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 67-4993; Filed, May 3, 1967; 8:48 a.m.]

[P. & S. Docket No. 3824]

GREEN CITY AUCTION CO., INC.

Notice of Order Extending Period of Suspension of Modifications of Rates and Charges

On March 30, 1967, an order was issued instituting the following proceeding under Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.):

In re Green City Auction Co., Inc., Green City, Mo., Respondent, P. & S. Docket No. 3824 (32 F.R. 5810). Such order, among other things, suspended and deferred the operation and use by the respondent of modifications of its current schedule of rates and charges filed on March 21, 1967, to become effective on April 1, 1967, for a period of 30 days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearing in this proceeding cannot be

concluded within such period of suspension, an order was issued in the above proceeding on April 25, 1967, suspending and deferring the operation and use of such modifications of the respondent's current schedule of rates and charges for a further period of 30 days beyond the date when such modifications would otherwise become effective.

Done at Washington, D.C., this 28th day of April 1967.

GLENN G. BIERMAN,
Acting. Director, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 67-4994; Filed, May 3, 1967; 8:48 a.m.]

Federal Crop Insurance Corporation

[Notice 20]

CORN AND SOYBEANS IN MICHIGAN

Extension of the Closing Date for Filing of Applications for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7 of the Code of Federal Regulations, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for corn, and soybean crop insurance for the 1967 crop year in all counties in Michigan where such insurance is otherwise authorized to be offered is hereby extended until the close of business on May 12, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-4998; Filed, May 3, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF LOUISVILLE SCHOOL OF MEDICINE ET AL.

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00031-33-46040. Applicant: University of Louisville, School of Medicine, 101 West Chestnut Street, Louisville, Ky. 40202. Article: JEM 50 Electron microscope. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: Applicant states:

This instrument is intended for training of medical students and residents of fellows [in the use of an electron microscope] * * * We propose to use the instrument to screen routine biopsy material submitted to the laboratory. The simple operating procedure of this instrument would facilitate such examinations.

Application received by Commissioner of Customs: April 11, 1967.

Docket No. 67-00040-55-46040. Applicant: Woods Hole Oceanographic Institution, Woods Hole, Mass. 02543. Article: Electron microscope, Norelco type EM-300, Model PW 6001 with accessories Specimen chamber cooling device 38300700, 35 mm film transport mechanism 38300300, 35 mm film camera 38300900, Vacuum dessicator 38301000. Manufacturer: N. V. Philips Gloeilampenfabrieken, Holland. Intended use of article: Applicant states:

[Will be used to study.] (1) Bacterial membranes and the localization of enzymes and electron transport systems on these membranes. (2) The interrelationship of structure with function in marine organisms at the submicroscopic level. (3) Fine structural difference between marine and terrestrial microorganisms. (4) The structure of shell proteins of marine invertebrates. (5) Ecological implications of fine structure of marine microorganisms.

Application received by Commissioner of Customs: April 19, 1967.

Docket No. 67-00041-65-46040. Applicant: Northeast Louisiana State College, Department of Physics, 4001 DeSiard Street, Monroe, La. 71201. Article: Electron microscope, Norelco type EM-200. Manufacturer: Philips—Norelco, Holland. Intended use of article: Applicant states:

Examine the effect of different surface environments on the rate of crack formation in metals during fatigue and correlate it to the observed fracture by continuous observation inside electron microscope. Examine the effect of various deposition parameters on epitaxially grown metallic films by electron transmission.

Application received by Commissioner of Customs: April 21, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-4956; Filed, May 3, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 7F0588) has been filed by Elanco Products Co., a division of Eli Lilly and Co., Indianapolis, Ind. 46206, proposing the establishment of a tolerance of 0.05 part per million for residues of the herbicide *N*-butyl-*N*-ethyl-α,α,α-trifluoro-2,6-dinitro-*p*-toluidine in or on the raw agricultural commodities alfalfa, clover, and birdsfoot trefoil.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic technique.

Dated: April 25, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-5002; Filed, May 3, 1967; 8:49 a.m.]

ROHM AND HAAS CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 7F0590) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing the establishment of a tolerance of 25 parts per million for residues of the insecticide 1,1-bis-(*p*-chlorophenyl)-2,2,2-trichloroethanol in or on the raw agricultural commodities peppermint hay and spearmint hay.

The analytical method proposed in the petition for determining residues of the insecticide is based on that of Rosenthal et al., Journal of Agricultural and Food

Chemistry, Volume 5, pages 514–517 (July 1957).

Dated: April 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–5003; Filed, May 3, 1967; 8:49 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B1493) has been filed by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y. 10591, proposing an amendment to § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* to provide for the safe use of glyoxal as an insolubilizing agent in food-contact coatings.

Dated: April 25, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–5004; Filed, May 3, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18143]

RKO GENERAL-PACIFIC AIRMOTIVE CONTROL

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on May 9, 1967, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., April 28, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67–4990; Filed, May 3, 1967; 8:48 a.m.]

[Docket No. 17822]

WESTERN TENNESSEE SERVICE INVESTIGATION

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 23, 1967, at 10 a.m. in Council Chambers, Metropolitan Court House, Nashville, Tenn., for civic parties desiring to be heard at that time, and on June 6, 1967, at 10 a.m. in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., for air carriers and civic parties not heard at the first session of the hearing.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on March 6, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 28, 1967.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 67–4991; Filed, May 3, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

GREECE/UNITED STATES ATLANTIC RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. P. A. Taormina, Secretary, Greece/United States Atlantic Rate Agreement, % Prudential Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Agreement 9238–3, between the member lines of the Greece/United States Atlantic Rate Agreement, amends Article 2 of the basic agreement, which presently provides for the appointment of a Secretary to act for a period of 3 months, to provide for the appointment of a Secretary to act for such period of time as the membership designates.

Dated: May 1, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67–4948; Filed, May 3, 1967; 8:45 a.m.]

TURKEY/UNITED STATES ATLANTIC RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement as (indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. P. A. Taormina, Secretary, Turkey/United States Atlantic Rate Agreement, % Prudential Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Agreement 9239–3, between the member lines of the Turkey/United States Atlantic Rate Agreement, amends Article 2 of the basic agreement, which presently provides for the appointment of a Secretary to act for a period of 3 months, to provide for the appointment of a Secretary to act for such period of time as the membership designates.

Dated: May 1, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67–4949; Filed, May 3, 1967; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI 67–359]

PHILLIPS PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change as to Certain Sales To Become Effective Subject to Refund

APRIL 26, 1967.

On March 27, 1967, Phillips Petroleum Co. (Operator) (Phillips)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

[1] Address is Bartlesville, Okla. 74003, Attention: Mr. Dan L. Mayer.

Docket No.	Respondent	Rate Sched. No.	Supp. No.	Purchaser and Producing Area	Amount of Annual Increase	Date Filing Tendered	Effective Date Unless Suspended	Date Suspended Until	¢ per Mcf: Rate in Effect	¢ per Mcf: Proposed Increased Rate	Rate in Effect Subject to Refund in Docket Nos.
RI67-359	Phillips Petroleum Co. (Operator), Bartlesville, Okla. 74003, Attention: Mr. Dan L. Mayer.	18	[2] 46	Northern Natural Gas Co. (Andrews Plant, Andrews County, Tex.) (R.R. District No. 8) (Permian Basin Area).	[3] $178,843	3-27-67 3-27-67	[4] 4-27-67 [4] 4-27-67	[5] 4-28-67 [11] 9-27-67	[8] 13.0789 [9] 12.94	[6] [7] 14.0 [6] [7] 14.0	
	do	18	[10] 47	Northern Natural Gas Co. (Spraberry and Benedum Plants, Midland and Upton Counties, Tex.) (R.R. District Nos. 8 and 7-C) (Permian Basin Area).	154,470	3-27-67	[4] 4-27-67	[5] 4-28-67 [11] 9-27-67	12.0725	[6] [7] 14.0	RI62-541.

[2] Applicable only to residue gas delivered from Andrews Plant (sales from other plants are made under subject rate schedule).
[3] No volumes of residue gas derived from new gas-well gas delivered at this time.
[4] The stated effective date is the effective date proposed by Respondent.
[5] The suspension period is limited to 1 day insofar as it pertains to residue gas derived from new gas-well gas from the Andrews and Spraberry Plants.
[6] Redetermined rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Applicable to residue gas derived from new gas-well gas.
[9] Applicable to residue gas not derived from new gas-well gas.
[10] Applicable only to residue gas delivered from Spraberry and Benedum Plants (sales from other plants are made under subject rate schedule).
[11] Suspended for 5 months insofar as the proposed 14-cent rate pertains to residue not derived from new gas-well gas from the Andrews and Spraberry Plants and for all residue gas from Benedum Plant.

Phillips proposes for its FPC Gas Rate Schedule No. 18, a unilaterally redetermined rate increase to 14 cents per Mcf, amounting to $333,313 annually, for sales of residue gas derived from casinghead gas and from old and new gas-well gas to Northern Natural Gas Co. (Northern Natural) from the Andrews, Spraberry, and Benedum gasoline plants in the Permian Basin Area of Texas. The proposed rate exceeds the applicable area ceiling rates determined in the related quality statements for residue gas from the subject plants which were tendered in compliance with Opinion No. 468, with the exception of those rates determined for residue gas derived from new gas-well gas from the Andrews and Spraberry plants. The applicable area rate ceilings for these latter sales are 15.07 cents per Mcf and 14.04 cents per Mcf for the Andrews and Spraberry plants, respectively.

Phillips bases the proposed increase on a contract provision which provides that effective February 8, 1967, and during the remainder of the contract term [12] the price shall be the higher of 13 cents or the "current price" determined by averaging the three highest prices (or two if there are not three) paid for comparable sales of residue gas to interstate purchasers from plants in the Permian Basin Area of West Texas and Southeast New Mexico.

In accordance with the above provision Phillips has determined the "current price" to be in excess of 14 cents per Mcf. However, to date Northern Natural has not made the redetermination provided for by the contract. Phillips states that pending the determination of the "current price" by Northern Natural, it is submitting the subject increases to minimize revenue loss resulting from failure to file for a higher rate, Phillips also states that Northern Natural does not object to the rate increase provided that, if the finally determined "current price" is less than 14 cents per Mcf, Phillips will promptly proceed to make a supplemental new filing to effectuate the finally determined price. This Phillips agrees to do.[13]

Quality statements related to the above sales were previously accepted by Commission orders. For gas delivered from the Andrews plant, the current effective rate is 12.94 cents per Mcf for residue gas derived from old gas-well gas and casinghead gas and 13.0789 cents per Mcf for residue gas derived from new gas-well gas, whereas the applicable area ceiling prices (base prices adjusted for quality deficiences) for the same types of gas are 12.94 cents per Mcf and 15.07 cents per Mcf, respectively. For the Spraberry and Benedum plants, which deliver the same types of gas as the Andrews plant, the current effective rate is 12.0725 cents per Mcf. The applicable area ceiling prices for the Spraberry plant are 14.04 cents per Mcf for residue gas derived from new gas-well gas and 12 cents per Mcf for residue gas derived from old gas-well gas and casinghead gas, whereas for the Benedum plant, the applicable area ceiling prices are 13.65 cents per Mcf and 11.65 cents per Mcf, respectively.

Under the circumstances, we conclude that in order to assure that Phillips will refund, with 7-percent interest, all amounts collected in excess of the contractually authorized redetermined price in the event it is determined that there is no contractual justification for Phillips' redetermined price, the increased rate of 14 cents per Mcf should be suspended. In this connection, we believe that the 14 cents per Mcf rate should be suspended for one day from April 27, 1967, the proposed effective date, insofar as it pertains to residue gas derived from new gas-well gas from the Andrews and Spraberry plants, and for 5 months from April 27, 1967, insofar as it pertains to residue gas not derived from new gas-well gas from the Andrews and Spraberry plants and to all residue gas from the Benedum plant. The one day suspension is applicable to those sales where the rate does not exceed the just and reasonable ceiling determined in Permian, while the 5-month suspension applies where the rate exceeds the ceiling. The hearing provided for herein with respect to the residue gas derived from new gas-well gas from the Andrews and Spraberry plants shall involve only the contractual question, while the hearing with respect to sales of residue gas not derived from new gas-well gas from the Andrews and Spraberry plants and for all residue gas from the Benedum plant will pertain to both the contractual question and the justness and reasonableness of the proposed rate.

Except for the stay of the moratorium in Opinion No. 468, Phillips' rate filing, insofar as it pertains to residue not derived from new gas-well gas from the Andrews and Spraberry plants and for all residue gas from the Benedum plant, would be rejectable because the proposed rate is in excess of the applicable area ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review, Phillips' rate increase insofar as it applies to such sales will be rejected ab initio.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the contractual basis for Phillips' rate filings, as well as the just and reasonableness of the proposed rate insofar as it pertains to residue gas not derived from new gas-well gas from the Andrews and Spraberry plants and to all residue gas from the Benedum plant, and that Supplement Nos. 46 and 47 to Phillips' FPC Gas Rate Schedule No. 18 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the contractual basis for Phillips' rate filings with respect to the residue gas derived from new gas-well gas from Andrews and Spraberry plants, and concerning

[12] This is a 20-year contract dated Feb. 8, 1952. The contract has no time element within which the parties are to establish a redetermined price.

[13] Phillips gives no indication as to what sales it has selected for purposes of price redetermination but it does believe that there are sales being made in Permian Basin area having prices which would support a price higher than that proposed herein.

both the contractual basis and the justness and reasonableness of Phillips' rate filings insofar as they pertain to residue gas not derived from new gas-well gas from the Andrews and Spraberry plants and to all residue gas from the Benedum plant, as contained in Supplement Nos. 46 and 47 to Phillips' FPC Gas Rate Schedule No. 18.

(B) Pending a hearing and decision thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until April 28, 1967, insofar as they pertain to residue gas derived from new gas-well gas from the Andrews and Spraberry plants, and until September 27, 1967, insofar as they pertain to residue gas not derived from new gas-well gas from the Andrews and Spraberry plants and to all residue gas from the Benedum plant, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedule file by Phillips (insofar as they pertain to residue gas derived from new gas-well gas from the Andrews and Spraberry plants) shall become effective subject to refund on April 28, 1967, if within 20 days from the date of the issuance of this order, Phillips shall execute and file under Docket No. RI67–359, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon Northern Natural Gas Co. Unless Phillips is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 12, 1967.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–4913; Filed, May 3, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–250, 50–251]

FLORIDA POWER & LIGHT CO.

Notice of Issuance of Provisional Construction Permits

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated April 26, 1967, the Director of the Division of Reactor Licensing has issued Provisional Construction Permits Nos. CPPR–27 and CPPR–28 to Florida Power & Light Co. for the construction of two pressurized water nuclear reactors designated respectively as Turkey Point Units 3 and 4, to be located at Florida Power & Light Co.'s Turkey Point site, about 25 miles south of Miami, in Dade County, Fla.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 27th day of April 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67–4955; Filed, May 3, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3886]

AMERICAN STEEL & PUMP CORP.

Order Suspending Trading

APRIL 28, 1967.

The 4 percent Income Bonds, Series A due December 1, 1994, listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the common stock, 47 cents par value of American Steel & Pump Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 1, 1967, through May 10, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–4968; Filed, May 3, 1967; 8:46 a.m.]

[File No. 7–2687]

AMERICAN SUGAR CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 28, 1967.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

	File No.
American Sugar Co	7–2687

Upon receipt of a request, on or before May 15, 1967, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–4969; Filed, May 3, 1967; 8:46 a.m.]

[812–2097]

BROAD STREET INVESTING CORP.

Notice of Filing of Application

APRIL 28, 1967.

Notice is hereby given that Broad Street Investing Corp. ("applicant"), 65 Broadway, New York, N.Y. 10006, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for the assets of E. H. Holding Corp. ("EHH"). All interested persons are referred to the application on file with the Commission for a statement of the applicant's representations which are summarized below.

EHH, a New York corporation, is an investment company all of whose outstanding stock is owned of record and beneficially by four individuals and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. EHH was incorporated in 1921 and prior to 1966 was engaged in the contract builders hardware business. In that year it sold substantially all its business and assets and since such sale it has been engaged primarily in the

business of investing and reinvesting its funds. Pursuant to an agreement between applicant and EHH substantially all of the cash and securities owned by EHH, with a value of approximately $436,205 as of February 27, 1967, will be transferred to applicant in exchange for shares of its capital stock.

The number of shares of applicant to be issued to EHH is to be determined by dividing the aggregate market value (with certain adjustments set forth in the application) of the assets of EHH to be transferred to applicant by the net asset value per share of applicant, both to be determined as of the valuation time, as defined in the agreement. If the valuation under the agreement had taken place on February 27, 1967, EHH would have received 28,749 shares of applicant's stock.

When received by EHH, the shares of applicant are to be distributed to the EHH stockholders on the liquidation of EHH. Applicant has been advised by the management of EHH that the stockholders of EHH do not have any present intention of redeeming or otherwise transferring the shares of applicant to be received on such liquidation following the sale of assets transaction.

No affiliation exists between EHH or its officers, directors, or stockholders and applicant, its officers or directors, and the agreement was negotiated at arm's length by the two companies. The Board of Directors of applicant approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 19, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–4970; Filed, May 3, 1967; 8:46 a.m.]

[812–2092]

PURITAN FUND, INC.

Notice of Filing of an Application

APRIL 28, 1967.

Notice is hereby given that The Puritan Fund, Inc. ("Puritan"), 31 Milk Street, Boston, Mass., a management open-end, diversified investment company, registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 6(c) requesting an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance and delivery of its redeemable securities to Chautauqua Cabinet Co. ("Chautauqua"), a New York corporation, in exchange for substantially all the assets of Chautauqua, pursuant to a certain Agreement and Plan of Reorganization ("Plan"). The Plan provides for the exchange of the securities at a price other than at the public offering price described in the prospectus. All interested persons are referred to the application filed with the Commission for a statement of the representations which are summarized below.

Chautauqua's securities are held by six individuals and by five trusts and substantially all of its assets consist of securities and cash. Chautauqua is not making and does not intend to make a public distribution of its stock and therefore is exempt from registration under the Act by reason of the provisions of section 3(c)(1) of the Act. There is no connection between Puritan and Chautauqua and no officer or shareholder of Chautauqua is an affiliated person of Puritan or its investment adviser.

Pursuant to the Plan substantially all the assets of Chautauqua will be transferred to Puritan in exchange for its shares which will be distributed to Chautauqua's shareholders upon liquidation. Chautauqua and its stockholders have represented that they have no present intention of redeeming the Puritan shares which they will receive. The application states that the Plan was negotiated at arm's length and has been approved by the board of directors of Puritan. The number of shares of Puritan to be delivered to Chautauqua will be determined on the basis of the net asset value of Puritan's shares and the value of Chautauqua's assets to be transferred, subject to certain adjustments set forth in the agreement, as of the close of business on the New York Stock Exchange on the day preceding the date of the closing. If the valuation under the agreement had taken place on January 31, 1967, Chautauqua would have received 279,627.26 shares of Puritan.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in its prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Puritan represents that the consummation of this transaction will be beneficial to its shareholders in that certain of its expenses will be spread over a larger number of shares and it will be able to acquire a large block of securities without paying brokerage commissions or affecting the market in such securities.

Notice is further given that any interested person may, not later than May 19, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Puritan at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4971; Filed, May 3, 1967; 8:46 a.m.]

RAND DEVELOPMENT CORP.

Order Suspending Trading

APRIL 28, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 5 cents par value, of Rand Development Corp., Cleveland, Ohio, and the Class B Common Stock, 5 cents par value, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 30, 1967, through May 9, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4972; Filed, May 3, 1967; 8:46 a.m.]

[File No. 81-77]

TEXAS AND PACIFIC RAILWAY CO.

Notice of Application and Opportunity for Hearing

APRIL 27, 1967.

Notice is hereby given that The Texas & Pacific Railway Co. ("T&P"), 210 North 13th Street, St. Louis, Mo. 63103, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act") for an order exempting the Company from the registration requirements of section 12(g) of the Act.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means of instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1 million, and a class of equity security held of record initially by 750 or more persons, and after July 1, 1966, by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The company's application states, in part:

The T&P is a common carrier by railroad subject to Part I of the Interstate Commerce Act and operates in the State of Arkansas, Texas, Oklahoma, and Louisiana. It has 1 million authorized shares of common stock, par value $100 each. No other class of stock is issued or outstanding. There are 489,145 of such common shares issued, 489,058 of the same being outstanding and 87 shares being in the company's treasury. As of this 4th day of April 1967, 466,790 of such T&P shares are owned of record by the Missouri Pacific Railroad Co. and 22,268 are owned by others.

The T&P has total assets exceeding $1 million, and as of December 31, 1966 (the last day of its last fiscal year) those shares were held of record by 506 stockholders. On this basis the T&P would be required by the provisions of section 12(g) of the Act to file a registration statement covering all of its shares of common stock.

Since the end of its last fiscal year, the number of stockholders of record holding such T&P shares has been reduced so that as of March 21, 1967, the latest available date, there were 283 stockholders of record. It appears, therefore, that were T&P to file by April 30, 1967, a registration statement, that then it would thereafter be entitled, under the provisions of section 12(g)(4) of the Act, to seek a termination of registration by filing a certification with the Commission that the number of holders of record of such security has been reduced to less than 300 persons.

In view of the foregoing factual situation, T&P submits that if the Commission would exercise its discretion under section 12(h) of the Act to exempt such stock from registration under section 12(g) that both the company and the Commission would be spared needless time and effort.

Notice is further given that any interested person may, not later than May 15, 1967, submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued by the Commission unless an order for hearing upon said application be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-4973; Filed, May 3, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1058]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

APRIL 28, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which require that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2165 (Sub-No. 19), filed April 17, 1967. Applicant: LANGDON TRUCK LINES, INC., 128 Glenwood Avenue, Medina, N.Y. 14103. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, insecticides and pesticides, and related advertising materials* when moving at the same time, from the facilities of Armour Agricultural Chemical Co. (Armour & Co.) at or near Windsor, N.J., to points in that part of New York bounded by a line beginning at the Niagara River, just north of Niagara Falls, N.Y., and extending along New York Highway 31 to Lockport, N.Y., thence along New York Highway 93 to junction New York Highway 5 just south of Akron, N.Y., thence along New York Highway 5 to Batavia, N.Y., thence along New York Highway 33 to Rochester, N.Y., thence along city streets (formerly shown as New York Highway 2) to Lake Ontario, thence along the shore of Lake Ontario to the Niagara River, and thence along the Niagara River to point of beginning, including points on the indicated portions of the highways specified. If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 3009 (Sub-No. 77), filed April 17, 1967. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Royal City, Ala. (the plantsite and warehouses of United States Rubber Co., near Opelika, Ala.), as an off-route point in connection with applicant's presently authorized regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Jackson, Miss.

No. MC 4761 (Sub-No. 22), filed April 19, 1967. Applicant: LOCK CITY TRANSPORTATION COMPANY, a corporation, 327 Sixth Avenue, Menominee, Mich. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oils, fish protein meals, fish flours, and blends thereof*, in bulk, from Menominee, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 10761 (Sub-No. 210), filed April 17, 1967. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and grey iron castings*, in the rough, between Sinking Springs, Pa., on the one hand, and, on the other, Fremont, Ind., Edgerton and Kenton, Ohio, and Litchfield, Mich. NOTE: Applicant states it is presently authorized to serve Sinking Springs, Pa., in MC–10761, Sub 100. If a hearing is deemed necessary, applicant requests it be held at Philadelphia Pa.

No. MC 20824 (Sub-No. 24), filed April 17, 1967. Applicant: COMMERCIAL MOTOR FREIGHT, INC., OF INDIANA, 111 East McCarty Street, Indianapolis, Ind. 46225. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Rochester, and Warsaw, Ind., as follows: From Rochester, Ind., over Indiana Highway 14 to its junction with Indiana Highway 15, thence over Indiana Highway 15 to Warsaw, Ind., and return over the same route serving the intermediate point of Akron, Ind., and (2) between Rochester and Wabash, Ind., as follows: From Rochester, Ind., over Indiana Highway 14 to its junction with Indiana Highway 114, thence over Indiana Highway 114 to its junction with Indiana Highway 15 thence over Indiana Highway 15 to Wabash, Ind., and return over the same route, serving the intermediate point of Akron, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 43169 (Sub-No. 8), filed April 17, 1967. Applicant: IRVING E. OAKLEAF, 117 Maple Street, Lyons, N.Y. 14489. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Fertilizer, fertilizer materials, insecticides and pesticides, and related advertising materials* when moving at the same time, from the facilities of Armour Agricultural Chemical Co. (Armour & Co.) at or near Windsor, N.J., to points in Cayuga, Genesee, Niagara, Orleans, Schuyler, Seneca, Steuben, and Yates Counties, N.Y., and Lyons, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 50069 (Sub-No. 377), filed April 17, 1967. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphates*, in bulk, in compartmentalized tank vehicles, from the plantsite and or storage facilities of the Monsanto Co., at or near Trenton, Mich., to points in Ohio. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59150 (Sub-No. 33), filed April 14, 1967. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Box 47, Station G, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 710 Atlantic Bank Building, 121 West Forsyth Street, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* having a prior or subsequent movement in interstate commerce, between Jacksonville, Fla., and points in Duval, Nassau, St. Johns, Baker, and Clay Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 59800 (Sub-No. 20), filed April 13, 1967. Applicant: WEICKER TRANSFER & STORAGE COMPANY, a corporation, 2900 Brighton Boulevard, Denver, Colo. Applicant's representative: Joseph F. Nigro, 400 Denver Hilton Office Building, 1515 Cleveland Place, Denver, Colo. 80204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and cement products*, from Florence, Colo., to points in New Mexico. NOTE: In MC 128728 there is pending an application for contract authority in the name of Weicker Transfer & Storage Co., Inc., therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 64932 (Sub-No. 435), filed April 17, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from the plantsite of the Cabot Corp. at or near Tuscola, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 64994 (Sub-No. 91), filed April 19, 1967. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: Frank C. Philips

(same address as applicant), and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose film*, from the plantsite of American Viscoe Divisions FMC Corp. at Fredericksburg, Va., to points in the Chicago, Ill., commercial zone, and Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73165 (Sub-No. 234), filed April 17, 1967. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, stoppers, and tops for glass containers*, from New Orleans, La., to Mobile, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 72442 (Sub-No. 19), filed April 7, 1967. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, N.C. 28052. Applicant's representative: Donald E. Cross, Munsey Building, Washington, D.C., and L. O. Boyles (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission, (1) between Junction Georgia Highway 82 and site of Akers Motor Lines, Inc., terminal at or near Dry Pond, Ga., from Junction Georgia Highway 82 and unnumbered highway over unnumbered highway to site of Akers Motor Lines terminal and return over the same route, serving junction point for purpose of joinder only; (2) between Jefferson, and Dry Pond, Ga., over Georgia Highway 82 serving Jefferson and Dry Pond for purpose of joinder only; (3) between Talmo, and Dry Pond, Ga., from Talmo over Georgia Highway 346 to Junction Georgia Highway 82, thence over Georgia Highway 82 to Dry Pond and return over the same route, serving Talmo and Dry Pond for purpose of joinder only; (4) between Maysville, and Dry Pond, Ga., over Georgia Highway 82, serving Maysville and Dry Pond for purpose of joinder only; (5) between Maysville, and Junction U.S. Highway 23 and Georgia Highway 52, from Maysville over Georgia Highway 52 to Junction U.S. Highway 23 and return over the same route, serving Maysville and Junction U.S. Highway 23 and Georgia Highway 52 for purpose of joinder only; (6) between Commerce and Maysville, Ga., over Georgia Highway 98, serving Commerce and Maysville for purpose of joinder only.

(7) Between Commerce, and Athens, Ga., over U.S. Highway 441 serving Commerce and Athens for the purpose of joinder only; (8) between Commerce, and Danielsville, Ga., over Georgia Highway 98, serving Commerce and Danielsville for purpose of joinder only; (9) between Danielsville, and Comer, Ga., over Georgia Highway 98 serving Danielsville and Comer for purpose of joinder only; (10) between Baldwin, and Commerce, Ga., over U.S. Highway 441 serving Baldwin, Homer, and Commerce for purpose of joinder only; (11) between Lula, and Homer, Ga., over Georgia Highway 51 serving Lula and Homer for purpose of joinder only; (12) between Homer, and Junction Georgia Highways 51 and 59, from Homer over Georgia Highway 51 to Junction Georgia Highway 59 and return over the same route, serving Homer and Junction Georgia Highways 51 and 59 for purpose of joinder only; (13) between Junction Georgia Highways 51 and 59 and Franklin Springs, Ga, from Junction Georgia Highways 51 and 59 over Georgia Highway 51 to Franklin Springs and return over the same route, serving Junction Georgia Highways 51 and 59 and Franklin Springs for purpose of joinder only; (14) between Homer, and Maysville, Ga., over Georgia Highway 98 serving Homer and Maysville for purpose of joinder only; (15) between Boydville, and Junction Georgia Highways 184 and 51, from Boydville over Georgia Highway 184 to Junction Georgia Highway 51 and return over the same route, serving Boydville and Junction Georgia Highways 184 and 51 for purpose of joinder only; (16) between Gainesville, and Jefferson, Ga., over U.S. Highway 129 serving Gainesville, Talmo and Jefferson for purpose of joinder only; (17) between Jefferson and Athens, Ga., over U.S. Highway 129 via Arcade, Ga., serving Jefferson, Arcade, and Athens for purpose of joinder only.

(18) Between Arcade, and Statham, Ga., from Arcade over Georgia Highway 82 to Junction Georgia Highway 211, thence over Georgia Highway 211 to Statham and return over the same route, serving Arcade and Statham for purpose of joinder only; (19) between Oakwood, and Winder, Ga., over Georgia Highway 53 serving Oakwood and Winder for purpose of joinder only; (20) between Russell, Ga., and Junction Georgia Highway 53 and U.S. Highway 78, from Russell over Georgia Highway 53 to Junction U.S. Highway 78 and return over the same route, serving Russell and Junction Georgia Highway 53 and U.S. Highway 78 for purpose of joinder only; (21) between Watkinsville, and Junction Georgia Highway 53 and U.S. Highway 78, from Watkinsville over Georgia Highway 53 to Junction U.S. Highway 78 and return over the same route, serving Watkinsville and Junction Georgia Highway 53 and U.S. Highway 78 for purpose of joinder only; (22) between Toccoa, and Lavonia, Ga.; over Georgia Highway 17 serving Toccoa and Lavonia for purpose of joinder only; (23) between Lavonia, and Hartwell, Ga., over Georgia Highway 77 serving Lavonia and Hartwell for purpose of joinder only; (24) between Lavonia, and Royston, Ga.; over Georgia Highway 17 serving Lavonia and Royston for purpose of joinder only; (25) between Royston, and Elberton, Ga., over Georgia Highway 17 serving Royston and Elberton for purpose of joinder only, and return over the same routes in (1) through (25) above, as alternate routes for operating conveniences only in connection with applicants authorized regular route operations, serving no intermediate points other than those specified for joinder purposes only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Atlanta, Ga., or Charlotte, N.C.

No. MC 74846 (Sub-No. 59), filed April 16, 1967. Applicant: LEWIS G. JOHNSON, INC., Greigg Street, Port Gibson, N.Y. 14537. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, insecticides and pesticides, and related advertising materials* when moving at the same time, from the facilities of Armour Agricultural Chemical Co. (Armour & Co.) located at or near Windsor, N.J., to points in Cayuga, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Seneca, Steuben, Tompkins, Wayne, Wyoming, and Yates Counties, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 82841 (Sub-No. 29), filed April 18, 1967. Applicant: R. D. TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. Applicant's representative: Donald L. Stern, 630 City National Bank, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrapers, earth movers, agricultural implements, and agricultural machinery*, from Columbus, Nebr., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and *returned, damaged* or *rejected* shipments on return, and (2) *raw materials and component parts* used in the manufacture of the items specified in (1) above, from St. Louis, Mo., Granite City and Carlinville, Ill., and St. Paul, Minn., to Columbus, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 83539 (Sub-No. 211), filed April 19, 1967. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron, and steel articles*, from points in Davidson and Robertson Counties, Tenn., to

points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 89716 (Sub-No. 41), filed April 17, 1967. Applicant: DICK JONES TRUCKING, a corporation, Post Office Box 965, Powell, Wyo. 82435. Applicant's representative: Thomas H. Cook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum board, sheathing, lath, plaster and related articles, and accessories*, from Cody, Wyo., to points in Colorado, and (2) *materials and supplies* used in the manufacture and installation of items specified, from points in Colorado to Cody, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., Casper, Wyo., or Denver, Colo.

No. MC 89723 (Sub-No. 48) (Clarification), filed April 7, 1967, published FEDERAL REGISTER, issue of April 20, 1967, and republished as clarified this issue. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis (same address as applicant). Applicant presently holds authority in No. MC 89723 (Sub-No. 14) to conduct operations as a common carrier by motor vehicle, transporting *express matter*, moving on express receipt of Railway Express Agency, Inc., and *general commodities*, except livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over specified regular routes in the States of Arkansas, Tennessee, and Missouri, subject to certain restrictions, among which is the following: "No shipments shall be transported by said carrier as a common carrier by motor vehicle, between any of the following points, or through, or to, or from more than one of said points, with hyphenated points considered as single key points: Memphis, Tenn.; Alexandria, La.; Newport, Little Rock-North Little Rock, Fort Smith-Van Buren, Eldorado, *Gurdon, and Texarkana, Ark.;* Poplar Bluff, Mo., except as to shipments to St. Louis, Mo.-East St. Louis, Ill., and to and from Wynne and Newport, Ark." By this application, applicant desires the removal of Gurdon, Ark. and Texarkana, Ark.-Texas as key points, but subject to all of the remaining key point restrictions and other restrictions in said certificate. NOTE: The purpose of this republication is to more clearly set forth the authority requested by this application. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Texarkana, Ark.-Tex.

No. MC 94265 (Sub-No. 202), filed April 18, 1967. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., at or near Beardstown, Ill., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. NOTE: Applicant states the above proposed authority will be restricted to traffic originating at the described plantsite and destined to points in the States named above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 696), filed April 17, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay tile and related articles*, from Lakeland, Lake Wales and Tampa, Fla., to points in Texas, Oklahoma, Kansas, Nebraska, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Miami, Fla., or Washington, D.C.

No. MC 98289 (Sub-No. 2), filed April 19, 1967. Applicant: RITEWAY TRANSPORT, INC., 4030 East Magnolia, Post Office Box 12163, Phoenix, Ariz. 85034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) The following iron or steel articles, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico, and (2) iron or steel articles weighing 2,000 pounds or more each, requiring the use of special equipment: *sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 103051 (Sub-No. 212), filed April 19, 1967. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 403–11 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite or terminals of Dow Chemical Co. at or near Columbus, Ga., to points in South Carolina and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 104523 (Sub-No. 37), filed April 17, 1967. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds, dry animal and poultry mineral mixtures, livestock and poultry feeders, insecticides, and premiums and advertising matters* relating to preceding products when moved in mixed shipments with such products, from Quincy, Ill., to points in Colorado, Wyoming, and Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 104523 (Sub-No. 38), filed April 17, 1967. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds, and mineral mixtures, livestock, and poultry feeders, insecticides, and premiums and advertising matters relating to preceding products* when moved in mixed shipments with such products, from the site of the Moorman Manufacturing Co. plant near Columbus, Nebr., to points in Colorado, Montana, Wyoming, Kansas, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 106644 (Sub-No. 80), filed April 17, 1967. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Guy H. Postell, 1375 Peachtree Street, NE., Suite 693, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and plywood coated, faced and decorated with other materials*, from the plantsite of U.S. Plywood-Champion Papers, Inc., at or near Waycross, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island,

South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 77), filed April 14, 1967. Applicant: WHITE-HOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43614. Applicant's representative: Leonard A. Jaskiewicz, Madison Building, 1155 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings or structures complete, knocked down, or in sections, including component parts, materials and supplies, and fixtures* and when shipped with those buildings or structures, accessories used in the erection, construction and completion thereof, (1) from Tulsa and points in Tulsa County, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, and (2) from Dallas and points in Dallas and Tarrant Counties, Tex., to points in Arkansas, Florida, Kansas, Louisiana, Missouri, Nebraska, New Mexico, and Oklahoma. NOTE: Applicant states it would tack the proposed authority with its present authority to enable applicant to serve points in Missouri, Arkansas, Louisiana, Kansas, Texas, and New Mexico. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Dallas, Tex.

No. MC 107403 (Sub-No. 716), filed April 18, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toluene di isocyanate*, in bulk, in tank vehicles, from Moundsville, W. Va., and points within five (5) miles thereof, to points in Connecticut and Massachusetts, restricted to traffic originating at the origin point named herein and destined to the territory named herein. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 560), filed April 17, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and sand with additives*, in bulk, bags and containers, from Bridgman, Mich., and Troy Grove, Ill., to points in the United States (excluding Alaska and Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 108295 (Sub-No. 4), filed April 17, 1967. Applicant: HIGHWAY TRANSPORTATION CO., INC., 205 North Carson, St. James, Mo. 65559. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities of unusual value, and household goods as defined by the Commission), between plant and mine sites located in Reynolds County, Mo., and that portion of Iron County, Mo., located north and west of Iron County Highway H, beginning at the Reynold-Iron County line, thence to Missouri Highway 21, thence along Missouri Highway 21 to Iron County Highway W, thence along Iron County Highway W to the Iron-St. Francois County line, on the one hand, and, on the other, points in Missouri. NOTE: Applicant proposes to tack at Steelville, Mo., with authority it is seeking to acquire in MC-F-9672. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 108335 (Sub-No. 5), filed April 18, 1967. Applicant: ALL PURPOSE APPLIANCE DELIVERIES, INC., 32-04 Northern Boulevard, Long Island City, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gas and electric household appliances*, such as, *washers, dryers, refrigerators, freezers, ranges, stoves, domestic air conditioners and other items normally dealt in by shipper*, between Newark, N.J., on the one hand, and, on the other, New York, N.Y. and points in Nassau, Suffolk, and Westchester Counties, N.Y., under contract with Apollo Distributing Co., Inc., Newark, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 110420 (Sub-No. 541), filed April 17, 1967. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Louisville, Ky., to Tulsa, Okla., and Irving, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 110525 (Sub-No. 825), filed April 19, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite or terminals of Dow Chemical Co. at or near Columbus, Ga., to points in Florida. NOTE: Applicant states the instant application is restricted against tacking with any other authority held by applicant. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 110525 (Sub-No. 826), filed April 19, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid toluene di isocyanate*, in bulk, in tank vehicles, from Moundsville, W. Va., and points within five (5) miles thereof, to points in Connecticut, and Massachusetts, restricted to traffic originating at the origin named and destined to the territory named herein. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 827), filed April 19, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard and edible tallow*, in bulk, in tank vehicles, from Orangeburg, S.C., to points in Georgia, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111069 (Sub-No. 41) (Amendment), filed March 8, 1967, published in FEDERAL REGISTER issue of March 23, 1967, amended April 13, 1967, and republished as amended this issue. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131, also State Highway No. 131, Clarksville, Ind. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats* in vehicles equipped with mechanical refrigeration, from Union City and Memphis, Tenn., to New York City and the New York, N.Y., commercial zone, and Reading, Pa., under contract with W. M. Tynan & Co., Inc. NOTE: The purpose of this republication is to add Reading, Pa., as a destination point, thereby broadening the authority sought. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 112520 (Sub-No. 163), filed April 19, 1967. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Bainbridge, Ga., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla., or Atlanta, Ga.

No. MC 112627 (Sub-No. 11), filed April 17, 1967. Applicant: OWENS

BROS., INC., Post Office Box 247, Dansville, N.Y. 14437. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, insecticides and pesticides, and related advertising materials* when moving at the same time, from the facilities of Armour Agricultural Chemical Co. (Armour & Co.) at or near Windsor, N.J., to points in Allegany, Chemung, Livingston, and Steuben Counties, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 113267 (Sub-No. 175), filed April 17, 1965. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to *Report in Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of the Mankato Packing Co. at or near Mankato, Kans., to points in Kentucky, Tennessee, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113855 (Sub-No. 156) (Amendment), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967, amended April 20, 1967, and republished as amended this issue. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down and in sections (except those mounted on under carriages equipped with hitchball connecter), and *cooling equipment related thereto* and moving in connection therewith, from El Monte, Calif., to points in the United States, including Alaska (but excluding Hawaii). NOTE: The purpose of this republication is to amend the commodity description. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 113974 (Sub-No. 22), filed April 17, 1967. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington, Avenue, Dravosburg, Pa. 15034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, materials, equipment and supplies* used in the manufacture and processing of iron and steel and iron and steel articles, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone (as defined by the Interstate Commerce Commission), Alton and Carlinville, Ill., and points within five (5) miles of Carlinville, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 114019 (Sub-No. 171), filed April 19, 1967. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., located at Beardstown, Ill., to points in Colorado, Connecticut, Delaware, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New Hampshire, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the described plantsite and destined to points in the States named above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 274) (Amendment), filed April 13, 1967, published in the FEDERAL REGISTER issue of April 27, 1967, amended April 20, 1967, and republished as amended this issue. Applicant: TRANS-COLD EXPRESS, INC., Finley and Belt Line Road 75240, Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, unfit for human consumption, except in bulk, in tank vehicles, from points in Alabama, Georgia, Mississippi, Tennessee, North Carolina, South Carolina, Tampa, and Alachua, Fla., to Golden Meadow, and New Orleans, La. NOTE: The purpose of the republication is to show New Orleans, La., as a destination point, thereby broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114912 (Sub-No. 19), filed April 17, 1967. Applicant: CHARLES J. KOTWICA, doing business as ROME EXPRESS, Box 768, Rome, N.Y. 13441. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, insecticides and pesticides, and related advertising materials* when moving at the same time, from the facilities of Armour Agricultural Chemical Co. (Armour & Co.) at or near Windsor, N.J., to points in that part of New York bounded by a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to the New York-Pennsylvania State line to Hancock, N.Y., thence along New York Highway 17 to East Branch, N.Y., thence along New York Highway 30 to Margaretville, N.Y., thence along New York Highway 28 to Kingston, N.Y., thence along U.S. Highway 9W to Albany, N.Y., thence along U.S. Highway 9 to Latham, N.Y., thence along New York Highway 7 to Schenectady, N.Y., thence along New York Highway 5 to Utica, N.Y., thence along New York Highway 12 to junction unnumbered highway (formerly New York Highway 12) near Remsen, N.Y., thence along unnumbered highway through Remsen, to junction New York Highway 12, thence along New York Highway 12 to Watertown, N.Y., thence along New York Highway 3 to Sackets Harbor, N.Y., and thence along the shore of Lake Ontario to Rochester, including points on the indicated portions of the highways specified under contract with Armour Agricultural Chemical Co. NOTE: Applicant holds common carrier authority under MC-92688, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 115162 (Sub-No. 144), filed April 6, 1967. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. Applicant's representative: Robert E. Tate, Suites 2025-2028, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and plywood, coated, faced, or decorated with other materials*, (a) from the plantsite of U.S. Plywood-Champion Papers, Inc., at or near Waycross (Ware County), Ga., to points in Alabama, Arkansas, District of Columbia, Florida, Georgia, Kansas, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Virginia, West Virginia, and that part of Texas on and east of U.S. Highway 81, and (b) from the plantsite of U.S. Plywood-Champion Papers, Inc., at or near Holden, La., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states it presently holds authority on lumber, which includes plywood, from the respective origin points in (a) and (b) above, to points in Alabama, Florida, Maryland, Virginia, South Carolina, North Carolina, West Virginia, District of Columbia, Arkansas, Texas, and Kansas, respectively, by tacking at points in Alabama south of U.S. Highways 78 or 80, and desires to eliminate these gateways. If a hearing is deemed necessary,

applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 115311 (Sub-No. 66), filed April 19, 1967. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, from Bradenton, Fla., to points in Alabama, Georgia, Mississippi, Louisiana, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 117344 (Sub-No. 181), filed April 17, 1967. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio, also Post Office Box 15010, Cincinnati, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent silica gel catalyst*, in bulk, between points in Arkansas, Colorado, Delaware, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cincinnati, Ohio.

No. MC 119268 (Sub-No. 67) filed April 17, 1967. Applicant: OSBORN, INC., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: John P. Carlton, 325–29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing, garments and manufactured textile products*, from points in Tennessee to points in Washington, Oregon, Idaho, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Knoxville, Tenn.

No. MC 119665 (Sub-No. 1), filed April 18, 1967. Applicant: APD TRANSPORT CORP., 1 Railroad Place, Maspeth, L.Y. 11378. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B, explosives, commodities requiring special equipment, and those injurious or contaminating to other lading), between applicant's terminal at Maspeth, N.Y., on the one hand, and, on the other, points in Rockland County, N.Y., Somerset, Mercer, Morris, Middlesex, Union, Essex, Hudson, Bergen, and Passaic Counties, N.J., restricted to traffic having an immediately prior or subsequent movement by applicant under applicant's present authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119767 (Sub-No. 195), filed April 20, 1967. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., Beardstown, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin, restricted to traffic originating at the described plantsite and destined to points in the States named above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119880 (Sub-No. 21), filed April 18, 1967. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, 616 Chicago Street, East Peoria, Ill. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic liquors*, in bulk, in tank vehicles, (1) from ports of entry into the United States located in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, to Peoria and Pekin, Ill., San Francisco and Union City, Calif., and ports of entry on the international boundary line between the United States and Canada located in Michigan; (2) from Louisville and Lawrenceburg, Ky., and Muscatine, Iowa, to Seattle, Wash., and San Francisco, Calif.; and (3) from Atchison, Kans., to Seattle, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119934 (Sub-No. 138), filed April 17, 1967. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethyl ether*, in bulk, in tank vehicles, from Tuscola, Ill., to the port of entry on the international boundary line between the United States and Canada, at or near Champlain, N.Y. Restricted to traffic destined to Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123061 (Sub-No. 40), filed April 17, 1967. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's representative: Harry B. Pugsley, 600 El Paso Gas Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, and salt products*, in bags, in bulk and in mixed loads, from Wendover, Utah, and points in Utah within 10 miles thereof, to points in California on and north of a line extending westerly from the Nevada-California line where U.S. Highway 6 crosses such State line, thence westerly to Bishop, Fresno, and Monterey, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 124796 (Sub-No. 29), filed April 17, 1967. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buffing and polishing compounds, cleaning, scouring, and washing compounds, solvents, sponges, starch, and advertising materials and racks* moving with the described commodities, from Kankakee, Ill., to points in Michigan, (2) *synthetic sponge material*, from Benton Harbor, Mich., to Kankakee, Ill., and (3) *outdated or rejected shipments of merchandise* described in (1) above, from points in Arizona, California, Florida, Georgia, Idaho, Louisiana, Michigan, Nevada, Oregon, Texas, Utah, and Washington, to Kankakee, Ill., under contract with Simoniz Co., an affiliate of Morton International, Inc., Chicago, Ill. NOTE: Applicant presently holds authority to handle outbound shipments from Kankakee, Ill., to all the States listed in (3) of the application except Michigan, Louisiana, and Texas, and this part of the application is designed only to facilitate the return of outdated or rejected merchandise back to the shippers plant at Kankakee, Ill. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Chicago, Ill.

No. MC 125777 (Sub-No. 111), filed April 17, 1967. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in dump vehicles, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 112), filed April 19, 1967. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag and slag products*, in bulk, in dump vehicles, from Hamilton, Ohio, and points within 10 miles thereof, to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126516 (Sub-No. 5), filed April 19, 1967. Applicant: GEORGE K. HALL, doing business as SKYLINE MOTORS, West 15th Street, Beaver

Falls, Pa. 15010. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Greater Pittsburgh Airport, Allegheny County, Pa., on the one hand, and, on the other, points in Venango County, Pa., restricted to traffic having an immediately prior or immediately subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 128548 (Sub-No. 1), filed April 18, 1967. Applicant: LIONEL TRUCK LINES, INC., 10257 Franklin Avenue, Franklin Park, Ill. 60131. Applicant's representative: Charles W. Singer, Suite 3600, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale grocery houses, from Chicago, Ill., to points in that part of Indiana north of U.S. Highway 40, and that part of Michigan south of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 12 to junction unnumbered highway (formerly portion U.S. Highway 12), at or near New Buffalo, Mich., thence along unnumbered highway through Union Pier and Harbert, Mich., to junction Interstate Highway 94 (formerly portion U.S. Highway 12), thence along Interstate Highway 94 to junction Business Route Interstate Highway 94 (formerly portion U.S. Highway 12), thence along Business Route Interstate Highway 94 to Benton Harbor, Mich., thence along unnumbered highway through Coloma, Paw Paw, and Oshtemo, Mich., to Kalamazoo, Mich., and west of a line beginning at Kalamazoo, Mich., and extending along unnumbered highway (formerly portion U.S. Highway 131) through Portage, Mich., to junction U.S. Highway 131, at or near Schoolcraft, Mich., thence along U.S. Highway 131 to junction U.S. Highway 12 (formerly portion U.S. Highway 131), thence along U.S. Highway 12 to junction Michigan Highway 103 (formerly portion U.S. Highway 131), thence along Michigan Highway 103 to the Michigan-Indiana State line (except Kalamazoo, Mich.), including points on the indicated portions of the highways specified.

(2) *Empty food and beverage containers and returned or rejected merchandise*, from points in the above-specified destination territory, to Chicago, Ill., (3) *canned fruits and vegetables*, from points in that part of Michigan south of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 12 to junction unnumbered highway (formerly portion U.S. Highway 12), at or near New Buffalo, Mich., thence along unnumbered highway through Union Pier and Harbert, Mich., to junction Interstate Highway 94 (formerly portion U.S. Highway 12), thence along Interstate Highway 94 to junction Business Route Interstate Highway 94 (formerly portion U.S. Highway 12), thence along Business Route Interstate Highway 94 to Benton Harbor, Mich., thence along unnumbered highway through Coloma, Paw Paw, and Oshtemo, Mich., to Kalamazoo, Mich., and west of a line beginning at Kalamazoo, Mich., and extending along unnumbered highway (formerly portion U.S. Highway 131) through Portage, Mich., to junction U.S. Highway 131, at or near Schoolcraft, Mich., thence along U.S. Highway 131 to junction U.S. Highway 12 (formerly portion U.S. Highway 131), thence along U.S. Highway 12 to junction Michigan Highway 103 (formerly portion U.S. Highway 131), thence along Michigan Highway 103 to the Michigan-Indiana State line (except Kalamazoo, Mich.), and those points in Indiana north of U.S. Highway 40 (except those in Lake and Porter Counties, Ind., and except those north of U.S. Highway 20 and west of Indiana Highway 15), including points on the indicated portions of the highways specified, to Chicago, Ill.

(4) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between points within the territory bounded by a line beginning at Galena, Ill., and extending in a southeasterly direction to Savanna, Ill., thence south to Galesburg, Ill., thence in a southeasterly direction to Peoria, Ill., thence east to Onarga, Ill., thence in a northeasterly direction to Warsaw, Ind., thence north to Goshen, Ind., thence in a northwesterly direction through Niles, Mich., to Bridgman, Mich., thence along the shore of Lake Michigan to Winthrop Harbor, Ill., thence west through South Beloit and Warren, Ill., to Galena, Ill., including the points named, and (5) *such merchandise*, as is dealt in by wholesale grocery houses, from River Grove, Ill., to retail outlets in Kalamazoo, Mich. NOTE: Applicant states the purpose of the instant application is to convert all of its authority from contract to common carriage. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128763 (Sub-No. 2), filed April 18, 1967. Applicant: K. H. TRANSPORT, INC., Rural Route Delivery 2, Ellicott City, Md. 21043. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ingredients and products thereof*, processed and manufactured by food processors and *machinery, materials, equipment, and supplies* used in the processing and manufacture of foodstuffs, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicles at the same time with ingredients and products thereof, processed and manufactured by food processors, and machinery, materials, equipment and supplies used in the processing and manufacture of foodstuffs, between plants, warehouses and storage facilities of Campbell Soup Co. located at points in York, Columbia, and Centre Counties, Pa., Downingtown, Pa.; points in Gloucester, Cumberland, Salem, Burlington, and Camden Counties, N.J., New Castle, Kent, and Sussex Counties, Del.; Somerset, Worcester, Wicomico, Dorchester, Caroline, Kent, Talbot, Queen Annes, Harford, and Baltimore Counties, Md.; Accomack County, Va.; Sumter, S.C., and Blairsville and Cairo, Ga., under contract with the Campbell Soup Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128764 (Sub-No. 2), filed April 18, 1967. Applicant: ERDNER BROS. INC., Fow and Leahy Avenues, Swedesboro, N.J. 08085. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ingredients and products thereof*, processed and manufactured by food processors and *machinery, materials, equipment, and supplies* used in the processing and manufacture of foodstuffs, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicles at the same time with ingredients and products thereof, processed and manufactured by food processors, and machinery, materials, and equipment and supplies used in the processing and manufacture of foodstuffs, between plants, warehouses and storage facilities of Campbell Soup Co. located at points in York, Columbia and Centre Counties, Pa., Downingtown, Pa.; points in Gloucester, Cumberland, Salem, Burlington, and Camden Counties, N.J.; New Castle, Kent, and Sussex Counties, Del.; Somerset, Worcester, Wicomico, Dorchester, Caroline, Kent, Talbot, Queen Annes, Harford, and Baltimore Counties, Md.; Accomack County, Va.; Sumter, S.C., and Blairsville and Cairo, Ga., under contract with the Campbell Soup Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128857 (Sub-No. 1), filed April 18, 1967. Applicant: G. L. GIBBONS, doing business as G. L. GIBBONS TRUCKING SERVICE, Post Office Box 5861, Tucson, Ariz. 85703. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, 355 North Central Avenue, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from the U.S. Lime Plant at Henderson and Sloan, Nev., to points in Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 128890 (Sub-No. 1), filed April 20, 1967. Applicant: BECKER'S MOTOR TRANSPORTATION, INC., 528 Michigan Avenue, Kenilworth, N.J. 07033. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contractor carrier*, by motor vehicle, over irregular routes, transporting: *Electronically equipped trailers*, in truckaway service, and *generator trucks*, in driveaway service, between points in the United States, including Alaska and Hawaii, under contract with International Business Machines Corp. NOTE: Applicant is authorized to operate as a common carrier in Docket No. MC 36918, therefore, dual operation may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128904 (Sub-No. 2) (Amendment), filed March 8, 1967, published in the FEDERAL REGISTER issue of March 30, 1967, amended April 18, 1967, and republished as amended, this issue. Applicant: GLENN NAREHOOD AND JAY NAREHOOD, a partnership, doing business as NAREHOOD TRUCKING CO., Rural Delivery No. 1, Milton, Pa. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than in bulk, from Milton, Pa., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine, under contract with American Home Foods, division of American Home Products Corp. NOTE: The purpose of this republication is to add Vermont as a destination point. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 128989, filed April 3, 1967. Applicant: ROBERT M. SCHMITZ AND WILLIAM M. SCHMITZ, a partnership, doing business as BONESTEEL TRANSFER, Bonesteel, S. Dak. Applicant's representative: Don A. Bierle, Suite 4, Law Building, 322 Walnut Street, Yankton, S. Dak. 57078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from the Crystal Chemical Co., South Sioux City, Nebr., to Bonesteel, Herrick, and Fairfax, S. Dak., and to points in Gregory, Charles Mix, and Tripp Counties, S. Dak., excepting other municipalities therefrom, and (2) *animal and poultry feed and lumber and building materials*, from Sioux City, Iowa, to Bonesteel, Herrick, and Fairfax, S. Dak., and to points in Gregory, Charles Mix, and Tripp Counties, S. Dak., excepting other municipalities therefrom. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, Sioux Falls, or Pierre, S. Dak.

No. MC 129029, filed April 19, 1967. Applicant: WESLEY KOOTSTRA, doing business as WESLEY KOOTSTRA TRUCKING, 886 Telfer Road, Sarnia, Ontario, Canada. Applicant's representative: A. Louis Eddy, 316 North Christina Street, Sarnia, Ontario, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Sand, gravel, stone, rock*, from the plantsite Don Foster, Inc., Richmond, Mich., to the port of entry on the international boundary line between the United States and Canada located at the Bluewater Bridge at or near Port Huron, Mich., from Richmond over unnumbered highway (32 Mile Road) to junction Interstate Highway 94, thence over Interstate Highway 94 to said port of entry, serving no intermediate points, under contract with Don Foster, Inc., Richmond, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Port Huron, Mich.

No. MC 129033 filed April 17, 1967. Applicant: MEAT DISPATCH, INC., 1000 Jefferson Road, Rochester, N.Y. 14623. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail department stores, from Rochester, N.Y., to points in Florida. NOTE: Applicant holds contract carrier authority under MC-128555, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

MOTOR CARRIER OF PASSENGERS

No. MC 94742 (Sub-No. 34), filed April 19, 1967. Applicant: MICHAUD BUS LINES, INC., 250 Jefferson Avenue, Salem, Mass. 01970. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip, pleasure, and sightseeing tours, in combination with air travel through arrangements with air carriers, beginning and ending at points in Essex County, Mass., and the Boston, Mass., commercial zone, as defined by the Commission and Lowell, Mass., and extending to points in the United States including Hawaii and Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130037 filed April 13, 1967. Applicant: GRAY LINE NATIONAL TOURS CORPORATION, 1 Rockefeller Plaza, Room 1209, New York, N.Y. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. For a license (BMC 5) to engage in operations as a *broker* at points in the United States, in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in all types of passenger service, between points in the United States, including Alaska and Hawaii.

APPLICATION OF FREIGHT FORWARDER

No. FF-221 (Sub-No. 3), BARGE SERVICE CORPORATION—Extension—Plastic Tanks, filed April 19, 1967. Applicant: BARGE SERVICE CORPORATION, 1202 Benedum-Trees Building, Pittsburgh, Pa. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Fannin at Capitol Houston, Tex. 77002. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a *freight forwarder* in interstate or foreign commerce, through use of the facilities of common carriers by water in the transportation of *plastic storage tanks*, from Monaco, Pa., to points on the intercoastal waterway and connecting waterways from New Orleans, La., to Brownsville, Tex., both inclusive.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-4941; Filed, May 3, 1967; 8:45 a.m.]

[Notice 1512]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 1, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69486. By order of April 26, 1967, the Transfer Board, on reconsideration, approved the transfer to Silcon Trucking Co., Inc., Brockton, Mass., of Certificate No. MC-34099, issued November 25, 1949, to Granite City Express Co., a corporation, Quincy, Mass., authorizing the transportation of general commodities, with the usual exceptions, over irregular routes, between Boston, Mass., on the one hand, and, on the other, points and places in Massachusetts on and east of U.S. Highway 1 and south of U.S. Highway 20, within 15 miles of Boston. Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184, attorney for applicants.

No. MC-FC-69557. By order of April 27, 1967, the Transfer Board approved the transfer to Chieftain Van Lines, Inc., Council Bluffs, Iowa, of the Certificate in No. MC-74169 and MC-74169 (Sub-No. 2), issued June 27, 1955, and December 22, 1958, respectively, to George R. Whitney, doing business as Chieftain Van and Storage, Council Bluffs, Iowa, authorizing the transportation of: General

commodities, excluding household goods, commodities in bulk, and other specified commodities, between Omaha, Nebr., and Council Bluffs, Iowa; and household goods, between Council Bluffs, Iowa, on the one hand, and, on the other, points in Nebraska, Kansas, Missouri, Illinois, Minnesota, South Dakota, and Colorado, and between points in Iowa, and Nebraska within 50 miles of Council Bluffs, Iowa, including Council Bluffs, on the one hand, and, on the other, points in Iowa and Nebraska. Emmet Tinley, 501 Park Building, Council Bluffs, Iowa, attorney for applicants.

No. MC–FC–69581. By order of April 25, 1967, the Transfer Board approved the transfer to Morris Hill Travel, Inc., 54 North Third Street, Easton, Pa., of Brokerage License No. MC–12493, issued May 6, 1953, to Morris C. Hill, 54 North Third Street, Easton, Pa., authorizing the holder thereof to engage in operations, as a broker, as follows: Passengers and their baggage, in round-trip tours, beginning and ending at points in Northampton County, Pa., and Warren County, N.J., and extending to all points in the United States, including the District of Columbia.

No. MC–FC–69591. By order of April 26, 1967, the Transfer Board approved the transfer to North Central Van Lines, Inc., Lincoln, Nebr., of a portion of the operating rights in Certificate No. MC–100404, issued October 25, 1949, to Robert Wallace, Belle Fourche, S. Dak., authorizing the transportation of: Household goods, as defined by the Commission, between specified points and areas of South Dakota and Wyoming. Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, attorney for applicants.

No. MC–FC–69592. By order of April 26, 1967, the Transfer Board approved the transfer to All Jersey Trails, a corporation, Bloomingdale, N.J., of the operating rights in Certificate No. MC–95232 issued October 24, 1949, to T. A. Gearty Bus Co., Inc., 74 Personette Avenue, Verona, N.J., authorizing the transportation of: Passengers and their baggage, restricted to traffic originating at the points indicated, in charter operations, over irregular routes, between points and places in Essex County, N.J., on the one hand, and, on the other, New York, N.Y., and points and places in Orange, Rockland, and Westchester Counties, N.Y. Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102, attorney for transferee.

No. MC–FC–69563. By order of April 20, 1967, the Transfer Board approved the transfer to W. J. Shannon Trucking Co., a corporation, Worcester, Mass., of certificate in No. MC–3280, issued April 15, 1941, to Worcester Truck Co., Inc., Worcester, Mass., authorizing the transportation of: Heavy machinery, between Worcester, Mass., and points within 25 miles of Worcester, on the one hand, and, on the other, points in Connecticut, New Hampshire, and Rhode Island. Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184, attorney for applicants.

No. MC–FC–69567. By order of April 21, 1967, the Transfer Board approved the transfer to Mann Cartage Co., Inc., Evergreen Park, Ill. 60642, of the certificate of registration No. MC–98883 (Sub-No. 1), evidencing a right to engage in interstate or foreign commerce within the State of Illinois, issued April 29, 1964, to Philep Timothy Mann, doing business as Mann Cartage, Evergreen Park, Ill. Themis N. Anastos, 120 West Madison Street, Chicago, Ill. 60602, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–5008; Filed, May 3, 1967; 8:49 a.m.]

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PART II

Department of Agriculture

Consumer and Marketing Service

Milk in Minnesota-North Dakota Marketing Area

Notice of Recommended Decision





DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1060]

[Docket No. AO 360]

MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of milk in the Minnesota-North Dakota marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearings on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, were conducted at Fargo, N. Dak., on August 15–19, 1966, pursuant to notice thereof which was issued July 5, 1966 (31 F.R. 9351), and subsequently at reopened hearings held jointly with certain other Federal order markets at Denver, Colo., on November 16–17, 1966, and on April 11–12, 1967. Official notice is taken of the respective decisions issued by the Department on the basis of these hearings (31 F.R. 14946 issued Nov. 23, 1966, and 32 F.R. 6501 issued Apr. 25, 1967), pursuant to notices issued November 4, 1966 (31 F.R. 14407), and April 4, 1967 (32 F.R. 5696).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

a. The scope of regulation;

b. The classification and allocation of milk;

c. The determination and level of class prices;

d. Distribution of proceeds to producers; and

e. Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearings and the records thereof:

1. *Character of commerce.* The handling of milk in the proposed marketing area is in the current of interstate commerce in milk and milk products.

The marketing area specified in the proposed order, hereinafter referred to as the "Minnesota-North Dakota marketing area" includes all the territory within 41 contiguous counties in the States of Minnesota (22 counties), North Dakota (16 counties), and South Dakota (3 counties).

The principal cities in this area are: Fargo, Grand Forks, Valley City, Devils Lake, Wahpeton, and Grafton, N. Dak.; Moorhead, Fergus Falls, Bemidji, Crookston, Thief River Falls, East Grand Forks, and Detroit Lakes, Minn. The specific counties in the proposed area are listed in the marketing area discussion.

There are more than 50 handlers engaged in the distribution of fluid milk in the marketing area who would be regulated under the terms of the order as recommended herein. The Grade A milk supply and distribution areas of a number of these handlers, representing a substantial proportion of the total volume of Grade A milk associated with the market, extend beyond the boundaries of the State in which their plants are located.

The Land O'Lakes Creameries, Inc., is a large distributor of bottled milk in the area and is one of the largest distributors of butter and manufacturers of nonfat dry milk in the United States. Their plants located in Grand Forks, N. Dak., and Thief River Falls, and Brainerd, Minn., distribute fluid milk products extensively in both Minnesota and North Dakota. Milk is received at such plants from producers and member plants located in both such States.

The Cass-Clay Creamery, Inc., another major cooperative handler, receives milk at its Fargo, N. Dak., plant from producers located in North Dakota and Minnesota. Grade A fluid milk products are distributed from this plant into certain areas of Minnesota, North Dakota, and South Dakota. Manufactured grade milk as well as a substantial part of the Grade A receipts at the Fargo plant is manufactured into butter, ice cream, and dry milk which are disposed of in large part in markets located in other States. In addition, this handler ships regularly a quantity of bulk milk to a plant located in Montana.

Located across the Red River from Fargo is the Fairmont Foods Co. plant in Moorhead, Minn. This handler also receives Grade A milk from producers located in both Minnesota and North Dakota. It distributes Grade A products on routes extending into North Dakota, South Dakota, and Minnesota.

Another large processor and distributor of Grade A fluid milk products is the Fergus Dairy of Fergus Falls, Minn. This cooperative organization receives a large volume of Grade A milk from producer members and from member cooperatives located in Minnesota, North Dakota, and South Dakota. The distribution area of this cooperative organization covers a wide territory in western Minnesota, North Dakota, and northeastern South Dakota.

Record evidence clearly shows the free movement of milk across the respective State lines. Distribution of milk on routes in the adjoining cities of Fargo, N. Dak., Moorhead, Minn., and also Grand Forks, N. Dak., and East Grand Forks, Minn., emanates both from plants located in North Dakota and in Minnesota. Further, products manufactured from surplus Grade A milk at certain of these plants are shipped to Chicago, New York, and to other markets throughout the United States and abroad.

2. *Need for an order.* Marketing conditions in the Minnesota-North Dakota marketing area are such that the issuance of a marketing agreement or order to regulate the handling of milk in the area will tend to effectuate the declared policy of the Act.

The Minnesota-North Dakota market as defined herein is characterized by unstable marketing conditions. The conditions which have resulted in unrest and instability in this area are typical of those often encountered elsewhere in the fluid milk industry in the absence of a well-defined, marketwide, classified pricing plan.

There is rather general agreement among producer interests in the market that the unstable marketing conditions in the area are such that an overall system of classification and pricing of milk should be adopted, and for such a system to be effected it must be created out of governmental authority.

The Minnesota-North Dakota market is a region of heavy milk production relative to population. Less than half of the producer milk which would be regulated is now used for Class I on an annual average. Thus, in an area relatively rural in nature the outlets available to producers for the sale of their milk in the highest valued uses are limited. This situation in a market which may be categorized as a "buyers market", has contributed to producer unrest and conditions of disorderly marketing in the attempts of producers to obtain proportionate shares of the higher valued Class I market.

The more than 50 handlers distributing milk in the area generally purchase milk from farmers according to their own pricing systems. There is, therefore, no uniformity in the type of pricing plans used in the area. Prices are not necessarily related to the uses of milk.

Since milk has a greater value when used for fluid products than for manufactured dairy products, the absence of a pricing system based on utilization

creates disparities in handlers' costs of milk for the same uses. This, in turn, provides an incentive for handlers to shift the burden of such disparities to producers through still lower prices.

Certain handlers in the market with high proportions of their total utilization as Class I during the months of relatively low farm production purchase supplemental milk supplies from other handlers who have substantially lower utilization of their milk for Class I bottling purposes. In some cases the prices paid producers at the higher use plants are only slightly above those paid at the plants where such supplemental supplies are obtained. Also, the burden of carrying the necessary reserve supplies for the market is shifted to the suppliers of such supplemental milk.

Prices paid by certain distributors of Grade A milk are, therefore, determined in large part by the prices paid producers by one or another of the major handlers in the market. Hence, these prices are not based on the utilization of the particular handler involved.

In recent years, frequent price wars have adversely affected producer prices. Picketing of retail stores has been resorted to in an effort to secure higher milk prices for farmers. Further, milk producers in considerable numbers have shifted their patronage from one company to another in the hope that by realigning their cooperative affiliation they might increase the price they receive for their milk.

A uniform pricing plan applicable to all handlers buying milk for sale in the area would stabilize and improve marketing conditions in the area. Such a plan can be made effective in the area under the terms of a milk order issued pursuant to the provisions of the Agricultural Marketing Agreement Act, as amended.

An order which establishes a system of uniform prices, publicly announced and verified on an impartial basis, will eliminate the uncertainty about prices which has contributed to disorderly marketing conditions in the area. The order would contribute substantially to the improvement of many of the conditions complained of, and tend to effectuate the declared policy of the Act; namely by providing:

1. A regular and dependable procedure through public hearings for determining prices to producers at levels contemplated by the Act;

2. The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

3. An impartial audit of handlers' records to verify the payment of required prices;

4. A system for verifying the accuracy of the weight and butterfat content of milk purchased;

5. Uniform returns to producers supplying the market, based upon an equitable sharing among all producers of the lower returns for the sale of reserve milk which cannot be marketed in the Class I category; and

6. Marketwide information on receipts, sales, prices, and other data relating to milk marketing conditions in the area.

3. *Order provisions—a. Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the order. This is accomplished by providing specified definitions to describe the marketing areas involved and to describe the category of persons, plants, and milk products to which the applicable provisions of the order relate.

(1) *Marketing Area.* The Minnesota-North Dakota marketing area should include all the territory within the 41 contiguous counties as follows:

COUNTIES IN WESTERN MINNESOTA

Becker.	Marshall.
Beltrami.	Norman.
Big Stone.	Otter Tail.
Clay.	Pennington.
Clearwater.	Polk.
Douglas.	Red Lake.
Grant.	Roseau.
Hubbard.	Stevens.
Kittson.	Traverse.
Lake of the Woods.	Wadena.
Mahnomen.	Wilkin.

COUNTIES IN EASTERN NORTH DAKOTA

Barnes.	Pembina.
Cass.	Ramsey.
Cavalier.	Ransom.
Dickey.	Richland.
Grand Forks.	Sargent.
Griggs.	Steele.
La Moure.	Traill.
Nelson.	Walsh.

COUNTIES IN NORTHEASTERN SOUTH DAKOTA

Grant.	Roberts.
Marshall.	

The 41-county area proposed for adoption represents a contiguous area roughly bisected by the Red River which marks the boundary separting Minnesota from North and South Dakota.

The sanitary requirements relative to the production, processing, and sale of fluid milk products are substantially the same throughout the area. Grade A products sold for human consumption throughout the area must meet the standards of health ordinances patterned after the U.S. Public Health Service Milk Ordinance and Code. Handlers who would be subject to full regulation distribute 95 percent or more of the milk sold in the area.

The 1960 census of population for the area proposed to be regulated was 639,666.[1] Two principal population centers are located in the Red River Valley area.

One comprises Cass County, N. Dak. (population 66,947), and Clay County, Minn. (population 39,080). These counties include two of the three largest cities in the marketing area, Fargo N. Dak., and Moorhead, Minn. The population of the two counties is about 16 percent of the total marketing area. The adjoining counties of Becker and Otter Tail, Minn., include the Cities of Fergus Falls (13,733) and Detroit Lakes (5,633) both less than 60 miles from Moorhead, Minn. The total population in this four-county area is about 30 percent of the total marketing area.

The other population center in the Red River Valley area surrounds Grand Forks, N. Dak., located approximately 75 miles north of Fargo.

Within the contiguous counties of Grand Forks, N. Dak. (population 48,677), and Polk, Minn. (population 36,182), are the cities of Grand Forks, N. Dak. (34,451); East Grand Forks, Minn. (6,998); and Crookston, Minn. (8,546); with a combined population equal to 8 percent of the total marketing area. The 2 counties have a population of 84,859, about 14 percent of the total marketing area.

Other cities in the area with populations in excess of 5,000 are shown below:

Minnesota		*North Dakota*	
Bemidji	9,958	Valley City	7,809
Thief River Falls	7,151	Devils Lake	6,299
Alexandria	6,713	Wahpeton	5,876
		Grafton	5,885

In general, except for the aforementioned cities, the remaining communities throughout the proposed marketing area are under 5,000 population each.

The largest urban centers in the three South Dakota counties of Grant, Marshall, and Roberts included in the marketing area, are Milbank, Grant County (3,500); Sisseton, Roberts County (3,218); and Britton, Marshall County (1,442).

The rural nature of much of the marketing area is evident. In 37 counties less than 50 percent of the total population is classified as urban.

Because a significant portion of the sales of fluid milk by handlers who would be regulated is in relatively rural communities it is important that the marketing area be defined on a county boundary basis rather than on a basis of city boundaries.

A 43-county area was proposed by Land O'Lakes Creameries, Inc., one of the principal handlers distributing fluid milk and milk products throughout the marketing area. This area, with certain proposed modifications, generally was supported by all the producer organizations as well as by the other principal handlers in the market.

The Red River Valley Milk Producers Pool, a bargaining group representing both members of cooperative associations, and nonmembers, and 8 producer cooperative associations doing business in the area were coproponents of a proposal (supported by Land O'Lakes Creameries) to extend the proposed 43-county area to include the 7 additional Minnesota counties of Beltrami, Big Stone, Clearwater, Hubbard, Lake of the Woods, Roseau, Swift, and that part of Polk County lying east of U.S. Highway 59, all located in the northeast segment of the marketing area. They proposed also to include the three South Dakota counties of Grant, Marshall, and Roberts, located in the northeast corner of the State.

With respect to the Minnesota counties proposed for inclusion in the marketing area controversy centered chiefly

[1] All population figures hereinafter cited are based upon the 1960 census unless otherwise noted.

on the 4 counties of Stevens, Douglas, Todd, and Pope which were included in the 43-county area initially proposed by Land O'Lakes. Also in dispute was the inclusion of some or all of the seven-county area[2] proposed by Red River Valley Milk Producers Pool et al.

Concerning the area in North Dakota proposed to be regulated there was opposition to inclusion of some or all of the proposed area generally west of North Dakota Highway No. 1.

Two handlers proposed that in the event certain specified areas in North Dakota were to be regulated then the entire State of North Dakota should be included in the marketing area.

Four major handlers have bottling plant facilities located in or near the two principal urban population centers discussed above, and distribute fluid milk and fluid milk products into these localities as well as throughout the marketing area.

The Land O'Lakes Creameries, Inc., is a major distributor of bottled milk in the proposed marketing area. They operate bottling plants located at Grand Forks, N. Dak. (Grand Forks County); Thief River Falls, Minn. (approximately 60 highway miles northeast of Grand Forks in Pennington County); and Crookston, Minn. (approximately 25 miles southeast of Grand Forks in Polk County). In addition to their bottling operations, ice cream is manufactured at the Grand Forks plant and the operations at the Crookston plant include cottage cheese manufacturing.

The Land O'Lakes plants located at Grand Forks, N. Dak., Thief River Falls, and Crookston, Minn., distribute fluid milk products throughout 29 of the 41 counties of the recommended marketing area. The Thief River Falls plant distributes bottled milk directly on routes in the area and also through member plants located in various localities throughout the market. In the Minnesota counties of Roseau and Lake of the Woods, Grade A milk is received by a member plant of Land O'Lakes, some of which is bottled at this plant and distributed in the city of Roseau. A portion of the Grade A receipts at this plant is shipped to the Land O'Lakes plant at Thief River Falls where it is packaged and distributed back into the counties of Roseau and Lake of the Woods.

The Cass-Clay Creamery, Inc., a cooperative association located at Fargo, N. Dak., is engaged in the processing and distribution of fluid milk and fluid milk products as well as the manufacture of butter, dry milk powder, and ice cream. Cass-Clay has fluid milk route distribution extending into about 25 of the 41 counties in the marketing area.

The Fairmont Foods Co. located at Moorhead, Minn., processes and distributes fluid milk products and manufactures ice cream and cottage cheese. Its distribution of Grade A fluid milk extends into all but 2 of the 41 counties in the proposed area. It also has significant sales in the South Dakota area included in the proposed marketing area, particularly around Sisseton, S. Dak.

The Fergus Dairy at Fergus Falls (Otter Tail County), Minn., processes fluid milk for bottling and manufactures butter, nonfat dry milk, and dry buttermilk.

In addition, the Fergus Dairy organization bottles all Class I milk sold by the North Star Dairy at Fergus Falls (Otter Tail County), Minn., the North Star Dairy at Detroit Lakes (Becker County), Minn., and the North Star Dairy plant at Fargo, N. Dak., which is owned by the Fergus Dairy. Further, they bottle all Grade A milk sold by B & W Dairy, Breckenridge, Wilkin County, Minn.; the Carlson Dairy, Alexandria, Douglas County, Minn.; and most of the packaged fluid milk products for the Morris Creamery Co., Morris, Stevens County, Minn. Overall, the Fergus Dairy sells in about 21 counties of the marketing area.

The four handlers described above receive milk from about 1,250 of approximately 1,360 dairy farmers who supply Grade A milk to plants which may qualify as pool plants under the recommended order. It is estimated that the milk from the 1,360 Grade A farms would amount to about 420 million pounds annually.

There are an estimated 55 bottling plants that have route disposition in the marketing area, most of which would be fully regulated under the order. One of these plants is located in South Dakota, 20 are located in North Dakota, and the remainder in Minnesota.

In addition, there are an estimated 32 plants which supply Grade A milk to plants which are distributing milk on routes in the marketing area. Except for 1 such plant located in Richland County, N. Dak., the remaining 31 plants are located in Minnesota.

There is extensive competition among handlers for fluid milk sales throughout the proposed marketing area. Of the 41 counties in the marketing area there are 13 in which each of the 4 largest handlers compete for sales, 11 counties where 3 of the 4 handlers compete, and 16 counties where 2 of the 4 do business. These handlers have 50 percent or more of the total business in 36 of the 41 counties in the proposed marketing area.

The Land O'Lakes plant at Thief River Falls supplies over half of the total sales in Kittson County, Minn. Its principal competitor for sales in this county is the Minnesota Dairy Co. located at Grand Forks, N. Dak. The Minnesota Dairy Co. is in competition with one or more of the major handlers in at least seven other Minnesota and North Dakota counties in the proposed marketing area.

In Grand Forks County, N. Dak., the Minnesota Dairy and the Land O'Lakes plants (both of which are located at Grand Forks, N. Dak.) each have about 40 percent of the total county sales. This area represents a major distribution area for the Land O'Lakes plants at Grand Forks and Thief River Falls. Over 42 percent of the combined sales from these two plants is sold in this county.

In the county of Wadena, Minn., the four major handlers have an aggregate of 35 to 45 percent of the total distribution and a plant located at Wadena (Wadena County) is shown to have about 40 percent of the distribution. Thus, the proportion of total county sales reflected by the four handlers and the local handler is substantial. The county is 1 of the 43 counties initially proposed by Land O'Lakes as part of the marketing area.

The addition to the marketing area of Beltrami and Hubbard Counties, Minn., was supported by the Bemidji Cooperative Creamery Association, a member creamery of Land O'Lakes, which operates a distributing plant in the city of Bemidji (Hubbard County), Minn.

About 55 percent of the Bemidji plant's bottled sales are in Beltrami County and about 10 percent in Hubbard County. The plant is estimated to have at least 40 percent of the total sales in Beltrami County and about 10 percent of the total distribution in Hubbard County.

Of the approximately 250 producers supplying this plant 50 are Grade A. In the past year about 25 to 28 percent of the plant's Grade A receipts were shipped in bulk to the Land O'Lakes bottling plant located at Thief River Falls, Minn. The Thief River Falls plant in turn packages fluid milk which is distributed in Beltrami County from a plant located at Blackduck (Beltrami County) Minn. The Blackduck plant accounts for about 8 percent of the sales in Beltrami County.

A Thief River Falls plant also supplies a major portion of the packaged fluid milk sold in the two-county area by another distributor located in Bemidji. The portion of total sales in Beltrami and Hubbard Counties sold by this distributor amounts to about 8 percent and 10 percent, respectively.

Another local plant receives its packaged milk supply from the Bemidji Creamery Association and has about 8 percent of the business in Beltrami County.

The Fairmont Foods plant at Moorhead has about 8 percent of the sales in Beltrami County and 5 percent in Hubbard County. The Cass-Clay Creamery, Inc., is estimated to have 30 percent of the fluid milk sales in Hubbard County.

The county of Clearwater, Minn., is primarily rural in character (8,864 population with a density of about eight persons per square mile) and although not an area of substantial sales volume it is within a general area of cross distribution by handlers who would be regulated under the order.

A proprietary handler with a bottling plant located at Brainerd, Minn., opposed the inclusion of the Minnesota counties of Beltrami, Big Stone, Clearwater, Hubbard, Polk (east of U.S. Highway 59), and Swift, and the South Dakota counties of Grant, Marshall, and Roberts. This plant receives its regular supply of milk from 28 producers and receives supplemental milk supplies on a seasonal basis from two plants located

[2] The northeastern segment of the market and the 3 South Dakota counties as described.

respectively in Stearns County and Todd County, Minn.

This handler estimated that about 10 percent of the plant's Class I sales were on routes in the 43-county area initially proposed. However, with the exclusion (as proposed elsewhere in these findings) from the regulated area of Todd and Swift Counties, where the plant handler has several accounts, the percentage would be expected to be somewhat less. This could be more than offset by the fact that about 5 percent of the plant's sales are in Beltrami County, about 2 percent in the combined area of Clearwater and Polk Counties, and minor sales in Hubbard and Big Stone Counties, Minn., and Grant County, S. Dak.

A handler operating a plant located at Park Rapids (Hubbard County) Minn., also opposed the inclusion of Hubbard County. Estimates of this handler's proportion of total county sales range from 25 to over 50-percent. About 1 percent of this handler's sales is made in Becker County, from 3 to 4 percent in Wadena County and the remaining portion in Hubbard County. With the inclusion of Beltrami and Hubbard Counties for reasons discussed above, it may be expected that the plant located at Park Rapids will be fully regulated under the order. Another handler located at Nevis in Hubbard County is known to have sales in both Hubbard and Wadena Counties and probably would be fully regulated under the order. This handler did not testify at the hearing.

Some dispute centered on a six-county area in Minnesota comprising Big Stone, Swift, Douglas, Stevens, Pope, and Todd Counties.

The counties of Big Stone, Douglas, and Stevens should be included in the marketing area. At least 75 percent of the total fluid milk sales in Big Stone County are distributed by three of the four major handlers.

A proprietary plant operation located at Alexandria (Douglas County) is estimated to have at least 50 percent of the total sales in Douglas County. Although this handler is opposed to the inclusion of this county in the marketing area his total supply of milk for fluid use is obtained from two plants which are members of the Fergus Dairy organization. In addition, Fergus Dairy and Land O'Lakes Creameries are shown to have about 30 percent of the total county sales in addition to the 50 percent or more distributed by the local proprietary handler.

A similar situation exists in Stevens County where a proprietary handler who objected to the regulation of Stevens County is shown to have about 40 percent of the total county distribution. About 80 percent of this plant's receipts is from a member cooperative of the Fergus Dairy organization. An additional 30–40 percent of the total county sales is distributed by three of the four major handlers previously referred to.

Swift, Pope, and Todd Counties should not be included in the marketing area. The major distribution in these counties is from plants whose major distribution is outside the area to be regulated and whose principal competition is from plants which would not be subject to regulation under the order.

Concerning the North Dakota counties proposed to be included in the marketing area one handler with a bottling plant located at Rugby (Pierce County), N. Dak., proposed that North Dakota Highway No. 1 serve as the western boundary of the marketing area. The handler also proposed that if any territory west of this highway were included in the marketing area, then such area should include the entire State of North Dakota. This proposal was modified at the hearing to suggest that the two counties of Rolette and Pierce, N. Dak., where this plant has a substantial volume of its total fluid milk sales, be excluded from the marketing area.

Foremost Dairies, Inc., proposed that, in the event the eight North Dakota counties of: Dickey, Eddy, Foster, Griggs, Kidder, La Moure, Stutsman, and Wells are included in the marketing area, such area should be extended to include the entire State of North Dakota.

It is concluded that nine North Dakota counties, generally comprising the western tier of the 43-county area initially proposed by Land O'Lakes, should not be included in the marketing area. These counties (listed, generally on a north to south basis) are: Rolette, Towner, Pierce, Benson, Wells, Eddy, Foster, Kidder, and Stutsman.

Inclusion of the nine-county area would bring under full or partial regulation a number of handlers whose principal competition for sales is with handlers who would not be regulated under the order.

A substantial part of the distribution in Pierce and Rolette Counties comes from the plant in Rugby (Pierce County), N. Dak. An estimated 50 to 75 percent of the total sales in Pierce County and some 25 to 35 percent in Rolette County emanate from the Rugby plant.

A handler whose plant is located at Bottineau, N. Dak. (outside and to the west of the area adopted), has about 25 percent of the business in Rolette County. This handler is the principal distributor in Bottineau County and is in competition for sales with handlers located at Minot, N. Dak.

A handler located at Maddock (Benson County) has the largest part of the total sales in Benson County.

A plant located at Cando (Towner County) accounts for about 30 percent of the sales in Towner County; the Rugby plant accounts for another 10 percent.

The counties of Pierce, Rolette, Towner, and Benson, therefore, constitute a primary sales area for these local handlers. While the area is also served to a minor extent from the Land O'Lakes plant at Grand Forks and the Fairmont plant at Moorhead, these handlers would not be disadvantaged in the absence of regulation of the four-county area. Orderly marketing does not require their inclusion in the marketing area.

The five North Dakota counties of Wells, Eddy, Foster, Kidder, and Stutsman likewise should not be included in the marketing area.

Over 50 percent of the total fluid milk business in each of the counties of Wells, Eddy, Foster, and Kidder is from plants located either within or to the west of these counties. More than half of the total sales in Stutsman County are supplied from plants so located and the remainder from plants located at Grand Forks and at Fargo and Moorhead.

Foremost Dairies proposed the exclusion of the five counties from the marketing area together with the counties of Dickey, Griggs, and La Moure so as to avoid full regulation under the order.

A proprietary handler whose plant is located at Jamestown (Stutsman County) supported the inclusion of Stutsman County in the marketing area. Seventy percent of this handler's sales is in the city of Jamestown, and the remaining 30 percent is divided between Fargo and Moorhead. About one-half of 1 percent of the sales in Stutsman County is supplied by this handler. It was not shown that the absence of regulation of Stutsman County would seriously affect the sales operations of this handler.

There is cross distribution within the area in North Dakota excluded from the marketing area between handlers who are located within or to the west of such area and those handlers whose principal business is in the area proposed for regulation herewith.

However, it is neither administratively feasible nor necessary to include in the marketing area all territory in which handlers to be regulated distribute milk.

In the matter of the proposal to include the entire State of North Dakota, there was not sufficient evidence to permit serious consideration at this time.

Territory within the boundaries of the designated marketing area which is occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other establishments shall be considered as within the marketing area. No proposal was made to exempt sales by a handler in such territory (or to any such agency) from the provisions of the order. Also, no evidence was presented at the hearing which would justify such exemption.

To avoid any question as to the point of delivery in instances where such an installation is partly within and partly without the designated boundaries, the marketing area should include the entire area encompassed by such an installation.

All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler

were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Limited quantities (as provided) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area.

The operator of the partially regulated plant is afforded the options of (1) Paying an amount equal to the difference between the Class I price and the uniform price with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

(2) *Milk to be priced and pooled.* The minimum Class I prices under the order are intended to apply to that milk which is produced in compliance with the Grade A inspection requirements of a duly constituted health authority and which is regularly received at plants substantially engaged in serving the fluid needs of the order market.

It is concluded elsewhere in this decision that a marketwide system of pooling proceeds for Grade A milk received from dairy farmers at pool plants is essential for the promotion of efficient and orderly marketing of milk in the marketing area.

It is also concluded that delivery performance should be the measure of whether a plant is sufficiently identified with the market to be fully subject to the pricing and pooling provisions of the order. It must necessarily apply uniformly to all plants.

The standards for pool participation are discussed below in connection with the definition of a pool plant.

Any plant regardless of its location should have equal opportunity to comply with the standards of regulation and have its producers share in the available Class I sales. Whether the plants and producers choose to supply the Minnesota-North Dakota order market will depend on the economic circumstances with which they are confronted such as prices, transportation costs and alternative outlets.

The specific standards of performance which may be used to determine which plants and what milk constitute the regular sources of supply, and therefore, should be fully subject to regulation, may be identified by appropriate definition of the terms "plant," "route," "distributing plant," "supply plant," "pool plant," "nonpool plant," "handler," "producer," "producer-handler," "producer milk," and "other source milk."

Plant definition. A plant definition is needed to assist in defining the particular operations which are to be subject to regulation and to simplify the drafting of the other order provisions. Under the "plant" definition herein provided, all of the operations conducted on the premises of an establishment operated as a single unit for the purpose of receiving milk for assembly and transfer, or for processing and packaging milk and milk products are considered as operations of a plant. A facility or establishment functioning only as a transfer point for transferring milk from one tank truck to another tank truck, or as a distribution depot for storage of packaged fluid milk products in transit for route disposition should not be considered to constitute a plant.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards are provided for them. A "distributing plant" under the order would be defined as a plant that is approved by an appropriate health authority for the processing or packaging of Class I milk and from which any fluid milk product is disposed of during the month on routes. Plants which supply Grade A milk to distributing plants are termed "supply plants."

Route definition. To assist in the identification of those plants which are to be subject to full regulation a "route" definition is provided.

The term "route" would mean the delivery of any fluid milk product classified under the order as Class I to retail or wholesale outlets other than a delivery to another plant or to a distribution point.

Fluid milk products may be moved from a milk plant to a facility such as a warehouse, loading station or storage plant. The distribution from such latter point would be considered as a route from the milk plant. To do otherwise would be inappropriate because it would consider the disposition of fluid milk products to have been made at the temporary storage facility instead of at the location at which such products are received by retail and wholesale purchasers.

Disposition by a vendor is treated as a route disposition of the plant from which such disposition occurs.

Pool plant definition. A distributing plant would qualify as a pool plant under this order any month during the period of July through February in which at least 25 percent of the Grade A receipts at such plant during the month is disposed of as Class I milk. For any month during the period of March through June such qualifying percentage is 20 percent. The lesser minimum standards for the months of March through June would provide additional flexibility for a handler in qualifying his plant for pool status during these months when milk production of producers is generally higher than the market year-round average.

A further requirement that at least 15 percent of the distributing plant's Grade A receipts be disposed of as Class I sales within the marketing area on routes is designed to include in the pool only those plants which have more than an incidental association with this market.

These performance standards are designed to permit the inclusion in the market pool of producer milk at all plants which now furnish milk for fluid use in the area. These plants are located in a region of heavy milk production relative to population. Hence, the opportunity for making fluid sales locally is limited. Many of these plants which serve the local fluid market also operate as factories for manufacturing dairy products. Less than half of the producer milk which would be regulated is now used in Class I on an annual average. There are variations in the percentages of Class I use among plants and month-to-month differences in the same plants. Hence, the minimum percentage of Class I use which each distributing plant (or plant system) must maintain to be pooled should be less than the market average use. The proposed percentages of 25 percent and 20 percent in the respective months will provide this flexibility.

Many of the distributing plants are combination plants with manufacturing facilities to process the reserve supplies of the market not needed for fluid use. In the case of a handler operating more than one distributing plant it should be provided that the combined receipts and Class I disposition of all such plants may be the basis for determining the 25 percent requirement (20 percent, March through June). This will permit more efficient utilization of plant facilities.

To prevent inclusion in the marketwide pool of a plant whose primary association is with another market, each individual plant in such a system must continue to meet the requirement that 15 percent of its total Grade A receipts be distributed as Class I milk on routes within the marketing area.

A distributing plant meeting the pooling requirements of more than one order should in general be regulated under the order covering the area in which it has the greater proportion of its distribution. However, recognition should be given to

the adverse effects of inadvertent shifting from month to month by a plant regularly associated with the Minnesota-North Dakota market.

A handler operating a pool distributing plant which would have been subject to regulation under this order and would continue to meet the pool plant standards provided herein generally should not become subject to another order unless it has disposed of more milk on routes in such other marketing area than in the Minnesota-North Dakota marketing area for 3 consecutive months. This will afford the handler reasonable notice that full regulation of his plant is shifting from one order to another and will afford him the opportunity to make adjustments in his business if he desires to do so.

If, nevertheless, the provisions of the other order require such plant to be pooled thereunder, the plant should be exempt from regulation under this order. In order that the market administrator may be fully apprised of the continuing status of such a plant, however, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Provision should also be made to exempt from regulation under this order a plant which may, for 1 or 2 months, dispose of a greater proportion of milk in this marketing area than in the area of the order to which it has been subject to regulation if such other order contains a provision similar to that recommended herein.

A supply plant would qualify as a pool plant under this order in any month during which 25 percent or more of its receipts of Grade A milk from dairy farmers is shipped as fluid milk products to a distributing pool plant.

Demand for milk from supply plants is usually greatest during the season of low production. During the months of flush production direct farm supply of milk received at a distributing plant may be sufficient to supply the Class I outlets. During this part of the year it would be more economical to leave the milk received at supply plants in the country for manufacture into dairy products at such plants and use the milk received directly at distributing plants for Class I use.

The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

Any supply plant, therefore, which meets the 25 percent shipping requirements as described for each of the months of August through November would be granted pool status during the following months of March through June without specified shipments. Such pool status would be automatic unless the operator of such plant notifies the market administrator in writing before the first day of any such month that he desires to withdraw his supply plant from pooling. The plant would thereafter be a nonpool plant until it again met the shipping requirements set forth above.

In some markets reload points under the bulk handling method serve a function similar to that of a supply plant. The extent to which separate reloading facilities are now employed in moving bulk milk to this market is not clear from the record. In the absence of specific marketing data concerning reload points it is concluded that a definition of reload point should not be included in the order. Such a definition and its application to pricing, location differentials, and performance requirements may be considered at some future time if it appears that such a provision would facilitate the orderly marketing of milk under the order adopted herein.

Nonpool plants. A plant which supplies fluid milk to the market but in a lesser volume than that required to qualify as a pool plant under the standards set forth herein would be a nonpool plant. The term nonpool plant is further broken down to define such categories as "other order plant," "producer-handler plant," "partially regulated distributing plant," and "unregulated supply plant."

Handler definition. The impact of regulation under an order is on handlers. As herein provided, the definition includes (a) any person (including a cooperative association) in his capacity as the operator of one or more pool plants; (b) a person operating a partially regulated distributing plant; (c) a cooperative association with respect to producer milk diverted from a pool distributing plant to a nonpool plant for its account; (d) a cooperative association with respect to its members' milk delivered in a tank truck owned, operated by, under contract to, or under its control from the farm to a pool plant of another handler; (e) a person in his capacity as the operator of an other order plant; and (f) a producer-handler.

Designating as handlers the operators of the various types of plants that may be associated with the market is necessary so that the market administrator may require of them the reports to determine the regulatory status of the plants and the extent of the operators' obligations, if any, to the producer-settlement fund.

The record is not clear whether there is any governmental agency or institution (Federal, State, county, or municipal) which dispose of fluid milk products solely for use on it own premises or to its own facilities. If such an institution does exist, it should be exempt from regulation. This may be effected by specific exemption of such persons from "handler" status under the order.

While such an exempt institution would have no obligations to report to the market administrator, the order should provide that if milk is purchased from a pool plant by such an institution, such sales by the pool plant would be classified as Class I. Likewise, any disposition of milk by such an institution to pool plants would be classified as Class II.

Milk which would be surplus to the fluid requirements of such institutions would not be a source of supply which could be depended upon to fulfill the regular requirements of the market. It would bear the same relationship to the marketwide pool as does the surplus of producer-handlers, and it should be allocated in the same manner as a receipt from a producer-handler. Accordingly, milk received from such institutions should receive a Class II classification.

Cooperative associations whose members are suppliers of milk for the market here under consideration generally assume the responsibility of balancing their buying handlers' supplies with such handlers' needs for fluid milk. Milk not needed for fluid uses generally can be most economically handled by diversion directly to manufacturing plants. To facilitate such handling, a cooperative is accorded handler status for milk which it causes to be diverted to nonpool plants for its account.

A cooperative should be designated as a handler with respect to any milk delivered from the farm to a pool plant of another handler in a tank truck owned, operated by, under contract to, or under the control of such cooperative. This will afford a practicable basis of accounting for such milk. In addition, it will provide added flexibility to a cooperative's operations in allocating its members' milk among handlers.

If a tank truck picking up milk at the farm is operated under the supervision of a cooperative association, it is the association that verifies the weight and butterfat content of each producer's milk. Handlers have no control over and generally take no part in checking the weights and butterfat tests of milk at the farm. In some instances, handlers may not even know from which farms their milk is received.

The milk delivered by the cooperative as a bulk tank handler would be considered as a receipt of producer milk by the operator of the pool plant at which it was physically received. The pool plant operator's obligation for such milk to the producer-settlement fund, to the administrative fund and to the cooperative would be the same as for producer milk received directly from the farm of an individual producer.

In some instances, as discussed elsewhere in this decision (see the discussion concerning shrinkage allocation under heading "b. Classification and allocation of milk"), differences between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant would be considered a receipt of producer milk by the cooperative at the location of the pool plant. For such differences, the cooperative (instead of the pool plant operator) would be required to settle with the producer-settlement and administration funds.

Producer, diverted milk, and producer milk definitions. The term "producer" should include dairy farmers who regularly deliver Grade A milk to plants which are supplying fluid milk to the

marketing area in the proportions specified in the pool plant standards adopted herein. Accordingly, the term "producer" should distinguish between farmers who meet the sanitary requirements for the production of Grade A milk and other dairy farmers whose milk may be qualified only for use in the manufacture of dairy products. Grade A milk intended for fluid consumption in the marketing area is required to be produced in compliance with sanitary standards of the States of Minnesota, North Dakota, or South Dakota, and/or county, municipal, or other duly constituted health jurisdictions in the area.

"Producer milk" should be defined to include all skim milk and butterfat in Grade A milk received at a pool plant directly from a dairy farmer or from a cooperative association in its capacity as a handler. Producer milk would also include milk diverted under certain conditions from a pool plant to a nonpool plant by either a handler operating a pool plant or by a cooperative in its capacity as a handler diverting milk for its account. This definition will facilitate application of the various order provisions by specifying that milk for which each handler shall be responsible for paying the class prices established by the order according to his use of milk.

This definition will require the handler operating the pool plant at which milk is received from a cooperative as a handler pursuant to § 1060.10(c) to pay the cooperative at the uniform price the same as on milk received directly from producers.

A "diverted milk" definition is provided for easy reference throughout certain other provisions of the order.

Although a producer establishes his affiliation with the market through delivery of milk to a pool plant his milk occasionally may not be needed at pool plants. This is due to the day-to-day and seasonal variation in both production and sales. The variation in day-to-day sales is influenced in large part by the fact that most bottling operations are not conducted on a seven-day-a-week basis. Such milk can sometimes be used efficiently by diverting it directly from the farm to a nonpool manufacturing plant. In such cases the movement of such milk to a nonpool plant should be facilitated.

The order should provide that a dairy farmer whose Grade A milk is received at a pool distributing plant on at least three days during the month may retain his producer status with respect to that portion of his milk diverted to a nonpool plant for the account of a handler on any of the remaining days of such month. For the months of March through June when supplies in the market are usually the heaviest, such diversion of milk of a producer may be on an unlimited basis.

Unlimited diversion, however, is neither necessary nor desirable during the other months of the year when milk of producers is most needed to supply the Class I needs of the market. Proponents recommended that during the period of July through February, a cooperative association be permitted to divert for its account member producer milk not in excess of 50 percent of the milk physically received from its producer members at pool distributing plants during the month. This limitation appears reasonable and should be adopted. Similarly, milk diverted by the operator of a pool distributing plant for his account would be limited to 50 percent of the quantity of producer milk physically received at his plant during the month. In all cases, however, the 3-day delivery requirement must be met by each of the producers whose milk is diverted if producer status is to be retained.

The percentage basis for computing limits on milk diversions will provide the flexibility needed by cooperatives and pool handlers to serve the market efficiently. It will not affect the pool adversely.

Should milk receipts from dairy farmers be diverted in excess of the limit set forth herein the diverting handler must specify the dairy farmers whose milk was over diverted and all of the milk of such dairy farmers not received at a pool plant during the month shall not be producer milk in such month.

Milk diverted to a nonpool plant will be considered as received by the diverting handler at the location of the plant to which diverted, for purposes of pricing such milk.

In order to preclude duplicate regulation of milk, provisions should be made for excluding as producers, persons whose milk is diverted to a plant at which such milk is subject to the price and payment provisions of any other order.

Diversion of producer milk to the plant of a producer-handler should not be considered a diversion.

Producer-handler definition. The term "producer-handler" should apply to any person who produces milk on his own farm(s) and operates a plant from which fluid milk products are distributed on routes in the marketing area and who receives no milk during the month from other dairy farmers or from sources other than pool plants and not more than 50,000 pounds of fluid milk products (including the milk equivalent of nonfluid products which are reconstituted into fluid milk products) from any source.

The producer-handler maintains control of his milk from its source at the farm until its ultimate disposition. He is, therefore, generally in a position to adjust his farm production closely to the needs of his fluid milk business and, in turn, assumes the burden of maintaining the reserve supply of milk associated with his fluid milk operations and of disposing of any surplus he may produce. When an individual operates a dairy farm and a fluid milk business in such manner it has not been necessary to require him to account for milk produced on his own farm at a particular minimum price.

The competition of a producer-handler with regulated handlers in this market makes it appropriate that exemption from pooling and pricing be contingent upon his meeting certain requirements. Such requirements are necessary to assure that his sales of milk will not have a disruptive effect on the orderly marketing of milk in the regulated market.

The producer-handler should not, with minor exception, be permitted to receive fluid milk products from any source except his own farm production. If a producer-handler were permitted to obtain milk from unregulated sources, this would allow him an undue advantage compared to regulated handlers. Other handlers incur obligations to the pool on unregulated milk used in Class I disposition, but producer-handlers are exempt from pooling. Further, such use of unregulated milk by producer-handlers would be inequitable to producers. It would permit use in the fluid market of unregulated milk without such milk being subject to the order's allocation and payment provisions, which provide proper apportionment to producers of returns from Class I dispositions.

A limitation of 3,000 pounds of fluid milk products each month which may be received from sources other than his own farm production will permit the producer-handler to purchase supplemental milk from pool plants and will provide certain flexibility in the use of nonfluid milk products which may be reconstituted into fluid milk products.

Proponents suggested a limitation of 50,000 pounds as the amount of fluid milk products which might be received by a producer-handler. Such a figure is unreasonable. In this market the producer-handlers operate small family size units. The 3,000 pounds provided herein will be ample to meet the needs of the producer-handlers for supplemental supplies.

Receipts of milk at a pool plant from producer-handlers should be considered as a receipt of other source milk. This procedure is appropriate, otherwise producer-handlers who do not share their own Class I sales would share in the Class I sales of other handlers in the market. At the same time the producer-handler would not be bearing proper share of the reserve supplies associated with such Class I sales.

Various business arrangements, involving superficial association with the milk production operation, may be used to acquire an appearance of true producer-handler operation. To preclude the use of such devices the order should provide that a producer-handler furnish proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (except for milk which is permitted to be received within the 3,000 pound limitation) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person. A producer-handler would be required to make such reports of his receipts and utilization as the market administrator deems necessary to verify the

status of such person's operation and to facilitate verification of transactions with other handlers.

Other source milk definition. A definition of "other source milk" is necessary to facilitate the application of the order to the various categories of receipts at a regulated plant.

Other source milk should include all skim milk and butterfat contained in or represented by (a) fluid milk products utilized by the handler in his operation (except producer milk, fluid milk products received from pool plants, and fluid milk products in inventory at the beginning of the month), (b) all manufactured dairy products from any source (including those produced at the plant) which are reprocessed or converted into another product during the month, and (c) any disappearance of products other than fluid milk products which are not otherwise accounted for under the order.

In order to verify the actual utilization of milk received from producers, it is necessary that the market administrator be in a position to reconcile all receipts of milk and dairy products with the disposition records of the plant. If such records cannot be reconciled, the handler must be held responsible for the shrinkage or the overrun which occurs as a result of the discrepancy between records of receipts and disposition. Otherwise, the handler with improper records would be in a position to gain an advantage over his competitors who properly account for all milk and dairy products received. It is equally necessary that the handler be required to account for all nonfluid dairy products received in a form in which they can be converted into Class I products. Otherwise, a handler by failing to keep records of receipts of nonfat dry milk and similar products which can be reconstituted into skim milk or other fluid products could gain a competitive advantage over other handlers in the market.

b. *Classification and allocation of milk.* A classified use plan should be established to insure that all milk and milk products handled by handlers fully or partially regulated under the order are fully accounted for according to the various uses in such handlers' plants. Milk is disposed of in the market in a wide variety of forms, representing different proportions of butterfat and skim milk components of milk. These proportions may be greatly changed from the proportions of butterfat and skim milk in the milk as first received. Accounting for milk and milk products on a skim milk and butterfat basis, and pricing such skim milk and butterfat in accordance with the form in which (or the purpose for which) used is the most appropriate means of securing complete accounting on all milk involved in the market transactions.

This accounting system common in Federal orders, will insure uniformity in application of the classification and pricing provisions of the order to all handlers supplying and/or distributing milk in the market.

Fluid milk product. A definition of "fluid milk products" is provided in the order to implement the drafting of the classification provisions of the order.

Under the proposed definition herein provided, the term "fluid milk product" includes milk, skim milk, flavored milk, concentrated milk, buttermilk, milk drinks (plain or flavored), sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk. The term includes these products in fluid, frozen, fortified (including "dietary" milk products) or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as yogurt, eggnog, acrated cream in dispensers, ice cream mix, frozen dessert mix, and evaporated or condensed milk or skim milk.

Classes of milk. The fluid milk products which are clasified in Class I are required by the appropriate health authoritics in the marketing area to be made from milk or milk products procured from Grade A approved sources. The extra cost incurred by producers in producing quality milk and in getting it delivered to the market in the condition and in the quantities needed by the market necessitates a price for milk used in Class I products somewhat above the price of milk used in manufactured products. The higher price must be at a level which will provide sufficient incentive to producers to encourage the production of the quantity of milk needed for the Class I products plus the necessary reserve to cover daily fluctuations in market demand.

Milk in excess of the market's Class I needs at any time must be disposed of for use in manufactured products. These products are less perishable than fluid milk products and they compete on a national market with similar products made from unapproved milk. Milk so used must be classified as Class II milk and priced according to its value in such outlets.

The products included in Class I may be unmodified or may be modified by the addition of nonfat dry milk, as is commonly practiced in the case of skim milk drinks and buttermilk, for example. On the other hand the product may be concentrated by evaporation as in the case of concentrated whole milk for fluid consumption.

Products such as evaporated or condensed milk which are either packaged in hermetically sealed containers or which are used in the manufacture of other milk products should be classified as Class II products. Milk disposed of for Class II uses is classified on the basis of its initial disposition. When any Class II product is reprocessed or reused in another product it should be treated as a receipt of other source milk. This procedure minimizes the assessment of reclassification charges since priority of assignment under the accounting procedure is given to current receipts of fluid milk. Concentrated milk which may be restored to its original form in the home through the addition of water, as well as reconstituted fluid milk products, compete for the same Class I sales as whole milk. Accounting for such products on the basis of original volume, including all the water originally associated with the solids, is necessary to insure equity among handlers and to return to producers the full use value of their milk.

Fortified fluid milk products present a special classification and accounting problem. Fortification of fluid milk products customarily is accomplished by the addition of nonfat dry milk to fluid milk or skim milk to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of whole milk. Reconstitution, on the other hand, involves the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated product was first made by the removal of water.

To maintain proper accounting for fortified fluid milk products the nonfat milk solids added to such items should be converted to their skim milk equivalent. This is necessary to insure uniformity of application of the accounting system. It is not necessary, however, to price as Class I all the water originally associated with the added solids. The additional solids used in fortification cannot be considered as displacing producer milk in Class I except to the extent that the volume of product is increased. The addition of solids to make a more desirable product may in fact increase the sales of producer milk, and in any event would not displace producer milk in Class I beyond the minor increase in volume which results.

In the case of fortified fluid milk products the skim milk to be classified as Class I milk should be only that contained in an equal volume of unmodified product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I milk should be classified as Class II milk.

Handlers maintain inventory of milk and milk products which must be considered in accounting for receipts and utilization. The accounting procedure will be facilitated by providing for Class II classification on only that portion of ending inventory of fluid milk products which is in bulk storage in the plant. All fluid milk products on hand in packaged form in the plant should be classified as Class I.

This will facilitate handlers' reconciliation of inventory products with that of the market administrator. Products on truck on or off the premises and products in distribution outlets or in transit may be considered by some handlers as disposed of and therefore, would be classified by them as Class I. The treatment of products in distribution points or in transit differs with the individual handlers. It is not uncommon for handlers to consider products on loaded trucks as still in inventory.

The classification as Class I of all packaged fluid milk products will result in such products which are on hand at the end of the month, either in the plant, on loaded trucks, or in distribution points, being classified uniformly as Class

I regardless of whether they are considered as being in inventory or as being already disposed of.

Packaged fluid milk products on hand on the effective date of the order, however, should be classified as Class II, since these items were not classified and priced as Class I in the prior month.

To insure that all handlers pay the current month's Class I price for producer milk disposed of during the month, it is provided that if the Class I price increases, the handler will be charged the difference between the Class I price for the current month and the Class I price for the preceding month on the quantity of ending inventory assigned to Class I in the preceding month. Likewise, if the Class I price decreases, the handler will receive a corresponding credit.

The allocation section should provide that inventory of packaged fluid milk products on hand at the beginning of the month be subtracted from Class I utilization before making the other assignments therein provided.

Inventory of fluid milk products in bulk form will be subtracted under the allocation procedure, from any available Class II disposition in the following month prior to the allocation of current fluid milk receipts. The higher use value of any fluid milk product in inventory, which is allocated to Class I milk in the following month, should be reflected in returns to producers. This is accomplished by a reclassification charge on such milk at the difference between the Class II price of the preceding month and the Class I price of the current month.

Inasmuch as a handler may receive milk from other order plants and unregulated supply plants as well as producer milk or milk from other pool plants, any of these sources may contribute to his inventory situation at the end of the month. The assignment provisions herein adopted insure that milk from nonpool sources assigned to the surplus class in the prior month (and thus available for reclassification under the inventory allocation procedure this month) will either have been so assigned pro rata with producer milk or is milk which by its very nature is surplus. Furthermore, any other order milk so assigned will have been priced at the comparable surplus class in the order of origin. In either case, therefore, the reclassification charge is appropriate.

Skim milk and butterfat in fluid milk products dumped or disposed of by a handler for livestock feed should be classified as Class II milk. Such outlets often represent the most efficient means for disposing of surplus milk. Transportation and handling costs are such that it may be uneconomical to ship relatively small quantities of unneeded milk to trade outlets. In the case of route returns of such products as homogenized milk and chocolate milk, it is difficult and impractical to salvage the butterfat for further use. Such butterfat which is not salvageable should be classified as Class II when dumped or disposed of for livestock feed.

It would not be practicable to permit in an unlimited manner the dumping of skim milk and butterfat by pool plant handlers. Neither would it be appropriate to classify such skim milk and butterfat, for which no better outlet is available, in other than Class II. Accordingly, the order should clearly specify a Class II classification for skim milk and butterfat dumped, provided that the market administrator is notified in advance and afforded the opportunity to verify the dumping.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage." Since shrinkage represents disappearance of milk for which the handler must account but for which no direct return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class II at each pool plant should be 2 percent of producer milk (except that diverted to a nonpool plant or for which a cooperative association is the handler pursuant to § 1060.10(c)), plus 1.5 percent of producer milk from a cooperative as a handler and bulk fluid milk products from pool plants of other handlers and less 1.5 percent of bulk fluid milk products transferred to other plants (except pool plants of the same handler). A 1.5 percent shrinkage allowance would be allowed on bulk fluid milk products received from other order plants and unregulated supply plants (exclusive of the quantity for which Class II utilization is requested by the handler).

As provided elsewhere in this decision, a cooperative would be the handler for milk delivered from producers' farms to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative. When a cooperative is a handler under such conditions, the operator of a pool plant receiving this bulk tank milk directly from the farm would settle with the pool and the cooperative for such milk in the same manner as a receipt from producers. However, the full 2 percent allowance for shrinkage would be permitted the handler only if he is purchasing the milk on the basis of farm weights and has so notified the market administrator. Otherwise, the maximum shrinkage in Class II allowed the handler on such milk would be 1.5 percent, and the cooperative would be responsible for any difference between the gross weight of producer milk received in the tank truck at the farms and that delivered to pool plants. This procedure is followed in a number of other Federal orders and provides a reasonable basis for the allocation of the shrinkage allowance in those instances wherein the cooperative is the responsible handler with respect to milk picked up at producers' farms in bulk tank trucks.

In those instances in which a pool plant operator is not purchasing farm tank milk (from a cooperative as a handler) on the basis of farm weights, any difference between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant would be considered a receipt of producer milk by the cooperative at the location of the pool plant. The cooperative would report such differences, which may reasonably be expected to be within 0.5 percent of the quantity of producer milk determined on the basis of farm weights during the month, to the market administrator for inclusion in the monthly pool computation. Up to 0.5 percent of the total producer farm tank milk involved would be reported and pooled as Class II; any such difference in excess of the maximum allowable Class II shrinkage of 0.5 percent would be Class I. The cooperative would be responsible for settling with the producer-settlement fund for the total quantity of shrinkage it reported. If the quantity of bulk tank milk physically received at a pool plan from a cooperative during the month is the same as or greater than the sum of the farm weights, the cooperative would have no settlement to make with the producer-settlement fund on such milk. However, in those instances wherein the quantities of milk physically received at pool plants are greater than the farm weights, the pool plant operator's obligation to the cooperative and the producer-settlement fund would be on the basis of the weights ascertained at his plant.

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and will tend to encourage maintenance of adequate records and efficient handling of milk.

It is appropriate to limit the volume of unregulated supply plant milk and other order milk that may be classified in Class II as shrinkage since these types of receipts are allocated pro rata to class uses along with the quantities received from pool plants and producers. Under the allocation system provided, such other source milk will share with producer milk in any shrinkage allocated to Class I when the specified Class II shrinkage limitations are exceeded. No specific shrinkage limit is necessary on unregulated or other order milk that does not share a pro rata assignment and thus is allocated first to Class II uses, since the allocation procedure insures assignment of such milk to Class II in an amount at least equal to the shrinkage that may be associated therewith.

To insure an equitable assignment of total shrinkage to the two categories of receipts (i.e., receipts for which there is a percentage limitation for Class II shrinkage assignment and receipts for which there is no such limitation), the total shrinkage should be prorated to these two categories.

Transfers. Fluid milk products may be disposed of to other plants for processing. It is necessary, therefore, to provide specific rules so that the classification of such transfers may be determined under this order.

Fluid milk products transferred by a handler to a pool plant of another handler should be classified as Class I milk unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of receipts of unregulated milk, other order milk, inventory, and appropriate assignment of shrinkage. Moreover, if other source milk of the type to which surplus value inherently applies (such as nonfat dry milk) has been received at the transferor plant during the month, the skim milk or butterfat in fluid milk products involved in such transfer should be classified so as to allocate the least possible Class I utilization to such other source milk. In the case of a transferor handler who received other source milk from an unregulated supply plant or other order plant, the transferred quantity, up to the total of such receipts, should not be Class I to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

Fluid milk products transferred from a pool plant to a producer-handler and such products transferred or diverted in packaged form to a nonpool plant (not an other order plant) should be classified as Class I milk.

Fluid milk products transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant which is located not more than 300 miles by the shortest highway distance as determined by the market administrator from the nearer of the city halls of Fargo or Grand Forks, N. Dak., shall be classified as Class I milk unless certain conditions are met: The operator of the nonpool plant, if requested, should make his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the order.

The skim milk and butterfat so diverted or transferred should be assigned following the assignment of utilization at such nonpool plant to receipts of packaged fluid milk products from pool plants and other order plants. This assignment is in accord with the classification of such packaged products to Class I at the plant of origin. Other utilization at the nonpool plant should be assigned on the basis that any Class I utilization disposed of on routes in the marketing area should be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted to the nonpool plant from pool plants, and next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant. Further, any Class I utilization disposed of on routes in the marketing area of another order should be first assigned to receipts from plants fully regulated by such order, and next pro rata to receipts from pool plants and other order plants not regulated by such order and thereafter to receipts from dairy farmers whom the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant. The remaining quantities of skim milk and butterfat transferred to the nonpool plant should be assigned to the skim milk and butterfat in any transfers of milk, skim milk, and cream in bulk from the nonpool plant to pool plants, and should be classified as if it were a direct transfer from one pool plant to another pool plant with Class II utilization indicated. If this results in transfers from pool plants of two or more handlers being classified as Class I such classification should be shared pro rata between the handlers unless, at or before the time of reporting, the plant operators indicate agreement on a different sharing of such Class I classification.

If such assignment does not cover all transfers to the nonpool plant, assignment of additional quantities to Class II use in the nonpool plant would be limited to available Class II utilization in the plant and similar use of any shipments from the nonpool plant to other plants (pool or nonpool) excluding any duplication of such classification of milk received at the nonpool plant from other pool plants or other order plants.

The treatment of transfers provided serves to coordinate classification of milk disposed of to nonpool plants with milk disposed of by other order plants to the same nonpool plants.

Fluid milk products transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant which is located more than 300 miles by the shortest highway distance as determined by the market administrator from the nearer of the city halls of Fargo or Grand Forks, N. Dak., should be Class I milk.

Within the 300-mile range the manufacturing facilities are adequate to insure the orderly disposition of the market's reserve supply and milk moving a greater distance can be presumed to be for Class I uses. Hence, on shipments beyond such distance with the following exception, it is not necesssary and it is not administratively feasible for the order to provide classification on the basis of verified utilization in the nonpool plant to which shipment is made.

While it is not feasible to move whole milk long distances except for Class I use, cream may be shipped a considerable distance for use in ice cream and other Class II items. Cream transferred as Class II (and so reported by the transferring handler) to a nonpool plant located beyond the 300-mile range, therefore, should be so classified without requiring verification of its use by the market administrator at the nonpool plant, provided that prior to shipment the market administrator is given sufficient notice to allow him to verify the shipment, and the container of such cream is tagged as being for manufacturing purposes only, and this is so invoiced.

Such a provision will assure the availability of outlets for surplus cream irrespective of distance from the market and at the same time reduce the expense of verifying the use of such cream.

In the case of fluid milk products transferred from pool plants to fully regulated plants under another order, specific rules should apply to coordinate the classification under both orders. Specifically, fluid milk products transferred to an other order plant in excess of receipts from such plant in the same category (packaged, bulk designated for surplus disposal, or bulk milk not so designated) should be classified in the classes to which allocated as a fluid milk product under the other order. If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form should be classified as Class II to the extent that Class II utilization (or comparable utilization under such other order) is available for such assignment pursuant to the allocation provisions of the transferee order. If, however, information concerning the classification to which allocated under the order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification should be as Class I, subject to adjustment when such information is available. For these purposes, also if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes should be classified as Class II.

If the form in which a fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification should be in accordance with the form in which it leaves the transferor plant. This would be the case where the classification of a product differs in the shipping and receiving markets and, accordingly, identical classification will not be possible. These differences exist primarily because the health authorities in different areas have varying requirements with respect to the use of Grade A milk in some milk products. Hence, the order provisions must be designed to accommodate the differences in classification which might exist in this order compared to any order market from which such product is received.

Milk from nonpool plants and from other order plants. It is necessary to provide for integration into the regulatory plan of the order, milk which is disposed of in the marketing area, but which is not subject to classified pricing under any order or which is regulated under another order.

Such milk may enter the market in two ways. It may be distributed directly on routes by a partially regulated plant or by a plant subject to regulation under another order. It may also be received as other source milk by a fully regulated

plant. In the latter instance it may consist of receipts from an other order plant, from an unregulated supply plant, or even from manufacturing plants or dairy farmers whose milk is not eligible for Grade A milk. It might also consist of the surplus of a producer-handler or of nonfat milk solids which are reconstituted into a fluid milk product.

Regardless of the source of the milk or its method of entry into the market, provision must be made for treating such milk in a manner which will protect, to the extent consistent with the Act, the regulatory plan of the order. A uniform program for treating such milk was made effective by amendments to all orders which were in effect on July 1, 1964, following the decision of the Assistant Secretary of June 19, 1964 (29 F.R. 9214).

The findings and conclusions of such decision relating to this matter are equally applicable to the Minnesota-North Dakota marketing area. The June 19, 1964, decision therefore is hereby adopted as a part of this decision.

The conditions described therein as generally applicable to all marketing areas under regulation at that time, are equally applicable to the Minnesota-North Dakota marketing area.

It is necessary, therefore, that the provisions of this order relating to the integration of other source milk do not differ materially from similar provisions of other orders. The provisions herein recommended are identical in principle to the general amendments made to all orders following the June 19, 1964, decision of the Assistant Secretary, and are recommended for adoption in the interest of continuing a coordinated program among markets and providing for the uniform treatment of regulated milk in the several markets.

This decision sets forth in detail the procedure to be followed in allocating over a handler's total utilization the milk that may be received from the several types of nonpool sources. It provides for a payment into the producer-settlement fund on unregulated milk which is allocated to Class I.

This decision also prescribes the obligations of a partially regulated distributing plant with respect to record keeping and reporting, as well as defining the circumstances under which such a plant would be required to make payments to the producer-settlement fund.

c. *Determination and level of class prices.* In order to promote and maintain orderly marketing conditions in the Minnesota-North Dakota marketing area, minimum Class I and Class II prices for producer milk must be established at levels which will reflect economic conditions affecting the market supply and demand for milk and its products and tend to obtain an adequate supply of milk to meet the fluid needs of the market plus a necessary reserve for fluctuations in demand. Of the estimated 420 million pounds of Grade A milk received annually by handlers in the market who are expected to be fully regulated, less than half of such milk is required for fluid uses. There is, therefore, no indication that supplies are inadequate or tending to become inadequate for the Minnesota-North Dakota market.

The level of Class I price must not be so high as to attract additional supplies to the market under current marketing conditions where milk supply for fluid needs is entirely adequate. Such overattraction of milk supplies would tend to shift agricultural resources into the production of unnecessary and uneconomic surpluses which would depress the blend price to producers. Yet the price must exceed the manufactured milk price by a sufficient amount to encourage producers to produce milk of the high quality required for the fresh fluid needs of the market.

Class II prices should be established at a level which will assure a market for milk delivered by producers in excess of Class I needs. Such prices should not encourage the development of milk supplies for use as Class II products.

Class prices as well as uniform prices to producers should be computed and announced for milk of 3.5 percent butterfat content. This is the prevailing practice among handlers in the market.

Class I price. For an 18-month period beginning with the effective date of the order, the Class I price for milk of 3.5 percent butterfat content should be established at an annual level of $0.86 per hundredweight higher than the average price paid for manufacturing grade milk in Minnesota and Wisconsin during the preceding month. For the period through April 1968, 20 cents should be added to such differential.

The Class I price for plants located 70 miles or more from Grand Forks or Fargo, whichever is nearer should be adjusted for location. The location of each plant should be measured from the City Hall in Fargo, N. Dak., and Grand Forks N. Dak., and the adjustment based on the smaller of such measured distances. The location adjustment should be 10 cents if the plant is 70 miles or more but less than 80 miles from the respective city hall plus an additional 1.2 cents for each 10 miles or fraction thereof in excess of 80 miles. Such location adjustments, which are discussed in detail below, should be added to the Class I price if the plant is located in North or South Dakota and should be subtracted from such price if the plant is located in Minnesota.

The manufacturing milk price in Minnesota and Wisconsin to be used as the basic formula for determining Class I prices is reported by the Department of Agriculture each month and for the purpose of pricing Class I milk should be converted to a 3.5 percent butterfat basis using a butterfat differential equal to 12 percent of the wholesale price of butter at Chicago. The price so adjusted is used as a basic formula for establishing Class I prices in most Federal milk orders.

The purpose for which such basic formula price is used in other order markets is pertinent to establishment of proper Class I price levels in the recommended order market. This pricing factor (Minnesota-Wisconsin manufacturing grade milk pricing series), common to most milk orders, is an appropriate measure of the general economic factors underlying the price for milk used in manufactured dairy products. Because the market for most manufactured dairy products is nationwide, prices for such products and the milk used in them reflect, to a large extent, changes in general economic conditions affecting the supply and demand for milk. By using manufacturing milk prices as a formula factor in determining Class I prices it is possible to reflect such general economic factors automatically in the Class I price.

Since this marketing area is located in a region of heavy milk production in relation to population, there is considerably more milk manufactured in the area than is disposed of for Class I uses. In order to compensate producers for producing milk of Grade A quality which is needed for Class I sales, the Class I milk price must be somewhat higher than producers of manufacturing grade milk receive. However, if the Class I price more than compensates producers for the extra cost of Class I milk production, they are encouraged unnecessarily to shift from manufacturing grade milk production to the production of Grade A quality milk. If additional Grade A milk supplies cannot be disposed of in Class I outlets, such milk must be utilized in manufactured dairy products at a price competitive with dairy products made from manufacturing grade milk. Because dairy products made from Grade A milk bring no premium in the market place over those made from manufacturing grade milk, farmers producing Grade A milk for use in such products can obtain no higher price for Grade A milk so used than the prevailing rate for manufacturing grade milk. Hence, in establishing a Class I price, particularly for this area where large quantities of Grade A milk in excess of those needed for Class I sales already exist, it is essential that the Class I price be maintained at a level which will not encourage greater supplies of Grade A milk to be produced, thereby adding only to the volume which must be manufactured.

Since the Class I price must be so closely attuned to the manufacturing milk price, the only feasible method of accomplishing such alignment is to base the Class I price directly on such manufacturing milk price.

The proposed Class I price together with the proposed Class II price (as described later) and a Class I utilization of 45 percent would have given a market blend price of $3.84. This price is in excess of prices paid producers by the handlers in 1965 by an amount which reflects the increases in milk prices which have occurred on a national level since that time.

The Cass-Clay Creamery is located in Fargo and the Fairmount Foods plant in Moorhead. The Fergus Dairy plant in Fergus Falls, Minn., is about 55 miles to the southeast. One of Land O'Lakes' principal bottling plants is located at Thief River Falls, Minn., about 116 miles

north of Fargo. None of the handlers operating these plants pays its producers on a strictly classified price plan. The average price per hundredweight of 3.5 percent milk paid by each of them to their producers during 1965 was $3.54 by Cass-Clay, $3.66 by Fairmont Foods, $3.52 by Fergus Dairy and $3.57 by Land O'Lakes. The Minnesota Dairy Co. of Grand Forks is one of the principal handlers in this area. The price per hundredweight paid its producers for milk containing 3.5 percent butterfat for 1965, was estimated to be $3.85 on the average, plus an additional 13 cents per hundredweight hauling subsidy.

There is, however, a wide variation in the utilization of the above handlers. Substantially more than half of the Grade A milk received by Cass-Clay and Fergus Dairy is used in the manufacture of dairy products. The combined utilization of the four plants of Land O'Lakes (located at Thief River Falls, Crookston, and Brainerd, Minn., and Grand Forks, N. Dak.) approximates 60 percent Class I. The Fairmont Foods plant at Moorhead, Minn., also utilizes the greater part of its receipts as Class I milk. At the plant of the Minnesota Dairy Co., virtually all producer receipts are used for Class I purposes.

The identical Class I price should apply to all plant locations within 70 miles of Grand Forks or Fargo, N. Dak. These two cities represent the areas of greatest population concentration and hence represent the greatest proportion of the area's Class I sales. The 70-mile radius includes other nearby cities of smaller population with which there is considerable exchange of Class I sales.

Producer association proponents for the Minnesota-North Dakota order proposed (modified slightly from that noticed) a Class I price of 20 cents above the Twin Cities Class I price for plants located at least 210 but not more than 285 airline miles from a designated basing point in St. Paul, Minn. Such pricing zone would include fluid milk plants located at Fargo, Grand Forks, and Valley City, N. Dak., and at Moorhead, East Grand Forks, Crookston and Thief River Falls, Minn.

Both producers and handlers stressed the importance of proper Class I price alignment for the Minnesota-North Dakota marketing area with Class I prices in nearby markets, particularly that of the Minneapolis-St. Paul market.

It is essential in aligning Class I prices in the proposed area compared to Minneapolis-St. Paul to avoid any price incentive for Minneapolis-St. Paul milk to move into this area which already has more Grade A milk than can be disposed of in Class I sales. The Minneapolis-St. Paul order Class I price is modified by a supply-demand adjustor with a maximum of 24 cents. Hence, such price can be 24 cents less than the proposed Class I price under this order. Since the adjustor is currently at minus 24 cents, the Minneapolis-St. Paul Class I price would currently be 24 cents less than the proposed price for this area.

On the basis of the record of the regional hearing at Denver on April 11, 1967 (which reopened the hearing held at Fargo, N. Dak., in August 1966), it was concluded that for the purpose of Class I pricing through April 1968 the minimum basic formula price under the subject Federal orders should not be less than $4.05. It was further concluded that 20 cents should be added through April 1968 to Class I price differentials otherwise to be effective. The Minnesota-North Dakota market pricing should reflect these conclusions. The resulting provisions likewise will assist to maintain reasonable alignment with the Minneapolis-St. Paul market.

This price difference should not divert milk from the Minneapolis area to this area because transportation costs would offset the price difference.

Fargo and Grand Forks, N. Dak., and Moorhead, Minn., are among the principal cities in the market from which milk is distributed. The adjoining cities of Fargo-Moorhead are approximately 240 road miles from Minneapolis-St. Paul. Correspondingly, Grand Forks is about 312 miles distant from Minneapolis and St. Paul. Milk may be moved into the Minnesota-North Dakota market from plants located in Minneapolis or St. Paul at a transportation cost of approximately 29 cents per hundredweight to Fargo-Moorhead and 37 cents to Grand Forks. The Class I prices in the Fargo-Moorhead and Grand Forks areas should not, therefore, exceed the Class I prices for the Twin Cities order by more than about these transportation costs.

Ideally, Class I prices in the Minnesota-North Dakota market should reflect local milk supply and sales relationships as well as maintaining reasonable alignment with other market prices. Although the area has an ample supply of Grade A milk to meet current demands, complete data with respect to receipts and sales of milk in the area are not available. Any price adjustment mechanism which would be designed to reflect such supply and sales relationships in a pricing formula would not, therefore, be practical at this time. Furthermore, the conditions of supply and sales are likely to be somewhat different under a program of orderly pricing than those which have prevailed in recent years.

For this reason, a limit of 18 months is provided for the Class I price provisions of the order. This will afford an opportunity to review the provisions at a hearing in the light of marketing conditions at that time. Such review could also include consideration of supply and sales relationships for adjustment purposes.

Class II price. The Class II price should be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin, as reported by the U.S. Department of Agriculture, adjusted to a 3.5 percent butterfat test.

The order proponents initially proposed that the Class II price be established at the level of the Minnesota-Wisconsin manufacturing grade milk price, adjusted to 3.5 percent butterfat test. They modified this proposal at the hearing to request a Class II price level 6 cents per hundredweight below the "series" level. There was general agreement by producers and handlers alike that the Class II milk price for the market should be based upon the Minnesota-Wisconsin price series. There was less agreement as to the amount, if any, that the Class II price should be set below the series price. Support in this matter ranged from a zero to a minus 6 cents per hundredweight adjustment.

Large quantities of reserve supplies of milk for the market are utilized in the manufacture of butter and nonfat dry milk. These operations are confined to several large plants. There is much variation in the handling and marketing of surplus milk at the plants of other handlers. Some milk utilized for Class I purposes in the market is handled at plants with limited manufacturing facilities. However, a number of plants which would be pool plants under the orders maintain manufacturing operations, especially for such items as ice cream and cottage cheese. Throughout the year, particularly in the spring months of heavy production, producer milk not needed for fluid uses is moved to manufacturing plants by the handler who regularly receives the milk or by the cooperative association responsible for marketing such producer milk.

Prices paid by manufacturing plants may differ because of changes in the relative prices of the product which they manufacture and because of variations in the quantities of milk available for manufacturing purposes. Handlers often will dispose of excess milk to those plants which are paying the highest price at the time of such disposal. Because of smaller volume and inefficient means of handling, it is possible that some handlers may at times incur losses in handling their necessary reserve supplies of milk. The handling of such reserve milk is incidental, however, to the handling of fluid milk.

The price for manufacturing milk should be at a level which will provide the highest possible returns to producers in the market while at the same time encouraging the orderly marketing of such milk. A Class II price based on the average Minnesota-Wisconsin manufacturing milk price should adequately meet these pricing objectives. The desirability of using a competitive pay price is based on the premise that in the highly competitive dairy industry, average prices which are paid in the areas where there is substantial competition for manufacturing milk provide as good a measure of its value as can be obtained. The Minnesota-Wisconsin price series is representative of prices paid to farmers for about one-half of the manufacturing grade milk sold in the United States. In Minnesota about 84 percent of the milk sold off farms is of manufacturing grade and in Wisconsin, about 58 percent.[3]

[3] Official notice is taken of the "Supplement for 1963-64 to Dairy Statistics through 1960," Statistical Bulletin No. 303, Economic Research Service, USDA, June 1965.

There are many plants in these states which are competing for such milk supplies. This price series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. Further, it reflects the supply and demand of manufactured dairy products within a highly coordinated marketing system which is national in scale.

Plants which handle most of the Class II milk for this market are either located in Minnesota or receive a major portion of their supply from producers located in Minnesota. All of these plants are in competition for supplies with plants whose paying prices are included in the Minnesota-Wisconsin price series. It is necessary, therefore, that the prices paid by handlers under the order be commensurate with those paid by their competitors if their milk supply is to be maintained.

Butterfat differentials. The recommended classification system provides for a full accounting of all skim milk and butterfat utilized in all products. While milk is priced to handlers at a basic test of 3.5 percent, it is intended that each handler's cost for milk shall reflect the proportions of skim milk and butterfat in each class. This is accomplished by adjusting the class prices to each handler by appropriate butterfat differentials.

The Class I butterfat differential adopted herein is the same as that used in a substantial number of other orders and is determined by multiplying the Chicago butter price by 0.12.

This differential, which would have averaged 7.2 cents in 1965 (a variation that year from 7 to 7.6 cents), is a reasonable representation of the value of butterfat when disposed of in the fluid items indicated in this class.

The Class II butterfat differential of 11.5 percent of the Chicago butter price is likewise comparable with its counterpart in a number of other orders throughout the country. It will vary from month to month as the butter price varies. Hence, it will facilitate the movement of butterfat in that milk which is not needed for fluid use to manufacturing outlets. The Class II butterfat differential will appropriately reflect the values of butterfat and skim milk components in milk used in manufacturing operations.

The use of the Chicago butter price as a basis for establishing butterfat differentials will provide assurance for both producers and handlers that such differentials reflect changes in the butterfat values in the national market. The differentials adopted were suggested by proponents of regulation.

The butterfat differential used in making payments to producers should be calculated at the average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the average value of their butterfat in the two classes provided in this order. The producer butterfat differential does not affect a handler's obligation and its sole purpose is to prorate returns among producers to the extent their milk differs from the basic 3.5 percent butterfat test.

Location differentials. Location differentials should be incorporated in the order to provide appropriate adjustment in the Class I price and uniform price based upon the location of any plant at which producer milk is received. Class I milk because of its bulky and perishable nature incurs high transportation costs if moved a considerable distance. Milk delivered directly by farmers to handlers' plants located close to the area where such milk is distributed to consumers is therefore more valuable to the handler than milk obtained at a plant many miles from the market.

The Fargo-Moorhead metropolitan area and Grand Forks, N. Dak., are the principal cities from which fluid milk products are distributed throughout the recommended marketing area. They represent the points where there is the largest concentration of population and therefore are the areas of largest milk sales to consumers.

The Class I and uniform price at any plant which is located 70 or more but less 80 road miles from the nearer of the city halls at Fargo or Grand Forks should be subject to a plus or minus adjustment of ten cents plus an additional 1.2 cents for each 10 miles or fraction thereof in excess of 80 miles. The location adjustment would be added to the prices at plants located in North or South Dakota and subtracted at plants located in Minnesota.

These location differentials provide higher prices for milk received at pool plants located west and southwest of the Minnesota-North Dakota State boundary, and lower prices for milk received at plants in the heavy production areas of Minnesota.

Milk production in the portion of the marketing area west of the Red River decreases rapidly as one proceeds away from the river. Supplemental supplies needed by handlers located there must be received from plants located either in Grand Forks or Fargo, or further to the east in Minnesota. Thus, the appropriate price level is the prevailing price in the high production area to the east plus the cost of transporting the milk into the Dakotas. Historically prices paid by handlers in central and western North Dakota have reflected this difference.

Some handlers so located opposed the higher price on the grounds that it would place them at a competitive disadvantage in selling milk in the eastern part of the State where no location differential is applicable.

It is recognized that handlers so located may find it more difficult to compete for Class I sales in the cities of Grand Forks and Fargo. However, producers should not be required to receive a lesser value for their milk to enable a handler to distribute milk in an area where he has a natural disadvantage.

As one moves east and southeast from the Grand Forks and Fargo-Moorhead areas into the areas of heavy milk production, prices should be reduced by the cost of moving such milk from such areas to Fargo or Grand Forks.

Distances should be measured by highway mileage rather than by airline miles as was proposed by the proponents. Because of the condition of the highways, load limits, etc., the actual highway miles which milk is transported may vary widely in relation to the airline mileage.

The rate of 1.2 cents per hundredweight per 10 road miles reflects the approximate costs of moving milk to city plants in this market. The location differentials, as proposed, will establish prices at each pool plant which will permit such pool plants to compete among themselves on the basis of prices adjusted to reflect transportation costs.

Uniform prices to be paid producers supplying plants at which location differentials are applicable should likewise be adjusted by the same amounts to reflect the value of the milk at the point to which the milk is delivered.

No location differential should apply to Class II milk. Such milk need not be moved to the area centers of population to be sold. Handlers should not be encouraged to move milk long distances for Class II purposes at the expense of dairy producers since Class II products incur little freight cost and prices for such products vary little with location. The Class II milk should be manufactured as near as possible to the source of production and the product should be transported rather than the milk.

A method is provided for determining, if necessary, the priority of milk from various plants allocated to Class I for the purpose of computing the aggregate location differential to be allowed.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that, for the purpose of calculating such credit fluid milk products received from pool plants shall be assigned to any Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and receipts from other order plants and unregulated supply plants which are assigned to Class I. Such assignment would be made first to shipping plants having the same or higher prices, next to plants with a lower price in sequence according to the location differential applicable at each plant. This will provide an equitable basis for facilitating the movement of milk between pool plants for Class I purposes. Likewise, it will tend to discourage the unnecessary moving of milk between pool plants for other than Class I purposes at the expense of producers.

Use of equivalent prices. If for any reason a price quotation required by the order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price

which is required. Including such provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby will prevent any unnecessary interruption in the operation of the order.

d. *Distribution of proceeds to producers.* The order should contain provisions whereby the payments made by handlers for milk at class prices are converted to uniform prices to be paid to producers. The provisions should specify also the terms under which such payments must be made.

(1) *Type of pool.* The order should provide for market pooling of the value of producer milk used by all handlers.

Under a market pool the total money obligation of all handlers in the market for producer milk is combined to compute a uniform price applicable to all producer milk.

To accomplish this purpose it is necessary that there be an exchange of money among handlers such that each handler is able to pay the marketwide uniform price. The transfer of money is made through a producer-settlement fund established by the market administrator. Each handler pays into the producer-settlement fund any plus difference between the value of his milk at the market uniform price based on the market utilization of all handlers, and the value of his milk computed at the class prices. A handler whose milk has a lesser value at the class prices than at the market uniform price receives payment for the difference from the producer-settlement fund. This arrangement enables each handler to pay the uniform price to producers subject to butterfat and location differentials.

The marketwide pool will insure that each producer supplying the market will receive a return reflecting his pro rata share of Class I and Class II utilization. Each producer will receive a "blend" price for his milk which will reflect the average utilization of all pool plants in the market. Each handler, however, will pay for milk according to the class prices.

The marketwide pooling of returns to producers will promote efficient handling of milk in the area. Some plants disposing of milk in the recommended marketing area have little, if any, facilities for manufacturing reserve milk. Such plants normally limit their receipts of producer milk to the quantity needed for Class I in the flush production season and procure from other plants supplemental supplies of milk for Class I during the short production season. Other plants have some manufacturing facilities or outlets available to market surplus supplies, and thus are able to carry adequate supplies of milk throughout the year.

A marketwide pool will enable the handlers with manufacturing facilities, or any cooperative association, to handle the reserve supplies and yet pay to producers the same price as is paid by handlers who do not assume the responsibility of carrying the necessary reserve. The lower return for the reserve milk in the market will thereby be apportioned equally among all producers in the market. Under an individual-handler pooling system as proposed by two handlers, this burden would be carried by individual groups of producers.

Many handlers in the proposed Minnesota-North Dakota marketing area depend on one of several associations for their "balancing" supplies, and the cooperatives assume responsibility in disposition of milk in excess of handlers' needs. It would be impossible for such associations to maintain equitable returns to producer members without the operation of a market pool.

Two handlers proposed an individual-handlers method of pooling. For the reasons set forth above, it has been concluded that a marketwide pool is necessary and that an individual-handler pool would be inappropriate..

(2) *Payments to producers.* Each handler under the order should pay each producer for milk received from such producer and for which payment is not made to a cooperative association at not less than the applicable uniform price.

A partial payment for milk delivered during the first 15 days of the month would also be required on or before the last day of the month at not less than the Class II price for the preceding month. Final payment to producers would be required on or before the 15th day of the month at the applicable uniform price for the preceding month, less partial payments and authorized deductions.

Provision should be made for a cooperative association, which is acting in the capacity of a handler on diverted milk, or a handler operating a pool plant, to receive payment for the producer milk it caused to be delivered to a pool plant. A partial payment at the applicable Class I price would be required on or before the 26th day of the month for milk so delivered during the first 15 days of such month. A final settlement would be required on or before the 13th day after the end of the month in which such milk was delivered. This settlement will be made on the basis of the applicable class prices, less partial payment and authorized deductions.

Further, each handler should pay a cooperative association for milk received from such association in its capacity as a handler on bulk tank milk pursuant to § 1060.10(c) of the order. A partial settlement for such milk received during the first 15 days of the month should be made at not less than the Class II price for the preceding month. The final settlement for the value of such milk should be made at the applicable uniform price, less partial payments.

In making payments to producers, the handler should be required to furnish each producer a supporting statement. This statement should show the pounds and butterfat tests of milk received from such producer, the rate of payment for such milk, if such rate is other than the applicable minimum rate, and any deductions claimed by the handler.

(3) *Producer-settlement fund.* All producers will receive payment at the rate of the marketwide uniform price each month. Because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform prices would pay the difference into the producer-settlement fund and each handler whose obligation for producer milk is less than the applicable uniform price values would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in other Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than 4 nor more than 5 cents per hundredweight of producer milk in the pool for the month.

Any payments on partially regulated milk received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.

e. *Administrative provisions.* Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision, which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

(1) *Market Administrator.* Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

(2) *Records and reports.* Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and payments due therefore. Such reports are necessary for the computation of the uniform price and determination of each plant's continuing status under the order. The maintenance of adequate records is necessary to enable the market administrator to verify receipts and utilization as reported

by the handlers and to verify that the several financial obligations arising under the order are fully discharged.

It is essential that handlers' reports be submitted to the market administrator not later than the 7th day after the end of each month. The market administrator should announce the uniform price for the previous month's milk by the 12th day of each month. Handlers should submit payments due to the producer-settlement fund on or before the 12th day after the end of the month. The payroll report of each handler should be submitted to the market administrator on or before the 20th day of each month. It should include such information as weight, butterfat tests, payments for milk and authorized deductions.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the orders.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area would also be used by the market administrator to compute the amounts payable to the producer-settlement fund on such unpriced milk.

A cooperative association having authority to market milk for member producers should have available to it information on the use of such milk by individual handlers in order that member milk may be directed to those handlers needing Class I milk. This will promote orderly marketing by enabling the efficient allocation among handlers of available milk supplies and assist producers in maximizing their returns. A provision, therefore, should be included to authorize the market administrator to provide this information when it is requested by such an association. For the purpose of this report, the utilization of member milk in each handler's plant would be prorated to each class in the same ratio as all producer milk is allocated to each class during the month.

It is necessary that handlers retain records to prove the utilization of milk and that proper payments were made therefor. Since books and records of all handlers cannot be completely audited immediately after receipt of the milk, it becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the orders shall terminate. Provision made in this regard is identical in principle with the general amendment (made to all milk orders which were in operation on July 30, 1947), following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision covering the retention of records and limitation of claims, is equally applicable in this situation and is adopted as a part of this decision.

(3) *Expense of administration.* Each handler should be required to pay to the market administrator, as his proportionate share of the cost of administering the order, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, on producer milk (including milk of such handler's own production) and on other source milk allocated to Class I (except milk so assessed under another Federal order).

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that such cost of administration shall be financed through an assessment on handlers. A principal function of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment on the basis of Grade A milk received from dairy farmers at a plant and on other source milk allocated to Class I milk.

The order provides that a cooperative association may act as the handler for milk of members which is delivered in tank trucks directly from the farm to pool plants of other handlers.

The cooperative is considered the handler for such milk only for the purpose of accounting to the individual producers. Such milk is producer milk at the plant of the receiving handler and is treated the same as any other direct receipt from producers. Therefore the handler who receives the milk should pay the administrative assessment on it.

The order specifies minimum performance standards that must be met to obtain regulated status. Operators of plants not meeting such standards are required to either (1) make specified payments into the producer-settlement fund on route distribution in the marketing area in excess of offsetting purchases of Federal order Class I milk, or (2) otherwise pay into such fund and/or to dairy farmers an amount not less than the classified use value of his receipts from dairy farmers computed as though such plant were a fully regulated plant.

The market administrator, in administering an order as it applies to the nonpool route distributor, must incur expenses in essentially the same manner as in applying the order to pool handlers. However, the order is not applicable to such distributor to the same extent as to regulated handlers. Hence, payment of the administrative assessment on his in-area sales reasonably would constitute his pro rata share of administrative expense.

In the case of unregulated milk which enters the market through a regulated plant for Class I use, it is the regulated handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. Hence, it is appropriate that the regulated handler be responsible for payment of the administrative assessment on such regulated milk.

The order is designed so that the cost of administration is shared equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication an assessment should not be made on other source milk on which an assessment was made under another Federal order.

In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 4 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the amount of the administrative assessment without the necessity of amending the order.

A higher assessment rate may prevail when the order is first issued since part of the assessment is used each month to provide a reserve fund for operational expenses. Once the necessary reserve has been established, the assessment rate to handlers is reduced to whatever rate is needed to meet operating expenses. This may be done at any time experience in the market reveals that a lesser rate will provide sufficient revenue for proper administration of the order.

(4) *Marketing services.* Provisions should be made in the order for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member-producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own service.

Milk produced on a handler's own farm should be exempt from marketing service deductions, even though it is subject to the other provisions of the order. There are no payments to producers to verify on such milk and, therefore, no need to provide the same marketing services as are provided other producers.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete vertification requires that butterfat tests and weighs of individual producer deliveries reported by the handler are accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization, and

marketing of milk will be promoted by providing for the dissemination of current market information on a market-wide basis to producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders such marketing services. Comparison of the number of producers involved and the expected volume of milk with that of other markets indicates that a 5-cent rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Miscellaneous. A "base and excess" plan of distributing returns for milk among producers and designed to encourage more even production throughout the year was suggested by one handler. Although such a plan was supported on the record by certain handlers and producer groups, the data concerning the seasonality of production of all producers who supply the market are not extensive enough to permit consideration of a base-excess plan for this market at this time.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to teach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Minnesota-North Dakota marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

General Definitions

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1060.1 Act.
1060.2 Minnesota-North Dakota marketing area.
1060.3 Route.
1060.4 Department.
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Market Administrator

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1060.40 Skim milk and butterfat to be classified.
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1060.50 Basic formula price.
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1060.80 Time and method of payment.
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1060.83 Producer-settlement fund.
1060.84 Payments to the producer-settlement fund.
1060.85 Payments out of the producer-settlement fund.
1060.86 Adjustment of accounts.
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1060.88 Expense of administration.
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Effective Time, Suspension or Termination

1060.90 Effective time.
1060.91 Suspension or termination.
1060.92 Continuing obligations.
1060.93 Liquidation.

Miscellaneous Provisions

1060.100 Agents.
1060.101 Separability of provisions.

General Definitions

§ 1060.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1060.2 Minnesota-North Dakota marketing area.

The "Minnesota-North Dakota marketing area", hereinafter called the "marketing area," means all the territory within the boundaries of the counties listed below, including territory wholly or partly within such boundaries occupied by Government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments:

Minnesota

Becker.	Marshall.
Beltrami.	Norman.
Big Stone.	Otter Tail.
Clay.	Pennington.
Clearwater.	Polk.
Douglas.	Red Lake.
Grant.	Roseau.
Hubbard.	Stevens.
Kittson.	Traverse.
Lake of the Woods.	Wadena.
Mahnomen.	Wilkin.

North Dakota

Barnes.	Pembina.
Cass.	Ramsey.
Cavalier.	Ransom.
Dickey.	Richland.
Grand Forks.	Sargent.
Griggs.	Steele.
La Moure.	Traill.
Nelson.	Walsh.

South Dakota

Grant.	Roberts.
Marshall.	

§ 1060.3 Route.

"Route" means a delivery to a wholesale or retail outlet either directly or through a distributing facility such as a distribution point, a plant store, or a vendor of a fluid milk product classified as Class I pursuant to § 1060.41(a)(1), other than a delivery to a pool plant or a nonpool plant.

§ 1060.4 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1060.5 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

DEFINITIONS OF PERSONS

§ 1060.6 Person.

"Person" means any individual, partnership, corporation, association, institution, or other business unit.

§ 1060.7 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture of the United States.

§ 1060.8 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1060.16.

§ 1060.9 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

§ 1060.10 Handler.

"Handler" means:

(a) Any person (including any cooperative association) in his capacity as the operator of one or more pool plants;

(b) Any cooperative association with respect to producer milk which it causes to be diverted for its account from a pool plant pursuant to § 1060.16;

(c) Any cooperative association with respect to the milk of its member producers which is delivered directly from the farm to the pool plant of another handler in a tank truck owned, operated by, under contract to, or under the control of such cooperative association. The milk for which a cooperative association is a handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(d) Any person who operates a partially regulated distributing plant. This definition shall not apply to a governmentally owned and operated institution which is exempt from the provisions of this part pursuant to § 1060.60(b); and

(e) A producer handler, or any person who operates an other order plant as described in § 1060.61;

§ 1060.11 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who received no milk during the month from other dairy farmers or from sources other than pool plants and not more than 3,000 pounds of milk and fluid milk products (including the milk equivalent of nonfluid products which are reconstituted into fluid milk products) during the month from any source. Such person must provide proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

DEFINITIONS OF MILK AND MILK PRODUCTS

§ 1060.15 Producer milk.

"Producer milk" means all the skim milk and butterfat contained in Grade A milk:

(a) Received during the month at a pool plant directly from a producer or a handler pursuant to § 1060.10(c);

(b) Diverted subject to the provisions of § 1060.16 from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant; or

(c) Received by a cooperative association handler pursuant to § 1060.10(c) from producers in excess of the quantity delivered to pool plants.

§ 1060.16 Diverted milk.

"Diverted milk" means producer milk that is normally received at a pool distributing plant but which is moved directly from a dairy farm to a nonpool plant for the account of a handler operating a pool distributing plant or a handler pursuant to § 1060.10(b). Such milk shall be deemed to have been received by the diverting handler at the location of the nonpool plant to which diverted in applying §§ 1060.53 and 1060.82. The diversion of producer milk is subject to the following conditions:

(a) A cooperative association handler pursuant to § 1060.10(b) may divert for its account without limit during the other days of the month the milk of any member producer, whose milk is received at a distributing pool plant for at least 3 days during the month. The total quantity of milk so diverted may not exceed 50 percent in each of the months of July through February of its member producer milk received at all distributing pool plants during the month.

(b) A handler in his capacity as the operator of a distributing pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, whose milk is received at his pool distributing plant on at least 3 days during the month. However, the total quantity of milk so diverted may not exceed 50 percent in each of the months of July through February of the milk received at such plant during the month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a) of this section; and

(c) In the event milk receipts from dairy farmers are diverted in excess of the applicable percentages pursuant to paragraphs (a) and (b) of this section the diverting handler shall specify the dairy farmers whose milk was overdiverted. Only the milk of such dairy farmer(s) which is received at a pool plant during the month shall be producer milk for such month.

§ 1060.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products received from any source except:

(1) Producer milk;

(2) Fluid milk products received from pool plants; or

(3) Inventory of fluid milk products on hand at the beginning of the month; and

(b) Products, other than fluid milk products, received from any source (including those produced at the plant) which are reprocessed or converted into or combined with another product in the plant during the month, and any disappearance of products other than fluid milk products not otherwise accounted for.

§ 1060.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, concentrated milk, buttermilk, milk drinks (plain or flavored), sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk. The term includes these products in fluid, frozen, fortified (including "dietary" milk products) or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as yogurt, eggnog, aerated cream in dispensers, ice cream mix, frozen dessert mix and evaporated or condensed milk or skim milk.

DEFINITIONS OF PLANTS

§ 1060.20 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant

under this definition. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

§ 1060.21 Distributing plant.

"Distributing plant" means a plant that is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which fluid milk products are disposed of during the month on routes.

§ 1060.22 Supply plant.

"Supply plant" means a plant from which a fluid milk product that is acceptable to the appropriate health authority for distribution in the marketing area as Grade A is moved during the month to a distributing plant.

§ 1060.23 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a handler exempted pursuant to § 1060.60 and § 1060.61: *Provided,* That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which during the month there is disposed:

(1) As Class I milk on routes in the marketing area not less than 15 percent of Grade A milk receipts at such plant; and

(2) As Class I milk on routes or by transfer to another plant and classified as Class I pursuant to § 1060.44 not less than the applicable percentage of such plant's receipts of Grade A milk:

(i) March through June, 20 percent;

(ii) July through February, 25 percent: *Provided,* That all distributing plants operated by a handler may be considered as one plant for the purpose of meeting the applicable percentage requirement of this subparagraph if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested; and

(b) A supply plant from which not less than 25 percent of its producer receipts at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided,* That a supply plant which qualified pursuant to this paragraph in each of the immediately preceding months of August through November shall be a pool plant for the months of March through June unless the plant operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 1060.24 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products (labeled Grade A) in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

MARKET ADMINISTRATOR

§ 1060.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1060.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1060.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1060.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1060.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends and by such other means as are necessary;

(h) Publicly disclose to handlers and producers at his discretion, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1060.35 to 1060.37, inclusive, or has not made payments pursuant to §§ 1060.80, 1060.84, 1060.86, 1060.87, and 1060.88.

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 6th day of each month, the Class I price and butterfat differential for the month computed pursuant to §§ 1060.51(a) and 1060.52(a), respectively; and the Class II price and butterfat differential for the immediately preceding month computed pursuant to §§ 1060.51(b) and 1060.52(b), respectively; and

(2) The 12th day of each month, the uniform price and the butterfat differential computed pursuant to §§ 1060.71 and 1060.81, respectively, both applicable to milk delivered during the immediately preceding month;

(k) On or before the 12th day of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler during the immediately preceding month from such cooperative association in its capacity as a handler pursuant to § 1060.10(c) and directly from members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in proportion to the utilization by such handler in each class remaining after allocation pursuant to § 1060.46(a) (1) through (10) and the corresponding steps of § 1060.46(b); and

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1060.46(a)(9) and the corresponding step of § 1060.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from

a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1060.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1060.35 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler who operates a pool plant(s) shall report for each such plant to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer (including such handlers' own production), the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and the total quantity of milk and butterfat received from each handler pursuant to § 1060.10(c);

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The utilization of skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of fluid milk products on routes in the marketing area;

(f) The pounds of skim milk and butterfat contained in all fluid milk products on hand, both in bulk and in packages, at the beginning and at the end of the month;

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

(h) Each handler specified in § 1060.10(d) who operates a partially regulated distributing plant shall report as required in this section, except that receipts of Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes.

§ 1060.36 Payroll reports.

On or before the 20th day after the end of each month each handler, except a producer-handler or a handler making payments pursuant to § 1060.62(b), shall submit to the market administrator his producer payroll (or in the case of a handler making payments pursuant to § 1060.62(a), his payroll for dairy farmers delivering Grade A milk) for receipts during the preceding month which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association and the number of days on which milk was received from such producer;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1060.37 Other reports.

(a) Each producer-handler and each handler making payments pursuant to § 1060.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe:

(b) Each handler pursuant to § 1060.10(c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of each month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month and all other producer milk for which it is a handler;

(c) Each handler who receives milk from producers, payment for which is to be made to a cooperative association pursuant to § 1060.80(b), shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 20th day of the month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the seventh day after the end of the month:

(i) The pounds per shipment, the total pounds of milk and the average butterfat test of milk received from such producer during the month;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments to such producer pursuant to § 1060.86.

§ 1060.38 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and tests for butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1060.39 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1060.40 Skim milk and butterfat to be classified.

(a) The skim milk and butterfat which are required to be reported pursuant to § 1060.35 and § 1060.37(b) shall be classified each month by the market administrator pursuant to the provisions of §§ 1060.41 through 1060.46; and

(b) If any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk utilized or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1060.41 Classes of utilization.

Subject to the conditions set forth in §§ 1060.42 through 1060.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b) (2) and (3) of this section;

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content;

(2) Contained in inventory of packaged fluid milk products on hand at the end of the month; and

(3) Not accounted for as Class II milk:

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat disposed of:

(i) For livestock feed; or

(ii) Dumped after prior notification to and opportunity for verification by the market administrator;

(3) The weight of skim milk in any fortified fluid milk product in excess of the pounds classified as Class I milk pursuant to paragraph (a)(1)(ii) of this section;

(4) In inventory of bulk fluid milk products on hand at the end of the month;

(5) Skim milk and butterfat, respectively, in actual shrinkage at each pool plant allocated pursuant to § 1060.42(b)(1) but not in excess of:

(i) Two percent of producer milk except that received from a handler pursuant to § 1060.10(c) or diverted pursuant to § 1060.16 to a nonpool plant;

(ii) Plus 1.5 percent of milk received in bulk tank lots from other pool plants;

(iii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1060.10(c) and receipts at a pool plant from a handler pursuant to § 1060.10(b), except that if the handler operating the pool plant files notice with the market administrator that the purchase of such milk is on the basis of farm tests and weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent;

(iv) Plus 1.5 percent of milk received in bulk tank lots from other order plants exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of milk in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler;

(vi) Less 1.5 percent of milk in bulk tank lots transferred from pool plants to other plants; and plus

(vii) In the case of milk received by a cooperative in its capacity as a handler pursuant to § 1060.10 (b) and (c) 0.5 percent of such receipts from producers as determined by farm tests and weights measured by farm bulk tank calibrations, unless the exception in subparagraph (5)(iii) of this paragraph applies; and

(6) Skim milk and butterfat in shrinkage allocated pursuant to § 1060.42(b)(2).

§ 1060.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler at each plant; and

(b) Prorate the resulting amounts among the receipts of skim milk and butterfat contained in:

(1) The net quantity of producer milk and other milk specified in § 1060.41(b)(5) (except milk diverted to a nonpool plant pursuant to § 1060.15); and

(2) Other source milk exclusive of that specified in § 1060.41(b)(5).

§ 1060.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1060.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the transferee and transferor handlers in their reports pursuant to § 1060.35, otherwise as Class I milk, if transferred from a pool plant to another pool plant subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1060.46(a)(9) and the corresponding step of § 1060.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1060.46(a)(4) and the corresponding step of § 1060.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1060.46 (a)(8) or (9) and the corresponding steps of § 1060.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant, if such classification would change the classification of producer milk on the market or the classification of such other source milk received by the transferor handler during the month;

(b) As Class I milk, if transferred from a pool plant to a producer-handler or to an exempt government institution as defined in § 1060.60;

(c) As Class I if transferred from a pool plant in packaged form to a nonpool plant that is neither an other order plant nor a producer-handler plant;

(d) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located more than 300 miles by shortest highway distance as determined by the market administrator, from the nearer of the city halls of Fargo or Grand Forks, N. Dak., except that cream so transferred may be classified as Class II if the handler claims classification of such cream in Class II in his report pursuant to § 1060.35, the handler tags the container of such cream as for manufacturing purposes only (and so noticed on invoice), and the handler gives the market administrator sufficient notice to allow him to verify the shipment;

(e) As Class I milk if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant and is not more than 300 miles by shortest highway distance as determined by the market administrator from the nearer of the city halls of Fargo or Grand Forks, N. Dak., unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1060.35 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants;

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it the skim milk and butterfat so transferred or diverted shall be classified as Class II milk;

(v) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification and allocation shall apply;

(f) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to another order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1060.41.

§ 1060.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1060.35 by each handler and shall compute the pounds of skim milk and butterfat in each class at all pool plants of such handler. Allocation pursuant to § 1060.46 and computation of obligations pursuant to § 1060.70 shall be based upon the combined utilization so computed.

§ 1060.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1060.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1060.41(b)(5);

(2) Subtract from the pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) The pounds of skim milk in receipts which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) the sum of the pounds of skim milk in producer milk, receipts of fluid milk products from pool plants of other handlers, and receipts of fluid milk products in bulk from other order plants; and

(ii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the transferee handler but not in excess of the pounds of skim milk remaining in Class II milk;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk (and for the first month this order is effective, in packaged fluid milk products) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (5)(ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1060.32(1) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1060.44(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1060.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The resulting price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.05.

§ 1060.51 Class prices.

Subject to the provisions of §§ 1060.52 and 1060.53, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I price.* For the first 18 months from the effective date of this section, the price for Class I milk shall be the basic formula price for the preceding month plus $0.86, and plus 20 cents through April 1968.

(b) *Class II price.* The price for Class II milk shall be the basic formula price.

§ 1060.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1060.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate rounded to the nearest one-tenth cent determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1060.53 Location differentials to handlers.

(a) For producer milk received at a pool plant or diverted to a nonpool plant located 70 miles or more from the city hall in Fargo, N. Dak., or Grand Forks, N. Dak., whichever is nearer, and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1060.51(a) shall be adjusted by 10 cents if such plant is located 70 miles or more but less than 80 miles from the nearer of the respective city halls plus an additional 1.2 cents for each 10 miles or fraction thereof that such distanee exceeds 80 miles.

(b) For the purposes of calculating such adjustments:

(1) All distances shall be by shortest hard-surfaced highways, as determined by the market administrator;

(2) The adjustment pursuant to this section shall be added to the Class I price if the plant is located in North or South Dakota and shall be subtracted from such price if the plant is located in Minnesota; and

(3) Transfers of fluid milk products between pool plants shall be assigned Class I milk disposition at the receiving plant, in excess of the sum of receipts at such plant from producers (including receipts from a cooperative association as a handler of bulk tank milk pursuant to § 1060.10(c)) and the pounds assigned as Class I milk to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to shipping plants priced at the same price, next to plants having a higher price, and then in sequence to plants having a lower price, beginning with the plant at which the highest price would apply.

APPLICATION OF PROVISIONS

§ 1060.60 Producer-handlers and exempt institutions.

(a) Sections 1060.40 through 1060.46, 1060.50 through 1060.54, 1060.70, 1060.71, and 1060.80 through 1060.88 shall not apply to a producer-handler; and

(b) None of the provisions of this part shall apply to a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities. Sales of fluid milk products from a pool plant to such an institution shall be Class I and receipts of fluid milk products at a pool plant from such an institution shall be Class II.

§ 1060.61 Plants subject to other Federal orders.

The provisions of this order shall not apply with respect to a plant of a handler specified in paragraph (a) or (b) of this section except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater proportion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to regulation of such other order: *Provided,* That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order; and

(b) A distributing plant which meets the requirements set forth in § 1060.23(a) which also meets the requirements of another marketing order on the basis of its distribution in such other marketing area and from which the Secretary determines a greater quantity of milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing order.

§ 1060.62 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1060.35(h) and 1060.36 the information necessary to compute the amount specified in paragraph (a), he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1060.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1060.70(f) and a credit in the amount specified in § 1060.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to §§ 1060.35(b) and 1060.36, a similar report with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1060.23(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant;

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

DETERMINATION OF UNIFORM PRICE

§ 1060.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler as described in § 1060.10 (a), (b), and (c) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1060.46(c), by the applicable class prices (adjusted pursuant to §§ 1060.52 and 1060.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1060.46(a)(11) and the corresponding step of § 1060.46(b) by the applicable class prices;

(c) Add the amount computed from multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to

§ 1060.46(a)(6) and the corresponding step of § 1060.46(b);

(d) Add (or subtract, pursuant to the proviso of this paragraph) the amount computed from multiplying the difference between the appropriate Class I price of the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1060.46(a)(3) and the corresponding step of § 1060.46(b): *Provided*, That if the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount;

(e) Add the amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat from other source milk subtracted from Class I pursuant to § 1060.46(a)(4) and the corresponding step of § 1060.46(b); and

(f) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received with respect to skim milk and butterfat subtracted from Class I pursuant to § 1060.46(a)(8) and the corresponding step of § 1060.46(b).

§ 1060.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1060.70 for all handlers who filed reports pursuant to §§ 1060.35 and 1060.37(b) for the month and who made the payments pursuant to §§ 1060.80 and 1060.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1060.81 and by multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of minus location differentials computed pursaunt to § 1060.82(a);

(d) Subtract an amount equal to the total value of the plus location differentials computed pursuant to § 1060.82(a);

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1060.70(f); and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

PAYMENTS

§ 1060.80 Time and method of payment.

Each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) To each producer for whom payment is not made pursuant to paragraph (b) or (c) of this section:

(1) A final settlement on or before the 15th day after the end of each month during which producer milk was received, at not less than the uniform price for such milk, adjusted by the butterfat differential computed pursuant to § 1060.81, subject to the location adjustment to producers pursuant to § 1060.82, and less the following amounts:

(i) The payments made pursuant to subparagraph (2) of this paragraph;

(ii) Marketing service deductions pursuant to § 1060.87; and

(iii) Any deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1060.85, he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(2) A partial payment on or before the last day of each month with respect to producer milk received during the first 15 days of the month at not less than the Class II price for the preceding month (without deduction for hauling);

(b)(1) On or before the 2d day prior to the date payments are due individual producers as specified in this section, pay to a cooperative association which so requests and which the market administrator determines is authorized by its members to collect payments for their milk and which promises in writing to reimburse the handler the amount of any actual loss incurred by him because of any member's claim on the part of the cooperative association of the payments pursuant to paragraph (a) of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination;

(c) To a cooperative association which is a handler pursuant to § 1060.10 (a) or (c) for milk which it caused to be delivered to such handler:

(1) A final settlement on or before the 13th day after the end of the month in which the skim milk or butterfat was received, an amount equal to not less than the applicable class prices for all skim milk and butterfat so delivered, less the amount of payment made pursuant to subparagraph (2) of this paragraph;

(2) A partial payment on or before the 26th day of each month at not less than the applicable Class II price for the preceding month pursuant to § 1060.51 (a) for all skim milk and butterfat so delivered during the first 15 days of the current month;

(d) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 1060.80, 1060.81, and 1060.82;

(4) The rate which is used in making payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (c)(2) of this section and § 1060.87, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 1060.81 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1060.46 by the respective butterfat differential for each class, determined pursuant to § 1060.52, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1060.82 Location differentials to producers and on nonpool milk.

(a) For producer milk received at a pool plant or diverted to a nonpool plant located 70 miles or more from Fargo, N. Dak., or Grand Forks, N. Dak., whichever is nearer (distances to be measured from the city halls in the respective

cities) the uniform price shall be adjusted at the rate set forth in § 1060.53.

(b) For purposes of computation pursuant to §§ 1060.84(b)(2) and 1060.85, the uniform price shall be adjusted at the rates set forth in § 1060.53 applicable at the location of the nonpool plant(s) from which the milk was received.

§ 1060.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all funds received pursuant to paragraph (a) of this section and out of which he shall make all payments required pursuant to paragraph (b) of this section:

(a) Payments made by handlers pursuant to § 1060.62 (a) and (b), and §§ 1060.84 and 1060.86;

(b) Payments due handlers pursuant to §§ 1060.85 and 1060.86: *Provided,* That payments due any handler shall be offset by payments due from such handler pursuant to §§ 1060.62, 1060.84, 1060.86, 1060.87, and 1060.88.

§ 1060.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amount specified in paragraph (b) of this section: *Provided,* That payment made by a cooperative association as a handler shall not relieve the transferee handler of any obligation on any such milk which is due the cooperative association, or otherwise due pursuant to §§ 1060.80 through 1060.88:

(a) The sum of:

(1) The total of the net pool obligation computed pursuant to § 1060.70 for such handlers; and

(2) In the case of a cooperative association which is a handler pursuant to § 1060.10(c), the minimum amounts due from other handlers pursuant to § 1060.80 (c)(1); and

(b) The sum of:

(1) The amount required to be paid producers (including payments to producers through cooperative associations) pursuant to § 1060.80 before deductions authorized by the producer or cooperative association or for marketing services pursuant to § 1060.87; and

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1060.70(e).

§ 1060.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay (subject to the proviso of § 1060.83) to each handler the amount if any by which the amount computed pursuant to § 1060.84(b) exceeds the amount computed pursuant to § 1060.84 (a). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1060.86 Adjustment of accounts.

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 1060.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than to himself pursuant to § 1060.80(a)(1) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of milk received from, and to provide market information to, such producers. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 1060.80(a)(1), as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association (of which such producers are members) rendering such services.

(c) When requested by the cooperative association a statement shall be supplied the cooperative association showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and unless otherwise previously provided, the butterfat test.

§ 1060.88 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month four cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in:

(a) Producer milk (including a handler's own farm production);

(b) Other source milk allocated to Class I milk pursuant to § 1060.46(a) (4) and (8) and the corresponding steps in § 1060.46(b); and

(c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1060.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notified a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the 1st day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part

shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1060.90 Effective time.

The provisions of this part, or any amendments hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1060.91.

§ 1060.91 Suspension or termination.

The Secretary may suspend or terminate any or all of the provisions of this part after such reasonable notice as the Secretary shall give whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1060.92 Continuing obligations.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until removed by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1060.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1060.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1060.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on April 28, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-4920; Filed, May 3, 1967; 8:45 a.m.]

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Section 213.3312 is amended to show that the position of Deputy Director of the National Park Service is excepted under Schedule C in lieu of the position of Associate Director of the National Park Service. Effective on publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (h) of § 213.3312 is amended as set out below.

§ 213.3312 **Department of the Interior.**

* * * * *

(h) *National Park Service.* * * *

(4) One Deputy Director.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 67-5010; Filed, May 4, 1967; 8:45 a.m.]

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PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Statement With Respect to Insolvency; Definition of Current Assets and Current Liabilities

On February 7, 1967, a notice was published in the FEDERAL REGISTER (32 F.R. 575) regarding the proposed issuance of an interpretative statement with respect to insolvency and the definition of current assets and current liabilities. Interested persons were given an opportunity to submit written data, views, or arguments concerning the proposed statement. After consideration of all relevant matters, the following statement with respect to insolvency and the definition of current assets and current liabilities has been formulated and adopted by the Consumer and Marketing Service for the guidance of market agencies, packers, dealers, and other persons subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), and is issued as § 203.10 of Part 203, Chapter II, Title 9, Code of Federal Regulations, to read as follows:

§ 203.10 **Statement with respect to insolvency; definition of current assets and current liabilities.**

(a) Under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. section 181 et seq.), the principal test of insolvency is to determine whether a person's current liabilities exceed his current assets. This current ratio test of insolvency under the Act has been reviewed and affirmed by a United States Court of Appeals. Bowman v. United States Department of Agriculture, 363 F. 2d 81 (5th Cir. 1966).

(b) For the purposes of the administration of the Packers and Stockyards Act, 1921, the following terms shall be construed, respectively, to mean:

(1) "Current assets" means cash and other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business, which is considered to be 1 year.

(2) "Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources principally classifiable as current assets or the creation of other current liabilities during the one year operating cycle of the business.

(c) The term current assets generally includes: (1) Cash in bank or on hand; (2) sums due a market agency from a custodial account for shippers' proceeds; (3) accounts receivable, if collectable; (4) notes receivable and portions of long-term notes receivable within one year from date of balance sheet, if collectable; (5) inventories of livestock acquired for purposes of resale or for purposes of market support; (6) feed inventories and other inventories which are intended to be sold or consumed in the normal operating cycle of the business; (7) accounts due from employees, if collectable; (8) accounts due from officers of a corporation, if collectable; (9) accounts due from affiliates and subsidiaries of corporations if the financial position of such subsidiaries and affiliates justifies such classification; (10) marketable securities representing cash available for current operations and not otherwise pledged as security; (11) accrued interest receivable; and (12) prepaid expenses.

(d) The term current assets generally excludes: (1) Cash and claims to cash which are restricted as to withdrawal, such as custodial funds for shippers' proceeds and current proceeds receivable from the sale of livestock sold on a commission basis; (2) investments in securities (whether marketable or not) or advances which have been made for the purposes of control, affiliation, or other continuing business advantage; (3) receivables which are not expected to be collected within 12 months; (4) cash surrender value of life insurance policies; (5) land and other natural resources; and (6) depreciable assets.

(e) The term current liabilities generally includes: (1) Bank overdrafts (per books); (2) amounts due a custodial account for shippers' proceeds; (3) accounts payable within 1 year from date of balance sheet; (4) notes payable or portions thereof due and payable within 1 year from date of balance sheet; (5) accruals such as taxes, wages, social security, unemployment compensation, etc., due and payable as of the date of the balance sheet; and (6) all other liabilities whose regular and ordinary liquidation is expected to occur within 1 year.

This statement is for the purpose of setting forth the views of the Consumer and Marketing Service to guide those persons engaged in business subject to the Packers and Stockyards Act, 1921, as amended.

The foregoing statement shall become effective upon its publication in the FEDERAL REGISTER.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(a); interprets or applies secs. 202, 307, 312, 502, 505; 42 Stat. 161 et seq., as amended; 7 U.S.C. 192, 208, 213, 218a, 218d)

Done at Washington, D.C., this 1st day of May 1967.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 67-5037; Filed, May 4, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7025; Amdts. 1-12; 61-32; 91-39; 135-5]

CATEGORY II OPERATION: GENERAL AVIATION AIRPLANES

Miscellaneous Amendments to Chapter

The purpose of these amendments to the Federal Aviation Regulations is to prescribe the requirements for a Category II operation. Compliance with these requirements will allow the conduct of an ILS approach and landing at certain airports with minima as low as a 100-foot decision height and 1,200 feet RVR. These amendments apply to all operations under Part 91, and to operations

by air taxi and commercial operators under Part 135.

The substance of these rules was fully discussed in FAA Notice No. 65–35 as published in the FEDERAL REGISTER on November 24, 1965 (29 F.R. 14600). As stated in that notice, the use of Category II minimums by general aviation operators, and air taxi and commercial operators, is premised upon the following general requirements to be adopted by the agency within the framework of the Federal Aviation Regulations: (1) Pilot qualifications and proficiency; (2) airplane equipment and maintenance; and (3) airport ground facilities.

Based upon public comments received in response to the notice and upon review within the agency, a number of changes have been made to the proposed rule. Most of these involve rewording and reorganization for greater clarity and consistency, but several changes affect the substance of the rule. The issue of a supplementary notice of proposed rule making to solicit comments upon these changes was considered. However, comments from the public on the original notice and from within the agency indicated that the further delays attendant to this course of action would not be in the best interest of those concerned. Consequently, the FAA is issuing a final rule and is soliciting further public comment on the substantive changes with a view towards possible future amendments. This action will allow those operators who have prepared for Category II operations to proceed with their qualification under these rules without further delay. The agency feels that this course of action is justified and is in the best interest of the public since the proposed rule was a relaxation of present regulations and therefore substantive changes would not impose any greater burden upon those affected than already exists.

Interested persons are invited to submit comments in duplicate addressed to Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590.

The most significant change expands the rule to apply to small nonturbojet airplanes. Comments on the notice indicated both the desire and the capability on the part of some operators of these airplanes to conduct Category II operations. Therefore, the rules adopted contain no limitation on the type of airplane that may be approved for Category II operations. They apply to all airplanes, large or small, operated under Part 91, and operated by Air Taxi and Commercial Operators under Part 135 of these regulations.

In addition, a number of these comments expressed the opinion that small aircraft could safely conduct Category II operations under existing IFR requirements, some of them with a single pilot. Studies are being conducted to determine the feasibility of establishing less stringent rules for smaller and slower aircraft. A separate proposal for these aircraft may be initiated at a later date.

Other more significant changes to the notice will: (1) Add certain definitions and symbols to Part 1 for use in the regulations and approach procedures; (2) require recent pilot experience for make and model of equipment; (3) add a list of required ground components; (4) make mandatory the procedures and instructions contained in the Category II manual; (5) add a marker beacon receiver to the equipment list and delete several other items of equipment; (6) remove the corrected barometric altimeters as a means for determining decision heights below 150 feet; (7) limit the evaluation program to the low approach system (flight control guidance system) and impose new criteria for the other equipment; (8) require the demonstrations of the evaluation program to be under simulated instrument conditions; and (9) require certain portions of the maintenance program to be performed by certificated repair stations.

Although the rules adopted are basically the same as those proposed in the notice, the changes mentioned above and other minor changes were made in response to comments from within and without the agency. These changes are explained in detail below.

1. *Definitions.* (a) It has been determined by the agency that the term "Category II Operation" should be defined in Part 1 of the Federal Aviation Regulations. As defined, the term will encompass all approaches under ILS instrument approach procedures designated as Category II by the administrator or other appropriate authority. Other appropriate authority includes the Armed Forces of the United States and foreign governments.

Since the use of a decision height is an integral part of a Category II operation and it is not defined in the regulations, Part I has also been amended to include a definition of the term "decision height" similar to that contained in AC–120–20.

(b) The symbols "Cat. II," "DH," and "RVR" are added to § 1.2 for use in Category II instrument approach procedures and other parts of the regulations. "RVR" is measured in the touchdown zone since at some airports this information is available for the rollout zone as well.

2. *Airports.* As stated in the notice, the runway visual range and decision height minimums for each airport at which a Category II operation is authorized will be prescribed by the administrator under Part 97, and shown in the appropriate approach charts for the airport.

The criteria for the ground system and for obstruction clearance that are used by the Administrator for establishing a Category II approach at an airport are shown in AC–120–20.

3. *Pilot qualifications and proficiency.* (a) As the notice would have limited Category II operations to airplanes that require a type rating, there was no necessity for placing that particular limitation on the Category II pilot authorization. However, it was the intention of the agency that no person should act as pilot in command during a Category II operation unless he was qualified in that type airplane. Since type ratings are not now required for small nonturbojet airplanes, it is now necessary to limit a Category II authorization to the type airplane in which a pilot has passed a practical test. The necessary limitations are accomplished by changes to §§ 61.3 (g) and 61.38 (redesignated as § 61.37A).

(b) The proposal would have required Category II authorizations for all pilots of foreign aircraft and for Part 91 operations by air carriers and commercial operators. In order to avoid this problem, an authorization for Category II operations that is granted by the country of registry of an aircraft is now acceptable under § 61.3(g) and subparagraph (3) of this section now excludes operations by Part 121 certificate holders.

(c) In response to comments received, the agency has decided to permit, in all airplanes including turbojets, the use of a flight control guidance system consisting either of an automatic approach coupler or a flight director system. In view of this modification of the equipment requirements, the experience requirements of § 61.37A(b)(2) have been changed to provide that at least three of the six ILS approaches must be manual, without the use of an approach coupler.

(d) The recent experience requirements for taking the periodic test are now applicable only to individuals who have not passed a practical test during the past year.

(e) The experience requirements of § 61.37A(b) have also been changed to make it clear that the required ILS approaches need not be conducted down to the minimums prescribed for Category II operations.

(f) Three comments suggested that the proposed rules be revised to allow the use of flight simulators for alternate practical tests after original qualification. Disposition of these comments is being withheld until more information is available as to the retention of proficiency by pilots holding Category II authorizations.

(g) Category II pilot tests, both original and periodic, will be given by an FAA inspector or an examiner designated by the Administrator. Standards for the qualification and designation of examiners are being developed and will be published in the near future.

(h) Since the rules adopted herein permit Category II operations with all airplanes and will also permit the use of either a flight director system or an automatic approach coupler, the instrument flight test procedures and maneuvers of the proposal have been changed to cover all airplanes using either equipment. Those multiengine airplanes lacking engine-out performance capability to make a missed approach are treated as single engine airplanes under these provisions.

(i) The requirement of a class or type rating for the second in command on a flight test has been added to § 61.37A (c)(2) to bring it in conformity with § 91.21.

(j) Due to the considerable variance in operation and presentation of different makes and models of flight control guid-

ance systems it was the intent of the agency, as expressed in the preamble to the notice and in § 61.3(g), to limit pilot authorizations to the particular make and model equipment used in the practical test. However, it has been determined that the purpose of this limitation can be accomplished by less restrictive means. Although a pilot authorization will not be so limited, § 61.47(h) will require the pilot in command to have recent experience with the particular equipment used in a Category II operation in addition to the renewal testing required under § 61.10. The experience may be acquired under actual or simulated instrument flight conditions and may be approaches made on the practical test, during training, or during actual operations.

4. *Operating requirements.* (a) Since the operations specifications of air carriers and commercial operators are only applicable to Part 121 operations, the proposed rules would have been applicable to Part 91 operations for these operators. The language of the exclusion has been expanded to avoid any applicability to Part 121 certificate holders. Section 91.6(d) also provides that Part 91 Category II operations by these operators must be conducted in accordance with Part 121 operations specifications. Although foreign aircraft will be covered by the general operating rules of § 91.6, the requirements concerning equipment, maintenance, and the Category II manual are only applicable to civil aircraft of United States registry.

(b) The format of § 91.6 of the proposal has been changed and only proposed paragraph (a) (3) and (4) remain in that section. A new paragraph (b) establishes the requirement of normal operation by all ground components of a Category II ILS and allows certain substitutions.

The language of § 91.117(h) was not particularly appropriate to Category II operations and the substance thereof has been added to § 91.6 in a new paragraph (c). Since either the pilot's authorization (as provided in § 61.5(e)) or the lack of decision height equipment in the aircraft (under section 2 of Appendix A, to be discussed below) may limit the operation to a 150-foot decision height, these limitations must be considered in addition to the decision height prescribed in the approach procedure.

The rules adopted do not set forth any restriction on the initiation of an approach. This allows general aviation pilots to conduct a Category II operation without regard to the reported weather just as they may do with a normal ILS approach. However, if the airplane is not in a position to land with the pilot having a visual refernce to the runway, a missed approach must be executed at the authorized decision height. The additional 50-foot descent allowed by § 91.117(h) when the airplane is clear of clouds is not applicable here because of the very critical altitudes to which descent is allowed in Category II operations.

(c) Most of the provisions regarding the Category II manual have been transferred to the Appendix. Section 91.34(a) (3) will require continuing compliance with the provisions of the maintenance program with respect to those instruments and equipment required for a particular approach. For instance, the operator would be in compliance for an approach to a 150-foot decision height, without a properly maintained radio altimeter or inner marker receiver, but would be in violation of this section if the same approach were continued to a 100-foot decision height.

The operational procedures, instructions, and limitations approved as a part of the Category II manual would serve very little purpose if they are not followed in the actual conduct of a Category II operation. Compliance with these approved procedures, instructions, and limitations is specifically required in § 91.34(a) (2).

(d) Proposed § 91.169(d) is deleted and its substance is incorporated in new § 91.34(a) (3).

5. *Airplane equipment.* (a) A sentence has been added to section 2 of the Appendix to emphasize that there is no necessity of duplicating instruments and equipment already required by § 91.33 and other provisions of the regulations.

(b) Section 2 of the Appendix has been divided into two groups of required instruments and equipment to avoid any misunderstanding as to those instruments and equipment subject to the various requirements of the maintenance program. Group I instruments and equipment must be bench checked both prior to approval and as a part of the maintenance program. In addition, they must be inspected or functionally flight checked once every 3 months. On the other hand, Group II instruments and equipment do not require special maintenance procedures other than those necessary to retain the original approval condition.

(c) A number of items in the equipment list have been reworded for clarity as to exactly what is required. Where applicable, the language has been brought into conformity with that used in § 91.33.

(d) In response to comments received, a sentence has been added to the ILS localizer and glide slope receiver requirements of section 2(a) (1) to provide that a single localizer antenna and glide slope antenna may be used. However, certain ILS installations have a single antenna and power source serving both the ILS receivers and the VHF communications system. With such an installation, use of the VHF communications causes loss of ILS indications, an undesirable situation during a Category II operation. Therefore, section 2(a) (2) requires that the use of the communication system must not affect the ILS system.

(e) A marker beacon receiver for the outer and middle marker is required by § 91.117(i) for ILS approaches, but this does not provide for distinctive indications. Since all airports with Category II approaches will be required to have an inner marker that is necessarily very close to the middle marker, the pilot must have a positive means of distinguishing between the two. This is provided for by sections 2(a) (3) and (10) of Appendix A.

(f) It has been determined that the free air temperature gauge and the dual systems for communications, power, and static pressure are not necessary.

(g) The flight control guidance system requirements have been amended to apply to all airplanes and now permit the use of either an automatic approach coupler or a flight director system.

(h) It has been decided that a special decision height system is not necessary for Category II operations with decision heights of 150 feet or greater. Operations to this height can be safely conducted using the barometric altimeters if there is available to the pilot a placarded correction for the instrument scale error and for the wheel height of the airplane. Scale error is determined by an altimeter test and inspection under Appendix E to Part 43. The wheel height correction is necessary only if the wheel-to-instrument height is in excess of the 10 feet presently allowed for in U.S. Weather Bureau altimeter settings provided for aircraft. For instance, a Boeing 707 aircraft has a 19-foot wheel-to-instrument height and would require a 9-foot correction under this rule.

The notice would have allowed either a radio altimeter or specially corrected barometric altimeters as a means for determining decision height at airports without an inner marker. These alternatives were derived from the requirements for air carriers who have been conducting Category II operations without inner markers. However, since publication of the notice, plans have been completed for inner marker installations at all airports that will be authorized for Category II operations. Consequently, the necessity for alternative decision height equipment is substantially diminished. The major purpose that the alternatives now serve will be to permit the conduct of a Category II operation when a ground or airborne component of the inner marker system is inoperative. In addition, considerable difficulty has been encountered in establishing a test program that will adequately correct barometric altimeters for use at a 100-foot decision height. This has prevented the agency from developing standards by which the accuracy of the altimeters can be measured. In view of these factors, which make the use of this alternative unlikely, the agency has decided to delete the barometric altimeters as a system for identifying decision heights below 150 feet.

This is not intended to preclude the use of the barometric altimeters at the lower decision heights if the satisfactory test program can be developed and they can be corrected so as to allow safe operation at a height of 100 feet. At such time the agency will consider a change to the equipment list to allow their use as a decision height identification system.

(i) The missed approach attitude guidance is deleted as unnecessary. The

attitude gyrosystems will invariably provide this guidance without imposition of an additional requirement.

(j) The essential instruments and equipment that require failure warning systems have been specifically listed in section 2(b)(1) of the Appendix.

(k) Although the whole tenor of the notice was that only dual piloted airplanes would be approved for Category II operations, dual controls were not provided for specifically. This deficiency is remedied in section 2(b)(2).

6. *Approval of equipment.* (a) The notice provided for approval of all instruments and equipment by either type or supplemental type certification or by an equipment evaluation program. However, the demonstrations of the evaluation program were designed only to test the flight control guidance system (low approach system). Consequently, the section of the Appendix has been reorganized to provide more realistic criteria for approval of the other instruments and equipment.

(b) The first two paragraphs of proposed section 2 have been combined into section 3(a). The reference to method of approval contained is dropped and new paragraphs (b), (c), and (d) now contain the criteria for approval of instruments and equipment.

(c) New section 3(b) now provides the three alternative methods of approval only for the flight control guidance system. In addition, it specifically requires approval of changes to make, model, or design. However, approval of these changes will not necessarily involve the same burden as the initial approval. Since the evaluation program demonstrations can be waived by the Administrator, it is possible for minor changes to be approved without any demonstration flights. Optional equipment, although not required by section 2 of the Appendix, must also be approved if it is to be used in Category II operations.

(d) The radio altimeter, if it is to be used as decision height equipment, is a critical system requiring stringent approval criteria. The evaluation program was deficient in this regard and separate performance criteria for approval have been established in new section 3(c).

(e) The balance of the required instruments and equipment are approved under new section 3(d) which is self-explanatory. It should be noted that only those changes that constitute alterations need be approved once the basic system has been approved.

(f) The evaluation program has been moved from section 2(c) to section 3(e). Application is made as a part of the application for approval of the Category II manual. Approval of the contents of the manual, including the maintenance program, will proceed concurrently with the instrument and equipment approval. Upon successful completion of the evaluation program, approval of the other instruments and equipment, and approval of the contents of the manual, the manual itself will be approved for that airplane. Thereafter, the airplane may be used in Category II operations, subject to the other operating rules.

(g) The requirements of the demonstrations have been reworded with two minor changes. Glide slope deviation allowable on a successful approach has been redefined in terms of indicator deflection and the demonstrations must be conducted under simulated instrument conditions in order to adequately evaluate the operation of the system. This does not preclude demonstrations under actual conditions to normal ILS minimums and then under simulated condition to 100 feet. However, since the airplane is not approved for Category II operations, it cannot be used in an approach under actual instrument conditions to 100 feet.

(h) No time limit for keeping evaluation program records was set in the notice. The final rule now requires this only for the duration of the program.

(i) A new subparagraph (4) has been added to the evaluation program since it was possible for a flight control guidance system to meet the criteria for successful approaches and still have dangerous design deficiencies. The criteria for successful approaches are not intended to be the sole standard for approval.

7. *Maintenance.* (a) A number of comments expressed concern over the large volume of material the operator would have to place in the maintenance portion of his Category II manual. In response to these comments, the agency is preparing an Advisory Circular that will contain guidelines from which an acceptable and moderate sized maintenance program for Category II instruments and equipment can be developed by the operators involved.

(b) The portions of the proposed section 3(a) relating to program approval are deleted since the maintenance program is an integral part of the Category II manual and will be approved as part of that document.

(c) In view of the misunderstanding of the term "overhaul," used in the maintenance program of the Appendix, it appears desirable to substitute the term "bench check" for the term "overhaul." The term "overhaul" denotes a complete tear down and reassembly. A "bench check," however, usually denotes a removal of the item from the airplane; a visual inspection for cleanliness, impending failure, need for lubrication, and need for repair or replacement of parts; the correction of any deficiencies found; and calibrations to the proper specifications. Since the latter meaning is intended, all references in the maintenance program have been appropriately amended. In addition, a definition of a "bench check" has been included in section 4(b) of the Appendix. One comment noted that any appropriately rated FAA approved repair station should be able to perform maintenance on required Category II equipment. Therefore, it would be unnecessary to list in the maintenance program each maintenance facility to be used by the operator. The agency agrees and has deleted this requirement from the contents of the maintenance program. However, bench checks (overhaul) are now required to be performed by certificated repair stations.

(d) The notice would have required evidence of bench check (overhaul) of equipment within 6 months before application for approval of the maintenance program. The 6-month period is changed to 12 months, and the section is rearranged and placed in section 4 so it is more clearly a requirement for approval rather than a part of the maintenance program. Specific criteria for these prior checks are also placed in new section 3(a). The references to Advisory Circular 20–31 in the proposal are replaced by an RTCA Paper since this is the only portion of the advisory circular that must be followed. A statement of cost and availability of the RTCA paper is also included.

(e) The list of instruments and equipment in the contents of the maintenance program is reduced to those specified in section 2 of the Appendix instead of all those required by § 91.33(f). It is also limited to those items that are approved for Category II operations and therefore subject to the maintenance program.

(f) The provisions of sections 3(a)(3), 3(a)(6), 3(b), and 3(c) have been reorganized and now comprise subparagraphs 4(a)(2) through (5) in the contents of the maintenance program.

(g) Section 3(a)(5) is deleted and its purpose is achieved by § 91.34(a)(3).

(h) The inspection schedule calls for inspections every three months as opposed to four inspections every 12 months proposed in the notice. The operational flight check is now called a functional flight check and the pilot's authorization must include the type airplane in which the equipment to be checked is installed.

(i) A new section 4(a)(6) will assure that the pilot is aware of any defects in instruments and equipment listed in the maintenance program. The knowledge will enable him to decide whether or not the airplane can be used in a Category II operation. If it can be so used, he will also know if it is limited to a 150-foot decision height because of a defect in the decision height system.

(j) Section 4(a)(7) assures that the listed instruments and equipment upon which maintenance is performed are returned to their originally approved condition. The ability to legally conduct a Category II operation depends on a compliance with the maintenance program and this procedure will be a part of that program. Therefore, if a piece of equipment is required for a particular Category II operation, but has not been maintained in its approved condition, the maintenance program has not been complied with and the airplane cannot be used for that Category II operation.

(i) Since § 43.9 requires maintenance records to be maintained in accordance with that section, the first sentence of proposed section 3(d) which referred to the recordkeeping requirements of § 43.9 is unnecessary and has been deleted from the rules as adopted. The requirement for data respecting a discontinued Category II approach has been retained in section 4(a)(8).

(k) A number of comments objected to the periodic maintenance requirements proposed for Category II navigation and communication equipment, particularly the requirement for an annual bench check. The FAA believes that the proposed periodic maintenance requirements are realistic and necessary, especially during the initial period of authorization to engage in Category II operations. However, the rule has been revised to allow extension of periodic maintenance intervals after the completion of at least one 12-month maintenance cycle, if the operator can show that longer intervals are justified on the basis of his operating experience.

8. *Part 135—Air taxi and commercial operators.* (a) In response to requests received from Part 135 operators, the agency has concluded that Category II operations should also be authorized for qualified operators of airplanes under Part 135. Since the rules of Part 91 apply to operations under Part 135, the amendments to Part 91 will apply to operations under Part 135. Each holder of an ATCO certificate will be required by § 135.9(a) to obtain an appropriate authorization in his operations specifications before conducting Category II operations under Part 135. This authorization will be given upon a showing by the operator that he meets the requirements of Parts 61 and 91 for a Category II operation. Those operators presently authorized to conduct Category II operations should continue to follow their present operations specifications until they are amended to provide for the conduct of those operations under Part 91.

(b) In order to make clear that two pilots are required for Category II operations and that such operations are not subject to the exceptions for limited IFR conditions and for the use of an autopilot system, a new § 135.72 has been added.

Upon consideration of the comments received in response to Notice 65–35, Parts 1, 61, 91, and 135 of the Federal Aviation Regulations are amended as follows, effective August 7, 1967.

PART 1—DEFINITIONS AND ABBREVIATIONS

1. By amending Part 1 as follows:

§ 1.1 [Amended]

a. By adding the following definitions to § 1.1 in their proper alphabetical order:

"Category II operations," with respect to the operation of aircraft, means a straight-in ILS approach to the runway of an airport under a Category II ILS instrument approach procedure issued by the Administrator or other appropriate authority.

"Decision height," with respect to the operation of aircraft, means the height at which a decision must be made, during an ILS or PAR instrument approach, to either continue the approach or to execute a missed approach.

§ 1.2 [Amended]

b. By adding the following abbreviations to § 1.2 in their proper alphabetical order:

"CAT II" means Category II.

"DH" means decision height.

"RVR" means runway visual range as measured in the touchdown zone area.

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

2. By amending Part 61 as follows:

a. By adding the following new paragraph at the end of § 61.3:

§ 61.3 Certificates and ratings required.

* * * * *

(g) *Category II pilot authorization.* (1) No person may act as pilot in command of a civil aircraft in a Category II operation unless he holds a current Category II pilot authorization for that type aircraft or, in the case of a civil aircraft of foreign registry, he is authorized by the country of registry to act as pilot in command of that aircraft in Category II operations.

(2) No person may act as second in command of a civil aircraft in a Category II operation unless he holds a current instrument rating or an airline transport pilot certificate or, in the case of a civil aircraft of foreign registry, he is authorized by the country of registry to act as second in command of that aircraft in Category II operations.

(3) This paragraph does not apply to operations conducted by the holder of a certificate issued under Part 121 of this chapter.

b. By redesignating § 61.5 (e) and (f) as (f) and (g), respectively, and inserting the following after § 61.5(d).

§ 61.5 Application and issue.

* * * * *

(e) A Category II pilot authorization is issued as a part of the applicant's instrument rating or airline transport pilot certificate. Upon original issue the authorization contains a limitation for Category II operations of 1,600 feet RVR and a 150-foot decision height. This limitation is removed when the holder shows that since the beginning of the sixth preceding calendar month he has made three Category II ILS approaches to a landing under actual or simulated instrument conditions with a 150-foot decision height.

* * * * *

c. By adding the following new section after § 61.9:

§ 61.10 Duration of Category II pilot authorization.

A Category II pilot authorization expires at the end of the sixth calendar month after it was issued or renewed. Upon passing a practical test it is renewed for each type airplane for which an authorization is held. However, an authorization for a particular type airplane will not be renewed to extend beyond the end of the 12th calendar month after the practical test was passed in that type airplane. If the holder of the authorization passes the practical test for a renewal in the calendar month before the authorization expires, he is considered to have passed it during the calendar month the authorization expired.

d. By adding the following new section after § 61.35:

§ 61.36 Category II pilot authorization: experience requirements.

(a) An applicant for a Category II pilot authorization must hold—

(1) A pilot certificate with an instrument rating or an airline transport pilot certificate; and

(2) A type rating for the airplane type if the authorization is requested for a large airplane or a small turbojet airplane.

(b) Except for the holder of an airline transport pilot certificate, an applicant for a Category II authorization must have at least—

(1) 50 hours of night flight time under VFR conditions as pilot in command;

(2) 75 hours of instrument time under actual or simulated conditions, that may include 25 hours in a synthetic trainer; and

(3) 250 hours of cross-country flight time as pilot in command.

Night flight and instrument flight time used to meet the requirements of subparagraphs (1) and (2) of this paragraph may also be used to meet the requirements of subparagraph (3) of this paragraph.

e. By adding the following new section after § 61.37:

§ 61.37A Category II pilot authorization: practical test.

(a) *Test required.* The practical test must be passed by—

(1) An applicant for issue or renewal of an authorization.

(2) An applicant for the addition of another type airplane to his authorization.

(b) *Eligibility.* To be eligible for the practical test an applicant under paragraph (a) of this section must meet the requirements of § 61.36 and, if he has not passed a practical test since the beginning of the 12th calendar month before the test, must meet the following recent experience requirements:

(1) The requirements of § 61.47 (d) or (e) appropriate to the pilot certificate held by the applicant.

(2) At least six ILS approaches since the beginning of the sixth calendar month before the test. These approaches must be under actual or simulated instrument flight conditions down to the minimum landing altitude for the ILS approach in the type airplane in which the flight test is to be conducted. However, the approaches need not be conducted down to the decision heights authorized for Category II operations. At least three of these approaches must have been conducted manually, without the use of an approach coupler.

The flight time acquired in meeting the requirements of subparagraph (2) of this paragraph may be used to meet the requirements of subparagraph (1) of this paragraph.

(c) *Practical test.* The practical test consists of two phases:

(1) *Phase I—oral operational test.* The applicant must demonstrate his knowledge of the following:

(i) Required landing distance.

(ii) Recognition of the decision height.

(iii) Missed approach procedures and techniques utilizing computed or fixed attitude guidance displays.

(iv) RVR, its use and limitations.

(v) Use of visual clues, their availability or limitations, and altitude at which they are normally discernible at reduced RVR readings.

(vi) Procedures and techniques related to transition from nonvisual to visual flight during a final approach under reduced RVR.

(vii) Effects of vertical and horizontal wind shear.

(viii) Characteristics and limitations of the ILS and runway lighting systems.

(ix) Characteristics and limitations of the flight director system, auto approach coupler (including split axis type if equipped), auto throttle system (if equipped), and other required Category II equipment.

(x) Assigned duties of the second in command during Category II approaches.

(xi) Instrument and equipment failure warning systems.

(2) *Phase II—Flight test.* The flight test must be taken in an airplane that meets the requirements of Part 91 of this chapter for Category II operations. The test consists of at least two ILS approaches to 100 feet including at least one landing and one missed approach. All approaches must be made with the approved flight control guidance system except that, if an approved automatic approach coupler is installed, at least one approach must be made manually. In the case of a multiengine airplane that has performance capability to execute a missed approach with an engine-out, the missed approach must be executed with one engine set in idle or zero thrust position before reaching the middle marker. The required flight maneuvers must be performed solely by reference to instruments and in coordination with a second in command who holds a class rating and, in the case of a large airplane or a small turbojet airplane, a type rating for that airplane.

f. By adding the following new paragraph at the end of § 61.47:

§ 61.47 Recent flight experience.

* * * * *

(h) *Instrument: Category II operation.* No person may act as pilot in command of a civil aircraft during a Category II operation unless, since the beginning of the sixth preceding calendar month, he has made at least three ILS approaches with the make and basic model flight control guidance system used in that operation. The approaches must have been made under actual or simulated instrument flight conditions to the minimum landing altitude for the ILS approach. However, the approaches need not be conducted down to the decision heights authorized for Category II operations.

PART 91—GENERAL OPERATIONS AND FLIGHT RULES

3. By amending Part 91 as follows:

a. By adding the following new section after § 91.5:

§ 91.6 Category II operation: general operating rules.

(a) No person may operate a civil aircraft in a Category II operation unless—

(1) The pilot flight crew of the aircraft consists of a pilot in command and a second in command who hold the appropriate authorizations and ratings prescribed in § 61.3 of this chapter; and

(2) Each flight crewmember has adequate knowledge of and familiarity with, the aircraft and the procedures to be used by him.

(b) Unless otherwise authorized by the Administrator, no person may operate a civil aircraft in a Category II operation unless each ground component required for that operation and the related airborne equipment is installed and operating. The ground components are localizer, glide slope, outer marker, middle marker, inner marker, approach lights, high intensity runway lights, touchdown zone lights, centerline lighting and marking, and a runway visual range system for the touchdown zone. In addition, when the runway visual range for the touchdown zone is reported as less than 1,600 feet, a rollout zone runway visual range system must be installed and operating. A compass locator or precision radar may be substituted for fixing the outer or middle marker. The inner marker is not required if the decision height to be used is 150 feet or greater or if the airplane has an approved radio altimeter as provided in Appendix A to this part.

(c) No person may operate an aircraft in a Category II operation below the authorized decision height unless—

(1) The aircraft is in a position from which a normal approach to the runway of intended landing can be made; and

(2) The approach threshold of that runway, or the approach lights or other markings identifiable with the approach end of that runway are clearly visible to the pilot.

If upon arrival at the authorized decision height, or at any time thereafter, any of the above requirements are not met, the pilot shall immediately execute the appropriate missed approach procedure. For the purposes of this paragraph, the authorized decision height is the decision height prescribed for the approach, authorized for the pilot in command, or for which the aircraft is equipped, whichever is higher.

(d) Paragraphs (a), (b), and (c) of this section do not apply to operations conducted by the holder of a certificate issued under Part 121 of this chapter. No person may operate a civil aircraft in a Category II operation conducted by the holder of a certificate issued under Part 121 of this chapter unless the operation is conducted in accordance with that certificate holder's operations specifications.

b. By striking out the references "(b)–(e)" in § 91.33(a) and inserting the references "(b) through (f)" in place thereof and by adding a new paragraph (f) to § 91.33 as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

* * * * *

(f) *Category II operations.* For Category II operations the instruments and equipment specified in paragraph (d) of this section and Appendix A to this part are required. This paragraph does not apply to operations conducted by the holder of a certificate issued under Part 121 of this chapter.

c. By adding the following new section after § 91.33:

§ 91.34 Category II manual.

(a) No person may operate a civil aircraft of U.S. registry in a Category II operation unless—

(1) There is available in the aircraft a current approved Category II manual for that aircraft;

(2) The operation is conducted in accordance with the procedures, instructions, and limitations in that manual; and

(3) The instruments and equipment listed in the manual that are required for a particular Category II operation have been inspected and maintained in accordance with the maintenance program contained in that manual.

(b) Each operator shall keep a current copy of the approved manual at its principal base of operations and shall make it available for inspection upon request of the Administrator.

(c) This paragraph does not apply to operations conducted by the holder of a certificate issued under Part 121 of this chapter.

d. By adding a new Appendix A to read:

APPENDIX A

CATEGORY II OPERATIONS: MANUAL, INSTRUMENTS, EQUIPMENT AND MAINTENANCE

1. *Category II Manual*—(a) *Application for approval.* An applicant for approval of a Category II manual or an amendment to an approved Category II manual must submit the proposed manual or amendment to the General Aviation District Office having jurisdiction of the area in which the applicant is located. If the application requests an evaluation program, it must include the following:

(1) The location of the airplane and the place where the demonstrations are to be conducted; and

(2) The date the demonstrations are to commence (at least 10 days after filing the application).

(b) *Contents.* Each Category II manual must contain—

(1) the registration number, make, and model of the airplane to which it applies;

(2) A maintenance program as specified in section 4 of this Appendix; and

(3) The procedures and instructions related to recognition of decision height, use of runway visual range information, approach monitoring, the decision region (the region between the middle marker and the decision height), the maximum permissible deviations of the basic ILS indicator within the decision region, a missed approach, use of airborne low approach equipment, minimum altitude for the use of the autopilot, instrument and equipment failure warning systems, instrument failure, and other procedures, instructions, and limitations that may be found necessary by the Administrator.

2. *Required instruments and equipment.* The instruments and equipment listed in this section must be installed in each airplane operated in a Category II operation. This section does not require duplication of instruments and equipment required by § 91.33 or any other provisions of this chapter.

(a) *Group I.* (1) Two localizer and glide slope receiving systems. However, a single localizer antenna and a single glide slope antenna may be used.

(2) A communications system that does not affect the operation of at least one of the ILS systems.

(3) A marker beacon receiver that provides distinctive aural and visual indications of the outer and the middle marker.

(4) Two gyroscopic pitch and bank indicating systems.

(5) Two gyroscopic direction indicating systems.

(6) Two airspeed indicators.

(7) Two sensitive altimeters adjustable for barometric pressure, each having a placarded correction for altimeter scale error and for the wheel height of the airplane.

(8) Two vertical speed indicators.

(9) A flight control guidance system that consists of either an automatic approach coupler or a flight director system with dual displays, or both. A single axis flight director system giving computed roll information is acceptable if basic guide slope information is displayed on each of the dual displays.

(10) For Category II operations with decision heights below 150 feet, either a marker beacon receiver providing aural and visual indications of the inner marker or a radio altimeter.

(b) *Group II.* (1) Warning systems for immediate detection by the pilot of system faults in items (1), (4), (5), and (9) of Group I and, if installed, for use in Category II operations, the radio altimeter and auto throttle system.

(2) Dual controls.

(3) An externally vented static pressure system with an alternate static pressure source.

(4) A windshield wiper or equivalent means of providing adequate cockpit visibility for a safe visual transition by either pilot to touch down and roll out.

(5) A heat source for each airspeed system pitot tube installed or an equivalent means of preventing malfunctioning due to icing of the pitot system.

3. *Instruments and equipment approval—*(a) *General.* The instruments and equipment required by section 2 of this Appendix must be approved as provided in this section before being used in Category II operations. Before presenting an airplane for approval of the instruments and equipment, it must be shown that, since the beginning of the 12th calendar month before the date of submission—

(1) The ILS localizer and glide slope equipment were bench checked according to the manufacturer's instructions and found to meet those standards specified in RTCA Paper 23-63/DO-117, dated March 14, 1963, "Standard Adjustment Criteria for Airborne Localizer and Glide Slope Receivers," which may be obtained from the RTCA Secretariat, 2000 K Street NW., Washington, D.C. 20006, at cost of 50 cents per copy, payment in cash or by check or money order payable to the Radio Technical Commission for Aeronautics;

(2) The altimeters and the static pressure systems were tested and inspected in accordance with Appendix E to Part 43 of this chapter; and

(3) All other instruments and items of equipment specified in section 2(a) of this Appendix that are listed in the proposed maintenance program were bench checked and found to meet the manufacturer's specifications.

(b) *Flight control guidance system.* All components of the flight control guidance system must be approved as installed by the evaluation program specified in paragraph (e) of this section if they have not been approved for Category II operations under applicable type or supplemental type certification procedures. In addition, subsequent changes to make, model or design of these components must be approved under this paragraph. Related systems or devices such as the auto throttle and computed missed approach guidance system must be approved in the same manner if they are to be used for Category II operations.

(c) *Radio altimeter.* A radio altimeter must meet the performance criteria of this paragraph for original approval and after each subsequent alteration.

(1) It must display to the flight crew clearly and positively the wheel height of the main landing gear above the terrain.

(2) It must display wheel height above the terrain to an accuracy of plus or minus 5 feet or 5 percent, whichever is greater, under the following conditions:

(i) Pitch angles of zero to plus or minus 5 degrees about the mean approach attitude.

(ii) Roll angles of zero to 20 degrees in either direction.

(iii) Forward velocities from minimum approach speed up to 200 knots.

(iv) Sink rates from zero to 15 feet per second at altitudes from 100 to 200 feet.

(3) Over level ground, it must track the actual altitude of the airplane without significant lag or oscillation.

(4) With the airplane at an altitude of 200 feet or less, any abrupt change in terrain representing no more than 10 percent of the airplane's altitude must not cause the altimeter to unlock, and indicator response to such changes must not exceed 0.1 second, and in addition, if the system unlocks for greater changes, it must require the signal in less than 1 second.

(5) Systems that contain a push-to-test feature must test the entire system (with or without an antenna) at a simulated altitude of less than 500 feet.

(6) The system must provide to the flight crew a positive failure warning display any time there is a loss of power or an absence of ground return signals within the designed range of operating altitudes.

(d) *Other instruments and equipment.* All other instruments and items of equipment required by section 2 of this Appendix must be capable of performing as necessary for Category II operations. Approval is also required after each subsequent alteration to these instruments and items of equipment.

(e) *Evaluation program—*(1) *Application.* Approval by evaluation is requested as a part of the application for approval of the Category II manual.

(2) *Demonstrations.* Unless otherwise authorized by the Administrator, the evaluation program for each airplane requires the demonstrations specified in this subparagraph. At least 50 ILS approaches must be flown with at least five approaches on each of three different ILS facilities and no more than one-half of the total approaches on any one ILS facility. All approaches shall be flown under simulated instrument conditions to a 100-foot decision height and 90 percent of the total approaches made must be successful. A successful approach is one in which—

(i) At the 100-foot decision height, the indicated airspeed and heading are satisfactory for a normal flare and landing (speed must be plus or minus 5 knots of programed airspeed but may not be less than computed threshold speed, if auto throttles are used);

(ii) The airplane, at the 100-foot decision height, is positioned so that the cockpit is within, and tracking so as to remain within, the lateral confines of the runway extended;

(iii) Deviation from glide slope after leaving the outer marker does not exceed 50 percent of full scale deflection as displayed on the ILS indicator;

(iv) No unusual roughness or excessive attitude changes occur after leaving the middle marker; and

(v) In the case of an airplane equipped with an approach coupler, the airplane is sufficiently in trim when the approach coupler is disconnected at the decision height to allow for the continuation of a normal approach and landing.

(3) *Records.* During the evaluation program the following information must be maintained by the applicant for the airplane with respect to each approach and made available to the Administrator upon request:

(i) Each deficiency in airborne instruments and equipment that prevented the initiation of an approach.

(ii) The reasons for discontinuing an approach including the altitude above the runway at which it was discontinued.

(iii) Speed control at the 100-foot decision height if auto throttles are used.

(iv) Trim condition of the airplane upon disconnecting the auto coupler with respect to continuation to flare and landing.

(v) Position of the airplane at the middle marker and at the decision height indicated both on a digram of the basic ILS display and a diagram of the runway extended to the middle marker. Estimated touch down point must be indicated on the runway diagram.

(vi) Compatibility of flight director with the auto coupler, if applicable.

(vii) Quality of overall system performance.

(4) *Evaluation.* A final evaluation of the flight control guidance system is made upon successful completion of the demonstrations. If no hazardous tendencies have been displayed or are otherwise known to exist, the system is approved as installed.

4. *Maintenance program.* (a) Each maintenance program must contain the following:

(1) A list of each instrument and item of equipment specified in section 2 of this Appendix that is installed in the airplane and approved for Category II operations, including the make and model of those specified in section 2(a).

(2) A schedule that provides for the performance of inspections under subparagraph (5) of this paragraph within 3 calendar months after the date of the previous inspection. The inspection must be performed by a person authorized by Part 43 of this chapter, except that each alternate inspection may be replaced by a functional flight check. This functional flight check must be performed by a pilot holding a Category II pilot authorization for the type airplane checked.

(3) A schedule that provides for the performance of bench checks for each listed instrument and item of equipment that is specified in section 2(a) within 12 calendar months after the date of the previous bench check.

(4) A schedule that provides for the performance of a test and inspection of each static pressure system in accordance with Appendix E to Part 43 of this chapter within 12 calendar months after the date of the previous test and inspection.

(5) The procedures for the performance of the periodic inspections and functional flight checks to determine the ability of each listed instrument and item of equipment specified in section 2(a) of this Appendix to perform as approved for Category II operations including a procedure for recording functional flight checks.

(6) A procedure for assuring that the pilot is informed of all defects in listed instruments and items of equipment.

(7) A procedure for assuring that the condition of each listed instrument and item of equipment upon which maintenance is performed is at least equal to its Category II approval condition before it is returned to service for Category II operations.

(8) A procedure for an entry in the maintenance records required by § 43.9 of this chapter that shows the date, airport, and reasons for each discontinued Category II operation because of a malfunction of a listed instrument or item of equipment.

(b) *Bench check.* A bench check required by this section must comply with this paragraph.

(1) It must be performed by a certificated repair station holding one of the following ratings as appropriate to the equipment checked:

(i) An instrument rating.

(ii) A radio rating.

(iii) A rating issued under Subpart D of Part 145.

(2) It must consist of removal of an instrument or item of equipment and performance of the following:

(i) A visual inspection for cleanliness, impending failure, and the need for lubrication, repair, or replacement of parts;

(ii) Correction of items found by that visual inspection; and

(iii) Calibration to at least the manufacturer's specifications unless otherwise specified in the approved Category II manual for the airplane in which the instrument or item of equipment is installed.

(c) *Extensions.* After the completion of one maintenance cycle of 12 calendar months a request to extend the period for checks, tests, and inspections is approved if it is shown that the performance of particular equipment justifies the requested extension.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

4. By adding the following new section after § 135.71:

§ 135.72 Second in command required in Category II operations.

No person may operate an aircraft in a Category II operation unless there is a second in command of the aircraft.

(Secs. 313(a), 601, 602, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421–1423)

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued in Washington, D.C., on April 25, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67–5033; Filed, May 4, 1967; 8:47 a.m.]

[Docket No. 7095; Amdts. 23–5, 25–11, 27–1, 29–2]

AIRCRAFT PROPULSION SYSTEM DESIGN REQUIREMENTS

Miscellaneous Amendments to Chapter

This amendment adds miscellaneous changes to the propulsion system design requirements for airplanes and rotorcraft. This amendment is based on, and reflects public comments concerning, notice of proposed rule making 65–43, published in the FEDERAL REGISTER (31 F.R. 93) on January 5, 1966. Except as modified by the following discussion, the reasons for this amendment are those in the notice. Changes to the proposals in the notice, and disposition of public comments, are as follows:

The amendments to the combustion heater fire protection requirements of §§ 23.859, 25.859, 27.859, and 29.859 are drafted as proposed. One comment objected to the proposals for the following reasons: (1) The commentator states that this amendment would cause unnecessary expense and increase system complexity with a resultant reduction in reliability. The Administrator disagrees. This amendment merely clarifies the rules to reflect longstanding administration of the rules to require the appropriate shutoff device when any of the listed conditions occurs. Combustion heaters have been meeting this requirement for many years without evidence of unnecessary complexity or reduced reliability related to the requirement. This amendment makes no substantive change to this practice; (2) the commentator states that the words "and hold off" are present in Parts 23 and 27 but not in Parts 25 and 29, which indicates that an unnecessary burden may be involved in the case of nontransport category aircraft and should be deleted from Parts 23 and 27. The words "and hold off" are in the present rule. This amendment was intended to effect no substantive change. This comment therefore goes beyond the legitimate scope of the notice. However, the Administrator agrees that this comment may have merit. The comment will therefore be retained for possible rule-making action; (3) the commentator states that the rule should be clarified to allow the pilot to reenergize the heater after it has been shut off in flight, and to allow the use of one safety device to meet the rule with respect to all of the listed conditions requiring shutoff. The Administrator disagrees. This amendment, as written, does not prohibit re-energizing the heater during flight, nor does it prohibit the use of a single device that otherwise complies.

Another comment stated that long operating experience with combustion heaters does not indicate a need for "this sophisticated system." As stated above, no change in practice would result from this clarifying amendment. No change in required degree of sophistication is intended. The cited long operating experience was in fact obtained with systems which meet the rule as currently administered and as reflected in this amendment.

Proposed new §§ 23.906, 25.906, 27.906, and 29.906 are withdrawn. These proposed sections would have required the applicant for an aircraft type certificate to obtain, from the engine and propeller manufacturer, all vibration information that those manufacturers can supply to show compliance with the vibration requirements for aircraft. One industry comment stated that the proposed rule is unnecessary since § 21.21(b) requires, for an aircraft, that no feature or characteristic make it unsafe for the category in which certification is requested. Another industry comment stated that the proposal is not stringent enough. The FAA will continue in the future, as it has in the past, to administer § 21.21 (b) to require the use of engine and propeller vibration data to account for vibration conditions that result from the combination of specific engines, propellers, and airframes, where such investigation is necessary for safety. It is believed, however, that the possible kinds and sources of adequate vibration data are too numerous to be adequately covered in a specific, enforceable standard at this time.

The proposed change to § 23.907, deleting the reference to the propeller manufacturer, was based on proposed new § 23.906 which would have made that reference redundant. Since proposed § 23.906 is withdrawn, the proposed change to § 23.907 is not appropriate and is also withdrawn.

The notice proposed to amend § 25.933 to require that each turbojet reversing system must have means to prevent the engine from producing more than "idle forward thrust" when the reversing controls are set for reverse but the reversing system is not in the reverse position. Two comments stated that the limitation to "idle forward thrust" would impede reverser design unnecessarily and suggested that maintenance of directional control during reverser malfunction should be the only test for compliance. The administrator agrees that safety does not require a limitation to any specific thrust value if directional control can in fact be maintained. The approach recommended by industry is therefore allowed, by exception, in this amendment. However, in adopting the industry approach, it must be pointed out that safety requires that directional control capabilities be investigated under the most critical conditions expected in operation. Safety also requires that such control be maintained with aerodynamic means alone, since rapid diagnosis of a reverser malfunction, and timely correction by use of thrust controls, cannot be assumed when a reverser fails at the most critical condition. Dependence, even partial dependence, on other nonaerodynamic means of control such as differential use of brakes, is also not consistent with safety under the most critical conditions in which reverser malfunction could occur. Section 25.933 is drafted to reflect these factors.

The notice proposed to amend § 25.939 to require that operation of the airplane

within the portion of the flight envelope that produces the "highest negative acceleration loads" may not cause hazardous malfunction of any part of the turbine powerplant, and to require that "the vibration characteristics" of turbine engine components whose failure could be catastrophic may not be "adversely affected" during normal operation. The notice also proposed to add new §§ 27.939 and 29.939 containing the requirements of § 25.959 in effect prior to this amendment plus the same negative acceleration and vibration requirements added to § 25.939.

One comment objected to the negative acceleration requirement for the following reasons: (1) The commentator states that the requirement involves engine design and may therefore be beyond the aircraft manufacturer's control. The Administrator does not agree that responsibility for proper operation of the turbine engine powerplant within the established flight envelope can be divided between the airplane and engine manufacturers during type certification of the airplane. Further, aircraft applicants have shown themselves capable of showing compliance with special conditions requiring that powerplant operation be safely maintained at vertical accelerations of less than zero g for specified lengths of time; (2) the commentator states that the requirement could be administered to require that the airplane be flown continuously to the negative limits of the maneuvering and gust envelopes for the airplane, whereas lesser negative acceleration loads may in fact be more critical from a fuel flow standpoint. The Administrator agrees with this comment. This result is not intended. The proposal is therefore amended to refer to "the negative acceleration * * * that is most critical from a fuel flow standpoint"; (3) the commentator states that substantiation of the fuel flow provisions under negative loads is not necessary because turbine engine powered airplanes either have continuous ignition or have systems that, when operated according to instructions in the Airplane Flight Manual, will provide ignition continuously during critical phases of takeoff, landing, icing conditions and in turbulence. The Administrator disagrees. While continuous ignition operation may broaden the range of fuel flow disturbances that can be tolerated without flameout, and is therefore significant from a safety standpoint, such ignition cannot prevent a flameout that results from fuel flow stoppage such as occurs when negative acceleration allows fuel ports to become uncovered. In such a case a restart cycle may be necessary. Instructions in the Airplane Flight Manual are no substitute for substantiation of the fuel system under negative loads; (4) the commentator states that long service experience shows that turbine engine fuel system components are not sensitive to negative acceleration loads, contrary to a statement in the preamble to the notice. The Administrator agrees in part. The sensitivity of the turbine fuel system to negative loads lies not in specific components, but rather in the sensitivity of the turbine engine to fuel flow stoppage, the high flow rates in the system, and the consequent speed with which air introduced into the system can reach the engine and result in flameout; (5) the commentator states that, while it is true that extended periods of negative acceleration may result in deterioration in performance due to interrupted flow, turbine engine fuel systems have been shown to be acceptable for the shorter exposure times actually encountered. The Administrator agrees. Investigation of the safety of turbine fuel systems under representative negative acceleration loads has long been required by special condition. This amendment therefore changes the proposal by adding the words "this must be shown for the greatest duration expected for that acceleration."

The commentator objected to the proposed vibration requirement, which affects Parts 25, 27, and 29, for the following reasons: (1) The commentator states that the proposal is unnecessary in Part 25, because of general § 25.601. The Administrator agrees that § 25.601 may be administered to cover specific vibration hazards. However, the Administrator's practice is to prescribe specific standards directly where such standards are in fact determined to be necessary for safety; (2) the commentator states that the proposal is unnecessary because vibration substantiation is already being done on a cooperative basis by industry. It is appreciated that vibration substantiations are already being accomplished. It should be noted, however, that special conditions have required such substantiation for more than a decade; (3) the commentator states that the proposal is too broad and, in the case of Parts 27 and 29, should be amended to refer to allowable vibration limits established by the engine manufacturer. The Administrator agrees. This amendment therefore covers only the turbine engine air inlet system, prohibits only harmful vibration resulting from air flow distortion, and covers normal operation only. This is consistent with special conditions applied over a large number of years. However, since there is no requirement that specific vibration limits (as opposed to values actually withstood during testing of the engine) be established by the engine manufacturer, the requested reference to allowable vibration limits established by the engine manufacturer is inappropriate and is not incorporated in this amendment.

One comment stated that the vibration standards should be similar to the more detailed standards in certain British Civil Airworthiness Requirements or, in the alternative, that similar material be placed in an Advisory Circular. While these suggestions go beyond the immediate scope of this amendment, they are appreciated and will be held for future reference.

The notice proposed to amend § 25.955 to require that turbine engine fuel systems "have means to automatically" ensure the uninterrupted flow of fuel to each turbine engine when the tank supplying that engine is depleted of fuel. One comment stated that the proposal should be limited to tanks which supply the engine in normal operation, and should not be applied to tanks that can supply the engine by cross feed. The Administrator agrees. This amendment thus uses the words "any other tank, that normally supplies fuel to that engine alone, * * *." One comment objected to the proposal, stating that the probability of an almost depleted tank in a single-tank-per-engine fuel system is very low. This amendment, however, applies only where another tank that normally supplies the engine contains usable fuel, which would not be the case in a single-tank-per-engine system. Another comment recommended that this amendment make it clear that manual switching capability is required. This comment is accepted. The proposal did not intend to eliminate present practice with respect to appropriate manual switching capability. A further comment objected to the proposal for the following reasons: (1) The commentator states that to require a "means" that is "automatic" strongly implies a sophisticated device that would introduce unnecessary hazards of its own. In order to prevent such an implication, this amendment more generally requires the fuel system design to "prevent interruption * * * without attention by the flight crew." No dictation of specific design or specific degree of complexity or sophistication is intended; (2) the commentator states that adequate fuel interruption warning is provided before flameout by fuel flow and pressure fluctuations, fuel pump low pressure warning lights, loss of rotor speed, reduction in EPR, and by fuel pressure and quantity instruments required by § 25.1305 (f) and (i). The Administrator disagrees. Considering the hazards of flameout outlined in the notice, experience has not shown that the monitoring of powerplant instruments provides a safe alternative to ensuring uninterrupted fuel flow without attention by the flight crew.

One comment objected to the proposal for the following reasons: (1) The commentator states that, to its knowledge, there has not been a problem with flameout caused by fuel interruption that indicates a need for automatic tank switching. Experience indicates that the hazard of flameout in a turbine fuel system is severe enough to warrant requiring, as a minimum standard, that some design feature (not necessarily "switching" that is "automatic") be incorporated to ensure uninterrupted fuel flow without attention by the flight crew; (2) the commentator states that an automatic switching device would result in a relaxation of fuel monitoring due to reliance on the device. It is likely that overall fuel management would suffer. Further, monitoring of the fuel in the nearly depleted condition is not adequate, even if present. It is for this reason that this amendment is made. Finally, necessary monitoring of possible failures of the means for ensuring uninterrupted flow can be safely provided by proper procedures; (3) the commentator cites the hazards of malfunction of the automatic device and the impracticability of

a sophisticated device. Existing manual switching, plus any necessary procedures for monitoring the device, will minimize any malfunction hazard when compared with the hazard of unexpected flameout. As mentioned above, this amendment does not specify any degree of complexity but only requires that appropriate "design features" be incorporated.

An editorial change is made to §§ 25.955 (b), 27.955(b) and 29.955(b) to correct an apparent departure from former §§ 4b.413(c), 6.420(c), and 7.413(c) of the Civil Air Regulations. These former sections contained the words "if an engine can be supplied with fuel from more than one tank." Sections 25.955(b), 27.955(b), and 29.955(b) shortened this language, without intentional change, to "if an engine can feed from more than one fuel tank." To preclude any questions concerning the applicability of the affected regulations, the language of the former sections is adopted without substantive change. There is no comparable problem in Part 23.

The notice proposed to amend § 25.961 to require that fuel system hot weather operating capability be shown up to the maximum operating altitude established as an operating limitation, and to limit the climb airspeed of turbine engine powered airplanes to that established for climbing to the maximum operating altitude. One comment stated that the proposal is not necessary for airplanes certificated for use with booster pumps that maintain the fuel system at a pressure greater than the vapor pressure of turbine fuels, up to the maximum operating altitude. The Administrator agrees. This amendment therefore excepts fuel systems having that capability, but is otherwise drafted as proposed.

The notice proposed to amend § 25.965 by replacing the present fuel tank vibration requirement based on a factor (0.9) related to engine speed with a requirement based on a specific vibration frequency (2,000 c.p.m.). One comment objected to this proposal on the ground that it appears to be a relaxation that would downgrade safety. The Administrator disagrees. This amendment, like its predecessor, applies only where no frequency of vibration resulting from any r.p.m. within the normal operating range of engine speeds is critical. This amendment does not replace the survey of engine speeds conducted under § 25.965 (b)(3) (ii) and (iii) to determine that no critical condition is overlooked. For the purpose of the test covered by this amendment (that is, substantiation of the tank itself rather than substantiation of tank-engine combinations), a test frequency of 2,000 c.p.m., when imposed at the required test amplitude of $\frac{1}{32}$ inch, has been shown to be severe enough to ensure the integrity of the tank itself. This comment cannot, therefore, be accepted. This amendment is drafted as proposed.

The notice proposed to amend § 25.969 to provide that an automatic shutoff must be provided, for pressure fueling systems, as the means of showing compliance with the current requirement that it must be impossible to fill the fuel tank expansion space inadvertently. One comment objected for the following reasons: The commentator states that this means of complying with present § 25.969 should not be limited to the proposed automatic shutoff device and that such a limitation would involve unnecessary dictation of design with respect to the means for preventing the filling of the expansion space. The Administrator agrees. For this reason, and to locate all pressure fueling provisions together, this amendment places the automatic fuel content limiting means requirement in § 25.979(b) and, to avoid unnecessary duplication, provides in § 25.969 (which is otherwise unchanged) that "for pressure fueling systems, compliance with this section may be shown with the means provided to comply with § 25.979 (b)"; the commentator states that the substance of the proposed change is already covered in § 25.979(b). The Administrator disagrees. This proposal, like § 25.969, covers only the limitation of fuel quantity. Section 25.979(b), however, covers protection from damaging overpressures that may result if (1) the fuel quantity limiting means fails, or (2) overpressures are transmitted, without "failure" of the fuel quantity limiting means, such as could occur, for example, where air in the tank does not escape under an abnormally high fueling source pressure (so that fuel quantity itself does not exceed "approved" limits) and the air then becomes part of the means by which overpressures are transmitted to the fuel system.

The notice proposed to amend the fuel tank outlet requirement of § 25.977 to require that fuel tank outlet strainers in turbine fuel systems be fine enough in mesh to prevent the passage of any object that could restrict fuel flow or damage any fuel system component, to require that an alternate means be provided in turbine fuel systems to provide uninterrupted fuel flow if the main strainer could become blocked with ice, and to require that this alternate means provide a level of fuel system component protection equal to that provided by the main strainer. One comment stated that the requirement that the main strainer prevent the passage of any object that could restrict fuel flow or damage components, if strictly interpreted, would lead to ice blockage of the means to prevent interruption of the fuel flow. The Administrator agrees. However, it is for this reason that the alternate means in § 25.977(b) was proposed. No change from the notice is necessary in this regard. The comment also states that a four-mesh screen of adequate size has been found to provide proper protection for the fuel system from a standpoint of both extraneous material and icing, and states that a four to eight mesh size should be prescribed specifically. The Administrator disagrees. No single mesh size, or single range of mesh sizes, has been shown to be adequate for turbine fuel systems generally. Another comment stated that it supports this amendment but that the prescribed alternate should not be a screen if another means of showing safety equal to the main strainer is available. This comment specifically mentions a pump inlet screen bypassing arrangement that might prevent pump damage. The Administrator agrees that the words "equal to" should not be administered to automatically exclude any available means of showing equal protection.

One comment stated that a second strainer is the only available alternative that is equal in safety to the main strainer, that safety would not be advanced by requiring a second strainer since both strainers could collect ice, that an actual need to protect against foreign matter in the tanks simultaneously with icing is not operationally probable, and that the rule should require a "high degree" of protection rather than protection "equal to" that of the main strainer. The Administrator disagrees. Means other than strainers are not precluded under this amendment if protection equal to the main strainer is shown. The probability of simultaneous icing of an alternate strainer and the main strainer is slight enough to justify use of a strainer as an alternate. The words "high degree" of safety would not be appropriate since protection of the fuel system is best measured relative to the protection provided by the main strainer, which must be acceptable to the Administrator. These comments cannot, therefore, be accepted. This amendment is drafted as proposed.

The notice proposed to amend § 25.979 to cover all pressure refueling systems, to eliminate a reference to the fuel access cover plate, to more fully describe the means of preventing damaging overpressures, and to require that this means comply under the maximum fueling rates and pressures for which the system is designed. One comment objected for the following reasons: The commentator stated that the proposed detailed means of preventing damaging overpressures (that is, providing either proper tank vent sizing or an overflow valve) unduly dictates design. The Administrator agrees. This amendment therefore requires a means to prevent excessive pressures, without further prescribing the method of compliance (§ 25.979(c)). The commentator stated that the change to cover spillage from the "system" rather than from the "tank" would lead to added complexity without increased safety. The commentator appears to answer its own objection by then stating that highly reliable poppet check valves are commonly available to limit fuel spillage to nonhazardous amounts. No specific degree of complexity is intended or specified in this amendment. The commentator states that the proposal would preclude spillage of "minor" quantities of fuel from the refueling manifold. This comment is not understood, since the proposal concerns only "hazardous" quantities of spilled fuel. The commentator stated that the prohibition of spillage is inconsistent with the fact that large quantities of fuel may be spilled in order to comply with the proposed pressure relief requirement (proposed

§ 25.979(b)). The Administrator disagrees. The pressure relief provisions specifically apply only to conditions following failure of the prescribed fuel quantity limiting means. Thus, the fuel spillage resulting from pressure relief is tolerated only as a necessary means of preventing a significantly greater hazard, such as structural damage to the airframe which may not be detected before flight, and is tolerated only as a consequence of pressure relief requirements prescribed as a backup to the fuel quantity limiting means. The commentator suggested wording that would limit the fuel spillage requirement to "uncontrolled quantities." Since hazardous quantities may or may not be "controlled" in some way, the requested language would not be useful in preventing a hazardous situation and therefore cannot be adopted. This part of the amendment is therefore drafted as proposed (§ 25.979(a)). Section 25.979(b) contains the required automatic shutoff means for limiting tank content that was proposed as part of § 25.969. This means is placed in § 25.979, rather than § 25.969 as proposed, for the reasons covered in the discussion of § 25.969 (see above).

The notice proposed a new § 25.981 containing certain fuel system lightning protection requirements. In order not to delay the issue of the numerous rule changes of this amendment, action on this proposal will be taken separately. The final rule on lightning protection is now in the process of being prepared and will be issued shortly.

The notice proposed to add a new § 25.1003 providing that no temperature inside any fuel tank may exceed a specified temperature and requiring that compliance be shown for all normal and abnormal operations of all components that are inside any tank or that could transmit heat to any tank, including all possible malfunctions of those components. This amendment adds a new § 25.981, rather than § 25.1003, since this amendment affects fuel tanks only (rather than fuel systems). One comment stated that substantiation for all "possible" malfunctions and "combination of malfunctions" would be unduly difficult. The Administrator agrees. This amendment specifies only "probable * * * conditions." The comment also stated that specification of a temperature limit to cover all present and future fuels and conditions is undesirable. The Administrator agrees. This amendment therefore incorporates only "the highest temperature allowing a safe margin below the lowest expected autoignition temperature of the fuel in the tanks." Another comment requested that the proposal be eliminated because future design improvements and fuel requirements would require different maximum fuel temperatures. This amendment meets this objection by requiring prevention of fuel autoignition without prescribing a universal maximum temperature.

The notice proposed to amend § 25.1041 to require adequate cooling not only when the airplane is operating but also "after engine shutdown." One comment stated that there may be abnormal engine shutdowns, such as an emergency shutdown from a high power setting, following which temperature limits may be exceeded. This comment stated that the proposal should be narrowed to include only "normal" engine shutdowns. The Administrator agrees. This amendment is so drafted.

The notice proposed to amend § 25.1141 to require that no probable failure or "combination of failures" in any powerplant control system may cause the failure of any function necessary for safety, and that compliance must be shown by "fault analysis, component tests, and simulated environmental tests." One comment objected to the proposal because (1) "combination of failures" is contrary to the basic philosophy that the airplane need only be capable of continued safe flight and landing after a single failure, and (2) compliance with the requirement should not be required to be by "fault analysis, component tests and simulated environmental tests" since accepted practice is to use fault analysis alone unless tests are necessary to substantiate the validity of a particular analytical result. The Administrator does not agree with the first statement. It is not the policy of the Administrator to ignore a probable combination of failures whose result would be hazardous. The Administrator does, however, agree with the second statement. A combination of means of showing compliance is therefore permitted under this amendment. In addition, two changes to the notice are made to more accurately express its intent. First, the prescribed failed "function" is limited to "powerplant function." Secondly, the words "failures or combination of failures" in the system is changed to include "malfunctions." The notice did not intend to raise a technical or semantic distinction between a powerplant control system "failure" and "malfunction" where their common result is discontinuance of an essential powerplant function.

The notice proposed to amend § 25.1153(b) to require only that "inadvertent" movement of the propeller control to the feathering position be prevented (rather than positive prevention of such movement as the rule currently required). One comment objected to this change as an undesirable relaxation. The Administrator disagrees. The present rules for propeller feathering controls generally (in § 25.1153(a)) and for reverse thrust controls (in § 25.1155) cover only "inadvertent" control operation. No higher standard has been shown to be necessary for propeller pitch or speed controls used for feathering. This amendment is drafted as proposed.

The notice proposed to broaden § 25.1155 to cover controls for propeller pitch settings below the flight regime, not just reverse thrust controls. One comment stated that the degree of complexity of such controls in a certain currently operational aircraft should not be exceeded in the administration of this amendment. This amendment is not intended to dictate any specific degree of complexity. Another comment objected, stating that this amendment relaxes the present rule by using the word "inadvertent." No relaxation results. The word "inadvertent" is used in the present rule. This amendment in fact increases a burden by extending § 25.1155 to cover controls heretofore not covered by the regulations. This amendment is drafted as proposed.

The notice proposed to delete § 25.1181 (c) and place its provisions, with certain amendments, in a new § 25.1182. One comment objected, stating that the fire protection requirements applicable to nacelle areas behind firewalls need not be extended to engine pod attaching structures because the present requirements have provided a superior level of safety for turbojet powered large airplanes and no record of fires in these structures is known. The Administrator agrees concerning the superior level of safety and good service record of engine pod attaching structures with respect to fire. However, this level of safety has resulted through the voluntary incorporation by industry of engine pod attaching structure design provisions meeting the fire protection provisions of §§ 25.1195 through 25.1201 (except those requiring fire detection and extinguishing). The Administrator agrees with one comment stating that safety does not require that engine pod attaching structures have fire detection and extinguishing provisions, and that those structures may be distinguished from nacelle areas behind the firewall in this regard. To this extent, the industry comment is accepted and this amendment is drafted accordingly. The commentator stated that the "firewall definition" paragraphs are not relevant for the fire zone, that the "internal boundaries" are not clearly defined, and that this will lead to ventilation, containment, and fire extinguishing system difficulties. The intent of this comment is not clear. However, there should be no difficulty in defining the area covered by the term "engine pod attaching structure." Further, the Administrator does not agree that the firewall provisions are irrelevant to this structure. For this structure, as well as for reciprocating engine installations, the firewall separates the engine nacelle from the airframe in compliance with the provisions of § 25.1191. Finally, the claimed relationship between the firewall defining provisions and possible future difficulties in ventilation, containment, and fire extinguishing is neither supported nor evident. This comment cannot, therefore, be accepted.

One comment requested that an exception should be provided (1) for engine pod attaching structures where the firewall between pod and pylon extends enough beyond the profile of the pylon to prevent propagation of fire from the pod area around the firewall to the pylon zone, and (2) for installations that have means to prevent contact of leaking flammable fluid with a hot firewall. The Administrator agrees that these safety provisions may be relevant in individual showings of equivalent safety that may justify design alternatives to the sections referenced in § 25.1182. However, within the terms framed by the commentator,

these safety provisions are not sufficiently definable to permit a general exception in the regulation. This comment cannot, therefore, be accepted.

No adverse comments having been received, the proposed change to §§ 23.1183, 25.1183, 27.1183, and 29.1183 (concerning lines and fittings approved as part of an engine) is drafted as proposed.

The notice proposed to add a new § 25.1305(x) to require "a means, for each air turbine engine starter not designed for continuous use, to indicate to the flight crew when that starter is energized." One comment stated that, for starters designed to contain failures of high energy rotating parts, no indicator should be required because no hazard would result even if the starter is not designed for continuous operation. Another comment stated that numerous possible factors, such as use of starters that cannot be used continuously, protection by starter location, and containment of failed components should obviate the need for an indicating means regardless of whether the starter is designed for continued operation. The Administrator agrees with these comments. This amendment therefore covers only starters that can be used continuously but that are neither designed for continuous operation nor designed to prevent hazard if they fail.

No adverse comments having been received, the proposed amendment to §§ 23.1585, 25.1585, 27.1585, and 29.1585 (concerning fuel system operating procedures) is drafted as proposed.

In consideration of the foregoing, Subchapter C of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective June 4, 1967, as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

A. Part 23 is amended as follows:

1. Section 23.859(b) is amended to read as follows:

§ 23.859 Combustion heater fire protection.

* * * * *

(b) Means independent of the components provided for the normal continuous control of air temperature, airflow, and fuel flow must be provided, for each heater, to automatically shut off and hold off the ignition and fuel supply to that heater at a point remote from that heater when any of the following occurs:

(1) The heat exchanger temperature exceeds safe limits.

(2) The ventilating air temperature exceeds safe limits.

(3) The combustion airflow becomes inadequate for safe operation.

(4) The ventilating airflow becomes inadequate for safe operation.

2. Section 23.1183(b)(1) is amended to read as follows:

§ 23.1183 Lines and fittings.

* * * * *

(b) * * *

(1) Lines and fittings already approved as part of a type certificated engine under Part 33 of this chapter; and

* * * * *

3. A new § 23.1585(d) is added to read as follows:

§ 23.1585 Operating procedures.

* * * * *

(d) For multiengine airplanes, information identifying each operating condition in which the fuel system independence prescribed in § 23.953 is necessary for safety must be furnished, together with instructions for placing the fuel system in a configuration used to show compliance with that section.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

B. Part 25 is amended as follows:

1. Section 25.859(e)(1) is amended to read as follows:

§ 25.859 Combustion heater fire protection.

* * * * *

(e) * * *

(1) Means independent of the components provided for the normal continuous control of air temperature, airflow, and fuel flow must be provided, for each heater, to automatically shut off the ignition and fuel supply to that heater at a point remote from that heater when any of the following occurs:

(i) The heat exchanger temperature exceeds safe limits.

(ii) The ventilating air temperature exceeds safe limits.

(iii) The combustion airflow becomes inadequate for safe operation.

(iv) The ventilating airflow becomes inadequate for safe operation.

* * * * *

2. Section 25.933 is amended by adding the following new paragraph (d):

§ 25.933 Reversing systems.

* * * * *

(d) Each turbojet reversing system must have means to prevent the engine from producing more than idle forward thrust when the reversing system malfunctions, except that it may produce any greater forward thrust that is shown to allow directional control to be maintained, with aerodynamic means alone, under the most critical reversing condition expected in operation.

3. Section 25.939 is amended to read as follows:

§ 25.939 Turbine engine operating characteristics.

(a) Turbine engine operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present, to a hazardous degree, during normal and emergency operation within the range of operating limitations of the airplane and of the engine.

(b) No hazardous malfunction of the turbine engine may occur when the airplane is operated at the negative acceleration, within the flight envelope prescribed in § 25.333, that is most critical from a fuel flow standpoint. This must be shown for the greatest duration expected for that acceleration.

(c) The turbine engine air inlet system may not, as a result of air flow distortion during normal operation, cause vibration harmful to the engine.

4. Section 25.955(b) is amended to read as follows:

§ 25.955 Fuel flow.

* * * * *

(b) If an engine can be supplied with fuel from more than one tank, the fuel system must—

(1) For each reciprocating engine, supply the full fuel pressure to that engine in not more than 20 seconds after switching to any other fuel tank containing usable fuel when engine malfunctioning becomes apparent due to the depletion of the fuel supply in any tank from which the engine can be fed; and

(2) For each turbine engine, in addition to having appropriate manual switching capability, be designed to prevent interruption of fuel flow to that engine, without attention by the flight crew, when any tank supplying fuel to that engine is depleted of usable fuel during normal operation, and any other tank, that normally supplies fuel to that engine alone, contains usable fuel.

5. Section 25.961 is amended to read as follows:

§ 25.961 Fuel system hot weather operation.

(a) The fuel system must perform satisfactorily in hot weather operation. This must be shown by showing that the fuel system from the tank outlets to each engine is pressurized, under all intended operations, so as to prevent vapor formation, or must be shown by climbing from the altitude of the airport elected by the applicant to the maximum altitude established as an operating limitation under § 25.1527. If a climb test is elected, there may be no evidence of vapor lock or other malfunctioning during the climb test conducted under the following conditions:

(1) For reciprocating engine powered airplanes, the engines must operate at maximum continuous power, except that takeoff power must be used for the altitudes from 1,000 feet below the critical altitude through the critical altitude. The time interval during which takeoff power is used may not be less than the takeoff time limitation.

(2) For turbine engine powered airplanes, the engines must operate at takeoff power for the time interval selected for showing the takeoff flight path, and at maximum continuous power for the rest of the climb.

(3) The weight of the airplane must be the weight with full fuel tanks, minimum crew, and the ballast necessary to maintain the center of gravity within allowable limits.

(4) The climb airspeed may not exceed—

(i) For reciprocating engine powered airplanes, that speed allowing compliance with the minimum climb requirement specified in § 25.65(a); and

(ii) For turbine engine powered airplanes, the maximum airspeed established for climbing from takeoff to the maximum operating altitude.

(5) The fuel temperature must be at least 110° F.

(b) The test prescribed in paragraph (a) of this section may be performed in flight or on the ground under closely simulated flight conditions. If a flight test is performed in weather cold enough to interfere with the proper conduct of the test, the fuel tank surfaces, fuel lines, and other fuel system parts subject to cold air must be insulated to simulate, insofar as practicable, flight in hot weather.

6. Section 25.965(b)(3)(i) is amended to read as follows:

§ 25.965 Fuel tank tests.

* * * * *

(b) * * *

(3) * * *

(i) If no frequency of vibration resulting from any r.p.m. within the normal operating range of engine speeds is critical, the test frequency of vibration must be 2,000 cycles per minute.

* * * * *

7. Section 25.969 is amended to read as follows:

§ 25.969 Fuel tank expansion space.

Each fuel tank must have an expansion space of not less than 2 percent of the tank capacity. It must be impossible to fill the expansion space inadvertently with the airplane in the normal ground attitude. For pressure fueling systems, compliance with this section may be shown with the means provided to comply with § 25.979(b).

8. Section 25.977 is amended to read as follows:

§ 25.977 Fuel tank outlet.

(a) There must be a fuel strainer for the fuel tank outlet or for the booster pump. This strainer must—

(1) For reciprocating engine powered airplanes, have 8 to 16 meshes per inch; and

(2) For turbine engine powered airplanes, prevent the passage of any object that could restrict fuel flow or damage any fuel system component.

(b) For turbine engine powered airplanes, there must be a means to ensure uninterrupted fuel flow to the engine if the strainer prescribed in paragraph (a) of this section is subject to ice accumulation. This means must provide protection to the fuel system components equal to that provided by the strainer prescribed in paragraph (a) of this section.

(c) The clear area of each fuel tank outlet strainer must be at least five times the area of the outlet line.

(d) The diameter of each strainer must be at least that of the fuel tank outlet.

(e) Each finger strainer must be accessible for inspection and cleaning.

9. Section 25.979 is amended to read as follows:

§ 25.979 Pressure fueling system.

For pressure fueling systems, the following apply:

(a) Each pressure fueling system fuel manifold connection must have means to prevent the escape of hazardous quantities of fuel from the system if the fuel entry valve fails.

(b) An automatic shutoff means must be provided to prevent the quantity of fuel in each tank from exceeding the maximum quantity approved for that tank. This means must—

(1) Allow checking for proper shutoff operation before each fueling of the tank; and

(2) Provide indication, at each fueling station, of failure of the shutoff means to stop fuel flow at the desired level.

(c) A means must be provided to prevent damage to the fuel system in the event of failure of the automatic shutoff means prescribed in paragraph (b) of this section.

10. A new § 25.981 is added, before the center heading "Fuel System Components," to read as follows:

§ 25.981 Fuel tank temperature.

(a) The highest temperature allowing a safe margin below the lowest expected autoignition temperature of the fuel in the fuel tanks must be determined.

(b) No temperature at any place inside any fuel tank where fuel ignition is possible may exceed the temperature determined under paragraph (a) of this section. This must be shown under all probable operating, failure, and malfunction conditions of any component whose operation, failure, or malfunction could increase the temperature inside the tank.

11. Section 25.1041 is amended to read as follows:

§ 25.1041 General.

The powerplant cooling provisions must be able to maintain the temperatures of powerplant components and engine fluids within the temperature limits established for these components and fluids, under ground, water, and flight operating conditions, and after normal engine shutdown.

12. A new § 25.1141(e) is added to read as follows:

§ 25.1141 Powerplant controls: general.

* * * * *

(e) No single failure or malfunction, or probable combination thereof, in any powerplant control system may cause the failure of any powerplant function necessary for safety.

13. Section 25.1153(b) is amended to read as follows:

§ 25.1153 Propeller feathering controls.

* * * * *

(b) If feathering is accomplished by movement of the propeller pitch or speed control lever, there must be means to prevent the inadvertent movement of this lever to the feathering position during normal operation.

14. Section 25.1155 is amended to read as follows:

§ 25.1155 Reverse thrust and propeller pitch settings below the flight regime.

Each control for reverse thrust and for propeller pitch settings below the flight regime must have means to prevent its inadvertent operation. The means must have a positive lock or stop at the flight idle position and must require a separate and distinct operation by the crew to displace the control from the flight regime (forward thrust regime for turbojet powered airplanes).

§ 25.1181 [Amended]

15. Section 25.1181(c) is deleted and a new § 25.1182 is added to read as follows:

§ 25.1182 Nacelle areas behind firewalls, and engine pod attaching structures containing flammable fluid lines.

(a) Each nacelle area immediately behind the firewall, and each portion of any engine pod attaching structure containing flammable fluid lines, must meet each requirement of §§ 25.1103(b), 25.1165 (d) and (e), 25.1183, 25.1185(c), 25.1187, 25.1189, and 25.1195 through 25.1203, including those concerning designated fire zones. However, engine pod attaching structures need not contain fire detection or extinguishing means.

(b) For each area covered by paragraph (a) of this section that contains a retractable landing gear, compliance with that paragraph need only be shown with the landing gear retracted.

16. Section 25.1183(b)(1) is amended to read as follows:

§ 25.1183 Lines and fittings.

* * * * *

(b) * * *

(1) Lines and fittings already approved as part of a type certificated engine under Part 33 of this chapter; and

* * * * *

17. A new § 25.1305(x) is added to read as follows:

§ 25.1305 Powerplant instruments.

* * * * *

(x) For turbine engine powered airplanes, a means to indicate, to the flight crew, the operation of each engine starter that can be operated continuously but that is neither designed for continuous operation nor designed to prevent hazard if it fails.

18. A new § 25.1585(b) is added to read as follows:

§ 25.1585 Operating procedures.

* * * * *

(b) Information identifying each operating condition in which the fuel system independence prescribed in § 25.953 is necessary for safety must be furnished, together with instructions for placing the fuel system in a configuration used to show compliance with that section.

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

C. Part 27 is amended as follows:

1. Section 27.859(c)(2) is amended to read as follows:

§ 27.859 Heating systems.

* * * * *

(c) * * *

(2) Means independent of the components provided for the normal continuous control of air temperature, airflow, and fuel flow must be provided, for each heater, to automatically shut off and hold off the ignition and fuel supply of that heater at a point remote from that heater when any of the following occurs:

(i) The heat exchanger temperature exceeds safe limits.

(ii) The ventilating air temperature exceeds safe limits.

(iii) The combustion airflow becomes inadequate for safe operation.

(iv) The ventilating airflow becomes inadequate for safe operation.

2. A new § 27.939 is added, before the center heading "Fuel System," to read as follows:

§ 27.939 Turbine engine operating characteristics.

(a) Turbine engine operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present, to a hazardous degree, during normal and emergency operation within the range of operating limitations of the rotorcraft and of the engine.

(b) The turbine engine air inlet system may not, as a result of airflow distortion during normal operation, cause vibration harmful to the engine.

3. Section 27.955(b) is amended to read as follows:

§ 27.955 Fuel flow.

* * * * *

(b) If an engine can be supplied with fuel from more than one tank, the fuel system must feed promptly when fuel becomes low in one tank and another tank is selected.

4. Section 27.1183(b)(1) is amended to read as follows:

§ 27.1183 Lines and fittings.

* * * * *

(b) * * *

(1) Lines and fittings already approved as part of a type certificated engine under Part 33 of this chapter; and

* * * * *

5. Section 27.1585 is amended to read as follows:

§ 27.1585 Operating procedures.

(a) Parts of the manual containing operating procedures must have information concerning any normal and emergency procedures, and other information necessary for safe operation, including takeoff and landing procedures and associated airspeeds.

(b) For multiengine rotorcraft, information identifying each operating condition in which the fuel system independence prescribed in § 27.953 is necessary for safety must be furnished, together with instructions for placing the fuel system in a configuration used to show compliance with that section.

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

D. Part 29 is amended as follows:

1. Section 29.859(e)(1) is amended to read as follows:

§ 29.859 Combustion heater fire protection.

* * * * *

(e) * * *

(1) Means independent of the components provided for the normal continuous control of air temperature, airflow, and fuel flow must be provided, for each heater, to automatically shut off the ignition and fuel supply of that heater at a point remote from that heater when any of the following occurs:

(i) The heat exchanger temperature exceeds safe limits.

(ii) The ventilating air temperature exceeds safe limits.

(iii) The combustion airflow becomes inadequate for safe operation.

(iv) The ventilating airflow becomes inadequate for safe operation.

* * * * *

2. A new § 29.939 is added, before the center heading "Fuel System," to read as follows:

§ 29.939 Turbine engine operating characteristics.

(a) Turbine engine operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present, to a hazardous degree, during normal and emergency operation within the range of operating limitations of the rotorcraft and of the engine.

(b) The turbine engine air inlet system may not, as a result of airflow distortion during normal operation, cause vibration harmful to the engine.

3. Section 29.955(b) is amended to read as follows:

§ 29.955 Fuel flow.

* * * * *

(b) If an engine can be supplied with fuel from more than one tank, the fuel system must feed promptly when fuel becomes low in one tank and another tank is selected.

4. Section 29.1183(b)(1) is amended to read as follows:

§ 29.1183 Lines and fittings.

* * * * *

(b) * * *

(1) Lines and fittings already approved as part of a type certificated engine under Part 33 of this chapter; and

* * * * *

5. Section 29.1585 is amended to read as follows:

§ 29.1585 Operating procedures.

(a) The parts of the manual containing operating procedures must have information concerning any normal and emergency procedures, and other information necessary for safe operation, including the applicable procedures, such as those involving minimum speeds, to be followed if an engine fails.

(b) For multiengine rotorcraft, information identifying each operating condition in which the fuel system independence prescribed in § 29.953 is necessary for safety must be furnished, together with instructions for placing the fuel system in a configuration used to show compliance with that section.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 28, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-5034; Filed, May 4, 1967; 8:47 a.m.]

[Docket No. 67-CE-AD-4; Amdt. 39-408]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Models of Beechcraft Airplanes

Amendment 39-368 (32 F.R. 3971), AD 67-8-2, requires repetitive inspection, using X-ray method or FAA-approved equivalent, of the elliptical lower spar caps of the outboard wing panels at two designated areas on each wing, and replacement of any found cracked with an airworthy part, of certain model Beechcraft airplanes, including Model D18S (Serial Nos. A-1 through A-440) airplanes, with 1,500 hours' or more time in service. These model airplanes were manufactured with P/N 181410-5 tube of .095 inch wall thickness which comprises the lower spar cap on the inboard end of the outboard wing panel steel truss. AD 67-8-2 was not made applicable to Beechcraft Model D18S airplanes commencing with Serial Number A-441, since these airplanes were manufactured with P/N 181410-5 tube of increased wall thickness (.120 inch) in the affected areas. After issuing Amendment 39-368, the FAA determined that subsequent to manufacture, the wings of some Beechcraft Model D18S airplanes commencing with Serial Number A-441 may have been replaced with wings containing lower spar caps of .095 inch wall thickness, while the wings of other Beechcraft model airplanes listed in the AD may have been or subsequently will be replaced with wings containing lower spar caps of .120 inch wall thickness. Therefore, the AD is being revised to make it applicable only to those Beechcraft model airplanes containing P/N 181410-5 tube with .095 inch wall thickness. Those airplanes equipped with outboard wing panels containing P/N 181410-5 tube of .120 inch wall thickness have been in-

cluded as exceptions in the applicability statement. This amendment will permit Model D18S (Serial Nos. A–441 and up) airplanes to comply with the AD within the next 25 hours' time in service after the effective date of this amendment.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedures Act is not practicable, and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–368 (32 F.R. 3971), AD 67–8–2, is amended as follows:

1. The applicability statement is amended to read as follows:

BEECHCRAFT. Applies to Model C18S, AT–11, C–45, C45A, UC–45B, UC–45F, AT–7, AT–7A, AT–7B, AT–7C, JRB–1, JRB–2, JRB–3, JRB–4, SNB–1, SNB–2, SNB–2C, C45G, TC–45G, C45H, TC–45H, TC–45J (SNB–5), JRB–6, D18C, D18CT, D18S (Serial Nos. A–1 through A–440 inclusive), and D18S (Serial Nos. A–441 and up equipped with any outboard wing panel now or hereafter replaced in service) airplanes with 1500 hours' or more time in service, except any model airplane listed herein equipped with outboard wing panels containing P/N 181410–5 tube of .120 inch wall thickness.

2. The compliance paragraphs are amended to read as follows:

Compliance required as indicated.

To detect cracks in the lower spar caps of the outboard wing panels, (1) for all model airplanes listed herein except Model D18S (Serial Nos. A–441 and up) airplanes, within the next 25 hours' time in service after March 11, 1967, and (2) for all Model D18S (Serial Nos. A–441 and up) airplanes to which this AD is applicable, within the next 25 hours' time in service after the effective date of this amended AD, unless already accomplished, and thereafter at intervals of not to exceed 500 hours' time in service from the date of the last inspection, accomplish the following:

3. The following new note is inserted after the paragraph entitled "NOTE (c)":

NOTE: Determination of the wall thickness of P/N 181410–5 tube may be made by tracing the history of the replacement panel, or by ultrasonic inspection procedures, or by FAA-approved equivalent.

This amendment becomes effective May 5, 1967.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Kansas City, Mo., on April 28, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67–5108; Filed, May 4, 1967; 8:50 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8128; Amdt. 534]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Augusta VOR	Augusta RBn	Direct	2000	T–dn#	300–1	300–1	200–½
New Gloucester RBn	Augusta RBn	Direct	2500	C–dn	600–1	600–1	600–1½
				S–dn			
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 260° Outbnd, 080° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 080°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing AUG RBn, make right-climbing turn to 2000′ direct AUG RBn. Hold W of AUG RBn, 080° Inbnd, 1-minute right turns.
NOTE: Approach from a holding pattern not authorized. Procedure turn required.
CAUTION: 597′ antenna, 1.3 miles W of airport. 545′ terrain and trees 0.9 mile S of airport.
#Runway 17 departures: Climb on magnetic heading 150° to 1000′ before proceeding southwestbound.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—2200′; 180°–270°—2100′; 270°–360°—3600′.

City, Augusta; State, Maine; Airport name, Augusta State; Elev., 357′; Fac. Class., BII; Ident., AUG; Procedure No. NDB(ADF) Runway 8, Amdt. Orig.; Eff. date, 27 May 67

PROCEDURE CANCELED, EFFECTIVE 27 MAY 1967.

City, Bismarck; State, N. Dak.; Airport name, Bismarck Municipal; Elev., 1677′; Fac. Class., BII; Ident., BIS; Procedure No. 2, Amdt. 3; Eff. date, 20 Aug. 66; Sup. Amdt. No. 2; Dated, 19 Mar. 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bismarck VOR	LOM	Direct	3300	T-dn %	300–1	300–1	200–½
Lincoln Int	LOM	Direct	3300	C-d	500–1	500–1	500–1½
Bell Int	LOM	Direct	3300	C-n	500–1½	500–1½	500–1½
				S-dn-30	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 126° Outbnd, 306° Inbnd, 3300′ within 10 miles.
Crs and distance, facility to airport, 306°—5.8 miles.
Minimum altitude over LOM inbnd on final approach crs, 3000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing BI LOM, climb to 3800′ on 286° bearing from BI LOM within 10 miles, or when directed by ATC, make right-climbing turn to 3800′ on R 336° BIS VOR within 10 miles.
% When weather is below 1800–2 and aircraft is departing southwestbound, flight below 3900′ beyond 5 miles from airport is prohibited between radials 175° and 230°, inclusive of the BIS VOR, due to 3373′ tower, 10 miles SSW of airport.
MSA within 25 miles of facility: 270°–090°—3400′; 090°–180°—3300′; 180°–270°—4400′.

City, Bismarck; State, N. Dak.; Airport name, Bismarck Municipal; Elev., 1677′; Fac. Class., SBII/LOM; Ident., BI; Procedure No. NDB (ADF) Runway 30, Amdt. 19; Eff. date, 27 May 67; Sup. Amdt. No. ADF 1, Amdt. 18: Dated, 20 Aug. 66

10-mile Radar Fix, R 030°, BOS VORTAC	Revere Int, or 5-mile Radar Fix, R 030°, BOS VORTAC (final).	Direct	1200	T-dn %	300–1	300–1	200–½
				C-dn#	600–1	600–1	600–1½
Bedford RBn	OS LMM	Direct	2000	S-dn-22L**	600–1	600–1	600–1
Dorchester Int	OS LMM	Direct	2000	A-dn	800–2	800–2	800–2
Whitman VOR	OS LMM	Direct	2000				
Cohasset Int	OS LMM	Direct	2000				

Radar available.
Procedure turn E side of crs, 035° Outbnd, 215° Inbnd, 1500′ within 12 miles of OS LMM.
Minimum altitude over Revere Int or 5-mile Radar Fix on final approach crs, 1200′.
Crs and distance, Revere Int (5-mile Radar Fix) to airport, 215°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing Revere Int or passing BOS RBn climb straight ahead to 2000′, direct to BO LOM. Hold SW of BO LOM 035° Inbnd, 1-minute right turns, or when directed by ATC, make left-climbing turn to 2000′ direct E, Boston Int. Hold SE of E Boston Int, 293° Inbnd, 1-minute right turns.
CAUTION: 370′ stack (1.0 mile SW of airport), 505′ building (1.7 miles W of airport), 845′ building and antenna, 3.1 miles W of airport, 1349′ antennae, 10.5 miles W of airport.
%Departures from Runway 27, make left turn to heading 260° as soon as practicable after takeoff.
#No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800′.
**Reduction not authorized.
MSA within 25 miles of facility: 000°–180°—2000′; 180°–360°—2500′.

City, Boston; State, Mass.; Airport name, General Edward Lawrence Logan International; Elev., 19′; Fac. Class., LMM; Ident., OS; Procedure No. NDB (ADF) Runway 22L, Amdt. 7; Eff. date, 27 May 67; Sup. Amdt. No. ADF 2, Amdt. 6; Dated, 6 Aug. 66

DAL VORTAC	LOM	Direct	2000	T-dn	300–1	300–1	200–½
GSW VORTAC	LOM	Direct	2000	C-dn	900–1	900–1	900–1½
ADS VOR	LOM	Direct	2000	S-dn-31L	900–1	900–1	900–1
Forney Int	LOM	Direct	2000	A-dn	900–2	900–2	900–2
Desoto Int	LOM	Direct	2700				

Radar available.
Procedure turn S side of crs, 128° Outbnd, 308° Inbnd, 2000′ within 10 miles.
Minimum altitude over LOM on final approach crs, 2000′.
Crs and distance, facility to airport, 308°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles of LOM, climb to 2200′ on bearing 308° within 15 miles.
MSA within 25 miles of LOM: 000°–180°—2200′; 180°–270°—3400′; 270°–369°—2300′.

City, Dallas; State, Tex.; Airport name, Love Field; Elev., 485′; Fac. Class., LOM; Ident., LV; Procedure No. NBD (ADF) Runway 31L, Amdt. Orig.; Eff. date, 27 May 67

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Hartford VORTAC	Hartford RBn (final)	Direct	1200	T-dn	300–1	300–1	300–1
				C-dn	500–1	500–1	500–1½
				A-dn	NA	NA	NA

Radar available.
Procedure turn E side of crs, 195° Outbnd, 015° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 009°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing HFD RBn, make right-climbing turn to 2400′ direct HFD RBn. Hold S of HFD RBn, 015° Inbnd, 1-minute right turns.
NOTE: Approach from a holding pattern not authorized. Procedure turn required.
CAUTION: 580′ building, 2 miles NW of airport.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—2100′; 180°–270°—2300′; 270°–360°—2700′.

City, East Hartford; State, Conn.; Airport name, Rentschler Field; Elev., 45′; Fac. Class., MIIW; Ident., HFD; Procedure No. NDB (ADF) Runway 36, Amdt. 1; Eff. date 27 May 67; Sup. Amdt. No. ADF 1, Orig.; Dated, 28 Sept. 63

MAF VOR	LOM	Direct	4600	T-dn	300–1	300–1	*200–½
Goldsmith Int	LOM (final)	Direct	4600	C-dn	400–1	500–1	500–1½
Penwell Int	LOM	Direct	5000	S-dn-10	400–1	400–1	400–1
Mustang Int	LOM	Direct	5000	A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 283° Outbnd, 103° Inbnd, 4600′ within 10 miles.
Minimum altitude over facility on final approach crs, 4600′.
Crs and distance, facility to airport, 103°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing LOM, climb to 4500′ on bearing 103° from LOM within 20 miles.
*300–1 required for takeoffs on Runways 16L and 34R.
MSA within 25 miles of facility: 270°–090°—5100′; 090°–180°—4400′; 180°–270°—5500′.

City, Midland; State, Tex.; Airport name, Midland-Odessa Regional; Elev., 2867′; Fac. Class., LOM; Ident., MA; Procedure No. NDB (ADF) Runway 10, Amdt. 1; Eff. date, 27 May 67; Sup. Amdt. No. ADF 1, Orig.; Dated, 18 Aug. 62

Providence VOR	Westport Int	Direct	2000	T-dn	300–1	300–1	200–½
Westport Int	EW LOM (final)	Direct	1400	C-dn*	500–1	500–1	500–1½
Coastal Int	EW LOM	Direct	1500	S-dn-5*	500–1	500–1	500–1
				A-dn*	800–2	800–2	800–2

Radar available.
Procedure turn S side of crs, 233° Outbnd, 053° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 053°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing EW LOM, make left-climbing turn to 1500′. Return to the EW LOM. Hold SW, 053° Inbnd, 1-minute right turns.
NOTE: Use Providence altimeter setting when control zone not effective.
*When control zone not effective alternate minimums not authorized, ceiling minimum of 600′ required. Facility must be monitored aurally during hours control zone not effective.
MSA within 25 miles of facility: 000°–180°—1500′; 180°–360°—2200′.

City, New Bedford; State, Mass.; Airport name, New Bedford Municipal; Elev., 79′; Fac. Class., LOM; Ident., EW; Procedure No. NDB (ADF) Runway 5, Amdt. 2; Eff. date, 27 May 67; Sup. Amdt. No. NDB (ADF) Runway 5, Amdt. 1; Dated, 18 Feb. 67

Rochelle Int	LOM (final)	Direct	2000	T-dn	300–1	300–1	200–½
PLL VOR	LOM	Direct	2500	C-dn	400–1	500–1	500–1½
RFD VOR	LOM	Direct	2000	S-dn-36	400–1	400–1	400–1
Belvedere Int	LOM	Direct	2500	A-dn	800–2	800–2	800–2
JVL VOR	LOM	Direct	*2500				
Malta Int	LOM	Direct	2500				
Creston Int	Final approach crs	Via R 150° RFD VOR.	2000				

Procedure turn W side of crs, 182° Outbnd, 002° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 002°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make left-climbing turn to 2500′ and proceed direct to RFD VOR, or when directed by ATC, make left-climbing turn to 2000′ direct to LOM.
*2000′ after passing RFD VOR R 090°.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—2500′; 180°–270°—2300′; 270°–360°—2600′.

City, Rockford; State, Ill.; Airport name, Greater Rockford; Elev., 735′; Fac. Class., LOM; Ident., RF; Procedure No. NDB (ADF) Runway 36, Amdt. 8; Eff. date, 27 May 67; Sup. Amdt. No ADF 1, Amdt. 7; Dated, 20 Mar. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
GEG VOR	GE LOM	Direct	4900	T-dn%	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-21	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 025° Outbnd, 205° Inbnd, 4800′ within 10 miles.
Minimum altitude over facility on final approach crs, 3500′.
Crs and distance, facility to airport, 205°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing GE LOM, climb direct GEG VOR, continue climb on R 207° to 4000′ within 10 miles of GEG VOR, or when directed by ATC, turn right, climb direct to GE LOM, thence continue climb to 4800′ in holding pattern NE of GE LOM.
%Takeoffs all runways: Climb direct GEG VOR, thence continue climb on R 207° GEG VOR within 10 miles so as to cross GEG VOR at or above: Eastbound, V-2, 4200′; northeastbound, V-2N, 3900′; southeastbound, V2S, 4700′.
MSA within 25 miles of facility: 000°–090°—7100′; 090°–180°—6300′; 180°–270°—4100′; 270°–360°—5100′.

City, Spokane; State, Wash.; Airport name, Spokane International; Elev., 2372′; Fac. Class., LOM; Ident., GE; Procedure No. NDB (ADF) Runway 21, Amdt. 8; Eff. date, 27 May 67; Sup. Amdt. No. ADF 1, Amdt. 7; Dated, 5 Feb. 66

TLH Temp. RBn	TL RBn (OM)	Direct	1800	T-dn	300–1	300–1	200–½
Havana Int	TL RBn (OM)	Direct	1800	C-dn	400–1	500–1	500–1½
Helen Int	TL RBn (OM)	Direct	1900	S-dn-36	400–1	400–1	400–1
Creek Int	TL RBn (OM)	Direct	1800	A-dn	800–2	800–2	800–2
Teresa Int	Ivan Int	Direct	1800				
Ivan Int	TL RBn (OM) (final)	Direct	1200				
Blountstown Int	TL RBn (OM)	Direct	1900				
St. Marks Int	TL RBn (OM)	Direct	1800				
Cody Int	TL RBn (OM)	Direct	1800				
GEF VOR	TL RBn (OM)	Direct	1800				

Procedure turn E side of crs, 178° Outbnd, 358° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 358°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb straight ahead to 1800′ on a crs of 358° from LOM within 15 miles, or turn right, climbing to 1800′ and proceed on crs of 063° to TLH Temp. RBn.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—1400′; 180°–270°—1900′; 270°–360°—1900′.

City, Tallahassee; State, Fla.; Airport name, Municipal; Elev., 82′; Fac. Class., H-SAB; Ident., TL; Procedure No. NDB (ADF) Runway 36, Amdt. 7; Eff. date, 27 May 67; Sup. Amdt. No. ADF 1, Amdt. 6; Dated, 31 Dec. 66

King Int	LOM	Direct	2500	T-dn	300–1	300–1	200–½
Pine Hall Int	LOM	Direct	2400	C-dn	500–1	500–1	500–1½
Thomas Int	LOM (final)	Direct	2200	S-dn-33	400–1	400–1	400–1
Wallburg Int	LOM (final)	Direct	2200	A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 148° Outbnd, 328° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 328°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2500′, proceed to King Int, via 328° crs from IN LOM, or when directed by ATC, turn left, climbing to 2500′, proceeding to Yadkin Int via R 283° GSO VOR.
CAUTION: 308′ antenna, 16 miles NW of airport.
MSA within 25 miles of facility: 000°–090°—3600′; 090°–180°—4100′; 180°–270°—3400′; 270°–360°—5100′.

City, Winston-Salem; State, N.C.; Airport name, Smith Reynolds; Elev., 969′; Fac. Class., LOM; Ident., IN; Procedure No. NDB (ADF) Runway 33, Amdt. 11; Eff. date, 27 May 67; Sup. Amdt. No. NDB (ADF) Runway 33, Amdt. 10; Dated, 21 Jan. 67

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 151°, counterclockwise	R 061°	10-mile DME	3000	T-dn	300–1	300–1	200–½
R 331°, clockwise	R 061°	10-mile DME	3000	C-d	700–1	700–1	700–1½
10-mile DME, R 061°	OCR VORTAC (final)	R 061°	3000	C-n	700–2	700–2	700–2
				A-dn	NA	NA	NA
				If Harold Int received, minimums become:			
				C-dn	500–1	500–1	500–1½

Radar available.
No procedure turn authorized.
Minimum altitude over facility on final approach, 3000′; over Harold Int, 1700′.
Crs and distance, facility to airport, 241°—9.7 miles; Harold Int to airport, 241°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.7 miles after passing OCR VOR, make climbing right turn to 3000′ and proceed to Crabapple Int via REG VOR, R 344°.
NOTE: Pilots must cancel IFR flight plan with Atlanta APC when landing is assured or immediately upon landing while the control tower is not in operation. No weather reporting facilities available. Air Carrier use not authorized.
MSA within 25 miles of facility: 000°–360°—3100′.

City, Atlanta; State, Ga.; Airport name, DeKalb-Peachtree; Elev., 1002′; Fac. Class., BVORTAC; Ident., OCR; Procedure No. VOR-1, Amdt. 6; Eff. date, 27 May 67; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 14 Nov. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn%--	500-1	500-1	500-1
				C-dn--	1400-1	1400-1	1400-1½
				A-dn--	1400-2	1400-2	1400-2

Descend in 1-minute right-turn holding pattern SE of BKE VOR on R 118° to 7000'.
Procedure turn N side of crs, 298° Outbnd, 118° Inbnd, 6300' within 10 miles.
Minimum altitude over facility on final approach crs, 4800'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of BKE VOR, make immediate right turn, climb to 7000' on R 300°, BKE VOR within 15 miles. All maneuvering N side of R 300°.
CAUTION: High terrain all quadrants.
%Takeoffs all runways: Climb visually over the airport to 3900', climb on R 297°, BKE VOR within 10 miles to cross BKE VOR at or above: Southeastbound, V4, V48, 7000'; westbound, V182, 10,200'; northwestbound, V4, 7000'. All maneuvering N side R 297°, BKE VOR.
MSA within 25 miles of facility: 000°-090°—10,600'; 090°-180°—8200'; 180°-270°—10,200'; 270°-360°—10,000'.

City, Baker; State, Oreg.; Airport name, Baker Municipal; Elev., 3368'; Fac. Class., L-BVORTAC; Ident., BKE; Procedure No. VOR Runway 12, Amdt. 3; Eff. date, 27 May 67; Sup. Amdt. No. VOR-12, Amdt. 2; Dated, 14 Aug. 65

Bismarck LOM--	BIS VOR--	Direct--	3400	T-dn%--	300-1	300-1	200-½
R 050°, BIS VOR clockwise--	R 093°, BIS VOR--	Via 7-mile DME Arc.	3400	C-d--	500-1	500-1	500-1½
R 192°, BIS VOR counterclockwise--	R 093°, BIS VOR--	Via 7-mile DME Arc.	3400	C-n--	500-1½	500-1½	500-1½
7-mile DME Fix, R 093°--	BIS VOR (final)--	Direct--	2700	A-dn--	800-2	800-2	800-2

Procedure turn N side of crs, 093° Outbnd, 273° Inbnd, 3400' within 10 miles.
Minimum altitude over facility on final approach crs, 2700'.
Crs and distance, facility to airport, 273°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing BIS VOR, climb to 4000' on R 263°, BIS VOR within 10 miles.
Final approach from holding pattern at VOR not authorized, procedure turn required.
%When weather is below 1800-2 and aircraft is departing southwestbound, flight below 3900' beyond 5 miles from airport is prohibited between radials 175° and 230°, inclusive of the BIS VOR due to 3373' tower, 10 miles SSW of airport.
MSA within 25 miles of facility: 270°-090°—3400'; 090°-270°—4400'.

City, Bismarck; State, N. Dak.; Airport name, Bismarck Municipal; Elev., 1677'; Fac. Class., L-BVORTAC; Ident., BIS; Procedure No. VOR-1, Amdt. 10; Eff. date, 27 May 67; Sup. Amdt. No. VOR 1, Amdt. 9; Dated, 29 Oct. 66

R 187°, clockwise--	R 277°--	10-mile DME Orbit.	1800	T-dn--	300-1	300-1	200-½
R 007°, counterclockwise--	R 277°--	10-mile DME Orbit.	1800	C-d--	600-1	600-1	600-1½
10-mile DME, R 277°--	UBS VORTAC--	Direct--	1800	C-n--	600-2	600-2	600-2
				A-dn*--	NA	NA	NA
				DME minimums:			
				C-dn--	500-1	500-1	500-1½

Radar available.
Procedure turn S side of crs, 277° Outbnd, 097° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'; at 3-mile DME Fix 800'.
Crs and distance, facility to airport, 097°—6.8 miles; 3-mile DME Fix to airport, 097°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing UBS VORTAC, climb to 1800', R 097°, within 15 miles.
NOTE: (1) Weather service not available to public. (2) Use TCL altimeter setting.
*AIR CARRIER NOTE: Alternate minimums dn 800-2 authorized for air carriers only.
MSA within 25 miles of facility: 000°-360°—1900'.

City, Columbus; State, Miss.; Airport name, Columbus-Lowndes County; Elev., 187'; Fac. Class., BVORTAC; Ident., UBS; Procedure No. VOR-1, Amdt. 5; Eff. date, 27 May 67; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 5 Feb. 66

				T-dn--	300-1	300-1	300-1
				C-dn--	600-1	600-1	600-1½
				A-dn--	800-2	800-2	800-2
				DME minimums:			
				S-d-12--	600-1	600-1	600-1

Procedure turn S side of crs, 299° Outbnd, 119° Inbnd, 2900' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
DME: Minimum altitude over 2-mile DME Fix, R 299°, 1600'; over facility, 1300'.
Crs and distance, facility to airport, 119°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing CON VORTAC or over 3-mile DME Fix, R 119°, make right-climbing turn to 2900' direct CON VORTAC. Hold NW of CON VORTAC, 1-minute right turns, 119° Inbnd.
NOTE: Approach from a holding pattern not authorized, procedure turn required.
MSA within 25 miles of facility: 000°-090°—3500'; 090°-180°—3000'; 180°-270°—3500'; 270°-360°—4000'.

City, Concord; State, N.H.; Airport name, Concord Municipal; Elev., 345'; Fac. Class., L-BVORTAC; Ident., CON; Procedure No. VOR Runway 12, Amdt. 8; Eff. date, 27 May 67; Sup. Amdt. No. VOR Runway 12, Amdt. 7; Dated, 8 Apr. 67

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 200°, counterclockwise	R 120°	Via 8-mile DME Arc.	1700	T-d	300-1	300-1	NA
				C-d	600-1	600-1	NA
R 091°, clockwise	R 120°	Via 8-mile DME Arc.	1700	S-d-31	600-1	600-1	NA
				A-dn*	NA	NA	NA
8-mile Arc, R 120°	CTY VOR (final)	Via R 120°	1700				

Procedure turn N side of crs, 120° Outbnd, 300° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 300°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing CTY VORTAC, climb to 1700′ on R 300° within 15 miles.
NOTE: Use Gainesville altimeter setting.
*Weather not available to the public.
MSA within 25 miles of facility: 000°-360°—1400′.

City, Cross City; State, Fla.; Airport name, Cross City; Elev., 42′; Fac. Class., L-BVORTAC; Ident., CTY; Procedure No. VOR Runway 31, Amdt. 10; Eff. date, 27 May 67; Sup. Amdt. No. VOR 1, Amdt. 9; Dated, 13 Oct. 66

HSV VOR	DCU VOR	Direct	2600	T-dn	300-1	300-1	300-1
				C-d	400-1	500-1	500-1½
				C-n	600-2	600-2	600-2
				S-dn-18#	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 2000′ within 10 miles.
Minimum altitude over R 250°, HSV VOR on final approach crs, 1200′; over facility, #1000′.
Facility on airport; R 250°, HSV VOR to airport, 3.8 miles.
Crs and distance, breakoff point to approach end of Runway 18, 176°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2200′ on R 175° within 10 miles.
#If R 250°, HSV VOR not received, descent below 1200′ not authorized.
*Alternate minimums authorized for air carriers only. Weather service not available to the general public. Use Huntsville, Ala., altimeter setting.
MSA within 25 miles of facility: 000°-090°—3000′; 090°-180°—2600′; 180°-270°—2300′; 270°-360°—2000′.

City, Decatur; State, Ala.; Airport name, Pryor Field; Elev., 592′; Fac. Class., BVOR; Ident., DCU; Procedure No. VOR Runway 18, Amdt. 3; Eff. date, 27 May 67; Sup. Amdt. No. TerVOR-18, Amdt. 2; Dated, 14 Mar. 64

5-mile DME Fix, R 143°	Hartford VORTAC (final)	Direct	2100	T-dn	300-1	300-1	300-1
				C-dn	1000-1½	1000-1½	1000-2
				A-dn	NA	NA	NA
				VOR/DME or ADF minimums:			
				C-dn	500-1	500-1	500-1½
				S-du-36	500-1	500-1	500-1

Radar available.
Procedure turn E side of crs, 167° Outbnd, 347° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′; over 4-mile DME Fix, R 347° or Hopewell Int, 1045′.
Crs and distance, facility to airport, 347°—7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7 miles after passing HFD VORTAC, make right-climbing turn to 2400′ direct HFD VORTAC. Hold SE of HFD VORTAC, 1-minute right turns, 323° Inbnd.
CAUTION: 680′ building 2 miles NW of airport.
MSA within 25 miles of facility: 000°-090°—2300′; 090°-180°—2100′; 180°-270°—2100′; 270°-360°—2500′.

City, East Hartford; State, Conn.; Airport name, Rentschler Field; Elev., 45′; Fac. Class., L-BVORTAC; Ident., HFD; Procedure No. VOR Runway 36, Amdt. 1; Eff. date 27 May 67; Sup. Amdt. No. VOR 1, Orig.; Dated, 7 Sept. 63

15-mile DME Fix, R 080°, ITO VORTAC	5.9-mile DME Fix, R 080° ITO VORTAC.	Direct	1000	T-dn*	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
Hibiscus Int	Bayview Int	Direct	1500	S-dn-26#	400-1	400-1	400-1
5.9-mile DME Fix, R 080° (Bayview Int)	ITO VORTAC (final)	Direct	400	A-dn	800-2	800-2	800-2
R 323° ITO VORTAC	R 080° ITO VORTAC	Via 15-mile CW DME Arc.	1500				

Procedure turn S side of crs, 080° Outbnd, 260° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs 400′.
Crs and distance, facility to airport 259°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1 mile (1-mile DME Fix, R 259°) after passing ITO VORTAC, turn right and climb to 3000′ on R 355° within 20 miles, turn right, return to VOR on R 355°, hold E on R 080°, left turns.
CAUTION: Gradually rising terrain westerly quadrants.
*400-1 required Runway 26 with right turn after takeoff.
#400-¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojets.
MSA within 25 miles of facility: 030°-120°—1200′; 120°-210°—7000′; 210°-300°—15,800′; 300°-030°—8000′.

City, Hilo; State, Hawaii; Airport name, General Lyman Field; Elev., 37′; Fac. Class., H-BVORTAC; Ident., ITO; Procedure No. VOR Runway 26, Amdt. 1; Eff. date 27 May 67; Sup. Amdt. No. VOR/DME No. 2, Orig.; Dated, 4 Dec. 65

Huntingdon Int	AOO VOR	Direct	4100	T-dn	900-1	900-1	900-1
				C-d	900-1	900-2	900-2
				C-n	900-2	900-3	900-3
				A-dn	1500-2	1500-3	1500-3

Procedure turn W side of crs, 033° Outbnd, 213° Inbnd, 3600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 213°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing the AOO VOR, climb straight ahead on the R 213° of the Altoona VOR to 3600′ within 10 miles, return to AOO VOR, hold northeast, 1-minute right turns, 213° Inbnd.
AIR CARRIER NOTES: Reduction in visibility not authorized below 1 mile for 65 knots or less aircraft; not authorized below 2 miles for aircraft of more than 65 knots.
MSA within 25 miles of facility: 270°-180°—3900′; 180°-270°—4200′.

City, Martinsburg; State, Pa.; Airport name, Blair County; Elev., 1504′; Fac. Class., T-VOR; Ident., AOO; Procedure No. VOR-1, Amdt. 3; Eff. date, 27 May 67; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 10 Dec. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 225°, clockwise	R 310°	10 DME Orbit	2000	T-dn	300–1	300–1	200–½
R 045°, counterclockwise	R 310°	10 DME Orbit	2000	C-dn	500–1	600–1	600–1½
10-mile DME, R 310°	MEI VORTAC (final)	R 310°	1600	A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 130°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing MEI-VORTAC turn right, climb to 2000′ on R 225° MEI VORTAC within 15 miles, or when directed by ATC, turn right, climb to 2000′ on R 170° MEI VORTAC within 15 miles.
CAUTION: Trees 600′, 2 miles E of airport. 1000′ tower, 2.5 miles E of airport. 880′ tower, 4.2 miles SE of airport.
MSA within 25 miles of facility: 000°–180°—2100′; 180°–270°—1700′; 270°–360°—1600′.

City, Meridian; State, Miss.; Airport name, Key Field; Elev., 297′; Fac. Class., BVORTAC; Ident., MEI; Procedure No. VOR–1, Amdt. 7; Eff. date, 27 May 67; Sup. Amdt. No. VOR 1, Amdt. 6; Dated, 12 Mar. 66

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn–17*	500–1	500–1	500–1
				A-dn#	800–2	800–2	800–2

Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, breakoff point to Runway 17, 170°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of HEZ VOR, climb to 1800′ on R 186° of HEZ VOR within 15 miles.
NOTE: Use McComb, Miss., altimeter setting.
CAUTION NOTE: Tower 450′, 2 miles WSW of airport.
*Reduction below ¾ mile not authorized.
#Alternate minimums authorized for air carriers only. Weather service not available to the general public.
MSA within 25 miles of facility: 000°–360°—2000′.

City, Natchez; State, Miss.; Airport name, Hardy-Anders; Elev., 272′; Fac. Class., BVOR; Ident., HEZ; Procedure No. VOR Runway 17, Amdt. 3; Eff. date, 27 May 67; Sup. Amdt. No. TerVOR–17, Amdt. 2, Dated, 2 Oct. 65

R 126°, AYS VOR clockwise	R 296°	Via 8-mile DME arc.	2200	T-dn	300–1	300–1	200–½
R 009°, AYS VOR counterclockwise 8-mile arc, R 296°.	R 296°	Via 8-mile DME arc.	2200	C-dn*	700–1	700–1	700–1½
	AYS VOR (final)	Via R 296°	1900	A-dn*	NA	NA	NA
				DME minimums:			
				C-dn*	600–1	600–1	600–1½

Procedure turn N side of crs 296° Outbnd, 116° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′; over Fairfax DME Fix, 842′.
Crs and distance, facility to airport, 099°—8.1 miles; Fairfax DME Fix, 099°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.1 miles after passing AYS VORTAC or 4.6 miles after passing Fairfax DME Fix, make climbing left turn to 2200′, return to AYS VORTAC and hold NW.
NOTES: (1) This procedure usable only between the hours of 0600 and 2200 when Ahna FSS is in operation, except scheduled air carrier with approved communication service. (2) *Circling minimums VOR and DME reduction of 100′ and alternate minimums day/night 800′ is authorized for air carriers only. (3) Use Ahna, Ga., altimeter setting. Weather service not available to the general public.
MSA within 25 miles of facility: 000°–360°—2300′.

City, Waycross; State, Ga.; Airport name, Waycross-Ware County; Elev., 142′; Fac. Class., L-BVORTAC; Ident., AYS; Procedure No. VOR–1, Amdt. 1; Eff. date, 27 May 67; Sup. Amdt. No. VOR–1, Orig.; Dated, 28 Jan. 67

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10-mile DME Fix, R 118°	BKE VOR	Direct	7200	T-dn%	500–1	500–1	500–1
10-mile DME Fix, R 133°	BKE VOR	Direct	7200	C-dn	500–1	500–1	500–1½
20-mile DME Fix, R 275°	20-mile DME Fix, R 298°	20-mile Arc CW	10,000	S-dn–12	400–1	400–1	400–1
20-mile DME Fix, R 325°	20-mile DME Fix, R 298°	20-mile Arc CCW	9000	A-dn	1000–2	1000–2	1000–2
20-mile DME Fix, R 298°	15-mile DME Fix, R 298°	Direct	8000				
15-mile DME Fix, R 298°	11-mile DME Fix, R 298°	Direct	6500				
11-mile DME Fix, R 298°	6-mile DME Fix, R 298°	Direct	5000				
6-mile DME Fix, R 298°	3-mile DME Fix, R 298°	Direct	4600				
3-mile DME Fix, R 298°	0-mile DME Fix, R 298°	Direct	3800				

Procedure turn N side of crs, 298° Outbnd, 118° Inbnd, 6500′ within 11 miles.
Minimum altitude over 15-mile DME Fix on final approach crs, 8000′; over 11-mile DME Fix, 6500′; over 6-mile DME Fix, 5000′; over 3-mile DME Fix, 4600′; over facility, 3800′.
Final approach crs 450′ left of runway centerline at 3000′ from approach end of runway. Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of BKE VOR, make immediate right turn, climb to 7000′ on R 300° BKE VOR within 15 miles. All maneuvering N side of R 300°.
CAUTION: High terrain all quadrants.
%Takeoffs all runways: Climb visually over the airport to 3900′, climb on R 297°, BKE VOR within 10 miles to cross BKE VOR at or above: Southeastbound, V4, V48, 7000′; westbound, V182, 10,200′; northwestbound, V4, 7000′. All maneuvering N side R 297°, BKE VOR.
MSA within 25 miles of facility: 000°–090°—10,600′; 090°–180°—8200′; 180°–270°—10,200′; 270°–360°—10,000′.

City, Baker; State, Oreg.; Airport name, Baker Municipal; Elev., 3368′; Fac. Class., L-BVORTAC; Ident., BKE; Procedure No. VOR/DME Runway 12, Amdt. 3; Eff. date, 27 May 67; Sup. Amdt. No. VOR/DME 1, Amdt. 2; Dated, 14 Aug. 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
GNI VORTAC	17-mile DME Fix, R 044°	044°—17 miles	1500	T-d	300–1	300–1	300–1
27-mile DME Fix, R 044°	17-mile DME Fix, R 044° (final)	224°—5 miles	1000	C-d*	500–1	500–1	500–1½
				A	NA	NA	NA
				The following minimums authorized if Grand Isle altimeter setting is used:			
				C-d	400–1	500–1	500–1½

Procedure turn N side of crs, 044° Outbnd, 224° Inbnd, 1500′ within 10 miles of 17-mile DME Fix.
Minimum altitude over FAF (17-mile DME Fix) on final approach crs, 1000′.
Crs and distance, FAF to airport, 224°—5 miles; breakoff point 12-mile DME Fix.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished upon reaching 12-mile DME Fix, R 044°, climb to 1500′ on crs 224° to GNI VORTAC.
NOTES: (1) No weather service available. (2) Seaplanes only (no runways available).
CAUTION: 324′ radio tower located on NE end of Grand Isle.
*Use New Orleans altimeter setting if Grand Isle altimeter setting is not available.
MSA within 25 miles of facility: 000°–360°—1400′.

City, Grand Isle; State, La.; Airport name, Grand Isle Seaplane Base; Elev., 0′; Fac. Class., H-BVORTAC; Ident., GNI; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 27 May 67

10-mile DME Fix ITO VORTAC, R 323°	7-mile DME Fix ITO VORTAC, R 323°.	Direct	2500	T-dn*	300–1	300–1	200–½
7-mile DME Fix, R 323°	1-mile DME Fix, R 323° (final)	Direct	600	C-dn	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn not authorized.
Straight-in to facility from 10-mile DME Fix, R 323° only.
Minimum altitude over 7-mile DME Fix, 2500′; over 1-mile DME Fix, R 323°, 600′, on final approach crs.
Crs and distance, facility to airport, 259°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1-mile DME Fix, R 323°, turn left and climb to 3000′ on R 355° within 20 miles, turn right, return to VOR on R 355°, hold E on R 080°, left turns.
NOTE: DME required for execution of this approach.
CAUTION: Gradually rising terrain westerly quadrants.
*400–1 required Runway 26 with right turn after takeoff.
MSA within 25 miles of facility: 030°–120°—1200′; 120°–210°—7000′; 210°–300°—15,800′; 300°–030°—8000′.

City, Hilo; State, Hawaii; Airport name, General Lyman Field; Elev., 37′; Fac. Class., H-BVORTAC; Ident., ITO; Procedure No. VOR/DME-1, Amdt. 1; Eff. date, 27 May 67; Sup. Amdt. No. VOR/DME No. 1, Orig.; Dated, 4 Dec. 65

8-mile DME Fix, R 241°, counterclockwise	8-mile DME Fix, R 207°	Via 8-mile DME Arc.	4600	T-dn%	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
20-mile DME Fix, R 073°	8-mile DME Fix, R 073°	Direct	6500	S-dn-3#	400–1	400–1	400–1
8-mile DME Fix, R 073°, clockwise	8-mile DME Fix, R 207°	Via 8-mile DME Arc.	4500	A-dn	800–2	800–2	800–2

Radar available.
Procedure turn E side of crs, 207° Outbnd, 027° Inbnd, 4000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3700′; over 2.5-mile DME Fix, R 027°, 2900′.
Crs and distance, facility to airport, 027°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing GEG VOR, climb on R 026° to GE LOM, thence continue climb to 4800′ in holding pattern on R 026° NE of GE LOM, or when directed by ATC, turn left, climb direct GEG VOR, continue climb on R 207°, GEG VOR to 4000′.
#400–¾ authorized with operative HIRL's except for 4-engine turbojets.
%Takeoffs all runways: Climb direct GEG VOR, thence continue climb on R 207°, GEG VOR within 10 miles so as to cross GEG VOR at or above: Eastbound, V–2, 4200′; northeastbound V–2N, 3900′; southeastbound V–2S, 4700′.
MSA within 25 miles of facility: 000°–090°—6300′; 090°–180°—5100′; 180°–270°—4100′; 270°–360°—5100′.

City, Spokane; State, Wash.; Airport name, Spokane International; Elev., 2372′; Fac. Class., H-BVORTAC; Ident., GEG; Procedure No. VOR/DME Runway 3, Amdt. 6; Eff. date, 27 May 67; Sup. Amdt. No. VOR/DME 1, Amdt. 5; Dated, 27 May 65

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bismarck VOR	LOM	Direct	3300	T-dn%	300–1	300–1	200–½
10-mile DME Fix, R 140°	LOM (final)	Direct	3300	C-d	500–1	500–1	500–1½
Lincoln Int	LOM	Direct	3300	C-n	500–1½	500–1½	500–1½
Bell Int	LOM	Direct	3300	S-dn-30#	200–½	200–½	200–½
R 050°, BIS VOR clockwise	R 140°, BIS VOR	Via 10-mile DME Arc.	3300	A-dn	600–2	600–2	600–2

Procedure turn E side of crs, 126° Outbnd, 306° Inbnd, 3300′ within 10 miles.
Minimum altitude at glide slope intereception inbnd, 3300′.
Altitude of glide slope and distance to approach end of runway at OM 3260′—5.8 miles; at MM 1830′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, climb to 3800′ on 286° bearing from BI LOM within 10 miles, or when directed by ATC, make right-climbiug turn to 3800′ on R 336°, BIS VOR within 10 miles.
%When weather is below 1800–2 and aircraft is departing southwestbound, flight below 3900′ beyond 5 miles from airport is prohibited between radials 175° and 230°, inclusive of the BIS VOR due to 3373′ tower, 10 miles SSW of airport.
#300–¾ required when glide slope not utilized. 300–½ authorized with operative ALS except for 4-engine turbojet.
MSA within 25 miles of LOM: 270°–090°—3400′; 090°–180°—3300′; 180°–270°—4400′.

City, Bismarck; State, N. Dak.; Airport name, Bismarck Municipal; Elev., 1677′; Fac. Class., ILS; Ident., I–BIS; Procedure No. ILS Runway 30, Amdt. 20; Eff. date, 27 May 67; Sup. Amdt. No. ILS–30, Amdt. 19; Dated, 20 Aug. 66

DAL VORTAC	LOM	Direct	2000	T-dn#	300–1	300–1	200–½
GSW VORTAC	LOM	Direct	2000	C-dn	500–1	600–1	600–1½
ADS VOR	LOM	Direct	2000	S-dn-31L	300–¾	300–¾	300–¾
Forney Int	LOM	Direct	2000	A-dn	600–2	600–2	600–2
Desoto Int	LOM	Direct	2700	Minimums without glide slope:			
				C-dn	900–1	900–1	900–1½
				S-dn-31L	900–1	900–1	900–1

Radar available.
Procedure turn S side of crs, 128° Outbnd, 308° Inbnd, 2000′ within 10 miles.
Minimum altitude over OM on final approach crs, 2000′.
Crs and distance, facility to airport, 308°—4.9 miles.
Minimum altitude at glide slope interception inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 2000′—4.9 miles; at MM, 687′—0.6 mile.
If visual contact not established upou descent to authorized landing minimums or if landing not accomplished climb to 2200′ on crs 308° within 20 miles.
#RVR 2400′ authorized Runway 13L.
MSA within 25 miles of LOM: 000°–180°—2200′; 180°–270°—3400′; 270°–360°—2300′.

City, Dallas; State, Tex.; Airport name, Love Field; Elev., 485′; Fac. Class., ILS; Ident., I–LVF; Procedure No. ILS Runway 31L, Amdt. Orig.; Eff. date, 27 May 67

Walnut Int	Bassett Int	Direct	3500	T-dn%¢	300–1	300–1	200–½
Bassett Int	Downey FM/NDB/Int	Direct	3500	C-dn	500–1	600–1	600–1½
Downey FM/NDB/Int	LOM (final)	Direct	1800	S-dn-25R*	200–½	200–½	200–½
La Habra Int	Downey FM/NDB/Int	Direct	3500	A-dn	600–2	600–2	600–2
LGB VOR	Downey FM/NDB/Int	Direct	3000				
LAX VOR	LOM	Direct	3000				
Tower Int	LOM	Direct	4000				

Radar available.
Procedure turn S side of crs, 068° Outbnd, 248° Inbnd, 3000′ within 10 miles of LOM.
Minimum altitude at glide slope interception inbnd, 2000′ (aircraft will maintain 3000′ until intercepting glide slope unless otherwise advised by ATC).
Altitude of glide slope and distance to approach end of runway at LOM, 1883′—5.4 miles; at LMM, 323′—0.5 miles (LOM and LMM located 750′ to left of runway centerline).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on W crs LAX ILS within 15 miles of LOM.
NOTE: If glide slope not received, minimums shall be 500–¾ (500–½ RVR 2400′ authorized, with operative ALS, except for 4-engiue turbojets).
%Northbound (280° clockwise 060°) IFR departures: Unless otherwise directed by ATC, published SID's must be used.
¢RVR 2400′ authorized Runways 25L/R and 7L/R.
*RVR 2400′. Descent below 326′ not authorized unless approach lights are visible.

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126′; Fac. Class., ILS; Ident., I–LAX; Procedure No. ILS Runway 25R, Amdt. 6; Eff. date, 27 May 67; Sup. Amdt. No. ILS–25R, Amdt. 5; Dated, 16 Oct. 65

MAF VORTAC	LOM	Direct	4600	T-dn	300–1	300–1	*200–½
Goldsmith Int	LOM (final)	Direct	4600	C-dn	400–1	500–1	500–1½
Penwell Int	LOM	Direct	5000	S-dn-10#	200–½	200–½	200–½
Mustang Int	LOM	Direct	5000	A-dn	600–2	600–2	600–2
INK VORTAC R 065°	MAF ILS (FC)	Direct	5500				
INT INK, R 065° and MAF ILS (FC)	LOM (final)	Direct	4600				

Procedure turn W side of crs, 283° Outbnd, 103° Inbnd, 4600′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 4600′.
Minimum altitude over LOM on final approach crs, 4533′.
Crs and distance, facility to airport, 103°—6.1 miles.
Altitude of glide slope and distance to approach end of runway at OM, 4533′—6.1 miles; at MM, 3055′—0.6 mile.
If visual contact not established upou descent to authorized landing minimums or if landing not accomplished climb to 4500′ on E crs ILS (103°) within 20 miles or turn right, climb to 4500′ on MAF VORTAC, R 150° within 20 miles.
*300–1 required Runways 16L and 34R.
#300–½ authorized when glide slope not utilized and with operative ALS except for 4-engine turbojets.
MSA within 25 miles of LOM: 270°–090°—5100′; 090°–180°—4400′; 180°–270°—5500′.

City, Midland; State, Tex.; Airport name, Midland-Odessa Regional; Elev., 2867′; Fac. Class., ILS; Ident., I–MAF; Procedure No. ILS Runway 10, Amdt. 2; Eff. date, 27 May 67; Sup. Amdt. No. ILS–10, Amdt. 1; Dated, 22 Dec. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Rochelle Int	LOM (final)	Direct	2000	T-dn**	300-I	300-I	200-½
PLL VOR	LOM	Direct	2500	C-dn	400-1	500-I	500-1½
RFD VOR	LOM	Direct	2000	S-dn-36¢$	200-½	200-½	200-½
Belvedere Int	LOM	Direct	2500	A-dn	600-2	600-2	600-2
JVL VOR	LOM	Direct	*2500				
Malta Int	LOM	Direct	2500				
Creston Int	South crs ILS (final)	Via R 150°, RFD VOR.	2000				
RFD VOR, R 240°, counterclockwise	RFD VOR, R 158°	Via 15-mile DME Arc.	2000				
15-mile DME Fix RFD VOR, R 158°	LOM (final)	Direct	2000				

Procedure turn W side of crs, 182° Outbnd, 002° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope intercception inbnd, 2000'.
Altitude at glide slope and distance to approach end of runway at LOM, 1966'—4.5 miles; at MM, 923'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make left-climbing turn to 2500', proceed direct to RFD VOR, or when directed by ATC, (1) climb to 2500' on N crs of ILS within 10 miles, (2) make left-climbing turn to 2000' direct to LOM.
¢300-¾ required when glide slope not utilized, and 300-½ authorized with operative ALS except for 4-engine turbojets.
*2000' after passing RFD VOR, R 090°.
**RVR 2400' authorized Runway 36.
$RVR 2400'. Descent below 935' not authorized unless approach lights are visible.
MSA within 25 miles of facility: 000°-090°—2300'; 090°-180°—2500'; 180°270—2300'; 270°-360°—2600'.

City, Rockford; State, Ill.; Airport name, Greater Rockford; Elev., 735'; Fac. Class., ILS; Ident., I-RFD; Procedure No. ILS Runway 36, Amdt. 8; Eff. date, 27 May 67; Sup. Amdt. No. ILS-36, Amdt. 7; Dated, 12 Nov. 66

GEG VOR	Willow Lake VHF Int	Direct	4800	T-dn% C-dn S-dn-3# A-dn	300-1 500-1 400-1 800-2	300-I 500-I 400-1 800-2	200-½ 500-1½ 400-1 800-2

Radar available.
Procedure turn E side of crs, 205° Outbnd, 025° Inbnd, 4000' within 10 miles of Willow Lake Int.
Minimum altitude over Willow Lake Int on final approach crs, 3700'.
Crs and distance, Willow Lake Int to airport, 025°—4.5 miles.
No glide slope. Back crs.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing Willow Lake Int, climb direct GE LOM, thence continue climb to 4800' in holding pattern NE of GE LOM, on NE crs of localizer or when directed by ATC, turn left, climb direct GEG VOR, continue climb on R 207° GEG VOR to 4000' within 10 miles.
NOTES: (1) Dual VHF receivers required for this approach. (2) When authorized by ATC, DME may be used between 7 and 8 miles and between R 073° and R 241° clockwise of GEG VOR at 4000' to position aircraft for straight-in approach with elimination of procedure turn.
#400-¾ authorized with operative HIRL's, except for 4-engine turbojets.
%Takeoffs all runways: Climb direct GEG VOR, thence continue climb on R 207°, GEG VOR within 10 miles so as to cross GEG VOR at or above: Eastbound, V-2 4200'; northeastbound, V-2N, 3900'; southeastbound, V-2S, 4700'.

City, Spokane; State, Wash.; Airport name, Spokane International; Elev., 2372'; Fac. Class., ILS; Ident., I-GEG; Procedure No. LOC (BC) Runway 3, Amdt. 4; Eff. date, 27 May 67; Sup. Amdt. No. ILS-3 (back crs), Amdt. 3; Dated, 20 Feb. 65

20-mile DME Fix, R 073°, GEG VOR	GE LOM	Direct	6500	T-dn* %	300-I	300-1	200-½
GEG VOR	GE LOM	Direct	4900	C-dn	500-1	500-1	500-1½
				S-dn-21**	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar available.
Procedure turn W side of NE crs, 025° Outbnd, 205° Inbnd, 4800' within 10 miles.
Minimum altitude at glide slope intercception inbnd, 4300'.
Altitude of glide slope and distance to approach end of runway at LOM, 3544'—3.9 miles; at LMM, 2560'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to the GEG VOR and climb to 4000' on R 207° within 10 miles of GEG VOR, or when directed by ATC, turn right, climb direct to GE LOM, thence continue climb to 4800' in holding pattern NE of GE LOM on the localizer crs.
NOTE: Glide slope unusable below 2530'.
*RVR 2400' authorized Runway 21.
**RVR 2400'. Descent below 2572' not authorized unless approach lights are visible.
%Takeoffs all runways: Climb direct GEG VOR, thence continue climb on R 207°, GEG VOR within 10 miles so as to cross GEG VOR at or above: Eastbound, V-2, 4200'; northeastbound, V-2N, 3900'; southeastbound, V-2S, 4700'.
MSA within 25 miles of facility: 000°-090°—7100'; 090°-180°—6300'; 180°-270°—4100'; 270°-360°—5100'.

City, Spokane; State, Wash.; Airport name, Spokane International; Elev., 2372'; Fac. Class., ILS; Ident., I-GEG; Procedure No. ILS Runway 21, Amdt. 10; Eff. date, 27 May 67; Sup. Amdt. No. ILS-21, Amdt. 9; Dated, 27 May 65

TLH Temp. RBn	TL RBn (OM)	Direct	1800	T-dn	300-I	300-I	200-½
Havana Int	TL RBn (OM)	Direct	1800	C-dn	400-I	500-I	500-1¼
GEF VOR	TL RBn (OM)	Direct	1800	S-dn-36#	200-½	200-½	200-¼
Creek Int	TL RBn (OM)	Direct	1800	A-dn	600-2	600-2	600-2
Helen Int	TL RBn (OM)	Direct	1900				
Teresa Int	Ivan Int	Direct	1800				
Ivan Int	TL RBn (OM) (final)	Direct	1200				
Blountstown Int	TL RBn (OM)	Direct	1900				
St. Marks Int	TL RBn (OM)	Direct	1800				
Cody Int	TL RBn (OM)	Direct	1800				

Procedure turn E side of crs, 178° Outbnd, 358° Inbnd, 1300' within 10 miles.
Crs and distance, facility to airport, 358°—4.1 miles.
Minimum altitude at glide slope interception inbnd, 1200'.
Altitude of glide slope and distance to approach end of runway at OM, 1200'—4.1 miles; at MM, 255'-0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 1800' on N crs of ILS and proceed to Havana Int, or right turn, climbing to 1800' and proceed on crs of 063° to TLH Temp. RBn.
NOTE: Glide slope unusable below 1600'.
#400-¾ required when glide slope inoperative. 400-½ authorized, with operative ALS, except for 4-engine turbojets.

City, Tallahassee; State, Fla.; Airport name, Municipal; Elev., 82'; Fac. Class., ILS; Ident., I-TLH; Procedure No. ILS Runway 36, Amdt. 8; Eff. date, 27 May 67; Sup. Amdt. No. ILS-36, Amdt. 7; Dated, 31 Dec. 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
King Int	LOM	Direct	2500	T-dn	300–1	300–1	200–½
Pine Hall Int	LOM	Direct	2400	C-dn	500–1	500–1	500–1½
Thomas Int	LOM (final)	Direct	2200	S-dn-33%	300–¾	300–¾	300–¾
Wallburg Int	LOM (final)	Direct	2200	A-dn	600–2	600–2	600–2

Radar available.
Procedure turn W side of crs, 148° Outbnd, 328° Inbnd, 2400′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2200′—3.9 miles; at MM, 1120′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2500′, proceed to King Int via 328° crs from IN LOM, or when directed by ATC, turn left, climbing to 2500′, proceed to Yadkin Int via R 283°, GSO VOR.
NOTE: Glide slope unusable below 1069′.
CAUTION: 3081′ antenna, 16 miles NW of airport.
%400–¾ required when glide slope not utilized. Localizer back crs unusable.

City, Winston-Salem; State, N.C.; Airport name, Smith Reynolds; Elev., 969′; Fac. Class., ILS; Ident., I-INT; Procedure No. ILS Runway 33, Amdt. 11; Eff. date, 27 May 67; Sup. Amdt. No. ILS-33, Amdt. 10; Dated, 21 Jan. 67

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 secouds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing miuimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance approach			
				T-dn%	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished (all runways), climb direct GEG VOR, thence continue climb to 4000′ on R 207°, GEG VOR within 10 miles of GEG VOR, or when directed by ATC, climb direct GE LOM, thence continue climb to 4800′ in holding pattern NE of GE LOM.
%Takeoffs all runways: Climb direct GEG VOR, thence continue climb on R 207° GEG VOR within 10 miles so as to cross GEG VOR at or above: Eastbound, V-8 4200′; northeastbound, V-2N, 3900′; southeastbound, V-2S, 4700′.

City, Spokane; State, Wash; Airport name, Spokane International; Elev., 2372′; Fac. Class. and Ident., Fairchild RAPCON; Procedure No. 1, Amdt. 5; Eff. date, 27 May 67; Sup. Amdt. No. 1, Amdt. 4; Dated, 20 Feb. 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 20, 1967.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 67–4707; Filed, May 4, 1967; 8:45 a.m.]

[Docket No. 8131; Amdts. 151–18, 153–2]

PART 151—FEDERAL AID TO AIRPORTS

PART 153—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS

Exclusive Rights at Airports

The purpose of these amendments is to clarify the policy of the FAA relating to exclusive rights at airports, as set forth in Parts 151 and 153 of the Federal Aviation Regulations.

The intent of the exclusive rights policy is to prohibit the granting, and to require the termination, of any exclusive right that is contrary to section 308(a) of the Federal Aviation Act (49 U.S.C. 1349(a)) and the Exclusive Rights Policy of October 25, 1965 (30 F.R. 13661), at any airport now or hereafter owned or controlled by a sponsor receiving aid under the Federal-aid Airport Program.

A question has been raised as to whether the term "subsequently acquired" in the covenant in § 151.121 implies ownership so that the covenant would not apply to airports the sponsor may in the future control but not actually own. In addition, § 151.121 does not now specifically reflect the policy's prohibition against exclusive rights at airports presently owned or controlled by the sponsor, other than the one for which aid is requested. Therefore, the covenant contained in § 151.121 is being amended to correctly reflect the current exclusive rights policy.

Section 153.13(a) (3) and (4) currently contains a covenant prohibiting exclusive rights only at the airport receiving the property interest in the land and § 153.13(c) exempts from its effect exclusive rights permissible under section 13(g) of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1622 (g)) at airports that had earlier received a grant under that provision. In order to make Part 153 correctly reflect the current exclusive rights policy, § 153.13(a) (3) is also being amended and § 153.13 (c) is deleted.

Since these amendments relate to public grants and benefits, notice and public procedure thereon are not required and the amendments may be made effective upon publication.

(Secs. 308, 313, Federal Aviation Act of 1958 (49 U.S.C. 1349, 1354); Federal Airport Act (49 U.S.C. 1101–1119))

In consideration of the foregoing, Parts 151 and 153 are amended, effective May 5, 1967, as follows:

1. The covenant in § 151.121 of the Federal Aviation Regulations (14 CFR 151.121) is amended to read as follows:

§ 151.121 Procedures: offer; sponsor assurances.

* * * * *

The sponsor will not grant or permit any exclusive right forbidden by section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349) at the airport, or at any other airport now or hereafter owned or controlled by it. In furtherance of the policy of the FAA under this covenant the sponsor agrees that, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm, or corporation the exclusive right at the airport, or at any other airport now or hereafter owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity. The sponsor further agrees that it will terminate any such exclusive right (including any exclusive right to engage in the sale of gasoline or oil, or both) now existing at the airport, or at any other airport now or hereafter owned or controlled by it, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right, and certifies that there is no exclusive right not subject to termination under this provision.

2. Section 153.13 (14 CFR 153.13) is amended as follows: Subparagraphs (3) and (4) of paragraph (a) are amended and paragraph (c) is deleted as follows:

§ 153.13 Covenants and reverter clauses in conveyances.

(a) * * *

(3) That the grantee will not grant or permit any exclusive right forbidden by section 308(a) of the Federal Aviation Act of 1958 at the airport, or at any other airport now or hereafter owned or controlled by it;

(4) That in furtherance of the policy of the Federal Aviation Administration under the foregoing covenant the grantee agrees that, unless authorized by the Federal Aviation Administrator, it will not, either directly or indirectly, grant or permit any person, firm, or corporation the exclusive right at the airport, or at any other airport now or hereafter owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity; and that the grantee further agrees that it will terminate any such exclusive right (including any exclusive right to engage in the sale of gasoline or oil, or both) now existing at the airport or at any other airport now or hereafter owned or controlled by the sponsor, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right, and covenants that there is no exclusive right not subject to termination under this provision.

* * * * *

(c) [Deleted]

Issued in Washington, D.C., on April 28, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-5035; Filed, May 4, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1194]

PART 13—PROHIBITED TRADE PRACTICES

Allan Lawrence et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–247 Publication services; 13.15–255 Reputation, success, or standing. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.-1540 *Reputation, success or standing:* § 13.1553 *Services.*

(Sec. 6, 38, Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Allan Lawrence et al., New York, N.Y., Docket C-1194, Apr. 12, 1967]

In the Matter of Allan Lawrence, Also Known as Larry Allen, Doing Business as Crown Music Co.

Consent order requiring a New York City promoter of songwriting services to cease misrepresenting the nature of his services, the potential commercial value of the poems submitted, his connections in the music publishing field, and his own musical background and accomplishments.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Allan Lawrence, also known as Larry Allen, an individual doing business as Crown Music Co., or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of songwriting or song promotional services or any article of merchandise in connection therewith in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That respondent needs or wants poems to be used by him in producing his songs when such poems are neither needed nor wanted for such purpose; or using any advertising, sales plan or procedure involving the use of false, deceptive or misleading statements or representations to obtain leads or prospects for the sale of respondent's services or products; or failing to disclose in any advertisement soliciting the submission of poems that the purpose of such advertising is to obtain leads for the sale of respondent's song writing and song promotional services.

2. That respondent will pay for poems which are submitted and found acceptable.

3. That in accepting a poem submitted to him pursuant to his contact advertisements respondent makes a critical evaluation of it and a bona fide determination that it can be suitably combined with a melody of his own composition to produce a commercially attractive song; or misrepresenting in any manner, the professional merit or commercial potentialities of songs produced with poems submitted to him by the public.

4. That respondent is collaborating with authors of poems in producing songs as a commercial venture for their mutual profit.

5. That under the initial contract pursuant to which a song is produced by combining respondent's music with the submitted poem, respondent will promote and publicize the resultant song without additional payment for such services; or misrepresenting, in any manner, the amount, degree or extent of the promotional or publicizing efforts or other services furnished or provided under any express or implied contract or agreement.

6. That respondent has personal contacts with music publishers, recording companies or others engaged or connected with the music business in the city of New York or elsewhere, assuring the successful commercial promotion of or substantial earnings from songs composed with poems submitted by the public; or misrepresenting in any manner respondent's effectiveness in promoting songs commercially or the amount of earnings from songs promoted by respondent.

7. That respondent has produced or promoted any commercially successful songs composed with poems submitted to him by the public.

8. That respondent composed a score for a successful professional musical comedy show; or that he is currently, or has been in the recent past, actively connected with an orchestra; or that he has associations because of his musical and songwriting career which help him to successfully promote the songs composed with poems submitted by the public; or

misrepresenting in any manner respondent's accomplishments, abilities, activities, background, associations or connections in the field of music.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: April 12, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-5022; Filed, May 4, 1967; 8:45 a.m.]

[Docket No. 8722]

PART 13—PROHIBITED TRADE PRACTICES

Allied Enterprizes, Inc., and William Marion

Subpart—Misrepresenting oneself and goods—Goods: § 13.1650 *History of product;* § 13.1747 *Special or limited offers:* Misrepresenting oneself and goods—Prices: § 13.1817 *Reductions for prospect referrals.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719; as amended; 15 U.S.C. 45) [Cease and desist order, Allied Enterprizes, Inc., et al., North Brentwood, Md., Docket 8722, Apr. 11, 1967]

Order requiring a North Brentwood, Md., distributor of home intercom and fire detection or alarm systems to cease using deceptive referral and demonstration offers to obtain customer leads, misrepresenting that his prices are reduced or special or will result in savings to customer, neglecting to disclose that promissory notes will be sold to a finance company, and falsely representing that his products are new to the market.

The order to cease and desist is as follows:

It is ordered, That respondents Allied Enterprizes, Inc., a corporation, and its officers, and William Marion, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of intercom, fire detection or alarm systems, or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Utilizing any program or plan under which the payment of money or other consideration to purchasers of respondents' products is contingent upon (1) the referral of names by such purchasers to respondents or their agents, representatives or employees and (2) the sale or demonstration of respondents' merchandise to such referrals.

2. Using any sales plan, scheme, or device wherein false, misleading or deceptive statements or representations are made for the purpose of obtaining leads or the names of prospective purchasers.

3. Representing, directly or by implication, that respondents' customers are able to obtain respondents' products at little or no cost, or will receive earnings or compensation in any amount.

4. Failing to disclose orally at the time of sale and in writing on any conditional sales contract, promissory note, or other instrument executed by the purchaser, with such conspicuousness and clarity as is likely to be read and observed by the purchaser that:

(a) Such conditional sales contract, promissory note or other instrument may, at the option of the seller and without notice to the purchaser, be negotiated or assigned to a finance company or other third party;

(b) If such negotiation or assignment is effected, the purchaser will then owe the amount due under the contract to the finance company or third party and may have to pay this amount in full whether or not he has claims against the seller under the contract for defects in the merchandise, nondelivery or the like.

5. Failing to reveal, disclose or otherwise inform customers, in a manner that is clearly understood by them, of all the terms and conditions of a sale and of any installment contract or promissory note or other instrument to be signed by any customer.

6. Representing directly or by implication that any price at which respondents' merchandise is offered for sale is a special introductory price or a reduced price.

7. Misrepresenting in any way the savings realized by purchasers of respondents' merchandise.

8. Falsely representing that any such merchandise or product is new to the market.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That Allied Enterprizes, Inc., a corporation, and William Marion, individually, and as an officer of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by each respondent named in this order, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: April 11, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-5023; Filed, May 4, 1967; 8:46 a.m.]

[Docket No. C-1196]

PART 13—PROHIBITED TRADE PRACTICES

Dynamic Imports, Inc., and Dynamic Fashions, Inc.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Dynamic Imports, Inc., et al., New York, N.Y., Docket C-1196, Apr. 17, 1967]

Consent order requiring two New York City importers of women's wool slacks to cease misbranding the fiber content of their merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Dynamic Imports, Inc., a corporation and its officers, and Dynamic Fashions, Inc., and its officers, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, or delivery for shipment or shipment in commerce, of women's slacks composed in whole or in part of wool, or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

A. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of constituent fibers included therein.

B. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in whcih they have complied with this order.

Issued: April 17, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-5024; Filed, May 4, 1967; 8:46 a.m.]

[Docket No. C-1193]

PART 13—PROHIBITED TRADE PRACTICES

H. L. Whiting Co., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-100 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:*

13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, H. L. Whiting Co. et al., Los Angeles, Calif., Docket C–1193, Apr. 11, 1967]

In the Matter of H. L. Whiting Co., a Corporation, and Paul H. Blanton and Stanley W. Sharpe, Individually and as Officers of Said Corporation

Consent order requiring a Los Angeles, Calif., clothing manufacturer to cease misrepresenting the fiber content of its wool products on labels and in advertisements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents H. L. Whiting Co., a corporation, and its officers, and Paul H. Blanton and Stanley W. Sharpe, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents H. L. Whiting Co., a corporation, and its officers, and Paul H. Blanton and Stanley W. Sharpe, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in jackets or any other textile products in advertisements or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 11, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–5025; Filed, May 4, 1967; 8:46 a.m.]

[Docket No. C–1197]

PART 13—PROHIBITED TRADE PRACTICES

Pick Galleries, Inc., and Harold R. Pick

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155–50 Forced or sacrifice sales; § 13.235 *Source or origin:* 13.235–60 Place: 13.235–60(e) Imported products or parts as domestic. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Pick Galleries, Inc., et al., Winnetka, Ill., Docket C–1197, Apr. 18, 1967]

Consent order requiring a Winnetka, Ill., retailer and auctioneer of various commodities, including fur products, to cease falsely invoicing and advertising his fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Pick Galleries, Inc., a corporation, and its officers, and Harold R. Pick, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Falsely or deceptively identifies any such fur product as to the country of origin of the fur contained in such fur product.

4. Fails to set forth the term "Broadtail Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

5. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

6. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

7. Misrepresents, directly or by implication, that any such fur products came from a particular source for the purpose of the sale.

8. Misrepresents, directly or by implication, that any such fur products were secured by respondents from a source that is or was in financial or other distress.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 18, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–5026; Filed, May 4, 1967; 8:46 a.m.]

[Docket No. C–1195]

PART 13—PROHIBITED TRADE PRACTICES

Raymond Lenobel

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act;

§ 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act; § 13.235 *Source or origin:* 13.235–60 Place: 13.235–60(e) Imported products or parts as domestic. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Raymond Lenobel, Chicago, Ill., Docket C–1195, Apr. 17, 1967]

Consent order requiring a Chicago, Ill., independent commission salesman to cease misbranding and falsely advertising his fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Raymond Lenobel, an individual trading as Ray Lenobel, or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "Dyed Broadtail-processed Lamb" on labels in the manner required where an election is made to use that term instead of the term "Dyed-Lamb".

3. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on labels the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, in the sequence required by Rule 30 of the aforesaid rules and regulations.

5. Using the term "Appraisal Price" on labels, or terms of similar import or meaning, to represent the value of fur products being offered for sale, unless such evaluations and prices are based upon authentic and bona fide appraisals of value by a qualified appraiser having no pecuniary or other interest in the fur products.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Falsely or deceptively identifies any fur products as to the country of origin of fur contained in such fur products.

4. Fails to set forth the term "Broadtail Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

5. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

6. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

7. Misrepresents, directly or by implication, that any such fur products came from a particular source for the purpose of the sale.

8. Misrepresents, directly or by implication, that any such fur products were secured by respondent from a source that is or was in financial or other distress.

9. Misrepresents, directly or by implication, that the fur products being offered for sale have been appraised as to value by authentic and bona fide appraisals made by a qualified appraiser having no pecuniary or other interest in the fur product.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: April 17, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–5027; Filed, May 4, 1967; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Selling Merchandise by Lottery Methods Condemned by Commission

§ 15.123 Selling merchandise by lottery methods condemned by Commission.

(a) The Commission issued an advisory opinion in which it ruled that a proposed plan calling for the sale of merchandise by means of a lottery would be contrary to the provisions of section 5 of the FTC Act.

(b) "Moreover," the Commission said, "the fact that the purchaser receives something of value for his consideration does not negate the existence of a lottery."

(c) Under the terms of the proposed plan which was the subject of the advisory opinion, the promotion would consist of a store display carton containing 36 $1 plastic scale model kits, with a different number to be marked on the end of each kit box. The display header would announce to prospective purchasers they could win a $2 chrome plated model if the number on the end of the box corresponds with the number to be posted by the store manager in 4 weeks.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: May 4, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–4958; Filed, May 4, 1967; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Agricultural Cooperatives May Market Products Through Common Sales Agent

§ 15.124 Agricultural cooperatives may market their products through a common sales agent.

(a) In an advisory opinion the Commission stated that agricultural cooperatives formed under pertinent provisions of the Capper-Volstead Act may establish and market their member's products through a common sales agent.

(b) Counsel for the requesting parties described his clients as cooperative associations of milk producers representing some 361 farmers and dairymen who produce about 2 million pounds of milk per month in excess of that consumed in their trading area. Counsel said that formation of the sales agency by his clients will enable them to dispose of this

excess through bidding on Government contracts to supply milk to military bases in competition with milk now imported from other milk marketing areas for that purpose.

(c) The Capper-Volstead Act (7 U.S.C. 291, 292) permits persons engaged in agricultural pursuits to associate in the collective marketing of their products. Under its provisions cooperative associations formed thereunder may make contracts or agreements as will effect such purpose, and they may have marketing agents in common. The Act has been construed as a grant of immunity from the antitrust laws insofar as collaboration among members of cooperative associations are concerned. This immunity ends, however, at the point where they act, either by themselves or with other persons or entities not in this category, to restrain trade or otherwise eliminate competition at successive stages in the marketing process.

(d) In approving the formation of a common sales agency by cooperative associations of milk producers to market the products of their members the Commission advised Counsel for the requesting parties that its action "is not to be construed as approval for any practice which may be predatory in nature, may result in unlawful monopolization, may restrain commerce to the extent that milk prices are unduly enhanced thereby, nor to conspiracies or combinations between your" clients "and persons or entities not in this category."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: May 4, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–4959; Filed, May 4, 1967; 8:45 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 377–67]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart W—Authority to Compromise and Close Civil Claims and Responsibility for Judgments, Fines, Penalties, and Forfeitures

SETTLEMENT AUTHORITY; CHANGE IN AMOUNTS

By virtue of the authority vested in me by sections 509 and 510 of Title 28 and section 301 of Title 5 of the United States Code, Subpart W of Part 0 of Chapter I of Title 28 of the Code of Federal Regulations is hereby amended as follows:

1. In the first sentence of § 0.160, substitute the figure "$250,000" for the figure "$100,000" in both places where that figure appears.

2. In § 0.164, substitute the figure "$250,000" for the figure "$100,000" in both places where that figure appears.

3. In § 0.165, substitute the figure "$250,000" for the figure "$100,000."

Dated: April 28, 1967.

RAMSEY CLARK, *Attorney General.*

[F.R. Doc. 67–5039; Filed, May 4, 1967; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 64, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of seedless grapefruit grown in Regulation Area I of Florida.

(a) *Order.* In § 905.489 (Grapefruit Regulation 64, 31 F.R. 15189) the provisions of paragraph (a) (2) which precede subdivision (i) and subdivision (iii) are amended to read as follows:

§ 905.489 Grapefruit Regulation 64.

(a) * * *

(2) During the period December 29, 1966, through July 31, 1967, no handler shall ship between the production area and any point outside thereof in the contintenal United States, Canada, or Mexico:

* * * * *

(iii) Any seedless grapefruit grown in Regulation Area I, which do not grade at least U.S. No. 1 Golden;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 3, 1967, to become effective May 5, 1967.

PAUL A. NICHOLSON, *Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 67–5145; Filed, May 4, 1967; 11:36 a.m.]

[Valencia Orange Reg. 200]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and this regulation relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

§ 908.500 Valencia Orange Regulation 200.

(a) *Order.* (1) Valencia Orange Regulation 192 (32 F.R. 4527) is hereby terminated at 12:01 a.m., P.s.t., May 7, 1967.

(2) Valencia Orange Regulation 195 (32 F.R. 5619) is hereby terminated at 12:01 a.m., P.s.t., May 7, 1967.

(3) During the period beginning at 12:01 a.m., P.s.t., May 7, 1967, and ending at 12:01 a.m., P.s.t., January 31, 1968, no handler shall handle:

(i) Any Valencia oranges grown in District 1, District 2, or District 3 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.20 inches in diameter; or

(ii) Any Valencia oranges grown in District 1, District 2, or District 3 which are of a size larger than 3.50 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided,* That not to exceed 10 percent, by count, of the oranges in any type of container may measure larger than 3.50 inches in diameter.

(4) As used in this section, "handle," "handler," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 2, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–5033; Filed, May 4, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. III, Amdt. 14]

PART 1483—WHEAT AND FLOUR

Payment Terms and Financial Arrangements

Correction

In F.R. Doc. 67–4407, appearing at page 6257 of the issue for Friday, April 21, 1967, the words reading "slight draft" in § 1483.158(a)(3) should read "sight draft".

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 577—MEDICAL AND DENTAL ATTENDANCE

Fiscal Policies Pertaining to Dependents' Medical Care

Sections 577.80—577.84 are revised to read as follows:

Sec.
577.80 Purpose.
577.81 Health benefits provided from civilian sources.
577.82 Contracts.
577.83 Payments.
577.84 Claims for reimbursement.

AUTHORITY: The provisions of §§ 577.80 to 577.84 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 1071–1085, 72 Stat. 1445–1450, as amended; 10 U.S.C. 1071–1085.

§ 577.80 Purpose.

Sections 577.80–577.84 established policies and procedures on fiscal aspects of medical care for eligible beneficiaries of all of the uniformed services in accordance with the Dependents' Medical Care Act (Title 10, United States Code, secs. 1079–1087), as amended by the Military Medical Benefits Amendments of 1966 (Public Law 89–614). It is to be used in conjunction with §§ 577.60–577.70 which state the basic policies on uniformed services health benefits.

§ 577.81 Health benefits provided from civilian sources.

(a) Within the United States and Puerto Rico, payment for authorized health benefits received from civilian sources by eligible beneficiaries normally is provided through contractual arrangements with civilian agencies. This portion of the Uniformed Services Health Benefits Program is administered by the Executive Director, Office for the Civilian Health and Medical Program of the Uniformed Services, Office of The Surgeon General, Department of the Army, Denver, Colo. 80240 (hereinafter referred to as the Executive Director). The Executive Director also administers health benefits received from civilian sources by eligible beneficiaries in Canada and Mexico through direct payment to the sources of care.

(b) The Secretary of the Army, as Executive Agent, is responsible for providing for personnel, space, equipment, facilities and supplies, including related budgeting, funding, administrative control of funds, facility control, training, manpower control and utilization, personnel administration, security administration, and other administrative support necessary to operate the Office for the Civilian Health and Medical Program of the Uniformed Services.

(c) Outside the United States, Puerto Rico, Canada, and Mexico, direct payment is made to sources of civilian care in accordance with the directives of the individual services.

§ 577.82 Contracts.

In the United States and Puerto Rico, payments for authorized health benefits from civilian sources furnished eligible beneficiaries of all of the uniformed services will be provided by contractual arrangements between the Executive Director and appropriate civilian agencies, where practicable. Payments for authorized health benefits provided eligible beneficiaries in Canada and Mexico will be made by the Executive Director.

(a) Contracts will include but are not limited to the following:

(1) Local schedules of allowances for physicians and professional fee schedules for drugs to be used as a guide in full payment of bills presented by these civilian sources of health benefits where such schedules are applicable.

(2) A provision for review and, if necessary, an adjustment of payments for administrative overhead charges not later than 120 days after the close of each year the plan or plans are in effect.

(3) Determination of administrative responsibilities of the contractors and methods of determining administrative costs.

(4) Adequate billing procedures covering bills transmitted from civilian sources of health benefits through the contractor to the Government. These procedures will make each contractor responsible for paying civilian sources for authorized health benefits furnished in his contract area in accordance with the contract terms.

(5) Procedures for payment by physician contractors of claims for reimbursement submitted by dependents or their sponsors and by retired members where the patient has paid the entire charge for health benefits.

(6) Procedures for assuring that the beneficiary does not pay more than the amounts prescribed under the cost-sharing formula contained in § 577.65(i)(1).

(7) Provision that the contractor shall have detailed responsibility for resolving medical disputes through local grievance committees composed of civilian physicians.

(8) Such other specific contractual instructions as are required.

(b) The responsibilities of the Executive Director with respect to contract administration include but are not limited to the following:

(1) Liaison activities with the contractors.

(2) Payment of bills.

(3) The development of any budgetary information required by the uniformed services.

(4) Preparation of such statistical information as may be necessary including that for the annual report of the Secretary of Defense to the Congress.

(5) Responsibility for processing complaints with reference to civilian health benefits arising within his area of responsibility.

(c) The Executive Director's responsibility does not include as a matter of routine, a detailed supervision of civilian medical procedures or a detailed inspection of civilian medical facilities.

(d) Contract audits will be conducted by the Defense Contract Audit Agency at the site where the contractor maintains records. Reports of audit will be forwarded to the Executive Director for appropriate action.

§ 577.83 Payments.

(a) *Claim forms.* Forms for submitting claims for the various types of services authorized under the program are described in §§ 577.60—577.70.

(b) *Payment to civilian health benefits sources in the United States, Puerto Rico, Canada, and Mexico.* (1) Payment to civilian sources of health benefits in the United States and Puerto Rico will be made by the appropriate contractor upon receipt of a properly documented claim form. (These forms will be made available to contractors for distribution

to civilian sources of care through Adjutant General Publications Centers.)

(2) Where authorized health benefits are provided to eligible beneficiaries by civilian sources in Canada and Mexico or by civilian sources in the United States and Puerto Rico not subject to contract procedures, claim forms will be submitted to the Executive Director for payment.

(c) *Payment to civilian sources of health benefits outside the United States, Puerto Rico, Canada, and Mexico.* Payment will be made to civilian sources furnishing authorized health benefits to eligible beneficiaries in accordance with regulations of the individual services. Payment may be direct or through contractual arrangements. DA Forms 1863–1 (Hospital) "Services By Civilian Hospitals, Private Nurses, Anesthetists, Physical Therapists—Medicare" and 1863–2 (Physician) "Services By Civilian Physicians and Dentists—Medicare" will be requisitioned through established forms requisitioning channels of the uniformed service concern. Copies of the claim form will be used to support the payment vouchers, Standard Form 1034 (Public Voucher for Purchases and Services Other Than Personal) except that in instances where this form is not readily obtainable, the payment voucher will be supported by an invoice from the source of civilian benefits which will clearly reflect the data required by the claim form.

§ 577.84 Claims for reimbursement.

The individual should not pay for civilian health benefits authorized at Government expense except for that portion which is his responsibility. However, in cases where an eligible beneficiary received authorized civilian health benefits and the sponsor or patient paid the complete charge for such benefits, reimbursement may be made for that portion of the charge for which the Government is responsible. Procedures for the submission of claims for reimbursement are outlined in §§ 577.60–577.70.

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67–5014; Filed, May 4, 1967; 8:45 a.m.]

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1810—CIVIL DEFENSE IDENTIFICATION FOR FEDERAL EMPLOYEES, RESERVISTS AND NON-FEDERAL SUPPORT PERSONNEL

Issuance Authority; Department of Transportation

Paragraph (a) of § 1810.4 is amended by adding to the list of departments, agencies, and Federal officials therein authorized to issue identification cards, in proper alphabetical sequence, the name "Department of Transportation".

(Secs. 201, 204, 401, Federal Civil Defense Act of 1950, as amended, 64 Stat. 1245–1257, 50 U.S.C. App. 2251–2297; Reorganization Plan No. 1 of 1958, as amended, 72 Stat. 1799–1801, 23 F.R. 4991; Executive Order 10952 of July 20, 1961, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, published April 10, 1964, 29 F.R. 5017)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

JOSEPH ROMM,
Acting Director of Civil Defense.

[F.R. Doc. 67–4957; Filed, May 4, 1967; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS

Miscellaneous Amendments

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM–1 (27 F.R. 6395), as amended, Part 7 of Title 36 of the Code of Federal Regulations is amended as set forth below. The purpose of these amendments is to revoke regulations which are no longer necessary because they are duplicated by regulations contained in Parts 1 through 6 of this chapter, or for other reasons, and to provide a convenient index to the special regulations contained in this part.

Since these amendments will not impose any additional restrictions on the public and in some instances will remove existing restrictions, public comment thereon is deemed to be unnecessary and these amendments shall take effect upon publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

GEORGE B. HARTZOG, Jr.,
Director, National Park Service.

APRIL 24, 1967.

Part 7 of Title 36 of the Code of Federal Regulations is hereby amended by revoking all of the following sections in their entirety:

Sec.
7.12 Kennesaw Mountain National Battlefield Park.
7.19 Morristown National Historical Park.
7.20 Moores Creek National Military Park.
7.23 George Washington Birthplace National Monument.
7.29 Bandelier National Monument.
7.30 Bryce Canyon National Park.
7.32 Ocmulgee National Monument.
7.33 Statue of Liberty National Monument.
7.35 Gettysburg National Military Park.
7.37 Timpanogos Cave National Monument.
7.50 Theodore Roosevelt National Memorial Park.
7.51 Vicksburg National Military Park.
7.52 Devils Tower National Monument.
7.53 Scotts Bluff National Monument.
7.54 Colorado National Monument.
7.56 Petersburg National Military Park.
7.59 Wind Cave National Park.
7.62 Fort Sumter National Monument.

Part 7 of Title 36 of the Code of Federal Regulations is hereby amended by the addition of the following note, immediately following the citation of authority:

NOTE:

ALPHABETICAL LISTING

Acadia National Park, Maine 7.55
Big Bend National Park, Tex 7.41
Blue Ridge Parkway, Va.-N.C 7.34
Buck Island Reef National Monument, Virgin Islands 7.73
Cape Cod National Seashore, Mass 7.67
Cape Hatteras National Seashore, N.C 7.58
Carlsbad Caverns National Park, N. Mex 7.47
Catoctin Mountain Park, Md 7.24
Colonial National Historical Park, Va 7.10
Crater Lake National Park, Oreg 7.20
Death Valley National Monument, Calif 7.26
Dinosaur National Monument, Utah-Colo 7.63
Everglades National Park, Fla 7.45
Fort Caroline National Memorial, Fla 7.61
Fort Jefferson National Monument, Fla 7.27
Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Va 7.64
Glacier National Park, Mont 7.30
Glen Canyon Recreation Area, Ariz.-Utah 7.70
Grand Canyon National Park, Ariz 7.40
Grand Canyon National Monument, Ariz 7.60
Grand Teton National Park, Wyo 7.22
Great Smoky Mountains National Park, N.C.-Tenn 7.14
Guilford Courthouse National Military Park, N.C 7.21
Hawaii Volcanoes National Park, Hawaii 7.25
Hopewell Village National Historic Site, Pa 7.40
Hot Springs National Park, Ark 7.18
Isle Royale National Park, Mich 7.38
Katmai National Monument, Alaska 7.46
Lake Mead National Recreation Area, Ariz.-Nev 7.48
Lassen Volcanic National Park, Calif 7.11
Mammoth Cave National Park, Ky 7.36
Mesa Verde National Park, Colo 7.39
Mount McKinley National Park, Alaska 7.44
Mount Rainier National Park, Wash 7.50
Muir Woods National Monument, Calif 7.60
Natchez Trace Parkway, Miss.-Tenn.-Ala 7.43
Olympic National Park, Wash 7.28
Oregon Caves National Monument, Oreg 7.49
Padre Island National Seashore, Tex 7.75
Pipestone National Monument, Minn 7.42
Platt National Park, Okla 7.17
Rocky Mountain National Park, Colo 7.70
Russell Cave National Monument, Ala 7.68
Sequoia-Kings Canyon National Parks, Calif 7.80
Shenandoah National Park, Va 7.15
Shiloh National Military Park, Tenn 7.90
Vanderbilt Mansion National Historic Site, N.Y 7.31
Virgin Islands National Park, Virgin Islands 7.74
Wright Brothers National Memorial, N.C 7.76
Yellowstone National Park, Wyo.-Mont.-Idaho 7.13
Yosemite National Park, Calif 7.16
Zion National Park, Utah 7.10

[F.R. Doc. 67–5028; Filed, May 4, 1967; 8:46 a.m.]

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Connecticut and Massachusetts

The Secretary of the Army having determined that the use of the following reservoir areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944 (76 Stat. 1195), adding the reservoirs to those listed in § 311.1, as follows:

§ 311.1 Areas covered.

* * * * *

Connecticut

* * * * *

Colebrook Reservoir area, West Branch, Farmington River.
Hop Brook Reservoir area, Hop Brook.
Hancock Branch Reservoir area, Hancock Brook.
Northfield Brook Reservoir area, Northfield Brook.
West Thompson Reservoir area, Quinebaug River.

* * * * *

Massachusetts

* * * * *

Conant Brook Reservoir area, Conant Brook.

* * * * *

[Regs., April 20, 1967, ENGOW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-5015; Filed, May 4, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Table of Frequency Allocations

In the matter of amendment of Part 2 of the Commission's rules and regulations to revise footnote US39 to the Table of Frequency Allocations to remove an ambiguity concerning the frequencies to which that footnote applies.

1. The Commission has before it the desirability of amending Part 2 of its rules and regulations to clarify the extent to which footnote US39 of the Table of Frequency Allocations applies to frequencies in the band 1540–1660 Mc/s.

2. Footnote US39 is intended to permit the interim use of radio altimeters in the band 1600–1660 Mc/s. However, since the footnote indicator, US39, in the Table of Frequency Allocations appears adjacent to the larger frequency band 1540–1660 Mc/s, it might be interpreted that radio altimeters are permitted in that entire band, which is not the case. To eliminate this ambiguity, footnote US39 is herein revised to clearly stipulate which portion of the band 1540 to 1660 Mc/s may be used in radio altimeter applications.

3. Inasmuch as the amendments adopted herein are purely editorial in nature, the prior public notice and effective date provisions of section 4 of the Administrative Procedures Act are not applicable.

4. Authority for this action is contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and in § 0.261(a) of the Commission's rules.

5. In view of the foregoing: *It is ordered,* That, effective May 8, 1967, Part 2 of the Commission's rules is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: May 1, 1967.

Released: May 2, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

In Part 2 of Chapter I of Title 47 of the Code of Federal Regulations, footnote US39 to the Table of Frequency Allocations, § 2.106, is amended to read as follows:

U.S. FOOTNOTES

* * * * *

US39 Within the band 1540–1660 Mc/s, radio altimeters are permitted to use only the portion 1600–1660 Mc/s and then only until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

* * * * *

[F.R. Doc. 67-5043; Filed, May 4, 1967; 8:48 a.m.]

[FCC 67-523]

PART 15—EXPERIMENTAL RADIO SERVICES

Radiation Interference Limits

1. The Electronic Industries Association has submitted a petition, RM-1134, requesting that § 15.63(c) be amended to extend the expiration date for the temporary limit of 1000 uV/m for radiation in the band 470–1000 Mc/s from television receivers from April 30, 1967, to April 30, 1969. The petition was put on public notice on April 21, 1967, pursuant to § 1.405 of Part 1 of our rules and a waiting period of 30 days must ensue, so that action on this petition cannot be taken prior to the expiration of said temporary 1000 uV/m limit.

2. Part 15 requires that radiation in the band 470–1000 Mc/s from receivers shall be limited to 500 uV/m at 100 feet. For television receivers this limit has been temporarily increased to 1000 uV/m since the receiver rules were adopted in December 1955. The EIA petition is addressed to a further time extension of this temporary increase.

3. Notice is hereby given, that to permit orderly consideration of said petition, RM-1134: *It is ordered,* That, pursuant to authority in sections 4(i) and 303(r) of the Communications Act of 1934 as amended the date April 30, 1967, in § 15.63(c) of Part 15 of our rules, is extended until July 31, 1967.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: May 1, 1967.

Released: May 2, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5044; Filed, May 4, 1967; 8:48 a.m.]

[Docket No. 17084; FCC 67-500]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

PART 85—PUBLIC FIXED STATIONS AND STATIONS OF MARITIME SERVICES IN ALASKA

Marine Control, Marine Repeater, and Marine Relay Stations

In the matter of amendment of Parts 81 and 85 to change the rules concerning certain marine control, marine repeater, and marine relay stations, Docket No. 17084.

1. On January 6, 1967, the Commission issued a notice of proposed rule making in the subject docket (FCC 67-10; 32 F.R. 332). RCA Communications, Inc. (RCAC), filed a comment in the subject proceeding. After close of the comment period, a comment was received from California Citizens Band Association, Inc. (California). Although California's comment was filed late, it is considered relevant to the proceeding and has been taken into account. No reply comments were filed.

2. RCAC's comment concerns the requirement in the proposal that transmitters authorized in an operational fixed station license for operation on frequencies in the 72–76 Mc/s band be type accepted. RCAC's interest in this aspect of the proposal stems from the fact that it has transmitters which are not type accepted in its operational fixed station, call sign KCB-86, at Chatham, Mass. In its comment, RCAC states that it is evaluating type accepted transmitters in order to expedite procurement in the event the proposed rule is adopted.

[1] Commissioners Wadsworth and Johnson absent.

RCAC requests that the subject type acceptance requirement not become effective until 1 year after the rules are adopted so that there will be sufficient time to acquire and install type accepted transmitters, and to provide for any delays that may be encountered. RCAC's request for time in which to complete the changeover to type accepted equipment is reasonable and the public interest would be served by incorporating into the rules herein amended a provision which will not require type accepted transmitters for the subject operational fixed stations until 1 year after the adoption date of these rules. Nontype accepted transmitters licensed during this time interval would be granted license terms which coincide with the changeover date.

3. The comment from the California Citizens Band Association states that the use of the frequency 27.255 Mc/s by operational fixed stations would cause intolerable interference to licensees of Class D radio stations in the Citizens Radio Service. Further, California states that not many operational fixed stations subject to Part 81 would want to use 27.255 Mc/s because of interference from stations in the Citizens Radio Service. California also believes that users in Alaska are likely to experience great difficulty in using the frequency 27.255 Mc/s. The frequency 27.255 Mc/s was made available in December 1954, to licensees of stations on land in the maritime service who needed frequencies for auxiliary operations such as are provided by operational fixed stations. However, no users in the maritime service have ever made application for the frequency. In the light of this fact and the fact that 27.255 Mc/s is being used in the Citizens Radio Service, it appears that no purpose is being served by continuing the availability of the frequency in Part 81. Likewise, the frequency will not be added to Part 85. In view of the fact that the deletion of 27.255 Mc/s from Part 81 is of minor effect, it may be accomplished by this order.

4. The purpose of the amendments is threefold. First, to include in Part 81 the frequencies in the 72–76 Mc/s band made available in Docket No. 14785 to certain operational fixed stations associated with the maritime mobile service. By the rule amendments in Docket No. 14785, channels in the 72–76 Mc/s band were split and frequency deviation was reduced for operational fixed stations in various radio services. Second, these amendments will make operational fixed stations using frequencies in the 72–76 Mc/s band available for licensing to applicants on a regular basis, rather than on a developmental basis as heretofore. Third, these amendments add operational fixed stations to the Alaskan rules, Part 85, with the same requirements and conditions as apply to operational fixed stations subject to Part 81.

5. *It is ordered,* Pursuant to the authority contained in sections 303, (b), (c), (e), and (r) of the Communications Act of 1934, as amended, that effective June 5, 1967, Parts 81 and 85 of the Commission's rules are amended as set forth below.

6. *It is further ordered,* That this proceeding is terminated.

(Secs., 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 26, 1967.

Released: April 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 81 is amended as follows:

1. Section 81.111 is amended by deleting paragraphs (e) and (f); and by adding new paragraphs (e), (f), (g), and (h):

§ 81.111 Modulation requirements.

* * * * *

(e) Except as provided in paragraph (f) of this section, each radiotelephone transmitter licensed by the Commission for use of F3 or A3 emission in a coast, marine fixed, operational fixed or marine utility station on shore shall be provided with a device which automatically prevents modulation in excess of 100 percent.

(f) A modulation limiter as prescribed in paragraph (e) of this section is not required in the following stations or transmitters:

(1) Stations authorized for developmental operation;

(2) Transmitters of plate input power of 3 watts or less when used in marine utility stations or other stations of a portable nature;

(3) Transmitters using frequencies in the band 73.0–74.6 Mc/s in operational fixed stations authorized on December 1, 1961, which were first authorized or installed prior to July 1, 1950.

(g) Single sideband and independent sideband transmitters shall automatically limit the peak envelope power to the authorized transmitter power.

(h) Each transmitter operated in the bands 72.0–73.0 and 75.4–76.0 Mc/s shall be equipped with an audio low pass filter. The audio low pass filter shall be installed between the modulation limiter and the modulated stage, and, at audio frequencies between 3 kc/s and 15 kc/s, shall have an attenuation greater than the attenuation at 1 kc/s by at least 40 $\log_{10}$ (f/3) decibels where "f" is the audio frequency in kilocycles. At audio frequencies above 15 kc/s, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc/s.

2. Section 81.131(d) is amended to read as follows:

§ 81.131 Authorized frequency tolerance.

* * * * *

(d) Authorized frequency tolerances for stations in the maritime fixed services:

Frequency or frequency ranges	Tolerance—parts in 10^6 unless shown as cycles per second (c/s)
(1) From 2000 to 2850 kc/s: Marine fixed stations and marine receiver-test stations:	
For other than A3A, A3H, and A3J emissions	50
For A3A, A3H, and A3J emissions	20 c/s
(2) (i) 72.0–73.0 Mc/s and 75.4–76.0 Mc/s	5
(ii) 73.0–74.6 Mc/s	50
(3) 100–200 Mc/s: Marine receiver-test stations	20

* * * * *

3. Section 81.132(a)(4) is amended to read as follows:

§ 81.132 Authorized classes of emission.

(a) * * *

(4) Operational fixed stations: 72 to 76 Mc/s..... A1, A2, A3, F1, F2, and F3.

* * * * *

4. In § 81.133, the headnote and text are amended to read:

§ 81.133 Authorized bandwidth and frequency deviation.

(a) Unless otherwise specified in the station license, stations shall use bandwidths not exceeding those set forth in this paragraph for the respective classes of emission authorized in § 81.132.

Class of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.224
A2	2.66A2	2.724
A3	6A3	8.0
A3A	2.8A3A	3.5
A3B	5.6A3B	7.0
A3H	2.8A3H	3.5
A3J	2.8A3J	3.5
F3	16F3 [1]	[1] 20.0
F3	36F3 [2]	[2] 40.0
PO	[3]	[3]

[1] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[2] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.
[3] Variable.

(b) Bandwidths in excess of those listed in paragraph (a) of this section, or bandwidths for other classes of emissions, may be authorized upon a satisfactory showing of need therefor. An application requesting such special authorization shall fully describe the emission desired and the required bandwidth, and shall state the purpose for which such emission and bandwidth is proposed.

(c) For F3 emission the maximum authorized frequency deviation is as follows:

(1) 5 kc/s within the bands 72.0–73.0 and 75.4–76.0 Mc/s; and

(2) 15 kc/s for stations which were authorized for operation on December 1, 1961, in the frequency band 73.0–74.6 Mc/s; and

(3) 15 kc/s for stations operating in the frequency band 156–174 Mc/s.

5. Section 81.134(f) is amended to read as follows:

§ 81.134 Transmitter power.

* * * * *

[1] Commissioner Lee absent.

(f) For operational fixed stations using frequencies within the band 72 to 76 Mc/s, and for other classes of stations subject to this part operating on frequencies above 174 Mc/s, transmitter power shall be as specified in the respective station authorization.

6. Section 81.137 is amended by adding a new paragraph (c) as follows:

§ 81.137 Transmitters required to be type accepted for licensing.

* * * * *

(c) On and after April 26, 1968, each transmitter authorized in an operational fixed station license for operation on frequencies in the 72–76 Mc/s band (other than transmitters solely for developmental stations) must be type accepted by the Commission.

§§ 81.481–81.486 [Deleted]

7. In Subpart L of Part 81, delete §§ 81.481–81.486, inclusive.

8. Add a new Subpart P to Part 81 as follows:

Sec.
81.601 Service authorized.
81.602 Eligibility requirements.
81.603 Frequencies available to operational fixed stations.
81.604 Technical requirements.

AUTHORITY: The provisions of this Subpart P issued under secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303.

Subpart P—Certain Operational Fixed Stations Associated With the Maritime Mobile Service

§ 81.601 Service authorized.

Operational fixed stations associated with the maritime mobile service consist of marine control stations, marine repeater stations, and marine relay stations which are authorized for service as follows:

(a) Marine control stations: to transmit exclusively to the particular coast station whose operation or emission is being controlled.

(b) Marine repeater stations: to transmit exclusively to other authorized marine repeater stations, or to designated radio receiving locations to which the respective transmitted communication is addressed, or to an authorized message center at a designated fixed location.

(c) Marine relay stations: to transmit to and receive from other authorized marine relay stations as specified in the station authorization.

§ 81.602 Eligibility requirements.

An applicant for an operational fixed station using frequencies in the 72–76 Mc/s band must submit the following showings:

(a) That he is the licensee of a coast station;

(b) The specific need for the station; and

(c) That other telecommunications facilities either are not available or will not provide effective results.

§ 81.603 Frequencies available to operational fixed stations.

(a) The following frequencies in the 72–76 Mc/s band may be assigned to operational fixed stations:

Mc/s	*Mc/s*	*Mc/s*	*Mc/s*
72.02 [1]	72.36 [1]	72.80	75.66
72.04 [1]	72.38 [1]	72.82	75.68
72.06 [1]	72.40 [1]	72.84	75.70
72.08 [1]	72.42	72.86	75.72
72.10 [1]	72.46	72.88	75.74
72.12 [1]	72.50	72.90	75.76
72.14 [1]	72.54	72.92	75.78
72.16 [1]	72.58	72.94	75.80
72.18 [1]	72.62	72.96	75.82
72.20 [1]	72.64	72.98	75.84
72.22 [1]	72.66	75.42	75.86
72.24 [1]	72.68	75.46	75.88
72.26 [1]	72.70	75.50	75.90
72.28 [1]	72.72	75.54	75.92
72.30 [1]	72.74	75.58	75.94
72.32 [1]	72.76	75.62	75.96
72.34 [1]	72.78	75.64	75.98

[1] These frequencies are available on a shared basis with the Manufacturers Radio Service.

(b) The frequencies listed in paragraph (a) of this section are assignable under the following conditions:

(1) In any area in the United States (including Alaska) a maximum of four frequencies may be assigned to operational fixed stations.

(2) All authorizations are subject to the condition that no harmful interference shall be caused to the service of existing and previously authorized operational fixed stations.

(3) If the Commission finds that the the public interest, convenience, or necessity would be served thereby, licensees of operational fixed stations authorized to operate on one or more of the frequencies specified in paragraph (a) of this section shall be required to share, on a coordinated noninterference basis, the use of their respective frequency assignments with other licensees using the same frequencies.

(4) All authorizations are subject to the condition that no harmful interference will be caused to television reception on Channels 4 and 5.

(5) The applicant agrees to eliminate any harmful interference caused by his operation to TV reception on either Channel 4 or 5, that might develop, by whatever means are found necessary, within 90 days of the time knowledge of said interference is first brought to his attention by the Commission. If said interference is not cleared up within the 90-day period, operation of the fixed station will be discontinued.

(6) Vertical polarization must be used.

(7) Whenever it is proposed to locate a 72–76 Mc/s fixed station less than 80, but more than 10 miles from the site of a TV transmitter operating on either Channel 4 or 5, or from the post office of a community in which such channels are assigned but are not in operation, the fixed station shall be authorized only if there are fewer than 100 family dwelling units (as defined by the U.S. Bureau of Census) located within a circle centered at the location of the proposed fixed station (family dwelling units 70 or more miles distant from the TV antenna site are not to be counted) the radius of which shall be determined by use of the chart entitled, "Chart for Determining Radius from Fixed Station in 72–76 Mc/s Band to Interference Contour Along Which 10 Percent of Service From Adjacent Channel Television Station Would Be Destroyed." Two charts are provided, one for Channel 4 and one for Channel 5. The Commission may, however, in a particular case, authorize the location of a fixed station within a circle as determined above containing 100 or more family dwelling units upon a showing that:

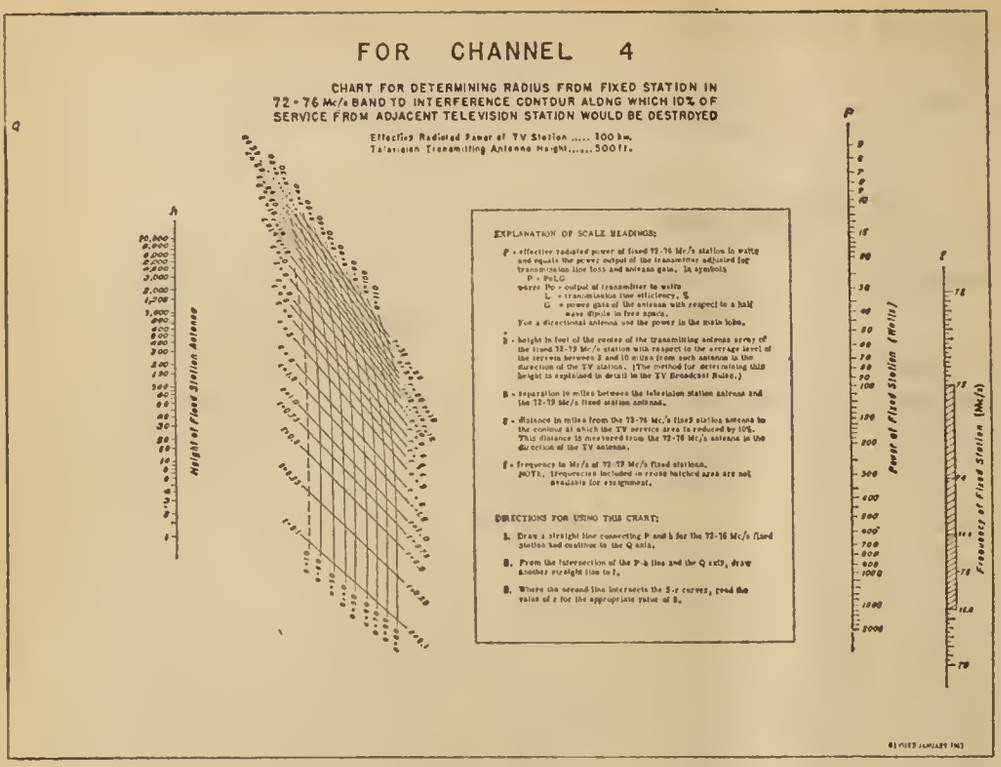
(i) The proposed site is the only suitable location.

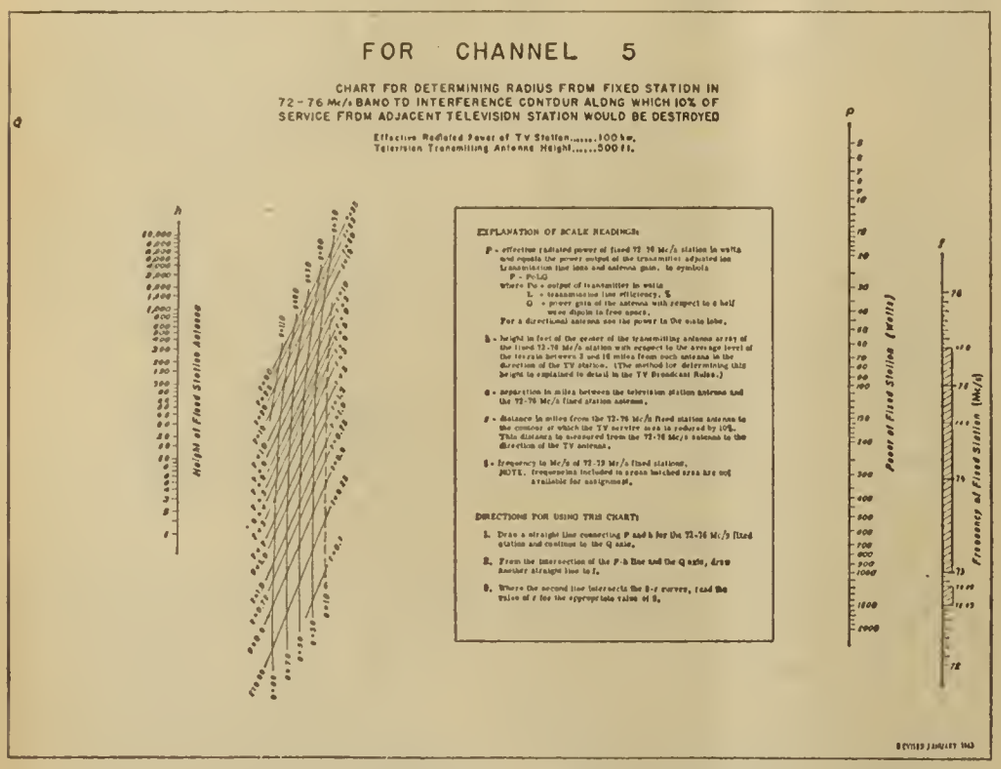
(ii) It is not feasible, technically or otherwise, to use other available frequencies.

(iii) The applicant has a plan to control any interference that might develop to TV reception from his operations.

(iv) The applicant is financially able and agrees to make such adjustments in the TV receivers affected as may be necessary to eliminate interference caused by his operations.

(8) All applications for authority to operate with a separation of less than 10 miles from the site of a TV transmitter operating on either Channel 4 or 5, or from the post office of a community in which such channels are assigned but are not in operation, will be returned without action. (See charts.)





(c) The frequency band 73.0–74.6 Mc/s may continue to be licensed to operational fixed stations which were authorized for operation on December 1, 1961, in accordance with the applicable technical specifications contained in this part.

§ 81.604 Technical requirements.

The authorized frequency tolerance, class of emission, bandwidth, frequency deviation, and transmitter power for operational fixed stations are set forth in Subpart E of this part. Modulation requirements for such stations are set forth in Subpart D of this part.

Part 85 is amended as follows:

1. Section 85.4(b) is amended to include therein the definition of operational fixed station as follows:

§ 85.4 Definitions in other parts applicable.

* * * * *

(b) The definitions set forth in the following sections of Subpart A of Part 81 of this chapter shall apply to stations of the fixed service subject to this part: §§ 81.2(a) to and including 81.2(h), 81.2(j), 81.5(c), 81.7(a) to and including 81.7(h), 81.7(j), 81.7(m), 81.7(n), 81.8, 81.139, and 81.188.

§ 85.115 [Amended]

2. In Section 85.115(b), delete the reference to Subpart P and add the word "and" before the word "O".

3. Section 85.151(b) is amended by adding subparagraph (3), preceding the Note:

§ 85.151 Authorized frequency tolerance.

* * * * *

(b) * * *

(3) For operational fixed stations:

Frequency range	*Tolerance parts in 10^6*
72.0 to 73.0 Mc/s and 75.4 to 76.0 Mc/s	5

* * * * *

4. Section 85.152 is amended by adding a new paragraph (g) and changing the Note at the end of the section to read as follows:

§ 85.152 Authorized classes of emission.

* * * * *

(g) Operational fixed stations using frequencies in the 72 to 76 Mc/s band are authorized to use A1, A2, A3, F1, F2, and F3 emissions.

NOTE: For information regarding the classification of emissions, the calculation of the bandwidth, and frequency deviation, see Part 2 and Subparts E of Parts 81 and 83 of this chapter.

5. Section 85.153 is amended by adding a new paragraph (e) as follows:

§ 85.153 Transmitter power.

* * * * *

(e) The transmitter power for fixed stations specified in paragraph (b) of this section shall not apply to operational fixed stations. The transmitter power for operational fixed stations using frequencies in the band 72 to 76 Mc/s shall be as specified in the respective station authorization.

6. Section 85.155 is amended by adding a new paragraph (c) as follows:

§ 85.155 Rules in other parts applicable.

* * * * *

(c) So far as it is consistent with this part, § 81.111 of this chapter shall apply to operational fixed stations subject to this part.

7. Section 85.156 is amended by adding paragraph (b):

§ 85.156 Acceptance of transmitters for licensing in the fixed service.

* * * * *

(b) On and after April 26, 1968, each transmitter authorized in an operational fixed station license for operation on frequencies in the 72–76 Mc/s band (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.

8. Subpart F of Part 85 is amended by adding a new § 85.208 thereto as follows:

§ 85.208 Rules in other parts applicable.

So far as it is consistent with this part Subpart P of Part 81 of this chapter shal

apply to operational fixed stations subject to this part.

[F.R. Doc. 67-4937; Filed, May 4, 1967; 8:45 a.m.]

[Docket No. 16385]

PART 91—INDUSTRIAL RADIO SERVICES

Policy Governing Assignment of Frequencies

In the matter of amendment of Parts 89, 91, and 93 of the Commission's rules governing the public safety, industrial, and land transportation radio services, respectively, to require evidence of frequency coordination with certain applications involving modifications of facilities, Docket No. 16385.

In the Report and Order (FCC 66-1112) released in this proceeding on December 9, 1966, and published in the FEDERAL REGISTER on December 14, 1966 (31 F.R. 15743), subdivision (viii) in § 91.8(a)(1) was inadvertently omitted. Therefore, subdivision (viii) is added to § 91.8(a)(1) to read:

§ 91.8 Policy governing the assignment of frequencies.

(a) * * *

(1) * * *

(viii) Any application in the Special Industrial or Business Radio Services specifying an itinerant operation only.

* * * * *

Released: May 2, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5045; Filed, May 4, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 20]

ICE CREAM

Proposal To Amend Identity Standard by Listing Certain Neutral and Alkaline Mineral Salts as Optional Ingredients

Notice is given that the Food Adjuncts Association, Inc., 7979 Old Georgetown Road, Washington, D.C. 20014, has submitted a petition proposing that the identity standard for ice cream (21 CFR 20.1) be amended by listing as optional ingredients the neutral mineral salts sodium citrate, disodium phosphate, tetrasodium pyrophosphate, and sodium hexametaphosphate; and the alkaline mineral salts calcium oxide, magnesium oxide, calcium hydroxide, and magnesium hydroxide. The permitted total amounts of these ingredients proposed are 0.2 percent of the neutral salts and 0.04 percent of the alkaline salts by weight of the finished food.

Grounds stated in support of the proposal are that the use of such mineral salts will give frozen desserts a more chewy body and a finer texture. It is also stated that mineral salts in soft-serve frozen desserts will result, through the altering of protein hydration, in a stiffer, dryer product and will delay the occurrence of "churning-out" or fat separation due to excessive agitation.

Accordingly, it is proposed that § 20.1 (f) be amended by adding thereto a new subparagraph, as follows:

§ 20.1 Ice cream; identity; label statement of optional ingredients.

* * * * *

(f) * * *

(8) (i) Sodium citrate, disodium phosphate, tetrasodium pyrophosphate, sodium hexametaphosphate, or any combination of two or more of these; but the total quantity of the solids of such ingredients (exclusive of any disodium phosphate or sodium citrate present in chocolate or cacao, as permitted by paragraph (b)(3) of this section) is not more than 0.2 percent by weight of the finished ice cream.

(ii) Calcium oxide, magnesium oxide, calcium hydroxide, magnesium hydroxide, or any combination of two or more of these; but the total quantity of the solids of such ingredients is not more than 0.04 percent of the weight of the finished ice cream.

* * * * *

Due to cross-references, adoption of the proposed amendment to the standard for ice cream (§ 20.1) would have the effect of making the subject mineral salts permitted ingredients of frozen custard (§ 20.2) and of ice milk (§20.3).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal.

Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: April 27, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-5061; Filed, May 4, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 91, 97, 121, 135]

[Docket No. 8130; Notice 67-19]

TERMINAL INSTRUMENT PROCEDURES (TERPS)

Implementation of U.S. Standard

The Federal Aviation Administration is considering amending Parts 1, 91, 97, 121, and 135 of the Federal Aviation Regulations to implement new techniques and criteria associated with the U.S. Standard for Terminal Instrument Procedures, hereinafter referred to as TERPS.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 5, 1967, will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, before and after the closing date for comment, in the Rules Docket for examination by interested persons.

Revision of the present method of developing terminal instrument procedures is necessary in order to realize maximum benefits from improvements in aircraft equipment, navigation facilities and aids, and in weather observation and measurement techniques. TERPS supersedes the U.S. Manual of Criteria for Standard Instrument Approach Procedures (1956), and contains criteria for development of terminal procedures which reflect these revised concepts. TERPS was issued in September 1966, as FAA Handbook 8260.3, and has been adopted by the Departments of the Army, Navy, Air Force, and the U.S. Coast Guard. Copies may be obtained from Publication and Graphics Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies are also available for examination at any Regional or Area office of the FAA. Periodic revision and further development of the criteria is contemplated and comments or recommendations are invited from interested persons at any time.

The initial issue of instrument procedures reflecting the revised criteria is planned for this summer. We anticipate that approximately two years will be required to reissue each individual approach procedure under the new criteria. One method of handling this transition period would be to temporarily prescribe two sets of rules, one directed to the use of the new procedures, the other directed to the present procedures. Another method would be to immediately convert each present ceiling value in the instrument approach procedures to a minimum descent altitude (MDA) or decision height (DH) as appropriate, and replace the present rules with new rules governing the use of MDA and DH. In the interest of eliminating the potential confusion of having two sets of instrument proposes the latter course of action. However, comments are particularly solicited as to which of these methods is considered preferable by the aviation community.

Proposed § 91.116 contains general rules governing landing and takeoff and is based primarily on present § 91.117 (a) through (g). The rules governing the use of radar in instrument procedures (proposed § 91.116(f); present § 97.117(f)) and the use of low and medium frequency simultaneous radio range for ADF procedures (proposed § 91.116(g); present § 91.117(b)) have been clarified.

Primary among the improvements in weather observation facilities mentioned above is the accuracy and currency of visibility measurements available through use of the transmissometer. The accuracy of runway visual range (RVR) observations is far greater than that of

reported ground visibility. Accordingly, when RVR is available for a runway, the instrument procedure will prescribe a minimum RVR value rather than a ground visibility minimum. A table of comparable values of RVR and ground visibility has been included in § 91.116(e). This table would be used to determine the applicable ground visibility minimum in the event that RVR was not reported due to a malfunction of equipment or other cause.

Proposed § 91.117 contains new rules applicable to the use of the new procedures. Ceiling minimums will no longer be prescribed in approach procedures and proposed § 91.117(b) would allow approaches down to the prescribed minimum descent altitude or decision height without regard to reported ceiling.

In an effort to reduce chart clutter and enhance graphic presentation of terminal procedures, certain items such as standard alternate and takeoff minimums and standard adjustment of minimums for inoperative components will no longer be shown on individual procedures. Non-standard minimums and adjustments will continue to be prescribed in the individual procedure concerned. Tables for the standard adjustment of minimums to compensate for inoperative components or components or aids not used have been included in proposed § 91.117. Standard weather minimums for designation of alternate airports and for takeoff are included in proposed §§ 91.83(c) and 91.116(c), respectively.

Under TERPS, ceiling minimums will no longer be prescribed for takeoff except for those runways where a ceiling minimum is required to enable the pilot to see and avoid obstructions. The ceiling minimums presently prescribed in Part 97 will be modified or eliminated, as appropriate, as the individual takeoff procedures in Part 97 are reissued under the new criteria.

Prescription of landing minimums for aircraft according to the number of engines will also be phased out. New aircraft approach categories are proposed in § 97.3 that more realistically classify aircraft according to their maneuvering capability.

In addition, it is proposed to amend Parts 121 and 135 to reflect the elimination of ceiling as a restriction on takeoff or landing and to establish minimum descent altitudes and decision heights as controlling factors for approach and landing.

In view of the foregoing, FAA proposes to amend Parts 1, 91, 97, 121, and 135 (14 CFR Parts 1, 91, 97, 121, and 135) as follows:

§ 1.1 [Amended]

1. By adding the following definitions to § 1.1:

"Minimum descent altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided.

"Precision approach procedure" means a standard instrument approach procedure in which an electronic glide slope is provided, such as ILS and PAR.

"Nonprecision approach procedure" means a standard instrument approach procedure in which no electronic glide slope is provided.

§ 1.2 [Amended]

2. By adding the following symbols to § 1.2:

"ALS" means standard approach light system.

"HIRL" means high-intensity runway lights.

"MALS" means medium intensity approach light system.

"MDA" means minimum descent altitude.

"NOPT" means no procedure turn.

"RCLM" means runway centerline marking.

"RCLS" means standard runway centerline light system.

"REIL" means runway end identification lights.

"SALS" means standard short approach light system.

"TDZL" means standard touchdown zone lights.

3. By amending § 91.83(c) to read as follows:

§ 91.83 Flight plan; information required.

* * * * *

(c) *IFR alternate airport weather minimums.* Unless otherwise authorized by the Administrator, no person may include an alternate airport in an IFR flight plan unless current weather forecasts indicate that, at the estimated time of arrival at the alternate airport, the ceiling and visibility at that airport will be at or above the following alternate airport weather minimums:

(1) If an instrument approach procedure has been published in Part 97 for that airport, the alternate airport minimums specified in that procedure or, if none are so specified, the following minimums:

(i) Precision approach procedure: ceiling 600 feet and visibility 2 statute miles.

(ii) Nonprecision approach procedure: ceiling 800 feet and visibility 2 statute miles.

(2) If no instrument approach procedure has been published in Part 97 for that airport, the ceiling and visibility minimums are those allowing descent from the MEA, approach, and landing, under basic VFR.

4. By deleting present § 91.117 and adding new §§ 91.116 and 91.117 reading as follows:

§ 91.116 Takeoff and landing under IFR: General.

(a) *Instrument approaches to civil airports.* Unless otherwise authorized by the Administrator (including ATC), each person operating an aircraft shall, when an instrument letdown to an airport is necessary, use a standard instrument approach procedure prescribed for that airport in Part 97 of this chapter.

(b) *Landing minimums.* Unless otherwise authorized by the Administrator, no person operating an aircraft (except a military aircraft of the United States) may land that aircraft using a standard instrument approach procedure prescribed in Part 97 of this chapter unless weather conditions are at or above the landing weather minimums prescribed in that Part for the procedure used.

(c) *Civil airport takeoff minimums.* Unless otherwise authorized by the Administrator, no person operating an aircraft under Part 121, 129, or 135 of this chapter may take off from a civil airport under IFR unless weather conditions are at or above the weather minimums for IFR takeoff prescribed for that airport by the Administrator. Unless otherwise prescribed in Part 97 of this chapter, the following minimums apply to takeoffs under IFR:

(1) Aircraft having two engines or less: 1 statute mile visibility.

(2) Aircraft having more than two engines: One-half statute mile visibility.

(d) *Military airports.* Unless otherwise prescribed by the Administrator, each person operating a civil aircraft under IFR into, or out of, a military airport shall comply with the instrument approach procedure and the takeoff and landing minimums prescribed by the military authority having jurisdiction on that airport.

(e) *Comparable values of RVR and ground visibility.* (1) If RVR minimums for takeoff or landing are prescribed in an instrument approach procedure, but RVR is not reported for the runway of intended operation, the RVR minimum shall be converted to ground visibility in accordance with the table in subparagraph (2) of this paragraph and observed as the applicable visibility minimum for takeoff or landing on that runway.

(2)—

RVR (feet)	*Visibility (statute miles)*
2,400	½
3,200	⅝
4,000	¾
4,500	⅞
5,000	1
6,000	1¼

(f) *Use of radar in instrument approach procedures.* When radar is approved at certain locations for ATC purposes, it may be used not only for surveillance and precision radar approaches, as applicable, but also may be used in conjunction with instrument approach procedures predicated on other types of radio navigational aids. Radar vectors may be authorized to provide course guidance through the segments of an approach procedure to the final approach fix or position. Upon reaching the final approach fix or position, the pilot will either complete his instrument approach in accordance with the procedure approved for the facility or will continue a surveillance or precision radar approach to a landing.

(g) *Use of low or medium frequency simultaneous radio ranges for ADF procedures.* Low frequency or medium frequency simultaneous radio ranges may

be used as an ADF instrument approach aid if an ADF procedure for the airport concerned is prescribed by the Administrator or if an approach is conducted using the same courses and altitudes for the ADF approach as those specified in the approved range procedure.

(h) *Limitations on procedure turns.* In the case of a radar initial approach to a final approach fix or position, or a timed approach from a holding fix, or where the procedure specifies "NOPT" or "FINAL", no pilot may make a procedure turn unless, when he receives his final approach clearance, he so advises ATC.

§ 91.117 Limitations on use of instrument approach procedures (other than Category II).

(a) *General.* Unless otherwise authorized by the Administrator, each person operating an aircraft using an instrument approach procedure prescribed in Part 97 of this chapter shall comply with the requirements of this section. This section does not apply to the use of Category II approach procedures.

(b) *Descent below MDA or DH.* No person may operate an aircraft below the prescribed minimum descent altitude or decision height unless—

(1) The aircraft is in a position from which a normal approach to the runway of intended landing can be made; and

(2) The approach threshold of that runway, or approach lights or other markings identifiable with the approach end of that runway, are clearly visible to the pilot.

If, upon arrival at the missed approach point or decision height, or at any time thereafter, any of the above requirements are not met, the pilot shall immediately execute the appropriate missed approach procedure.

(c) *Inoperative components.* The normal ground components of an ILS are localizer, glide slope, outer marker, middle marker, and approach lights. In addition, if an ILS approach procedure in Part 97 of this chapter prescribes a visibility minimum of 1,800 feet or 2,000 feet RVR, high-intensity runway lights, touchdown zone lights, centerline lighting and marking, and RVR are components of the system. Compass locator or precision radar may be substituted for the outer or middle marker. Surveillance radar may be substituted for the outer marker. Unless otherwise specified by the Administrator, if a ground component or related airborne equipment is inoperative or unusable, the straight-in minimums prescribed in any approach procedure in Part 97 are raised in accordance with the following tables. If more than one component is inoperative, each minimum is raised to the highest minimum required by any single inoperative component.

(1) *ILS and PAR.*

Inoperative facility	Increase decision height	Increase visibility (statute miles)	Approach category
LOC [1]	ILS approach not authorized.		All.
GS	As specified in the procedure.		All.
OM,[1] MM [1]	50 feet	None	ABC.
OM,[1] MM [1]	50 feet	¼	D.
ALS	50 feet	¼	All.
SALS	50 feet	¼	ABC.

[1] Not applicable to PAR.

(2) *ILS with visibility minimum of 1,800 or 2,000 feet RVR.*

Inoperative facility	Increase decision height	Increase visibility—	Approach category
LOC	ILS approach not authorized.		All.
GS	As specified in the procedure.		All.
OM, MM	50 feet	To ½ mile	ABC.
OM, MM	50 feet	To ¾ mile	D.
ALS	50 feet	To ¾ mile	All.
HIRL, TDZL, RCLS, RCLM.	None	To ½ mile	All.
RVR	None	To ½ mile	All.

(3) *VOR, LOC, LDA, and ASR.*

Inoperative facility	Increase mda	Increase visibility	Approach category
ALS, SALS	None	½ mile	ABC.
HIRL, MALS, REILS.	None	¼ mile	ABC.

(4) *ADF(NDB), and LFR.*

Inoperative facility	Increase mda	Increase visibility	Approach category
ALS	None	¼ mile	ABC.

5. By amending §§ 97.3 and 97.5 to read as follows:

§ 97.3 Symbols and terms used in procedures.

The following symbols and terms appear in standard terminal instrument procedures prescribed in this part:

(a) "A" means alternate airport weather minimum.

(b) "Aircraft approach category" means a grouping of aircraft based on a speed of 1.3 V_{S0} (at maximum certificated landing weight) or on maximum certificated landing weight. V_{S0} and the maximum certificated landing weight are those values as established for the aircraft by the certificating authority of the country of registry. The categories are as follows. If an aircraft falls into two categories, it is placed in the higher of the two.

(1) Category A: Speed less than 91 knots; weight less than 30,001 pounds.

(2) Category B: Speed 91 knots or more but less than 121 knots; weight 30,001 pounds or more but less than 60,001 pounds.

(3) Category C: Speed 121 knots or more but less than 141 knots; weight 60,001 pounds or more but less than 150,001 pounds.

(4) Category D: Speed 141 knots or more but less than 166 knots; weight 150,001 pounds or more.

(5) Category E: Speed 166 knots or more; any weight.

(c) Approach procedure segments for which altitudes or courses, or both, are prescribed in procedures, are as follows:

(1) "Initial approach" is the segment between the initial approach and the intermediate fix or the point where the aircraft is established on the intermediate course or final approach course.

(2) "Intermediate approach" is the segment between the intermediate fix or point and the final approach fix.

(3) "Final approach" is the segment between the final approach fix or point and the runway, airport, or missed-approach point.

(4) "Missed approach" is the segment between the missed-approach point, or point of arrival at decision height, and the missed approach fix at the prescribed altitude.

(d) "C" means circling landing minimum, a statement of ceiling and visibility values, or minimum descent altitude and visibility, required for circling approach to landing.

(e) "Ceiling minimum" means the minimum ceiling, expressed in feet above the surface of the airport, required for takeoff or required for designating an airport as an alternate airport.

(f) "d" means day.

(g) "More than 65 knots" means an aircraft that has a stalling speed of more than 65 knots (as established in an approved flight manual) at maximum certificated landing weight with full flaps, landing gear extended, and power off.

(h) "MSA" means minimum safe altitude, an emergency altitude expressed in feet above mean sea level, which provides 1,000 feet clearance over all obstructions in that sector within 25 miles of the facility on which the procedure is based (LOM in ILS procedures).

(i) "n" means night.

(j) "NA" means not authorized.

(k) "NOPT" means no procedure turn.

(l) "Procedure turn" means the maneuver prescribed when it is necessary to reverse direction to establish the aircraft on an intermediate or final approach course; the outbound course, direction of turn, distance within which the turn must be completed, and minimum altitude are specified; the point at which the turn may be commenced, and the type and rate of turn, is left to the discretion of the pilot.

(m) "RVV" means runway visibility value.

(n) "S" means straight-in landing minimum, a statement of ceiling and visibility, minimum descent altitude and visibility, or decision height and visibilty, required for a straight-in approach and landing on a specfied runway. The number appearing with the "S" indicates the runway to which the minimum applies.

If a straight-in minimum is not prescribed in the procedure, the circling minimum specified applies to a straight-in approach and landing.

(o) "Shuttle" means a 2-minute racetrack-type holding pattern prescribed in lieu of a procedure turn.

(p) "65 knots or less" means an aircraft that has a stalling speed of 65 knots or less (as established in an approved flight manual) at maximum certificated landing weight with full flaps, landing gear extended, and power off.

(q) "T" means takeoff minimum.

(r) "Visibility minimum" means the minimum visibility specified for approach, or landing, or takeoff, expressed in statute miles, or in feet where RVR is reported.

§ 97.5 Bearings; courses; headings; radials; miles.

(a) All bearings, courses, headings, and radials in this part are magnetic.

(b) RVR values are stated in feet. Other visibility values are stated in statute miles. All other mileages are stated in nautical miles.

6. By amending Part 97 as follows:

(a) By deleting the words "ceiling minimum" wherever they appear as a limitation on the making of an instrument approach and substituting, in place thereof, the term "minimum descent altitude" or "decision height" as appropriate.

7. By amending Part 121 as follows:

(a) By deleting the words "ceilings and visibilities" in §§ 121.613; 121.615 (a); 121.625; and 121.637(b) and substituting, in place thereof, the words "weather conditions".

§§ 121.613, 121.625, 121.637 [Amended]

(b) By amending § 121.637(a)(4) to read as follows:

§ 121.637 Takeoffs from unlisted and alternate airports: domestic and flag air carriers.

(a) * * *

(4) The weather conditions at that airport are equal to or better than the following:

(i) *Airports in the United States.* The weather minimums for takeoff prescribed in Part 97 of this chapter; or where minimums are not prescribed for the airport, 800–2, 900–1½, or 1,000–1.

(ii) *Airports outside the United States.* The weather minimums for takeoff prescribed or approved by the government of the country in which the airport is located; or where minimums are not prescribed or approved for the airport, 800–2, 900–1½, or 1,000–1.

* * * * *

§ 121.651 [Amended]

(c) By amending § 121.651 by—

(i) Deleting the words "ceiling or ground visibility" in paragraph (a) and substituting, in place thereof, the words "weather conditions";

(ii) Deleting the words "ceiling or" in paragraphs (b) and (c);

(iii) Deleting the words "minimum landing altitude" in paragraph (c) and substituting, in place thereof, the words "MDA or DH";

(iv) Deleting the words "ceiling and" in the introductory clause of paragraph (d);

(v) Deleting the words "minimum landing altitude" in paragraph (d)(2) and substituting, in place thereof, the term "MDA"; and

(vi) Deleting the words "landing minimum landing altitude" in the concluding clause of paragraph (d) and substituting, in place thereof, the words "MDA or DH".

§ 121.653 [Amended]

(d) By amending § 121.653 as follows:

(i) By deleting the words "ceiling or ground visibility" in paragraph (a) and substituting, in place thereof, the words "weather conditions".

(ii) By deleting the words "ceiling or" in paragraph (b).

(iii) By deleting the words "ceiling and" in paragraph (c).

(iv) By deleting the words "minimum landing altitude" in paragraph (c)(2) and substituting, in place thereof, the term "MDA".

(v) By deleting the words "landing minimum altitude" in the concluding clause of paragraph (c) and substituting, in place thereof, the words "MDA or DH",

(vi) By deleting the word "ceiling" in paragraph (d) and substituting, in place thereof, the words "MDA or DH".

§ 135.111 [Amended]

8. By amending § 135.111 as follows:

(a) By deleting the words "ceiling and" from the introductory clause of paragraph (b).

(b) By deleting the words "landing minimum altitude" in subparagraph (b)(2) and substituting, in place thereof, the term "MDA".

(c) By deleting the words "landing minimum altitude" in the concluding phrase of paragraph (b) and substituting, in place thereof, the words "MDA or DH".

(d) By deleting the word "ceiling" where it first appears in paragraph (c) and substituting, in place thereof, the words "MDA or DH".

(e) By deleting the phrases "the ceiling is less than 300 feet or" and "the ceiling is less than 200 feet or" in paragraph (d).

These amendments are proposed under the authority of sections 307, 313, and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1421).

Issued in Washington, D.C., on April 28, 1967.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 67-5036; Filed, May 4, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 243]

[Docket No. 16477; EDR-92C]

REPORTING RESULTS OF SERVICES PERFORMED FOR DEPARTMENT OF DEFENSE

Extension of Time for Submitting Comments

MAY 1, 1967.

In EDR-92B, dated March 29, 1967, and published at 32 F.R. 5562, the Board issued a revised proposed rule which would require the separate reporting of results of charter services performed for the Military Airlift Command in new Part 243. Interested persons were invited to participate in the rule making proceeding by submitting comments on or before April 28, 1967.

Several air carrier members of the Air Transport Association have requested that the time for comments be extended to May 15, 1967, in order that a composite statement of comments may be completed and submitted.

The undersigned finds that good cause has been shown for an extension of time for the period and the purpose requested. Accordingly, pursuant to authority delegated in sections 7.3C and 7.6 of Public Notice PN-15, dated July 3, 1961, the undersigned hereby extends the time for submitting comments to May 15, 1967.

All relevant communications received on or before May 15, 1967, will be considered by the Board before taking action on the proposal. Copies of these communications will be available for examination in the Docket Section, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a), Federal Aviation Act of 1958, as amended; 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates Division.

[F.R. Doc. 67-5041; Filed, May 4, 1967; 8:47 a.m.]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1604]

GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

Extension of Deadline for Filing Statements

Notice is hereby given that the deadline for filing written statements in connection with the Commission's previously announced proposed rule making, 32 F.R. 5999, is extended from May 12, 1967, to June 2, 1967.

The Commission reserves the right and shall endeavor to consider submissions received subsequent to June 2 but prior to Commission action on the subject involved.

Signed at Washington, D.C., this 1st day of May 1967.

STEPHEN N. SHULMAN,
Chairman.

[F.R. Doc. 67-5059; Filed, May 4, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 97]

[Docket No. 17315]

RADIO AMATEUR CIVIL EMERGENCY SERVICE

Use of F4 and A4 Facsimile; Order Extending Time for Filing Comments

In the matter of amendment of §§ 97.193 and 97.195 of the Radio Amateur Civil Emergency Service rules to provide for the use of F4 and A4 facsimile; Docket No. 17315, RM-964.

The Commission, by its Chief, Safety, and Special Radio Services Bureau, has under consideration a petition submitted on April 26, 1967, by the American Radio Relay League (ARRL), to extend the time for filing comments in the above entitled matter from April 28, 1967, to May 26, 1967:

To support its request, the petitioner states that it will not be possible for the League's Directors to adequately review, consider, and comment upon this important proposal which affects many thousands of the League's members until the Board's annual meeting on May 5, 1967.

In light of the consideration advanced by the petitioner and since it does not appear that the brief extension requested will adversely affect any interested party, it is determined that granting this request will be in the public interest.

Accordingly, it is ordered, Pursuant to section 4(i) of the Communications Act of 1934, as amended, and § 0.331(b)(4) of the Commission's rules, that the time for filing comments in response to the above entitled matter is extended to May 26, 1967, and that the time for filing reply comments is extended to June 15, 1967.

Adopted: April 27, 1967.

Released: May 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5054; Filed, May 4, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

HOT SPRINGS NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89–249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Hot Springs Mountain Observatory Co. authorizing it to provide concession facilities and services for the public at Hot Springs National Park, Ark., for a period of 5 years from January 1, 1968, through December 31, 1972.

The foregoing concessioner has performed its obligations under the contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Director of the National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 28, 1967.

LESLIE P. ARNBERGER,
Deputy Assistant Director,
National Park Service.

[F.R. Doc. 67–5029; Filed, May 4, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BARBAN

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Gulf Oil Corp., Post Office Box 8200, Kansas City, Mo. 64105, a temporary tolerance of 0.1 part per million is established for negligible residues of the herbicide barban (4-chloro-2-butynyl *m*-chlorocarbanilate) in or on the raw agricultural commodity Gaines winter wheat. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture.

This temporary tolerance expires April 28, 1968.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner (21 CFR 2.120).

Dated: April 28, 1967.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 67–5062; Filed, May 4, 1967; 8:49 a.m.]

BENZAMIDOOXYACETIC ACID

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Gulf Oil Corp., Dwight Building, Kansas City, Mo. 64105, a temporary tolerance of 0.1 part per million is established for negligible residues of the herbicide benzamidooxyacetic acid in or on sugar beet roots and tops. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accord with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Gulf Oil Corp. name.

This temporary tolerance expires April 28, 1968.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner (21 CFR 2.120).

Dated: April 28, 1967.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 67–5063; Filed, May 4, 1967; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DEPUTY DIRECTOR, CONTRACTS AND AGREEMENTS DIVISION, OFFICE OF GENERAL SERVICES

Designation as a Contracting Officer

A. The Deputy Director, Contracts and Agreements Division, Office of General Services, is hereby designated as a contracting officer and is authorized to:

1. Enter into and administer procurement contracts and make related determinations under sections 302(c)(12) and 302(c)(13) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c) (12) and (13)).

2. Enter into and administer agreements with other Federal agencies involving the obligation of funds.

(Redelegation of Director, Office of General Services, effective Mar. 25, 1967, 32 F.R. 4548, Mar. 25, 1967)

Effective date. This designation and redelegation of authority shall be effective as of May 5, 1967.

WILLIAM J. PRIME,
Director,
Contracts and Agreements Division.

[F.R. Doc. 67–5070; Filed, May 4, 1967; 8:50 a.m.]

OFFICE OF EMERGENCY PLANNING

ILLINOIS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated April 25, 1967, reading in part as follows:

I have determined that the damage in those areas of the State of Illinois adversely affected by tornadoes on April 21, 1967, is of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Illinois to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 25, 1967:

The Counties of:

Boone.	La Salle.
Cook.	McHenry.
Du Page.	Will.
Kane.	Winnebago.
Lake.	

Dated: April 28, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

MAY 1, 1967.

[F.R. Doc. 67–5030; Filed, May 4, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

SOUTHWEST CENTER FOR ADVANCED STUDIES

Notice of Application for Duty Free Entry of Scientific Articles

The following notice of application published in Volume 32, Number 78 of the FEDERAL REGISTER (Apr. 22, 1967) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897), is hereby amended by adding the words enclosed in brackets to the description of the article:

Docket number: 67–00022–90–46040. Applicant: Southwest Center for Advanced Studies, 2400 North Armstrong Parkway, Richardson, Tex. 75080. Article: Scanning Electron Microscope JSM–3 (plus one goniometer stage). Manufacturer: Japan Electron Optics Laboratory Co. Ltd., Japan. Intended use of article: Applicant states:

For the most part, the instrument will be used by students and faculty for research in micropaleontology of radiolaria and foraminifera with emphasis on microstructures * * *.

* * * * *

To a lesser extent the instrument will be used in studies of surface properties of geological materials including lunar samples to be investigated under a NASA contract. One faculty member will be using the instrument to analyze the orientation and shape of Fe_2O_3 grains in sediments as an adjunct to paleomagnetic studies. Another faculty member and graduate student at Southern Methodist University will utilize the instrument for study of chemical etch pits on polished surfaces of geological specimens.

Application received by Commissioner of Customs: April 5, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67–5012; Filed, May 4, 1967; 8:45 a.m.]

Maritime Administration

[Report No. 12]

LIST OF FOREIGN FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

SECTION 1. The President has approved a policy of denying the carriage of U.S. Government-financed cargoes shipped from the United States on foreign flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through April 27, 1967. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

FLAG OF REGISTRY NAME OF SHIP	*Gross tonnage*
Total, all flags (40 ships)	278,883
British (11 ships)	61,311
**Ardgroom (broken up)	7,051
Ardrowan	7,300
**Ardtara (now Hyperion—British)	5,795
*Dartford	2,739
Greenford	2,964
Hyperion (trip to North Viet nam under ex-name, Ardtara—British).	
Isabel Erica	7,105
Milford	1,889
Santa Granda	7,229
Shienfoon	7,127
Shirley Christine	6,724
*Yungfutary	5,388
Cypriot (4 ships)	28,852
Acme	7,173
**Agenor (trips to North Vietnam—Greek).	
**Alkon (trips to North Vietnam—Greek—broken up).	
Amfitriti	7,147
Amon	7,229
Antonia II	7,303
Greek (2 ships)	14,289
**Agenor (now Cypriot)	7,139
**Alkon (now Cypriot—broken up)	7,150
Maltese (1 ship)	7,304
Amalia	7,304
Polish (22 ships)	167,127
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
*Energetyk	10,876
General Sikorski	6,785
Hanka Sawicka	6,944
Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
*Konopnicka	9,690
Lelewel	7,817
Marceli Nowotko	6,660
Marian Buczek	7,053
Norwid	5,512
Phenian	6,923
Stefan Okrzeja	6,620
Transportowiec	10,854
Wieniawski	9,190
Wladyslaw Broniewski	6,919

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY

a. Since last report: None.
b. Previous reports:

	Number of ships
British	1

Dated: April 29, 1967.

By order of the Acting Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 67–5013; Filed, May 4, 1967; 8:45 a.m.]

*Added to Report No. 11 appearing in the FEDERAL REGISTER issue of Apr. 1, 1967.

**Ships appearing on the List that have been scrapped or have had changes in name and/or Flag of Registry.

[Docket S–205]

MOORE-McCORMACK LINES, INC.

Notice of Application

Notice is hereby given of the application dated April 12, 1967, of Moore-McCormack Lines, Inc., for written permission, under section 805(a) of the Merchant Marine Act, 1936, as amended, to permit its affiliated company, Commercial Steamship Co., Inc., to own and operate two tank vessels of approximately 37,250 DWT each in the domestic intercoastal and coastwise transportation of petroleum products. These two tank vessels would be constructed for this trade, and would either be operated by Commercial Steamship Co., Inc., and/or chartered to the Military Sea Transportation Service or private concerns.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit a written statement with reference to the application must, before the close of business on May 18, 1967, make such submission or notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration (46 CFR 201.78), petitions for leave to intervene received after the close of business on May 18,

1967, will not be granted in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions are received from parties with standing to be heard on the application, a hearing will be held June 1, 1967, at 10 a.m., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the Act.

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: May 3, 1967.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 67-5101; Filed, May 4, 1967; 8:50 a.m.]

National Bureau of Standards

NBS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

In accordance with the National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be an adjustment in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo. On June 1, 1967, the clock at the station will be retarded by 200 ms at 0000 hours UT, as announced by the Bureau International de l'Heure (BIH) for the stepped atomic time (SAT) system. The successive time pulses emitted from station WWVB are 1 second apart. The carrier frequency is 60 kHz and is broadcast without offset.

Notice is also hereby given that there will be no adjustment in the phases of time signals emitted from radio stations WWVB, Fort Collins, Colo., and WWVH, Maui, Hawaii, on June 1, 1967. During 1967, the pulses will occur at intervals which are longer than 1 second by 300 parts in 10^{10}, due to the offset to be maintained in carrier frequencies, as coordinated by the BIH.

Phase adjustments, when made, ensure that the emitted pulses from all stations will remain within about 100 ms of the UT2 scale. They are made necessary because of changes in the speed of rotation of the earth with which the UT2 scale is associated. Daily UT2 information is obtained from weekly forecasts of extrapolated UT2 clock readings provided by the U.S. Naval Observatory in accordance with the close cooperation maintained between the two agencies.

A. V. ASTIN,
Director.

[F.R. Doc. 67-5040; Filed, May 4, 1967; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-216]

NEW YORK UNIVERSITY

Notice of Issuance of Facility License

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, and the Atomic Energy Commission having found that the reactor has been constructed in conformity with Construction Permit No. CPRR-81, the Atomic Energy Commission has issued, effective as of the date of issuance, Facility License No. R-107 authorizing New York University to operate its Model AGN-201M, Serial No. 105 nuclear reactor facility located on the Campus in University Heights, Borough of the Bronx, New York, N.Y.

The license was issued substantially as set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER April 1, 1967, 32 F.R. 5477, with the exception of minor changes in wording to clarify the conditions of the license.

Dated: April 27, 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

FACILITY LICENSE

[License No. R-107]

The Atomic Energy Commission having found that:

a. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. There is reasonable assurance that (1) the activities authorized by this license can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

c. New York University is technically and financially qualified to engage in the activities authorized by this license in accordance with the rules and regulations of the Commission;

d. New York University is a nonprofit educational institution and will operate the reactor for the conduct of educational activities. New York University is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Energy Act of 1954, as amended;

e. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

Facility License No. R-107, effective as of the date of issuance, is issued as follows:

1. This license applies to the homogeneous nuclear reactor Model AGN-201M, Serial No. 105, nuclear reactor (hereinafter "the reactor") which is owned by New York University (hereinafter "the licensee"), located in University Heights, Borough of the Bronx, New York, N.Y., and described in the application for license dated December 19, 1963, as amended (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter "the Commission") hereby licenses New York University:

A. Pursuant to section 104c. of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and Title 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility at the designated location.

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use in connection with operation of the reactor, up to 660 grams of uranium-235.

C. Pursuant to the Act and Title 10, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to possess and use a radium-beryllium neutron startup source, and to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and is subject to the conditions specified in 10 CFR Part 20, §§ 50.54 and 50.59 of 10 CFR Part 50, § 70.32 of 10 CFR Part 70 and § 30.34 of 10 CFR Part 30 of the Commission's regulations, as well as all applicable provisions of the Act and the rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* The licensee is authorized to operate the reactor at steady state power levels up to a maximum of 0.1 watt thermal.

B. *Technical specifications.* The Technical Specifications contained in Appendix A of this license (hereinafter "the Technical Specifications") are hereby incorporated in the license. The licensee shall operate the reactor only in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

C. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the safety analysis report. For each such occurrence, the licensee shall promptly notify by telephone or telegraph the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Commission in writing within 30 days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the safety analysis report or the Technical Specifications.

(3) The licensee shall report to the Commission in writing within 30 days of its occurrence any significant change in transient or accident analysis, as described in the safety analysis report.

D. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

(4) Records of emergency shutdown and inadvertent scrams, including reasons for emergency shutdowns.

4. This license is effective as of the date of issuance and shall expire at midnight, September 9, 1984.

Date of issuance: April 27, 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

Enclosure: Appendix A, Technical Specifications.

APPENDIX A

APRIL 27, 1967.

1.0 *Reactor Core.*

1.1 The excess reactivity with no experiments in the reactor and the control and safety rods fully inserted shall not exceed 0.005Δk/k.

1.2 The reactor shall not be operated unless the core tank is sealed.

2.0 *Control and Instrumentation Systems.*

2.1 The fine control rod, the coarse control rod, and the two safety rods shall be operable and the carriage position of the control rods shall be displayed at the console whenever any rod is above its lower limit.

2.2 The worths of the control and safety rods shall preclude criticality by the insertion of a single rod and ensure subcriticality on the withdrawal of the coarse control or any one safety rod.

2.3 During reactor operation each of the instrumentation channels in Table I must be operative with the exception that safety channels 1 or 3 may be bypassed. Each of these channels must cause reactor scram and alarm if the operating limit is reached.

2.4 A manual scram shall be provided on the reactor console and the safety circuitry shall be designed so that no single failure can negate both the automatic and manual scram capability.

2.5 The water in the shield water tank shall be no more than 7 inches from the top of the shield water tank during reactor operation.

3.0 *Experimental Limitations.*

3.1 The reactivity worth of experiments loaded into the reactor shall be limited so that the sum of all experiments with positive reactivity contributions shall not exceed 0.15 percent Δk/k.

3.2 All samples or experiments shall be doubly encapsulated and ensured leak tight if release of the contained materials could cause corrosive attack to the facility, excessive contamination, or chemical reactions that could possibly affect reactor safety.

3.3 No experiments shall be introduced into the core tank. No explosives or capsules containing materials which might combine violently shall be irradiated in the reactor.

4.0 *Surveillance Requirements.*

4.1 The safety system equipment listed in Table I shall be checked for calibration and proper condition at least semiannually.

4.2 The excess reactivity and control rod worths shall be measured at least annually.

4.3 The coarse control rod and the two safety rods shall be removed from the reactor and checked for proper operation at least annually.

4.4 The requirements of this Section are waived if the reactor has not been brought critical during the specified test intervals. However, the requirements must be fulfilled prior to subsequent startup of the reactor.

5.0 *Administrative Requirements.*

5.1 *Organization.*

(a) An operating organization shall be established which shall review, approve, and promulgate all procedures and practices governing facility operations and facility modifications. This organization shall also provide for continuing review of operations, equipment performance, records and procedures.

(b) A reactor safety committee shall be established which shall review and approve all proposed modifications affecting reactor safety, and general and specific types of experiments and procedures. This committee shall conduct periodic audits of operations, equipment performance, records and procedures. The committee shall contain at least two members who are not in the operating organization.

(c) A radiological safety officer shall be appointed to review and approve all procedures and experiments on radiological safety. He shall enforce rules, regulations and procedures relating to radiological safety, and conduct routine radiation surveys. He may be a member of the operating organization provided that his duties do not also include the overall responsibility for facility operations.

5.2 *Procedures.*

(a) Detailed written procedures shall be provided for operation of the reactor and supporting facilities, maintenance operations, radiation protection, experiments, and emergency operations. These procedures shall be approved by the reactor safety committee prior to implementation.

(b) Temporary procedures which do not change the intent of the initial approved procedures may be authorized on approval by two members of the operating organization, at least one of whom shall be a licensed senior operator. Such procedures shall be subsequently reviewed by the reactor safety committee.

5.3 *Records*—The reactor records shall contain routine data regarding reactor operation including routine component replacement and calibration, the action of operators and experimenters, descriptions of all facility modifications, and details of any abnormalities and the corrective actions taken.

TABLE I

Condition	Channel	Operating limit
High power/low power.	Nuclear Safety No. 1, 2, 3	200 percent of licensed power/ sensitrol off scale.
Short reactor period.	Nuclear Safety No. 2.	5-second period.

[F.R. Doc. 67-5009; Filed, May 4, 1967; 8:45 a.m.]

CIVIL SERVICE COMMISSION

SOCIAL ADMINISTRATION ADVISOR, VOCATIONAL REHABILITATION ADMINISTRATION

Notice of Manpower Shortage

Under the provisions of 5 U.S.C. 5723 the Civil Service Commission has found, effective April 28, 1967, that there is a manpower shortage for the position of Social Administration Advisor, GS-102-15 (Chief, Division of Research and Training Centers). The position is in the Vocational Rehabilitation Administration, Department of Health, Education, and Welfare, Washington, D.C.

This authorization will terminate automatically when the position is filled. The appointee to this position may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 67-5011; Filed, May 4, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17302, 17303; FCC 67M-721]

BELL TELEPHONE COMPANY OF PENNSYLVANIA AND CONESTOGA TELEPHONE AND TELEGRAPH CO.

Order Rescheduling Hearing

In re applications of The Bell Telephone Co. of Pennsylvania, Docket No. 17302, File No. 1688-C2-P-66, for a construction permit to modify the facilities of Station KGA585 in the Domestic Public Land Mobile Radio Service at Philadelphia, Pa.; The Conestoga Telephone and Telegraph Co., Docket No. 17303, File No. 679-C2-P-66, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Boyertown, Pa.

Upon the Hearing Examiner's own motion: *It is ordered,* That the evidentiary hearing herein now scheduled for July 6, 1967, be and the same is hereby rescheduled for June 20, 1967, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: April 28, 1967.

Released: May 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5046; Filed, May 4, 1967; 8:48 a.m.]

[Docket No. 16792; FCC 67M-720]

CITY OF CAMDEN, N.J., AND L & P BROADCASTING CORP.

Memorandum Opinion and Order Continuing Hearing

In re application of City of Camden (assignor) and L & P Broadcasting Corp. (assignee); Docket No. 16792, File No. BAL-5702; for assignment of license of Station WCAM, Camden, N.J.

1. The Hearing Examiner has under consideration the petition for continuance without date, as supplemented, filed on April 17, 1967 by L & P Broadcasting Corp.; the opposition thereto

filed by the city of Camden; and the comments of the Broadcast Bureau with reference to the said petition. Basis for the requested continuance is the filing by assignee in the Superior Court of New Jersey, Law Division-Camden County, of a civil action for declaratory ruling looking toward recision of the contract which action will be taken by the assignee in the event of a favorable ruling. Petitioner asserts that ruling can be expected by August 1, 1967, and in its opposition, city of Camden states that "probability of the * * * action being decided at the trial level prior to August 1, 1967, exists." The opposition sets forth, however, "that if the unsuccessful party were to pursue its rights of appeal to both the Superior Court, Appellate Division, and ultimately to the New Jersey Supreme Court, the time anticipated * * * until the ultimate resolution of such appeals would be approximately two (2) years from date." The city of Camden, for this reason opposes the requested continuance, but makes no statement whether it would pursue its rights of appeal if it is unsuccessful in the action. By its opposition the city of Camden also states that since an early date in February of 1967, it has been actively engaged in a program of attempting to arouse interest among others to bid on the station facility, but without success. By its comments, the Broadcast Bureau opposes the request for continuance without date, but asserts that good cause has been shown for a continuance to dates certain in September of 1967. Good cause is alleged to be present "for the reason that if L & P Broadcasting is successful in its lawsuit against the city of Camden the contract between the parties for sale of Station WCAM would be terminated and this proceeding would be moot." The proposed September dates are predicated on the expected date of conclusion at the trial level of the said Superior Court proceeding.

2. Good cause is present for grant of a continuance as proposed by the Broadcast Bureau. Such continuance will afford the city of Camden additional time for seeking other purchasers of the facility and will afford time for disposition of the Superior Court proceeding and a determination at the trial level whether the contract can be rescinded by transferee. There is no indication by either party that an adverse decision would be appealed and such determination is normally impractical until the basis of the trial court's decision is determined. The period suggested by the Broadcast Bureau should permit resolution of these questions and on the basis thereof, a determination of whether further proceedings before the Federal Communications Commission would serve a useful purpose.

Accordingly, it is ordered, That the said petition for continuance is denied insofar as it seeks a continuance without date; and

It is further ordered, That the date for exchange of exhibits herein is continued from May 1, 1967, to September 5, 1967; the date for giving notification of witnesses to be called for cross-examination is continued from May 10, 1967, to September 11, 1967; and the date for commencement of hearing is continued from May 17, 1967, to September 18, 1967, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: April 27, 1967.

Released: May 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5047; Filed, May 4, 1967; 8:48 a.m.]

[Docket Nos. 17056, 17057; FCC 67R-167]

COSMOS CABLEVISION CORP. AND AIKEN CABLEVISION, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications Cosmos Cablevision Corp., North Augusta, S.C., Docket No. 17056, File No. CATV 100-1; Aiken Cablevision, Inc., Aiken, S.C., Docket No. 17057, File No. CATV 100-19; for authority pursuant to § 74.1107 to operate CATV systems in North Augusta and Aiken, S.C.

1. Both Cosmos Cablevision Corp. (Cosmos) and Aiken Cablevision, Inc. (Aiken), seek CATV systems, Cosmos to operate in North Augusta, S.C., proposing to carry, in addition to the two Augusta VHF stations, the distant signals of the three network affiliates in Columbia, S.C., and the new educational station on Channel 35 in Columbia when it became operative; Aiken to operate in Aiken, S.C., proposing to carry the Augusta station, the three network affiliates from Columbia, the three network stations from Charleston, S.C., and the two network stations from Savannah, Ga. Both North Augusta and Aiken are in the Augusta, Ga., television market.[1] Both applicants had filed petitions (Cosmos on Mar. 11, 1966; Aiken on Apr. 29, 1966), requesting the Commission to waive the hearing requirements of § 74.1107(a) in order to permit them to carry distant signals into their respectively designated communities, contending[2] that they had substantially constructed at considerable expense their respective CATV proposal before February 15, 1966, and that they were therefore entitled to "grandfather" protection.[3] In the designation order herein, FCC 66-1161, released January 4, 1967, the Commission denied the respective petitions, holding that "the long-range design of the top-100 market rule—the preservation of UHF potential—outweighs the immediate attraction" of "supplying of full network services and of South Carolina stations"; that "[t]his is especially so where, as here, there is active UHF interest and the CATV proposals would commence operation within the very area which new UHF stations will have to rely upon most heavily for economic support"; and that "such equities as may be urged from the substantial expenditures by petitioners cannot balance out the uncertainties their proposals hold for the public interest in a healthy broadcast structure." The Commission designated both applications for hearing upon various issues.

2. In its present petition to enlarge and modify issues, filed January 23, 1967,[4] Cosmos, supported by Aiken, requests that the Review Board modify issue 1[5] to include only the penetration and extent of petitioners' CATV services in the Augusta market; and to add the following issues:

(a) To determine whether the proposed CATV services in North Augusta and Aiken, S.C. are consistent with the community needs and desires for reception of programs from television broadcast stations oriented to coverage of South Carolina public affairs and events.

(b) To determine broadcast revenues, expenses and income for the Augusta television market, and potential revenues available to UHF stations.

(c) To determine the actual expenditures and physical development of the CATV systems in Aiken and North Augusta, S.C., prior to February 15, 1966.

(d) To determine the sufficiency of Commission notice and applicability of the February 15, 1966, cutoff date with respect to petitioners' CATV systems in view of the extensive development of each system prior to April 23, 1965, and February 15, 1966.

Cosmos also requests that the burden of proceeding and burden of proof as to requested Issue (b), above, be placed upon respondents.

3. In support of its request to limit Issue 1 (see note 5, supra), Cosmos contends that the issue as framed would require it to adduce evidence regarding present and proposed CATV operations

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[1] Since Augusta is one of the Nation's 100 largest television markets (ranked 96th), neither applicant may carry distant signals in their respective proposed CATV systems without prior Commission approval based upon a full evidentiary hearing. See § 74.1107(a).

[2] Each applicant also contended that its proposal would for the first time bring to the Augusta market the full range of network services and would make available home-State television reception. Oppositions were filed by the licensees of the two Augusta stations, contending essentially that the communities involved are an important part of the station's service area and that no showing had been made with respect to potential impact of the proposed CATV operations upon the existing and potential Augusta stations.

[3] See § 74.1107(d) as to the "grandfather" rights of an existing CATV system with respect to signals carried by the system on Feb. 15, 1966.

[4] Also before the Board are the following pleadings: (a) Opposition, filed Feb. 3, 1967, by Rust Craft Greeting Cards, Inc. (Rust Craft); (b) comments (in support of the foregoing petition), filed Feb. 1, 1967, by Aiken; (c) Broadcast Bureau's comments, filed Feb. 8, 1967; (d) reply, filed Feb. 17, 1967, by Cosmos; and (e) erratum, filed on Feb. 15, 1967, by the Broadcast Bureau.

[5] Issue 1 reads as follows: "To determine the present and proposed penetration and extent of CATV service in the Augusta market."

in an area encompassing 150,000 square miles, including 125 communities; and that such a requirement is "inequitable, unreasonable, and highly conjectural." As pointed out by the Bureau, in its comments, petitioner does not allege facts sufficient to warrant the action requested, as required by § 1.229 of the rules. Moreover, existing Issue 2 [6] cannot be resolved without the information called for under 1, and we agree with Rust Craft that unless the full showing contemplated under Issue 1 is made, there can be no meaningful determination of the impact of CATV service on the Augusta television market.

4. In support of requested Issue (a), Cosmos submits that there is a strong desire from North Augusta officials for the reception of South Carolina programing, which is not now received in North Augusta; that to deny residents of a State access to their own State's stations in order to protect the stations of another State (Georgia) raises serious public interest questions; and that the Commission has recognized the importance of in-State service in the Second Report and Order in Docket Nos. 14895, 15223, and 15971, 2 FCC 2d 725 (1966). Rust Craft, in opposition, argues that the need for in-State programing, while relevant to petitioner's original request for waiver of § 74.1107, is not relevant to the basic issue to be decided at the hearing—the economic impact of the proposed CATV on existing and future television development; that the Commission's concern for in-State programing in the Second Report and Order referred only to existing CATV systems proposing to carry distant signals, not to proposals for new CATV systems; and that, in any event, the existing Augusta stations are meeting the needs and interests of the residents of North Augusta.

5. As pointed out by the Broadcast Bureau in its comments, the in-State feature of Cosmos' proposal was considered by the Commission in the designation order (see par. 1, supra) and rejected as a basis for waiving § 74.1107 of the rules. However, the fact that this feature was not an adequate basis for waiving the hearing requirement contained in § 74.1107 does not mean that it is not a relevant factor in resolving the ultimate public interest question after the hearing has been held. As stated by the Commission in the Second Report and Order, supra, "[c]onsiderations of this nature [in-State programing] will be accorded substantial weight as a basis for waiver of the carriage provisions." We fail to perceive any valid distinction between such waivers for existing CATV operations and proposed CATV operations, as suggested by Rust Craft; and we cannot, on the basis of the pleadings, resolve the question of need for the proposed CATV services. Accordingly, an issue will be specified under which this matter can be explored.

[6] Existing Issue 2 inquires into "the effects of current and proposed CATV service in the Augusta market upon existing, proposed, and potential television broadcast stations in the market."

6. We agree with Rust Craft and the Bureau that existing Issue 2 (see note 6, supra) is broad enough to encompass the information sought to be elicited by Cosmos under its requested Issue (b), and we find no basis for shifting the burden of going forward with the evidence or the burden of proof away from the applicants. WLCY–TV, Inc., FCC 67–101, released January 27, 1967, cited by Cosmos in its reply, is inapposite here. In that case, which involved an application to relocate the transmitter site of a television station, the burden of proceeding under an economic impact issue was placed upon existing television stations which raised the question in petitions to deny. According to section 309(e) of the Communications Act, this alternative was open to the Commission since the issue was presented by a petition to deny. Here, on the other hand, the economic impact issue was not presented by a petition to deny. Pursuant to section 309(e) of the Act and section 7(c) of the Administrative Procedure Act, the burden was properly placed upon the applicants.

7. In support of requested Issues (c) and (d), Cosmos alleges that the applicants had spent substantial sums of money developing their systems prior to April 23, 1965, when the Commission issued its Notice of Inquiry and Proposed Rulemaking in Docket No. 15971, 1 FCC 2d 453; that by February 15, 1966, the cutoff date for "grandfathering" existing CATV systems carrying distant signals, the applicants had invested more money and their systems were in "operational status"; and that the economic viability of CATV systems should be in issue. Cosmos further alleges that the April 23, 1965, notice was legally deficient; and, in any event, that Augusta did not fall within the description of "major markets" contained in that notice. We do not regard petitioner's allegation that substantial sums of money were expended before it received notice as sufficient to warrant the addition of hearing issues. No showing has been made that these expenditures are relevant to the public interest determination, or even that petitioner's investment would be lost in the event that the requested waiver is denied.[7] Thus, we need not determine whether the economic viability of CATV systems may be a relevant consideration in this proceeding, since Cosmos' allegations fall far short of establishing a basis for an issue inquiring into this matter. With regard to notice, the legal sufficiency of the Commission's notice of the cutoff date has been treated by the Commission in various documents and need not be repeated here. It is true that paragraph 49 of the Commission's April 1965 notice, which referred to the action to be taken while the proceeding was pending, could be construed so as not to encompass the city of Augusta.[8] However, in paragraph 48 of the notice, which set forth the areas of further inquiry, the Commission stated that [s]uch areas include not only communities with four or more commercial channel assignments but also those areas where any new station would rely very substantially upon independent programing sources * * *." Since Augusta, at that time, had four channels assigned to it, we do not believe that Cosmos can validly complain that it had no notice that the Commission's future action might affect its proposal, cf. memorandum opinion and order, FCC 66–456, 3 FCC 2d 816, 825.

[7] As stated by the Commission in its memorandum opinion and order, FCC 66–456, 3 FCC 2d 816, denying petitions for stay of the second report and order, "section 74.1104 does not preclude, or require a hearing for, construction or the commencement of operations limited to local signals or any other service not involving the carriage of distant broadcast signals." 3 FCC 2d at 826.

[8] Par. 49 refers to communities with four or more commercial channel assignments and three or more stations in operation; or with at least two stations in operation and one or more stations authorized or applied for.

Accordingly, it is ordered, This 25th day of April 1967, that the petition to enlarge and modify the issues, filed by Cosmos Cablevision Corp. on January 23, 1967, is granted to the extent indicated below; that said petition is denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following issue: To determine whether there are unsatisfied needs in North Augusta and Aiken, S.C. for in-State television programing; and, if so, the extent to which the applicants' proposed CATV services would meet those needs for their respective communities.

The burden of proceeding and the burden of proof under the added issue will be on the applicants for their respective communities.

Released: May 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5049; Filed, May 4, 1967; 8:48 a.m.]

[Docket Nos. 17405, 17406; FCC 67–508]

HARTFORD COUNTY BROADCASTING CORP. AND CENTRAL CONNECTICUT BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Hartford County Broadcasting Corp., New Britain, Conn., Docket No. 17405, File No. BPH–5488, Requests: 100.5mc, No. 263; 20kw; 135 ft.; The Central Connecticut Broadcasting Co., New Britain, Conn., Docket No. 17406, File No. BPH–5489, Requests: 100.5mc, No. 263; 10kw; 931 ft.; for construction permits.

1. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of April 1967;

2. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

3. Hartford County Broadcasting Corp. previously held a construction permit for this channel. This permit, however, was deleted after its application for extension of the permit was denied for lack of diligence in proceeding with construction. In this connection, Hartford County now commits itself to expeditious construction and states that it is willing to accept a grant conditioned on completion of construction within 120 days following grant. We have concluded that an issue is required to determine whether, in light of its past lack of diligence, Hartford County can be relied upon to complete construction promptly. If Hartford County is found qualified, this evidence may be considered under the standard comparative issue.

4. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations within the 1 mv/m contours together with the availability of other FM services of 1 mv/m or greater intensity in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

5. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, as is of the opinion that the applications must be designated for hearing on the issues set forth below.

It is further ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether in light of its past lack of diligence Hartford County can be relied upon to complete construction of the proposed station in a prompt and expeditious manner.

2. To determine, if issue one is resolved in Hartford County's favor, which of the proposals would better serve the public interest.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permit should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: May 2, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-5050; Filed, May 4, 1967; 8:48 a.m.]

[Docket Nos. 17029, 17030; FCC 67R-174]

RUSSEL SHAFFER AND INTERNATIONAL ELECTRONIC DEVELOPMENT CORP.

Memorandum Opinion and Order Enlarging Issues

In re applications of Russel Shaffer, Boulder, Colo., Docket No. 17029, File No. BPH-5337; International Electronic Development Corp., Boulder, Colo., Docket No. 17030, File No. BPH-5432.

1. This proceeding involves two mutually exclusive applications to establish new FM broadcast stations at Boulder, Colo., operating on Channel 234 (94.7 mc/s). By order, released December 6, 1966 (Mimeo No. 93013), the applications were designated for hearing on a standard comparative issue. The Environmental Science Services Administration (ESSA) of the Department of Commerce, on January 9, 1967, filed a petition to intervene, contending that there is a reasonable likelihood that the proposed operation of either applicant may cause excessive interference and/or impair the usefulness of its Table Mountain facility. By order, released January 24, 1967 (FCC 67M-119), the Hearing Examiner granted ESSA's petition to intervene and made it a party to the proceeding, on the condition that an issue or issues are added relating to the alleged interference that would be caused to the Table Mountain operation. International Electric Development Corp. (International), on January 25, 1967, filed a petition for reconsideration of the Hearing Examiner's Order; and the Examiner, by order released February 15, 1967 (FCC 67M-254), reaffirmed his previous order.

2. Presently before the Review Board is a motion to enlarge issues, filed by ESSA on February 24, 1967, requesting an issue to determine whether the proposed FM stations would cause interference to its Table Mountain operation.[1a] In support of its request, ESSA alleges that the Table Mountain site is used by the Institute for Telecommunication Sciences and Aeronomy as part of the studies in telecommunication science and central Federal program of research and service in radio propagation and radio atmospheric studies; that the activities performed there are vital to questions of future use of electromagnetic waves, which are also of interest to the Federal Communications Commission, Director of Telecommunications Management and the Department of Defense; that its research and measurement activities employ reception of signals in many portions of the radio spectrum, including FM and TV broadcasting bands and the bands adjacent and harmonically related thereto; and that strong signals could cause objectionable interference to the reception of desired signals from highly sensitive receivers because of inherent characteristics of the receivers' components, as well as by spurious radiation of signal from broadcasting transmitters. ESSA's engineering affidavit indicates that International's proposal would place a signal of 127 mv/m at the Table Mountain site, and that Russel Shaffer's proposal would place a signal of 11 mv/m, both of which exceed ESSA's criterion of 10 mv/m. With regard to the requirement that petitions to enlarge issues must be filed within 15 days after the issues have first been published in the FEDERAL REGISTER,[2] ESSA submits that the 15-day period should not begin to run until its petition to intervene was granted, and since the order granting intervention was not reaffirmed until February 15, 1967, its motion is timely. In any event, ESSA argues, good cause for the delay exists because its petition to intervene was timely filed, it was in the process of preparing the motion to enlarge when intervention was sought, and the delay in filing the petition to enlarge was occasioned by the need for technical computations and measurements in connection with its engineering affidavit. The Broadcast Bureau supports ESSA's request.

3. International, in opposition, contends that the 15-day period commences to run against parties, intervenors, and potential intervenors the day the hearing order appears in the FEDERAL REGISTER,[3] and that ESSA's motion is therefore 59 days late. The ESSA contention that the delay in filing was occasioned by the need for technical computations and measurements, International alleges, is not an adequate showing of good cause, and that the technical study should have been included in the petition for intervention. International points out that ESSA neither participated in the rule-making proceeding leading to the assignment of FM channels to Boulder nor did it evidence any interest in the Commission's public notice of the filing of two applications, but waited until the

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[1] Commissioner Lee absent.

[1a] Also before the Review Board are: (a) opposition of International Electronic Development Corp., filed Apr. 10, 1967; (b) Broadcast Bureau's statement, filed Apr. 10, 1967; and (c) reply to opposition filed Apr. 20, 1967, by ESSA.

[2] Sec. 1.229 of the Rules.

[3] See Charlottesville Broadcasting Corp., 1 FCC 2d 1323, 6 RR 2d 744 (1965); and Kenosha Broadcasting, Inc., FCC 61R-1103, 22 RR 97.

adjudicatory proceeding had begun before asserting its alleged need for protection. International's engineering affidavit indicates that if the existing FM Station KRNW in Boulder were to operate as a maximum Class C facility, it would greatly exceed the ESSA criteria; that TV channels 12 and 14 are assigned to Boulder, and ESSA has not objected; that there is one standard broadcast and four television stations now placing signals in excess of ESSA's maximum tolerable field strength criteria at the Table Mountain site; and that there are six Class C FM broadcast and two VHF television stations which could place signals in excess of 10 mv/m at Table Mountain if they were to operate at maximum facilities. Thus, International concludes, the subject petition is procedurally defective and ESSA has not established a "substantial likelihood" of proving its allegations.

4. We agree with International that the requirements of § 1.229 apply to intervenors as well as other parties, and the fact that an intervenor did not enter a proceeding until after the time for filing a motion to enlarge issues had elapsed does not toll the running of the 15 days specified by the rule. However, the cases cited by International (see note 3, supra) also make it clear that this factor is to be considered in determining whether good cause for late filing is present. In resolving this close question, we find it significant that ESSA's right to intervene in this proceeding was not definitely decided until February 15, 1967,[4] and the subject petition was filed 9 days later. This fact, considered in light of ESSA's explanation that the delay was occasioned by technical difficulties and the serious public interest question raised in the petition, persuades us that good cause for the late filing exists. As to the merits of the request, it appears that ESSA is attempting to limit the number of high level signals which could result in harmful interference to its research programs. It acknowledges the existence of a number of signals which already exceed its criteria. However, as revealed in International's affidavit, these signals are not as high as the one International's proposal would place (127 mv/m as compared to 30 mv/m of Station KLZ–TV, Denver, Colo.) over the Table Mountain site; and there has been no allegation refuting the alleged adverse effect of these signals upon the research programs. We are therefore of the opinion that an issue inquiring into this matter is warranted.

Accordingly, it is ordered, That the motion to enlarge issues, filed on February 24, 1967, by the Environmental Science Services Administration, Department of Commerce, is granted; and that the issues in this proceeding are enlarged by the addition of the following issue: To determine whether the proposals of Russel Shaffer and International Electronic Development Corp. would cause interference to the operation of the Environmental Science Services Administration's facilities at Table Mountain, Colo.; and, if so, whether such interference would impair the usefulness of that facility.

The burden of proceeding with the introduction of evidence under the added issue will be on the petitioner herein, and the burden of proof will be on the applicants for their respective proposals.

Adopted: April 27, 1967.

Released: May 2, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5051; Filed, May 4, 1967; 8:48 a.m.]

[4] International's petition for reconsideration of the Examiner's initial order permitting intervention was filed 1 day after that order was released.

[Docket No. 16674; FCC 67M–701]

SANTA ROSA BROADCASTING CO., INC.

Order Continuing Prehearing Conference

In the matter of revocation of license of Santa Rosa Broadcasting Co., Inc., for standard broadcasting station WSRA, Milton, Fla., Docket No. 16674.

On the Examiner's own motion: *It is ordered,* That the prehearing conference now scheduled for May 11, 1967, is continued to May 19, 1967.

Issued: April 26, 1967.

Released: April 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5052; Filed, May 4, 1967; 8:48 a.m.]

[Docket Nos. 17409, 17410; FCC 67–515]

SHURTLEFF-SCHORR BROADCASTING CORP. AND CORNBELT BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In reapplications of Shurtleff-Schorr Broadcasting Corp., Lincoln, Nebr., Docket No. 17409, File No. BPH–5106, requests: 107.3 mc, No. 297; 100 kw(H); 34.29 kw(V); 109 ft.; and Cornbelt Broadcasting Corp., Lincoln, Nebr., Docket No. 17410, File No. BPH–5424, requests: 107.3 mc, No. 297; 50 kw; 205 ft.; for construction permits.

1. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of April 1967;

2. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

3. Consideration of the programing proposals is required because of the substantial and material difference between the proposals in the amount of AM programing to be duplicated. Shurtleff-Schorr proposes to duplicate 50 percent of the time while Cornbelt proposes to duplicate only about 17.21 percent of the time. Therefore, programing evidence will be admissible under the standard comparative issue.

4. Since the transmitter Shurtleff-Schorr proposes to use is not type accepted, if its application is granted, a condition regarding submission of type acceptance data will be attached.

5. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutually exclusivity, the Commission is unable to make a statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That, in the event of a grant of the application of Shurtleff-Schorr Broadcasting Corp., the construction permit shall contain the following condition: Permittee shall submit sufficient data in accordance with § 73.250 of the Commission's rules for type acceptance of its transmitter.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 of the rules.

Released: May 2, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5053; Filed, May 4, 1967; 8:49 a.m.]

[1] Commissioners Lee and Wadsworth absent.

[Canadian Change List 225]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

APRIL 17, 1967.

Notification under the provision of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignment of Canadian Broadcast Stations modifying Appendix containing Assignments of Canadian Stations (Mimeograph No. 47214–3) attached to the Recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
CKDA (notification is for change in location and increased power from that notified on List No. 216).	Victoria, B.C.	*1220 kilocycles/s* 50kw	DA-1	U	II	EIO. 4-15-68.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5048; Filed, May 4, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

REDERIAKTIEBOLAGET CLIPPER ET AL.

Security for Protection of Public; Indemnification of Passengers for Nonperformance of Transportation

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) that a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation has been issued to the following (all effective on May 5, 1967):

Rederiaktiebolaget Clipper (Clipper Steamship Co.) (Clipper Line), Certificate No. P–2.
Okeania S.A. (Chandris Lines), Certificate No. P–3.
The Peninsular & Occidental Steamship Co. (P & O Steamship Co.), Certificate No. P–4.
Klosters Rederi A/S, Certificate No. P–5.
Victoria Steamship Co., Ltd. (Incres Line), Certificate No. P–6.
Compagnie Generale Transatlantique (French Line), Certificate No. P–7.
Norddeutscher Lloyd (North German Lloyd) (NDL, NGL), Certificate No. P–8.
Holland-Amerika Linjn, N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Netherlands American Steamship Co.) (Holland-America Line), Certificate No. P–9.
N. V. Mailschip Rotterdam (Mailship Rotterdam, Inc.) (Holland-America Line), Certificate No. P–10.
Jugosiavenska linijska plovidba—Rijeka (Yugosiav Lines) (Jugoilnija) (Yugoline), Certificate No. P–11.
The New Zealand Shipping Co., Ltd., Certificate No. P–12.
United States Lines, Inc. (United States Lines), Certificate No. P–13.
Giacomo Costa Fu Andrea (Costa Line) (Linea "C"), Certificate No. P–14.
Europa-Canada Linie G.m.b.H., Bremen (Europe-Canada Line) (ECL Shipping Co.), Certificate No. P–15.
Aktiebolaget Svenska Amerika Linien (Swedish American Line), Certificate No. P–16.
Alaska Cruise Lines, Ltd., Certificate No. P–17.
"Italia" Societa' Per Azioni Di Navigazione ("Italia" Steamship Corp.) (Italian Line), Certificate No. P–18.
Den norske Amerikalinje A/S (Norwegian America Line), Certificate No. P–19.
The Cunard Steam-Ship Co., Ltd. (Cunard), Certificate No. P–20.
Evangeline Steamship Co., S.A., Certificate No. P–21.
Companhia Colonial de Navegacao (C.C.N. The Portuguese Line), Certificate No. P–22.
Home Lines, Inc. (Home Lines), Certificate No. P–23.
Matson Navigation Co./The Oceanic Steamship Co. (Matson Lines), Certificate No. P–24.
Delta Steamship Lines, Inc. (Delta Line), Certificate No. P–25.
American Export Isbrandtsen Lines, Inc., Certificate No. P–26.
Compagnie Francaise de Navigation (Paquet Lines), Certificate No. P–27.
Transoceanic Navigation Corp. (Greek Line), Certificate No. P–28.
Transatlantic Shipping Corp. (Greek Line), Certificate No. P–29.
American President Lines, Ltd. (APL), Certificate No. P–30.
The Chesapeake and Ohio Railway Co., Certificate No. P–31.
Zim Israel Navigation Co., Ltd. (Zim Line), Certificate No. P–32.
Themistocles Navegacion S.A. (National Helenic American Line), Certificate No. P–33.
Grace Line, Inc., Certificate No. P–34.
Moore-McCormack Lines, Inc., Certificate No. P–35.
Compania Transatlantica Espanola, S.A. (Spanish Line), Certificate No. P–36.
The Peninsular and Oriental Steam Navigation Co. (P & O Lines), Certificate No. P–37.
State of Alaska, Certificate No. P–38.

Dated: May 1, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67–5042; Filed, May 4, 1967; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 611]

MISSOURI

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Sullivan County, in the State of Missouri;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about April 22, 1967.

OFFICE

Small Business Administration Regional Office, 911 Walnut Street, Kansas City, Mo. 64106.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1967.

Dated: May 1, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67–5032; Filed, May 4, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CS67–74 etc.]

MRS. R. G. BEACH ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 28, 1967.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 22, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Date Filed	Name of Applicant
CS67-74	4-14-67	Mrs. R. G. Beach, 4 Sycamore Circle, Windsor, Conn. 06095.
CS67-75	4-14-67	Wm. C. & Theodosia M. Nolan, d.b.a. Munoco Co., c/o J. C. Harris, C.P.A., 308 Murphy Bldg., El Dorado, Ark. 71730.
CS67-76	4-17-67	CRA, Inc., Post Office Box 7305, Kansas City, Mo. 64116.
CS67-77	4-17-67	McAlester Fuel Co., c/o Charles Dillard, vice president, Post Office Box 10, Magnolia, Ark. 71753.
CS67-78	4-17-67	J. M. Welborn, 404 Great Plains Bldg., Lubbock, Tex. 79401.
CS67-79	4-17-67	Jack Markham, 404 Great Plains Bldg., Lubbock, Tex. 79401.
CS67-80	4-17-67	John J. Christmann, 404 Great Plains Bldg., Lubbock, Tex. 79401.
CS67-81	4-17-67	J. D. Hunter, trustee, 402 Midland National Bank Bldg., Midland, Tex. 79701.
CS67-82	4-17-67	Petroleum Exploration, Inc., of Texas, Post Office Box 2009, Amarillo, Tex. 79105.
CS67-83	4-18-67	A. R. Eppenauer, Post Office Box 278, Marfa, Tex.
CS67-84	4-20-67	Rutter & Wilbanks Bros. (Operator) et al., 500 North Big Spring St., Midland, Tex. 79701.
CS67-85	4-21-67	U.S. Smelting, Refining & Mining Co. c/o J. V. Neuman, Jr., vice president, Post Office Box 1980, Salt Lake City, Utah 84110.

[F.R. Doc. 67-5016; Filed, May 4, 1967; 8:45 a.m.]

[Docket No. CP67-303]

TENNESSEE GAS PIPELINE CO.

Notice of Application

APRIL 27, 1967.

Take notice that on April 21, 1967, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP67-303 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of quantities of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to deliver to Algonquin Gas Transmission Co. (Algonquin) up to 8,160 Mcf of natural gas per day through an existing connection between their respective pipeline systems near Mahwah, N.J., for the account of Central Hudson Gas and Electric Co. (Central). Algonquin will then transport and deliver equal quantities of natural gas to Central at a point of connection at Somers, N.Y. Applicant states that Central is an existing customer and that Central will accept the natural gas into its system for distribution and consumption by the ultimate consumer.

Applicant also states that it will not be required to construct any new facilities to render the proposed service nor will the rendering of said service jeopardize its ability to render service presently authorized for its existing customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 25, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-5017; Filed, May 4, 1967; 8:45 a.m.]

[Docket No. E-7349]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Application

APRIL 28, 1967.

Take notice that on April 17, 1967, Wisconsin Public Service Corp. (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 203 of the Federal Power Act authorizing it to purchase certain electric utility distribution system properties of the city of Kewaunee, Wis.

Applicant is incorporated under the laws of the State of Wisconsin and has its principal place of business in Milwaukee, Wis. Applicant owns and operates utility properties and furnishes electric service to customers in 22 counties in Wisconsin and one county in Michigan. Applicant makes sales of electric energy at wholesale to nine municipally owned electric distribution utilities including present sales to the municipally owned electric distribution system in the city of Kewaunee. The city of Kewaunee is engaged in the distribution of electric energy to approximately 1,100 customers in the city of Kewaunee, Kewaunee County, Wis.

The electric utility distribution system properties proposed to be purchased by the Applicant consists of the entire electric distribution system of the city, but does not include an ornamental street lighting system or the city's diesel generating plant. The cash consideration to be received by the city in return for its distribution system is approximately $281,000. This amount represents reproduction cost new less depreciation. The purchase price of $281,000 will be readjusted as of the date of closing to reflect additions to and retirements of physical property and plant since December 31, 1966, each taken at book costs.

According to the application, Applicant will continue the operation of the electric distribution system after the acquisition.

Any person desiring to be heard or to make any protest with reference to the application should on or before May 15, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-5018; Filed, May 4, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

NORTHERN INSTRUMENT CORP.

Order Suspending Trading

MAY 1, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Northern Instrument Corp. Babylon, N.Y., and all other securities of Northern Instrument Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities

exchange is summarily suspended, this order to be effective for the period May 2, 1967, through May 11, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5031; Filed, May 4, 1967; 8:46 a.m.]

[File No. 1-4617]

CAMP CHEMICAL CO., INC.

Notice of Application To Withdraw From Listing and Registration

MAY 1, 1967.

In the matter of Camp Chemical Co., Inc., Common Stock, File No. 1-4617.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the National Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The reasons advanced by the company are as stated in its application dated April 25, 1967, which is on file with the Commission. The information has been disseminated to the stockholders. Of a total of 398,782 shares outstanding, only about 23 percent remain in the hands of the public.

Any interested person may, on or before noon, May 11, 1967, submit by letter to the Secretary of the Securities and Exchange Commission, Washington 25, D.C., facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary,*

[F.R. Doc. 67-5058; Filed, May 4, 1967; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 2, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41005—*Superphosphate from Geismar, La.* Filed by O. W. South, Jr., agent (No. A5028), for interested rail carriers. Rates on superphosphate, in carloads, as described in the application, from Geismar, La., to points in western trunkline territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 12 to Southern Freight Association, agent, tariff ICC S-642.

FSA No. 41006—*Pulpboard or fiberboard from West Point, Va.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2886), for interested rail carriers. Rates on pulpboard or fiberboard, n.o.i.b.n., in carloads, from West Point, Va., to Chicago, Ill., and points taking same rates.

Grounds for relief—Market competition.

Tariff—Supplement 81 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-366.

FSA No. 41007—*Coarse grains from points in Missouri.* Filed by Southwestern Freight Bureau, agent (No. B-8970), for interested rail carriers. Rates on coarse grain and articles taking same rates, in carloads, from Dalton, Keytesville, and Salisbury, Mo., to points in Arkansas.

Grounds for relief—Rate relationship, and grouping.

Tariff—Supplement 113 to Southwestern Freight Bureau, agent, tariff ICC 4494.

FSA No. 41008—*Soda ash to Fairburn, Ga.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2885), for interested rail carriers. Rates on soda ash, dense, in bulk in covered hopper cars, and soda ash, in bulk, in covered hopper cars, in carloads, from specified points in Michigan, New York, and Ohio, to Fairburn, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 14 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-334.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5055; Filed, May 4, 1967; 8:49 a.m.]

[Notice 377]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 2, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 219 TA), filed April 27, 1967. Applicant: RISS & COMPANY, INC., 903 Grand Avenue, Temple Building, Post Office Box 2809, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from Dover, Del., to points in Illinois, Indiana, Kansas, Kentucky, Ohio, Michigan, and Missouri, for 180 days. Supporting shipper: General Foods Corp., 250 North Street, White Plains, N.Y. 10602. Send protests to: Vernon Coble, District Supervisor, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut, Kansas City, Mo.

No. MC 17379 (Sub-No. 10 TA), filed April 28, 1967. Applicant: M & M TRUCKING CO., a corporation, 1103 East Poland Avenue, Bessemer, Pa. 16112. Applicant's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Painesville, Ohio, to points in Crawford, Erie, Warren, and McKean Counties, Pa., and Chautauqua, Allegany, and Cattaraugus Counties, N.Y., restricted to service to be performed under continuing contract or contracts with Bessemer Cement Co., Division Diamond Alkali Co., for 150 days. Supporting shipper: Bessemer Cement Co., division of Diamond Alkali Co., 800 Stambaugh Building, Youngstown, Ohio 44503. Send protests to: Gasper Piovarchy, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 29566 (Sub-No. 125 TA), filed April 28, 1967. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products and meat byproducts*, from Beardstown, Ill. to points in Iowa, Kansas, Nebraska, and Missouri, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., Madison, Wis. Send protests to: Vernon Coble, District Supervisor, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut, Kansas City, Mo. 64106.

No. MC 116063 (Sub-No. 101 TA), filed April 27, 1967. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., Post Office Box 270, 2400 Cold Spring Road, Fort Worth, Tex. 76101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Fertilizer and dry fertilizer ingredients*, in bulk, and *anhydrous ammonia*, in bulk, in tank vehicles, from Luling, La., to Marianna, Fla., and points in Alabama and Mississippi, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindberg Boulevard, St. Louis, Mo. 63166. Send protests to: Billy R. Reid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 124078 (Sub-No. 273 TA), filed April 27, 1967. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from Senatobia, Miss., to points in Mississippi and Tennessee, on traffic having a prior out-of-State movement by rail, for 150 days. Supporting shipper: United Cement Co., Post Office Box 175, West Point, Miss. 39773 (Jack M. Reese, Vice President and General Manager). Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124238 (Sub-No. 4 TA), filed April 28, 1967. Applicant: CEMENT TRANSPORTS, INC., 3300 Republic National Bank Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, boxed for export shipment, from plantsite of Longhorn Cement, Division Kaiser Cement & Gypsum Corp. in San Antonio, Tex., to Freeport, Tex., shipside, for 180 days. Supporting shipper: Longhorn Cement, Division of Kaiser Cement & Gypsum Corp., Route 13, Box 714, San Antonio, Tex. 78209. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 127261 (Sub-No. 2 TA), filed April 27, 1967. Applicant: DIAZ MOTOR FREIGHT, INC., 2829 Frenchmen Street, New Orleans, La. 70119. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *wire mesh*, in rolls and sheets, and *structural and reinforcing steel* in lengths up to and including 60 feet, from New Orleans, La., to points within 565 miles in the States of Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas, for 180 days. Supporting shippers: Primary Steel, Inc., Post Office Box 10393, New Orleans, La. 70121; Atlas Steel & Wire Corp., Post Office Box 53372, New Orleans, La. 70150; and Southeast Steel & Wire Corp., Post Office Box 10313, New Orleans, La. 70121. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 128095 (Sub-No. 2 TA), filed April 27, 1967. Applicant: ALVIN C. HALE TRUCKING CO., INC., Route 5, Pontotoc, Miss. 38863. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and parts, materials, and accessories* used in the manufacture of new furniture, from Lincolnton, N.C., to Prairie, Miss., for 180 days. Supporting shipper: The Burris Chair Co., Post Office Box 698, Lincolnton, N.C. 28092. Send protests to: William W. Garland, District Supervisor, interstate Commerce Commission, Bureau of Operations, 390 Federal Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 128745 (Sub-No. 2 TA), filed April 28, 1967. Applicant: MIEDZINSKI'S TRANSFER, INC., Park Avenue, Leonardtown, Md. 20650. Applicant's representative: Oliver R. Guyther, Leonardtown, Md. 20650. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment*, between Arlington, Va., on the one hand, and, on the other, points in St. Mary's and Calvert Counties, Md., for 180 days. Supporting shipper: Western Electric Co., Inc., 222 Broadway, New York, N.Y. 10038. Send protests to: District Supervisor Robert D. Caldwell, Interstate Commerce Commission, Bureau of Operations, Room 1220, Washington, D.C. 20423.

No. MC 128607 (Sub-No. 4 TA), filed April 28, 1967. Applicant: BOYD TRUCKING CO., First Street and Cemetery Lane, Post Office Box 577, Cottonwood, Calif. 96022. Applicant's representative: Marvin Handler, 405 Montgomery Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Genessee, Calif. (16 miles southeast of Crescent Mills) to Port of Sacramento, Calif., for 150 days. Supporting shipper: Plumas Lumber Co., Crescent Mills, Calif. 95934. Send protests to: District Supervisor William E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 128960 (Sub-No. 1 TA), filed April 27, 1967. Applicant: ARNOW TRUCKING CORP., 466 Rockaway Parkway, Brooklyn, N.Y. 11212. Applicant's representative: Martin Honig, 570 Seventh Avenue, New York, N.Y. 10018. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances*, from Garden City and Jamaica, N.Y., to points in Pennsylvania, Connecticut, and New Jersey, for 150 days. Supporting shipper: Cee-Mor Sales Corp., 43-01 Bell Boulevard, Bayside, Long Island, N.Y. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 129041 TA, filed April 28, 1967. Applicant: ROGER L. MARQUARDT, doing business as MARQUARDT TRUCKING SERVICE, Rural Route 3, Parkston, S. Dak. 57366. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used farm machinery and implements*, between Mitchell, S. Dak., and points in Minnesota, Iowa, Wisconsin, Illinois, Texas, Kansas, Oklahoma, Nebraska, North Dakota, and New Mexico, for 180 days. Supporting shipper: Mitchell Machinery, Mitchell, S. Dak. 57301, Lyle Bordewyk. Send protests to: District Supervisor, J. L. Hammond, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5056; Filed, May 4, 1967; 8:49 a.m.]

[Notice 1513]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 2, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69550. By order of April 26, 1967, the Transfer Board approved the transfer to Allen I. Koenig, doing business as Midwest Harvestore Transport Co., Rochester, Minn., of the operating rights in certificates Nos. MC-117068, MC-117068 (Sub-No. 2), and MC-117068 (Sub-No. 5), issued March 31, 1959, November 23, 1962, and December 7, 1965, respectively, to Herbert H. Schultz, doing business as Midwest Harvestore Transport, Rochester, Minn., authorizing the transportation, over irregular routes, of steel silos, component parts thereof, and certain equipment and materials related thereto, and animal waste storage tanks and spreader tanks, livestock scales, livestock feed bunkers, forage metering devices, and soil savers, from Kankakee, Ill., to points in Minnesota, Iowa, North Dakota, and South

Dakota. Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn., representative for applicants.

No. MC–FC–69582. By order of April 25, 1967, the Transfer Board approved the transfer to Osceola Transit, Inc., Osceola, Ark., of the operating rights in permit No. MC–126189, issued May 6, 1965, to L. C. B. Young, L. C. B. Young, Jr., C. S. Stevens, and Paul B. Billings, a partnership doing business as Osceola Transit Co., Osceola, Ark., authorizing the transportation of: Vegetable oils and blends, from points in Mississippi County, Ark., to Points in Shelby County, Tenn. James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103, attorney for applicants.

No. MC–FC–69588. By order of April 25, 1967, the Transfer Board approved the transfer to Helen M. Shaw, doing business as Miller Transfer & Storage, Clarion, Pa., of the certificates in Nos. MC–87103 and MC–87103 (Sub-No. 4) and the permit in No. MC–119302, certificate MC–37103 issued in the name of Joseph H. Shaw on July 18, 1962, and certificate MC–87103 (Sub-No. 4) and the said permit both issued March 24, 1967, to Joseph H. Shaw (Helen M. Shaw, Executrix), doing business as Miller Transfer & Storage, Clarion, Pa.; the certificates authorize the transportation of various commodities, including household goods from Clarion, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in six States and the District of Columbia; general commodities, from Clarion, Pa., to points within 25 miles of Clarion; and machinery and accessories useful in the manufacture of glass and plastic containers, between the plantsite of the Brockway Glass Co., Brockway, Pa., to specified plantsites of this company in nine other States; the permit authorizes the transportation of machinery and machinery parts between the plantsite of the Elliott Co., Division of Carrier Corp., Jeannette, Pa., on the one hand, and, on the other, points in the United States, except Alaska and Hawaii. Dual operations were authorized. Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC–FC–69589. By order of April 25, 1967, the Transfer Board approved the transfer to James E. Mascari, doing business as Bob White's Horse Transportation, San Ysidro, Calif., of certificate No. MC–106968 (Sub-No. 1), issued March 12, 1948, to Robert B. White, doing business as Bob White's Horse Transportation, San Ysidro, Calif., authorizing the transportation of race horses, and in the same vehicle with race horses, supplies, and equipment used in the transportation, care, and exhibition of such horses, and the personal effects of their attendants, between the boundary of the United States and Mexico at a point on U.S. Highway 101 about 1 mile south of San Ysidro, Calif., on the one hand, and, on the other, points and places in Maricopa County, Ariz., and those in Imperial, Kern, Los Angeles, Orange, Riverside, Sacramento, San Diego, San Francisco, San Joaquin, San Mateo, and Sonoma Counties, Calif. James N. Edmunds, 676 Third Avenue, Chula Vista, Calif. 92010, attorney for applicants.

No. MC–FC–69590. By order of April 26, 1967, the Transfer Board approved the transfer to Paul E. Reed, doing business as Punches Truck Line, Topeka, Kans., of the operating rights in certificate No. MC–114752, issued June 25, 1956, to Willis B. Vann, doing business as Vann Truck Line, Lyndon, Kans., authorizing the transportation of: General commodities, with the usual exceptions, between specified points in Kansas. Burns and Burns, Lyndon, Kans. 66451, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–5057; Filed, May 4, 1967; 8:49 a.m.]

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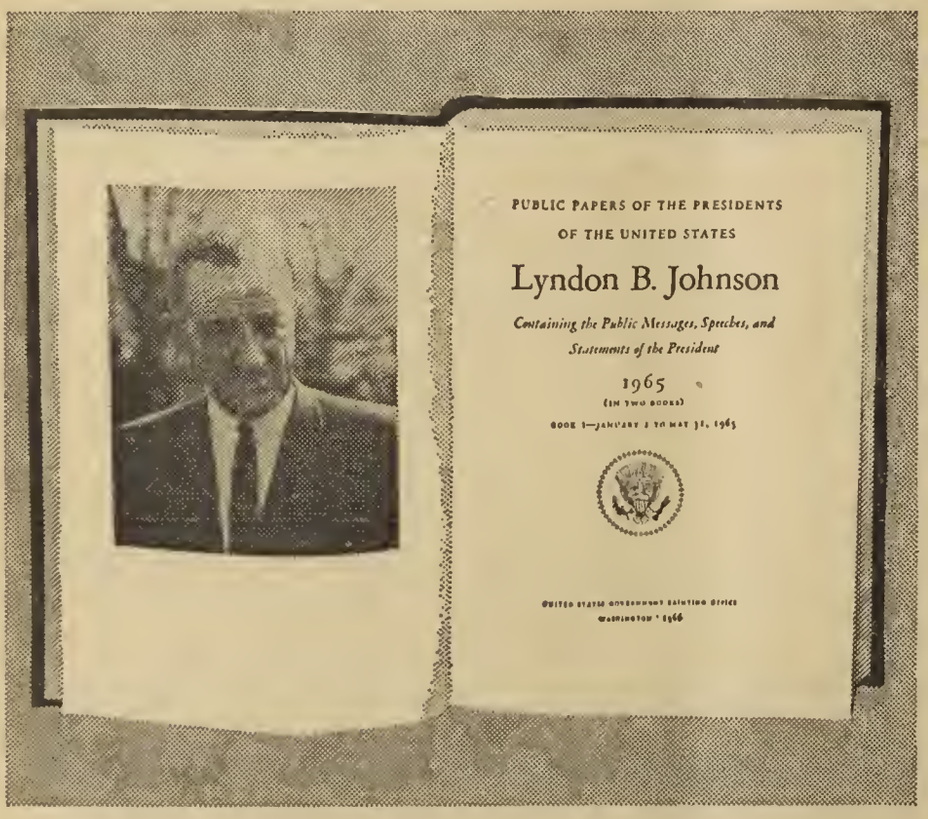
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AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 9988 of August 20, 1948, No. 10001 of September 17, 1948, No. 10008 of October 18, 1948, No. 10116 of March 9, 1950, No. 10202 of January 12, 1951, No. 10292 of September 25, 1951, No. 10363 of June 17, 1952, No. 10659 of February 15, 1956, No. 10714 of June 13, 1957, No. 10984 of January 5, 1962, and No. 11188 of November 17, 1964, which constitute portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Paragraph (a) of section 1624.1 of Part 1624, *Appearance Before Local Board*, is amended to read as follows:

"(a) Every registrant after his classification is determined by the local board, except a classification which is determined upon an appearance before the local board under the provisions of this part, shall have an opportunity to appear in person before the member or members of the local board designated for the purpose if he files a written request therefor within 30 days after the local board has mailed a Notice of Classification (SSS Form 110) to him. Such 30-day period may not be extended."

2. Part 1626, *Appeal to Appeal Board*, is amended as follows:

(a) Paragraph (b) of section 1626.2 is amended to read as follows:

"(b) The government appeal agent may take any appeal authorized under paragraph (a) of this section at any time before the registrant is mailed an Order to Report for Induction (SSS Form 252) or an Order to Report for Civilian Work and Statement of Employer (SSS Form 153)."

(b) Subparagraph (1) of paragraph (c) of section 1626.2 is amended to read as follows:

"(1) Within 30 days after the date the local board mails to the registrant a Notice of Classification (SSS Form 110)."

(c) Paragraphs (a), (b), and (c) of section 1626.25 are amended to read as follows:

"(a) If an appeal involves the question whether or not a registrant is entitled to be sustained in his claim that he is a conscientious objector, the appeal board shall take the following action:

"(1) If the registrant claims that he is, by reason of religious training and belief, conscientiously opposed to participation in war in any form and by virtue thereof he is conscientiously opposed to combatant training and service in the armed forces, but is not conscientiously opposed to noncombatant training and service in the armed forces, the appeal board shall determine whether or not such registrant is eligible for classification in a class lower than Class I–A–O or in Class I–A–O. If the appeal board determines that such registrant is eligible for classification in a class lower than Class I–A–O or in Class I–A–O, it shall classify the registrant in the lowest class for which he is determined to be eligible.

"(2) If the registrant claims that he is, by reason of religious training and belief, conscientiously opposed to participation in war in any form and by virtue thereof is conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces, the appeal board shall determine whether or not the registrant is eligible for classification in a class lower than Class I–O or in Class I–O. If the appeal board determines that such registrant is eligible for classification in a class lower than Class I–O or in Class I–O, it shall place him in the lowest class for which he is determined to be eligible.

"(3) If the appeal board determines that a registrant who has claimed conscientious objection within the meaning of subparagraph (1) or subparagraph (2) hereof is not entitled to classification in either the class he claimed or in a lower class, it shall transmit the entire file to the United States Attorney for the judicial district in which the office of the appeal board is located for the purpose of securing an advisory recommendation from the Department of Justice.

"(b) No registrant's file shall be forwarded to the United States Attorney by any appeal board and any file so forwarded shall be returned, unless in the 'Minutes of Action by Local Board and Appeal Board' on the Classification Questionnaire (SSS Form 100) the record shows and the letter of transmittal states that the appeal board reviewed the file and tentatively determined that the registrant should not be classified in either Class I–A–O or Class I–O, whichever he claims.

"(c) Whenever a registrant's file is forwarded to the United States Attorney in accordance with subparagraph (3) of paragraph (a) of this section, the Department of Justice shall thereupon make an inquiry and hold a hearing on the character and good faith of the conscientious objections of the registrant. The registrant shall be notified of the time and place of such hearing and shall have an opportunity to be heard. If the objections of the registrant are found to be sustained the Department of Justice shall recommend to the appeal board (1) that if the registrant is inducted into the armed forces, he shall be assigned to noncombatant service, or (2) that if the registrant is found to be conscientiously opposed to participation in such noncombatant service, he shall in lieu of induction be ordered by his local board to perform for a period of twenty-four consecutive months civilian work contributing to the maintenance of the national health, safety, or interest. If the Department of Justice finds that the objections of the registrant are not sustained, it shall recommend to the appeal board that such objections be not sustained."

(d) Paragraph (d) of section 1626.25 is hereby rescinded, and paragraph (e) is hereby redesignated as paragraph (d).

(e) Paragraph (b) of section 1626.61 is amended to read as follows:

"(b) At any time before the registrant is mailed an Order to Report for Induction (SSS Form 252) or an Order to Report for Civilian Work and Statement of Employer (SSS Form 153) the government appeal agent, if he deems it to be in the national interest or necessary to avoid an injustice, may prepare and place in the registrant's file a recommendation that the State Director of Selective Service either request the appeal board to reconsider its determination or appeal to the President. The registrant's file shall then be forwarded to the State Director of Selective Service. As soon as the State Director of Selective Service has acted upon the recommendation of the government appeal agent he shall advise the local board and, if he determines neither to request the appeal board to reconsider its determination nor to appeal to the President, he shall return the file to the local board."

3. Section 1627.3 of Part 1627, *Appeal to the President*, is amended to read as follows:

"When a registrant has been classified by the appeal board and one or more members of the appeal board dissented from that classification, the registrant, any person who claims to be a dependent of the registrant, or any person who prior to the classification appealed from filed a written request for the current occupational deferment of the registrant may appeal to the President within 30 days after the mailing by the local board of the Notice of Classification (SSS Form 110) notifying the registrant of this classification by the appeal board. The local board may permit any person who is entitled to appeal to the President under this section to do so, even though the 30-day period for taking an appeal has elapsed, if it is satisfied that the failure of such person to appeal within such 30-day period was due to lack of understanding of the right to appeal or to some other cause beyond the control of such person."

4. Part 1628, *Physical Examination*, is amended as follows:

(a) Paragraph (h) of section 1628.14 is amended to read as follows:

"(h) The State Director of Selective Service for the State in which the local board of origin is located shall, upon receipt of the completed original Transfer for Armed Forces Physical Examination or Induction (SSS Form 230), record on his copy of that form the disposition of the transferred registrant and forward the original of the form together with all other papers received from the local board of transfer to the local board of origin, except that he shall retain one copy of the Record of Induction (DD Form 47) whenever the registrant has been found not qualified for service in the Armed Forces."

(b) Subparagraphs (2) and (3) of paragraph (a) of section 1628.25 are amended to read as follows:

"(2) For each registrant found qualified for service in the Armed Forces, the original and three copies of the Record of Induction (DD Form 47), the original and one copy of the Report of Medical Examination (Standard Form 88), any X-ray films, and two copies of the Report of Medical History (Standard Form 89).

"(3) For each registrant found not qualified for service in the Armed Forces, the original and one copy of the Record of Induction (DD Form 47), the original Report of Medical Examination (Standard Form 88), and one copy of the Report of Medical History (Standard Form 89)."

(c) Paragraph (c) of section 1628.25 is amended to read as follows:

"(c) For each registrant found not qualified for service in the Armed Forces, the commanding officer of the examining station will retain two copies of the Record of Induction (DD Form 47), one copy of the Report of Medical Examination (Standard Form 88), and one copy of the Report of Medical History (Standard Form 89)."

(d) Subparagraphs (3) and (4) of paragraph (d) of section 1628.25 are amended to read as follows:

"(3) For each registrant found qualified for service in the Armed Forces, file the original and three copies of the Record of Induction (DD Form 47), the original and one copy of the Report of Medical Examination (Standard Form 88), any X-ray films, and two copies of the Report of Medical History (Standard Form 89) in the registrant's Cover Sheet (SSS Form 101). These forms and X-ray films shall be retained in the registrant's Cover Sheet (SSS Form 101) until such time as he may be forwarded for induction.

"(4) For each registrant found not qualified for service in the Armed Forces, file the original of the Record of Induction (DD Form 47), the original of the Report of Medical Examination (Standard Form 88), and the copy of the Report of Medical History (Standard Form 89) in the registrant's Cover Sheet (SSS Form 101), and forward to the State Director of Selective Service the copy of the Record of Induction (DD Form 47)."

5. Part 1632, *Delivery and Induction*, is amended as follows:

(a) Subparagraph (2) of paragraph (a) of section 1632.5 is amended to read as follows:

"(2) Assemble the original and three copies of each registrant's Record of Induction (DD Form 47), the original and the copy of the Report of Medical Examination (Standard Form 88), two copies of the Report of Medical History (Standard Form 89), any X-ray films made at the time of the armed forces physical examination, any waiver of disqualification, any order terminating civil custody, all other information concerning the qualification of the registrant for service in the Armed Forces, and, if the registrant has volunteered for induction and has not attained the age of 18 years and 6 months, one copy of the Application for Voluntary Induction (SSS Form 254)."

(b) Paragraph (j) of section 1632.9 is amended to read as follows:

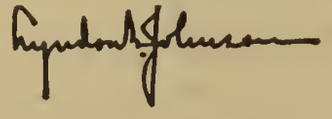
"(j) The State Director of Selective Service for the State in which the local board of origin is located shall, upon receipt of the completed original Transfer for Armed Forces Physical Examination or Induction (SSS Form 230), record on his copy of that form the disposition of the transferred registrant and forward the original of the form together with all other papers received from the local board of transfer to the local board of origin, except that he shall retain one copy of the Record of Induction (DD Form 47) whenever the registrant has been found not qualified for service in the Armed Forces."

(c) Subparagraph (3) of paragraph (a) of section 1632.20 is amended to read as follows:

"(3) For each registrant found not qualified for service in the Armed Forces, the original and one copy of the Record of Induction (DD Form 47), the original Report of Medical Examination (Standard Form 88), one copy of the Report of Medical History (Standard Form 89), and any copy of the Application for Voluntary Induction (SSS Form 254) submitted."

(d) Paragraph (b) of section 1632.21 is amended to read as follows:

"(b) For each registrant found not qualified for service in the Armed Forces, retain two copies of the Record of Induction (DD Form 47), one copy of the Report of Medical Examination (Standard Form 88) together with any X-ray film, and one copy of the Report of Medical History (Standard Form 89)."



THE WHITE HOUSE,
May 3, 1967.

[F.R. Doc. 67-5155; Filed, May 4, 1967; 2:02 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the Special Assistant to the Director of the Mint is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (e) is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–5102; Filed, May 5, 1967; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 14]

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1964 and Subsequent Crops of Rice

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended.

The purpose of these amendments is to provide that (1) any acreage planted to rice for wildlife food plots or for establishing wildlife habitat shall not be considered rice acreage if the rice is planted in small plots which are designated by the producer and approved by the county committee for such purpose before planting and no grazing or harvesting other than by wildlife is permitted, (2) in any case where an application for transfer of a producer allotment to another county has been approved and an application to allocate such transferred producer allotment to a farm has been timely filed, the county committee shall schedule a hearing with the operator of the farm to which allocation is requested for the purpose of determining whether the producer requesting the allocation will be engaged in the production of rice on the farm to the extent shown on the application for allocation, and (3) the rice allotment determined for any farm may be reduced for the current year if the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm for the current year and the producer elects to reduce the rice allotment in lieu of the feed grain base.

Since rice farmers are planning rice farming operations for the 1967 crop year, and will need to know the provisions of these amendments, it is important that these amendments be issued and made effective as soon as possible. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and these amendments shall become effective as provided herein.

1. Paragraph (h) of § 730.1511 is amended to read:

§ 730.1511 Definitions.

* * * * *

(h) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding (1) any acreage of non-irrigated rice produced on any farm on which such acreage is 3 acres or less, (2) any acreage of sweet, glutenous, or candy rice, commonly known as Mochi Gomi, (3) any acreage of rice grown for experimental purposes only by or under contract to a publicly owned agricultural experiment station, (4) any acreage of rice in excess of the allotment on a wildlife refuge farm consisting solely of Federal or State-owned land, if such acreage is not harvested, but is left on the land for wildlife food, (5) any acreage planted to rice in excess of the farm allotment, or where applicable, the permitted acreage of rice under the conservation and cropland adjustment programs, which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the final date for disposal of excess acreage as provided in Part 718 of this chapter, Determination of Acreage and Compliance, so that rice cannot be harvested therefrom, (6) any acreage seeded to rice outside of the field border levee where such levee is bounded by a fence or other barrier which would make it impossible to harvest or destroy the rice from such acreage by mechanical means, and any acreage seeded to rice inside of drainage ditch banks where the topography would make it impossible to harvest or destroy the rice from such acreage by mechanical means: *Provided,* That the seeding operations have been performed with an end gate seeder or by airplane, and (7) any acreage planted to rice for wildlife food plots or for establishing wildlife habitat if (i) the rice is planted in small plots which are designated by the producer and approved by the county committee for such purpose before planting, and (ii) no grazing or harvesting other than by wildlife is permitted. Effective with 1965 and subsequent crops of rice, a second planting and maturing of rice on a farm on which one crop has been planted and matured in the same crop year shall be consider additional acreage when determining the farm rice acreage.

* * * * *

2. Section 730.1521 is amended by adding at the end thereof a new paragraph (h) to read:

§ 730.1521 Allocation of producer allotments to farms.

* * * * *

(h) In any case where an application for transfer of a producer allotment to another county has been approved under paragraph (g) of this section, and an application to allocate such transferred producer allotment to a farm has been timely filed, the county committee shall schedule a hearing and the operator of the farm to which allocation is requested shall be invited to be present. Such operator shall satisfy the county committee that the producer requesting the allocation will be engaged in the production of rice on the farm to the extent shown on the application for allocation. If the application for allocation is approved by the county committee and the representative of the State committee, the provisions of paragraph (c) of this section shall apply. If the application for allocation is disapproved by the county committee or the representative of the State committee, the applicant shall be notified in writing giving reasons for disapproval.

3. Paragraph (b)(3) of § 730.1527 is amended as follows: Subdivision (iii) is amended and a new subdivision (iv) is added at the end thereof. The amended subdivision (iii) and the added subdivision (iv) read as follows:

§ 730.1527 Establishment of base acreages for old farms.

* * * * *

(b) * * *

(3) * * *

(iii) Acreage regarded as planted to rice under the conservation and cropland adjustment programs.

(iv) Acreage reduced due to cropland limitations.

* * * * *

4. Section 730.1528 is amended by adding at the end thereof a new paragraph (g) to read:

§ 730.1528 Determination of allotments for old farms.

* * * * *

(g) The allotment determined for any farm under paragraphs (a), (b), (c), and (d) of this section may be reduced for the current year if the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm for the current year and the farm operator requests in writing to reduce the rice allotment in lieu of the feed grain base: *Provided*, That such reduction shall not exceed the acreage by which the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm: *Provided further*, That such reduction shall be effective for the current year only. For purposes of establishing future State, county and farm acreage allotments, the acreage not planted under the farm allotment because of a reduction under this paragraph shall be regarded as planted on the farm.

(Secs. 301, 353, 375, 377, 52 Stat. 38, as amended, 61 as amended, 66, as amended, 70 Stat. 206, as amended; 7 U.S.C. 1301, 1353, 1375, 1377)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 3, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-5116; Filed, May 5, 1967; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 201]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.501 Valencia Orange Regulation 201.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 4, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 7, 1967, through May 13, 1967, are hereby fixed as follows:

(i) District 1: 600,000 cartons;

(ii) District 2: 269,544 cartons;

(iii) District 3: 275,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 5, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-5192; Filed, May 5, 1967; 11:21 a.m.]

[Lemon Reg. 266]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.566 Lemon Regulation 266.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 2, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 7, 1967, through May 13, 1967, are hereby fixed as follows:

(i) District 1: 2,260 cartons;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 38 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 4, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-5146; Filed, May 5, 1967; 8:50 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 62]

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the St. Louis, Mo., marketing area (7 CFR Part 1062), it is hereby found and determined that:

(a) The following provision of the order, for the month of April 1967, does not tend to effectuate the declared policy of the Act: In § 1062.14(b)(3) the words "for not more than 16 days' production":

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order is requested by the cooperative associations whose members comprise a large majority of producers regularly serving this market.

(4) This suspension order will remove the limit during April 1967 for interorder diversion, which is an important method of handling reserve milk in the St. Louis market. During April 1967, interorder diversion was necessary to a larger degree than usual. Without removal of the limit on interorder diversion for April, milk of a large number of dairy farmers normally associated with the St. Louis market would be excluded from the pool.

(5) Besides the disruption of payments to St. Louis producers, the effect would extend to the Southern Illinois (Order No. 32) producers. Exclusion of the milk from the St. Louis pool would result in its being accounted for as receipt at the other order plant to which diverted, which plant is a Southern Illinois pool plant. In this case the Southern Illinois plant would fail to meet the required percentage utilization for a pool plant under Order No. 32. This plant operator favors this action.

(6) This suspension action is necessary to maintain producer status during April 1967 for a large group of producers who are part of the supply for the St. Louis market. Without this action returns at order prices to certain dairy farmers associated with the market would be threatened.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of April 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 2, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–5096; Filed, May 5, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs. Amdt. 5]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

HEAVYWEIGHT BALES

The regulations issued by the Commodity Credit Corporation, published in 30 F.R. 8096 and 15795, and 31 F.R. 4389 and 9791, as Cotton Loan Program Regulations, and containing terms and conditions with respect to the Cotton Loan Program, are hereby amended to allow tender at 625 pounds of bales of cotton weighing in excess of 625 pounds, as follows:

1. Paragraph (j) of § 1427.1356 is amended to read as follows:

§ 1427.1356 Eligible cotton.

* * * * *

(j) Each bale of cotton must weigh not less than 350 pounds gross weight, including any bagging allowance authorized under § 1427.1359 (a).

* * * * *

2. The first sentence of paragraph (a) of § 1427.1359 is amended to read as follows:

§ 1427.1359 Weight, loan rate, and amount.

(a) *Weight.* Loans will be made on the gross weight of upland cotton and on the net weight of extra long staple cotton, except that in the case of bales which weigh more than 625 pounds (including any allowance for lightweight bagging and ties), the weight to be used in determining the amount of the loan on the bale shall be 625 pounds. * * *

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 72 Stat. 980, 79 Stat. 1187; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421)

Effective date. This amendment is effective for the 1966 and subsequent crops of cotton.

Signed at Washington, D.C., on May 2, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67–5095; Filed, May 5, 1967; 8:47 a.m.]

[Honey Price Support Regs. for 1966 and Subsequent Crops, Amdt. 1]

PART 1434—HONEY

Subpart—Honey Price Support Regulations

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation, published in 31 F.R. 6257 and setting forth the requirements with respect to price support for the 1966 and each subsequent crop of extracted honey for which a price support program is authorized, are hereby amended as follows:

1. In § 1434.85, the fourth sentence is amended to provide for loans to cooperative marketing associations on honey stored identity preserved in warehouses licensed under the United States Warehouse Act and reads as follows:

§ 1434.85 General statement.

* * * Loans will be evidenced by notes and secured by chattel mortgages or, in the case of approved cooperative marketing associations, may be secured by warehouse receipts representing honey stored identity preserved in warehouses licensed under the United States Warehouse Act. * * *

2. Section 1434.90 is amended to add the word "pledge" to paragraph (c) and reads as follows:

§ 1434.90 Availability, disbursement, and maturity of loans.

* * * * *

(c) *Disbursement of loans.* Disbursement of loans will be made to producers by ASCS county offices by means of loan drafts drawn on CCC or by credit to the producer's account. The producer shall not present the loan documents for disbursement unless the honey covered by the mortgage or pledge is in existence. If the honey was not in existence at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

3. In § 1434.93 the introductory text is deleted and paragraph (a) is amended to permit certain loans on honey in approved warehouse storage and define such storage. Paragraph (a) now reads as follows:

§ 1434.93 Approved storage.

(a) *Loans.* Loans will be made only on honey in approved storage as defined in this section.

(1) *Farm-storage.* Approved farm-storage for producers shall consist of a storage structure located on or off the farm (excluding public warehouses) which is determined by the county committee to afford safe storage for honey.

(2) *Warehouse-storage.* Approved warehouse-storage shall consist of a storage structure operated by an approved cooperative marketing association as defined in § 1434.87(d) and licensed to store honey under the United States Warehouse Act.

* * * * *

4. Section 1434.93a is added to provide requirements for warehouse receipts

pledged by cooperative marketing associations and reads as follows:

§ 1434.93a Warehouse receipts.

(a) *General.* Warehouse receipts tendered to CCC under this program must meet the requirements of the regulations in this subpart and Part 108 of Chapter I of this title.

(b) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of the approved cooperative marketing association. The receipts must be properly endorsed in blank so as to vest title in the holder. Receipts must be issued by a warehouse licensed to store honey under the United States Warehouse Act and represent a lot of extracted honey stored identity preserved. The receipts must be negotiable and must represent eligible honey actually in storage in the warehouse.

5. Paragraph (a) of § 1434.96 is amended to add loan service fee for cooperative storage loans and reads as follows:

§ 1434.96 Fees and charges.

(a) *Loan service fee.* A producer shall pay a loan service fee of $4 for each farm-storage loan disbursed. An approved cooperative marketing association shall pay a loan service fee of $2 for each cooperative-storage loan disbursed. The loan service fee is not refundable.

* * * * *

6. Paragraph (b) of § 1434.98 is amended to add the method of determining the quantity of honey acquired by CCC from warehouse storage loans and to clarify the method of determining the quantity acquired from farm-storage and reads as follows:

§ 1434.98 Determination of quantity.

* * * * *

(b) *At time of acquisition—(1) Farm-storage.* The quantity of honey acquired by CCC on delivery in liquidation of a loan or delivery for purchase shall be determined by weighing the honey delivered under the direction of the State committee. The quantity of honey acquired in 5-gallon cans shall be determined by using a tare weight of 2.5 pounds for each can. The quantity of honey acquired in 55-gallon drums shall be determined by using a tare weight of 53 pounds for each drum unless the producer can furnish evidence of a lesser tare weight.

(2) *Cooperative warehouse storage.* The quantity of honey acquired by CCC in approved warehouse storage in liquidation of a loan or delivery for purchase shall be the net weight shown on the weight certificate accompanying, and identified to, the warehouse receipt pledged to CCC or representing honey offered to CCC for purchase.

7. Section 1434.105 is amended to provide for loans on a quantity of honey in approved warehouse storage and reads as follows:

§ 1434.105 Quantity for loan.

(a) *Farm-storage.* Loans shall be made on 90 percent, or such lesser percentage determined by the State committee, of the estimated quantity of the eligible honey stored in approved farm storage and covered by a chattel mortgage. The State committee's determination shall be on a statewide basis or for specified areas within the State. The county committee may lower the percentage determined by the State committee on an individual basis when determined to be in the best interests of CCC. Loans may be made on less than the maximum quantity eligible for loan at the producer's request. In any event, the mortgage shall cover all of the honey in the lot in which the honey on which the loan is made is stored.

(b) *Warehouse storage.* The amount of a loan on the quantity of eligible honey stored in an approved warehouse shall be based on a percentage, as determined by the State committee, of the net weight specified on the warehouse receipt representing the honey offered as security for the loan. Such percentage shall not exceed 95 percent of the weight so specified.

8. Section 1434.106 is amended to add "farm-storage" to title of paragraph (a) and to add paragraph (c) *Obtaining release-warehouse storage* and reads as follows:

§ 1434.106 Release of the honey under loan.

(a) *Obtaining release—farm storage.* * * *

* * * * *

(c) *Obtaining release—warehouse storage.* The cooperative may arrange with the county office for release of all or part of the honey under a warehouse-storage loan on or prior to maturity by repayment of the amount of the loan with respect to the quantity of the honey to be released plus interest. Each partial release must cover all of the honey represented by one warehouse receipt.

9. Paragraph (a) of § 1434.111 is amended to set forth the support rates for 1967-crop honey and reads as follows:

§ 1434.111 Support rates.

(a) *1967 crop.* An amendment to this section shall be issued for each year for which a honey price support program is authorized setting forth the support rates for the then current crop of honey. The support rate for the quality of 1967-crop honey placed under loan or acquired under loan or purchase shall be the rate for the respective class and color set forth below:

Class and color	For Montana, Wyoming, Colorado, New Mexico, and States west thereof	All States east of Montana, Wyoming, Colorado, and New Mexico
	Cents per pound	*Cents per pound*
Table honey:		
1. White and lighter	13.0	13.4
2. Extra light amber	12.0	12.4
3. Light amber	11.0	11.4
4. Other table honey	9.0	9.4
Nontable honey	9.0	9.4

* * * * *

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 2, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-5094; Filed, May 5, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 67-WE-11AD; Amdt. 39-410]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 188A and 188C Series Airplanes

Amendment 39-383 (32 F.R. 5545), AD 67-11-4, as amended by Amendment 39-395 issued by telegram on April 5, 1967, and later published in 32 F.R. 5830, requires operators of Lockheed Models 188A and 188C Series airplanes to inspect visually areas above and below the floor line at the locations of the fuselage main frame forgings, to rework the intercostals and floor support structure at these locations, and to replace all forgings found cracked. After issuing Amendment 39-383, as amended by Amendment 39-395, the FAA has determined that in addition to requiring the replacement of cracked forgings with new parts of the same part number or with "new design" parts as a means of insuring safety, the FAA can, as an alternative means of compliance, require the repair of a cracked forging in accordance with a method previously approved by the Chief, Aircraft Engineering Division, FAA Western Region, without any adverse effect on safety. To accomplish this end, the AD is being amended to provide for (1) a "special repair" of a cracked forging with additional provision for repetitive inspections at intervals of 60 hours' time in service for a maximum period of 600 hours' time in service after which time a replacement of the cracked forging or a "complete repair" of the cracked forging must be accomplished, and (2) a "complete repair" of a cracked forging with subsequent inspections to be conducted within the same periods of time established for repetitive inspections following replacement of a cracked forging with a new part of the same part number. Further provision is made in this amendment in the case of a "special repair" for accelerating the time at which a replacement or a "complete repair" of the forging must be accomplished in the event that crack growth is detected at the location of the "special repair."

In addition, paragraphs (d) and (h) of Amendment 39-383 as amended by

Amendment 39-395, is being clarified to carry out the intent of the FAA that the rework called for in those paragraphs be accomplished within 2,000 and 4,000 hours' time in service respectively after the effective date of the AD for airplanes having Fuselage Main Frame Forgings with 10,000 or more or 15,000 or more hours' time in service respectively on that date, or prior to the accumulation of 12,000 or 19,000 hours' time in service respectively. The AD presently requires accomplishment of the rework at the intercostals within 2,000 hours' time in service after the effective date of the AD and rework at the floor support structure within 4,000 hours' time in service after the effective date of the AD without regard to the total hours time in service of the airplane.

Also, reference to "Lockheed Drawing 841475" in line 5, paragraph (d) of Amendment 39-383 (32 F.R. 5545) is a typographical error and is being corrected herein to read "Lockheed Drawing 841474".

Since this amendment is clarifying in nature, provides an alternative means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-383 (32 F.R. 5545), AD 67-11-4, as amended by Amendment 39-395 issued by telegram on April 5, 1967, and later published in 32 F.R. 5830, is further amended as follows:

1. Paragraph (d) is amended to read as follows:

(d) Rework the intercostals described in Lockheed Drawing 811126 in accordance with Lockheed Wire FS/296808-W (reprinted in Lockheed Service Bulletin 88/SB-644), Lockheed Drawing 841474, or later FAA-approved revision (for forward intercostals attached to the forgings at F.S. 571) and Lockheed Drawing 841475 or later FAA-approved revision (for aft intercostals attached to the forgings at F.S. 695), or in either case by an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region, within 2,000 hours' time in service after the effective date of this AD unless already accomplished for those airplanes having fuselage main frame forgings with 10,000 or more hours time in service on that date, or prior to the completion of 12,000 hours' time in service unless already accomplished for airplanes having fuselage main frame forgings with less than 10,000 hours' time in service on that date. Thereafter, inspect in accordance with paragraph (c) within periods not to exceed 4,000 hours' time in service from the completion of the rework specified in this paragraph.

2. Paragraph (h) is amended to read as follows:

(h) Rework the floor support structure at the location of the fuselage main frame forgings in accordance with "2. Accomplishment Instructions," Parts III and IV, Lockheed Service Bulletin 88/SB-644, or later FAA-approved revision, or by an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region, within 4,000 hours' time in service after the effective date of this AD unless already accomplished for those airplanes having fuselage main frame forgings with 15,000 or more hours' time in service on that date, or prior to the completion of 19,000 hours' time in service unless already accomplished for those airplanes having fuselage main frame forgings with less than 15,000 hours on that date. Thereafter, inspect in accordance with paragraph (g) within periods not to exceed 4,000 hours' time in service from the completion of the rework specified in this paragraph.

3. Paragraph (i) is amended to read as follows:

(i) If a crack is detected during the inspections conducted in accordance with paragraphs (c) or (g), repair or replace each forging found cracked before further flight (except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be accomplished) as follows:

(1) Accomplish a "special repair" or a "complete repair" in accordance with a method previously approved by the Chief, Aircraft Engineering Division, FAA Western Region; or

(2) Replace with a new forging of the same part number or with a "new design" forging, P/N 801030-101 (in place of P/N 801030-3), P/N 801030-102 (in place of P/N 801030-4), P/N 801031-101 (in place of P/N 801031-1), P/N 801031-102 (in place of P/N 801031-2), P/N 801030-101 (in place of P/N 801030-1), P/N 801030-102 (in place of P/N 801030-2), in accordance with "2. Accomplishment Instructions," Part V, Lockheed Service Bulletin 88/SB-644, or later FAA-approved revision, or in accordance with an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

4. Insert the following new paragraphs (i-A) and (i-B) between paragraphs (i) and (j):

(i-A) If a "special repair" is accomplished, visually inspect the repaired area for evidence of crack growth within 60 hours' time in service after the completion of the "special repair" and thereafter at intervals not to exceed 60 hours' time in service from the last inspection. If crack growth is detected during the repetitive inspections conducted under this paragraph, accomplish a "complete repair" of the affected forging or replace the affected forging with a new forging of the same part number or with a "new design" forging before further flight in accordance with paragraph (i). If crack growth is not detected during inspections under this paragraph, accomplish the "complete repair" of the affected forging or replace the affected forging with a new forging of the same part number or with a "new design" forging in accordance with paragraph (i) within 600 hours' time in service after the completion of a "special repair."

(i-B) If a "complete repair" is accomplished, the inspections specified in paragraphs (c) and (g) and the rework specified in paragraphs (d) and (h), unless previously accomplished, must be accomplished for that forging at the compliance times indicated in this AD.

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on April 27, 1967.

JOSEPH H. TIPPETS,
Regional Director,
FAA Western Region.

[F.R. Doc. 67-5089; Filed, May 5, 1967; 8:47 a.m.]

[Docket No. 67-EA-46; Amdt. 39-407]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild F-27 and F-227 Aircraft

The purpose of this amendment to Part 39 of the Federal Aviation Regulations is to require the installation of another attitude indicator on the captain's side of the instrument panel. This instrument will derive its electrical power from an alternator source and the D.C. power system.

Pursuant to former CAR 4b.612(c), now FAR 25.1331, all instruments were required to have two independent sources of power. The present attitude indicator has only a D.C. source of power and therefore creates a situation which will not permit continued operation of the instrument should there be a single ground fault in the D.C. power system.

Since an unsafe condition can arise, a situation exists that requires immediate adoption of this regulation and therefore notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD. Applies to all Model F-27 Series and FH-227 Series Airplanes. Compliance required within the next 200 hours' time in service after the effective date of this A.D. unless already accomplished.

To compensate for the loss of electrical power to the flight instruments required by former CAR 4b.603 (e), (f), (g) (effective December 31, 1953) in the event of a single ground fault in the D.C. power system, accomplish the following:

(a) In aircraft, where the emergency electrical power to operate attitude indicator, turn and bank indicator and gyroscopic direction indicator is derived from the D.C. power system, modify the emergency electrical power system to these instruments in accordance with Allegheny Airlines Engineering Order 67-81F or later FAA approved revision, or an FAA approved equivalent approved by the Chief, Engineering and Manufacturing Branch, Eastern Region.

(b) Upon request and submission of substantiating data, an FAA Maintenance Inspector may adjust the compliance time specified in this A.D. to permit compliance at an established inspection period.

This amendment is effective upon publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603 Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on April 25, 1957.

WAYNE HENDERSHOT,
Acting Director.

[F.R. Doc. 67-5109; Filed, May 5, 1967; 8:48 a.m.]

[Docket No. 7570; Amdt. 77-3]

PART 77—OBJECTS AFFECTING NAVIGABLE AIRSPACE

Discretionary Review

The purpose of this amendment is to exclude determinations of no hazard made under § 77.19(c)(1) from the applicability of discretionary review provided in § 77.37.

The FAA published a notice of proposed rule making in the FEDERAL REGISTER on August 23, 1966 (31 F.R. 11155), circulated as Notice 66-34, proposing to exclude no-hazard determinations relating to those structures for which a notice must be filed under § 77.13 but which would not exceed any standard of Subpart C of Part 77, and therefore would be neither an obstruction nor a hazard. Under the FAA's published criteria the proponent of a structure in this category could be given only a no-hazard determination. However, under § 77.37 the proponent should wait 30 days to allow any interested party the opportunity to petition for a discretionary review that could only result in a substantiation of the no-hazard determination.

Comments received in response to the notice indicated a general understanding of the unneeded delay of 30 days preceding finality of the determination and generally endorsed the proposal. Objections were received to the proposal that were directed to procedural delays encountered in disseminating information concerning the proposed structure to airspace users.

The Air Line Pilots Association objected, stating that local authority would not have an opportunity to study a proposed construction with regard to local zoning ordinances, and to assess the "effects" of the proposal on aviation in that location. A proponent must, of course, obtain any necessary approval from local government authorities prior to construction, including zoning approval, if any, which would consider the effects on local property interests. Elimination of the provision for discretionary review by the FAA would have no effect on any requirement local authorities may impose on the proponent.

The Department of the Air Force objected, stating that the elimination of a 30-day delay would not permit proper treatment of aviation considerations because of the length of time involved in obtaining and assessing the effect of the proposal. Particularly, the Air Force is concerned with training flights at very low levels for which a structure of moderate height could be a hazard, and which may be erected before the Air Force representatives would be aware of its existence. Part 77 was never intended to provide protection for very low level military training operations. If every structure that may be an obstruction to flights of this nature should be called a hazard, the public would be overburdened, and a hazard determination would be meaningless. The portion of the comment relating to the delay in obtaining information is pertinent, and coincidentally is similar to a comment received from the Department of the Navy in concurring with the proposal. The FAA will review its procedures to insure appropriate coordination and timely dissemination of information to appropriate parties, including military representatives.

Some comments, conceding that a delay of 30 days may be burdensome in particular circumstances, suggested that a provision be promulgated to waive the 30-day period in circumstances of hardship, or that the 30-day period be retained when an interested party specifically requests its retention to permit time for filing a petition for review. One comment suggested eliminating acknowledgments issued under § 77.19(c)(1). Retention of the 30-day period under normal circumstances while waiving it in cases of hardship would base the decision for discretionary review upon the circumstances of the proponent rather than the effect upon aeronautical operations. If under the standards of Part 77 a structure could be neither an obstruction nor a hazard, periods of delay and additional reviews could not alter the determination. Moreover, issuing waivers would be time consuming and administratively inefficient where the necessity of review is nonexistent.

In consideration of the foregoing, § 77.37 of the Federal Aviation Regulations is amended, effective June 5, 1967, by adding the following new sentence to the end of paragraph (a):

§ 77.37 Discretionary review.

(a) * * * This paragraph does not apply to any acknowledgment issued under § 77.19(c)(1).

* * * * *

(Secs. 307, 313, 1101, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1501)

Issued in Washington, D.C., on May 1, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-5090; Filed, May 5, 1967; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Amprolium, Ethopabate, 3-Nitro-4-Hydroxyphenylarsonic Acid, Bacitracin

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6C1932) filed by Merck Sharp & Dohme Research Laboratories, Division of Merck and Co., Inc., Rahway, N.J. 07065, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use in chicken feed of a combination drug containing amprolium, ethopabate, 3-nitro-4-hydroxyphenylarsonic acid, and bacitracin, for specified conditions of chickens. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended in the following respects:

1. In § 121.210(c), table 1 is amended by changing item 1.1k in the fifth and sixth columns, by adding new items 2.8 and 2.9, by amending in the first column subitem e under item 2.9, and by deleting and reserving subitem q under item 2.9. The affected portions are as follows:

§ 121.210 Amprolium.

* * * * *

(c) * * *

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 * * *					
k. * * *	* * *	* * *	* * *	§ 121.262, table 1, item 2.1.	§ 121.262, table 1, item 2.1.
* * *	* * *	* * *	* * *	* * *	* * *
2.7 * * *					
2.8 Amprolium	113.5-227 (0.0125%-0.025%)	3-Nitro-4-hydroxyphenylarsonic acid.	22.7-45.4 (0.0025%-0.005%)	For broiler chickens; withdraw 5 days before slaughter; as sole source of organic arsenic.	Prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
2.9 Amprolium	113.5-227 (0.0125%-0.025%)	Ethopabate + 3-Nitro-4-hydroxyphenylarsonic acid.	3.6 (0.0004%) 22.7-45.4 (0.0025%-0.005%)	For broiler chickens; for replacement chickens intended for use as caged layers only; withdraw 5 days before slaughter; as sole source of organic arsenic.	Do.
* * *	* * *	* * *	* * *	* * *	* * *
e. 2.1, 2.2, or 2.9	* * *	* * *	* * *	* * *	* * *
* * *	* * *	* * *	* * *	* * *	* * *
q. [Reserved]					
* * *	* * *	* * *	* * *	* * *	* * *

2. In § 121.262(c), table 1 is amended by adding new items 1.7, 1.8, and 1.9, by amending in the first column subitem 1 under item 1.9, and by deleting subitems k and l under item 1.9. The affected portions are as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

* * * * *

(c) * * *

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
1.6 * * *					
1.7 3-Nitro-4-hydroxy-phenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	Amprolium	113.5–227 (0.0125%–0.025%)	For broiler chickens; withdraw 5 days before slaughter; as sole source of organic arsenic.	Prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
1.8 3-Nitro-4-hydroxy-phenyl-arsonic acid.	22.7–45.4 (0.0025%–0.005%)	do + Ethopabate	113.5–227 (0.0125%–0.025%) 3.6 (0.0004%)	For broiler chickens; for replacement chickens intended for use as caged layers only; withdraw 5 days before slaughter; as sole source of organic arsenic.	Do.
1.9 3-Nitro-4-hydroxy-phenyl-arsonic acid.	22.7–45.4 (0.0025%–.0.005%)	do	36.3–113.5 (0.004%–0.0125%)	For replacement chickens; withdraw 5 days before slaughter; as sole source of organic arsenic; as follows:	Growth promotion and feed efficiency; improving pigmentation; development of active immunity to coccidiosis.

Growing conditions	Amount of amprolium in feed for birds by age groups		
	Up to 5 weeks of age	From 5 to 8 weeks of age	Over 8 weeks of age
	Grams per ton	*Grams per ton*	*Grams per ton*
Severe exposure to coccidiosis.	113.5 (0.0125%)	72.6–113.5 (0.008%–0.0125%)	36.3–113.5 (0.004%–0.0125%)
Moderate exposure to coccidiosis.	72.6–113.5 (0.008%–0.0125%)	54.5–113.5 (0.006%–0.0125%)	36.3–113.5 (0.004%–0.0125%)
Slight exposure to coccidiosis.	36.3–113.5 (0.004%–0.0125%)	36.3–113.5 (0.004%–0.0125%)	36.3–113.5 (0.004%–0.0125%)

* * *					
i. 1.1, 1.3, 1.4, 1.8 * * *	* * *	* * *	* * *	* * *	* * *
k. [Deleted]					
l. [Deleted]					

§ 144.26 [Amended]

B. Pursuant to the provisions of the act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under the authority delegated as cited above, § 144.26 *Animal feed containing certifiable antibiotics* is amended by changing in the first sentence of paragraph (b)(54) the words "arsanilic acid," to read "arsanilic acid or 3-nitro-4-hydroxyphenylarsonic acid,".

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), 507, 59 Stat. 463, as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), 357)

Dated: April 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-5060; Filed, May 5, 1967; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6916]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Certain Reacquisitions of Real Property

Correction

In F.R. Doc. 67-4044, published at page 5923 in the issue dated April 13, 1967, the following corrections should be made:

1. In § 1.1034-1(a) following the sentence reading "Any gain realized upon disposition of other property in exchange for the new residence is not affected by section 1034" and preceding the last sentence, a sentence was inadvertently omitted. This sentence reads as follows: "For special rules relating to the sale or exchange of a principal residence by a taxpayer who has attained age 65, see section 121 and paragraph (g) of § 1.121-5."

2. In Example (5) under § 1.1038-1(h), in paragraph (a), "requisition" in the last line should read "reacquisition", and in paragraph (b), the fifth line under "Limitation on amount of gain", the word "at" should read "as".

3. In Example (1) under § 1.1038-2(h), in the first sentence of paragraph (a) the words "an adjusted sales price of" should be deleted.

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1457—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

Carryforward of Renegotiation Losses

Section 1457.9 *Losses on renegotiable business in other years: extent allowable in fiscal years ending on or after December 31, 1956*, is deleted in its entirety and the following is inserted in lieu thereof:

§ 1457.9 Carryforward of renegotiation losses.

(a) *Statutory provision.* Section 103(m) of the act provides as follows:

(m) *Renegotiation loss carryforwards.*—(1) *Allowance.* Notwithstanding any other provision of this section, the renegotiation loss deduction for any fiscal year ending on or after December 31, 1956, shall be allowed as an item of cost in such fiscal year, under regulations of the Board.

(2) *Definitions.* For the purposes of this subsection—

(A) The term "renegotiation loss deduction" means—

(i) for any fiscal year ending on or after December 31, 1956, and before January 1, 1959, the sum of the renegotiation loss carryforwards to such fiscal year from the preceding 2 fiscal years; and

(ii) for any fiscal year ending after December 31, 1958, the sum of the renegotiation loss carryforwards to such fiscal year from the preceding 5 fiscal years (excluding any fiscal year ending before December 31, 1956).

(B) The term "renegotiation loss" means, for any fiscal year, the excess, if any, of costs (computed without the application of this subsection and the third sentence of subsection (f)) paid or incurred in such fiscal year with respect to receipts or accruals subject to the provisions of this title over the amount of receipts or accruals subject to the provisions of this title which were received or accrued in such fiscal year, but only to the extent that such excess did not result from gross inefficiency of the contractor or subcontractor.

(3) *Amount of carryforwards to 1956, 1957, and 1958.* For the purposes of paragraph (2)(A)(i), a renegotiation loss for any fiscal year (hereinafter in this paragraph referred to as the "loss year") shall be a renegotiation loss carryforward to the first fiscal year succeeding the loss year. Such renegotiation loss, after being reduced (but not below zero) by the profits derived from contracts with the Departments and subcontracts in the first fiscal year succeeding the loss year, shall be a renegotiation loss carryforward to the second fiscal year succeeding the loss year. For the purposes of the preceding sentence, the profits derived from contracts with the Departments and subcontracts in the first fiscal year succeeding the loss year shall be computed as follows:

(A) If such first fiscal year ends on or after December 31, 1956, such profits shall be computed by determining the amount of the renegotiation loss deduction for such first fiscal year without regard to the renegotiation loss for the loss year.

(B) If such first fiscal year ends before December 31, 1956, such profits shall be computed without regard to any renegotiation loss for the loss year or any fiscal year preceding the loss year.

(4) *Amount of carryforwards to fiscal years ending after 1958.* For the purposes of paragraph (2)(A)(ii), a renegotiation loss for any fiscal year (hereinafter in this paragraph referred to as the "loss year") ending on or after December 31, 1956, shall be a renegotiation loss carryforward to each of the 5 fiscal years following the loss year. The entire amount of such loss shall be carried to the first fiscal year succeeding the loss year. The portion of such loss which shall be carried to each of the other 4 fiscal years shall be the excess, if any, of the amount of such loss over the sum of the profits derived from contracts with the Departments and subcontracts in each of the prior fiscal years to which such loss may be carried. For the purposes of the preceding sentence, the profits derived from contracts with the Departments and subcontracts in any such prior fiscal year shall be computed by determining the amount of the renegotiation loss deduction without regard to the renegotiation loss for the loss year or for any fiscal year thereafter, and the profits so comptued shall not be considered to be less than zero.

(This subsection (m) added by Pub. Law 870, 84th Cong., approved Aug. 1, 1956, as amended by Pub. Law 86-89, approved July 13, 1959.)

(b) *In general.* Except as provided in this section, losses on renegotiable business in fiscal years prior to the fiscal year under review shall not be allowed as an item of cost in the fiscal year under review. The rules set forth in this section, although stated in terms of the 5-year loss carryforward provided in section 103(m)(2)(A)(ii) and (4) of the act, are also applicable to the 2-year loss carryforward provided in section 103(m)(2)(A)(i) and (3) of the act.

(c) *Interpretation.* (1) The amount of a "renegotiation loss" carried forward to the fiscal year under review from a "loss year" is a "renegotiation loss carryforward" to the fiscal year under review. The sum of the renegotiation loss carryforwards to the fiscal year under review is the "renegotiation loss deduction" for such fiscal year and is the amount which, under these regulations, is allowed as an item of cost in the fiscal year under review.

(2) If a contractor has a renegotiation loss in the first year, renegotiable profits in the second year, and renegotiable profits in the third year, the loss of the first year is first absorbed by the profits of the second year; the amount of loss remaining, if any, is then carried forward and applied against the profits of the third year; and so on until the loss is wholly absorbed by renegotiable profits in the five fiscal years following the loss year.

(3) If a contractor has renegotiation losses in 2 consecutive years, and renegotiable profits in subsequent years, the full amount of the first year's loss is absorbed by such profits before any part of the second year's loss is so applied.

(d) *Limitations.* (1) In computing the amount of a renegotiation loss, any losses resulting from gross inefficiency of the contractor will be excluded.

(2) Any contractor claiming allowance of a renegotiation loss deduction must show that it has reasonably pursued available remedies for obtaining relief from such loss.

(e) *Carryforward upon acquisition of business.* When a contractor acquires the business of another contractor within the 5 fiscal years following the close of a fiscal year in which such other contractor sustained a renegotiation loss, such loss, after being absorbed by renegotiation profits in any fiscal year between the loss year and the fiscal year under review, as provided in this section and § 1464.12 of this subchapter, shall be allowed as a renegotiation loss carryforward for the acquiring contractor if the loss contractor has ceased to exist and, in the opinion of the Board, such allowance is necessary to avoid inequity.

(f) *Application to consolidated groups.* For regulations pertaining to the carryforward of a renegotiation loss sustained by a contractor who was a member of a consolidated group in the loss year, or is a member of a consolidated group in the fiscal year under review, see § 1464.12 of this subchapter.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App., Sup. 1219)

Dated: May 3, 1967.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 67-5105; Filed, May 5, 1967; 8:48 a.m.]

PART 1464—CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

Renegotiation Losses of Consolidated Contractors

Section 1464.12 *Overall loss of consolidated group* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1464.12 Renegotiation losses of consolidated contractors.

(a) *Scope and effect of section.* This section explains how a renegotiation loss sustained by a contractor in a fiscal year prior to the fiscal year under review will be treated pursuant to section 103(m) of the act when such contractor (1) was a member of a consolidated group in the loss year, or (2) is a member of a consolidated group in the fiscal year under review. For regulations pertaining to the carryforward of a renegotiation loss sustained by a single contractor, see § 1457.9 of this subchapter.

(b) *Definitions.* As used in this section:

(1) The term "consolidated renegotiation loss" means the amount by which the aggregate costs paid or incurred by the members of a consolidated group with respect to renegotiable receipts or accruals in a fiscal year exceed the aggregate renegotiable receipts or accruals of such group in such fiscal year.

(2) The term "loss member" means a contractor which sustains a renegotiation loss for a fiscal year in which it is a member of a group that sustains a consolidated renegotiation loss.

(c) *Carryforward for loss member of a consolidated group.* If a contractor who was the sole loss member of a consolidated group in a loss year is renegotiated separately for subsequent fiscal years, the amount of the consolidated renegotiation loss sustained by the group shall be a renegotiation loss carryforward for such contractor to each of the 5 fiscal years following the loss year, and shall be subject to the provisions of this section and § 1457.9 of this subchapter. If the group included more than one loss member and the members are renegotiated separately thereafter, the consolidated renegotiation loss will be allocated among the loss members in proportion to the amount of loss sustained by each, and the share so allocated to each loss member shall be a renegotiation loss carryforward for such contractor to each of the 5 fiscal years following the loss year, and shall be subject to the provisions of this section and § 1457.9 of this subchapter.

Example. In Year 1, A, B, and C were members of a consolidated group. A realized renegotiable profits of $240,000; B sustained a renegotiation loss of $200,000; and C sustained a renegotiation loss of $100,000. The consolidated renegotiation loss of the group was $60,000. If the members are renegotiated separately in Year 2, $40,000 will be allowed as a cost to B and $20,000 to C.

No amount of a consolidated renegotiation loss will be allowed as a carryforward (1) if such loss resulted from gross inefficiency; and (2) unless it is shown that any loss member of such group has

reasonably pursued available remedies for obtaining relief from such loss.

(d) *Carryforward to consolidated group*—(1) *When group was identical in loss year.* If a group consolidated in the fiscal year under review sustained a consolidated renegotiation loss in a prior fiscal year, the amount of such loss shall be a renegotiation loss carryforward for the group to each of the 5 fiscal years following the loss year, and shall be carried forward in the manner provided in this section and § 1457.9 of this subchapter.

(2) *When members were separate or in different groups in loss year.* If the members of a group consolidated in the fiscal year under review did not constitute a consolidated group of identical membership in a prior fiscal year in which one or more of such contractors sustained renegotiation losses, such losses shall be carried forward as provided in this section and § 1457.9 of this subchapter. Such losses will be allowed as carryforwards to the consolidated group in the fiscal year under review; but no such amount will be so allowed unless the members of such group would have qualified for consolidation in the loss year, and the aggregate amount so allowed will be limited to the amount, if any, which would have been the consolidated renegotiation loss of such group in the loss year. In computing such amount, if any member of the consolidated group was not a renegotiable contractor in the loss year, but succeeded thereafter to the business of a renegotiable contractor and was owned during the fiscal year under review by the same person or substantially the same persons who owned such predecessor in the loss year, the receipts or accruals and costs of such predecessor will be included in the computation. The following examples illustrate how the limitation in this subparagraph is computed and applied:

(i) *Members were all separate in loss year.* In Year 1, A, B, and C would have qualified for consolidated renegotiation, but were not consolidated. A realized renegotiable profits of $240,000; B sustained a renegotiation loss of $200,000; and C sustained a renegotiation loss of $100,000. If A, B, and C were renegotiated separately in Year 2, $200,000 would be allowed as a cost to B and $100,000 to C. However, A, B, and C are a consolidated group in Year 2, with renegotiable profits of $40,000. Had they been consolidated in Year 1, the consolidated renegotiation loss of the group would have been only $60,000. It is this amount of $60,000, and not the aggregate of $300,000 of renegotiation losses sustained by B and C, which is allowed as a cost to the consolidated group in Year 2. The $20,000 of loss remaining after such allowance is carried forward to Year 3 and is allowed as a cost to the consolidated group in that year.

(ii) *Members were in different groups in loss year.* In Year 1, A, B, and C were members of a consolidated group; D and E were members of another consolidated group; and all five would have qualified for consolidation as a single group. Their renegotiable profits and losses were as follows: A, profit $240,000; B, loss $200,000; C, loss $100,000; D, profit $100,000; and E, loss $150,000. The consolidated renegotiation loss of A, B, and C was $60,000, allocable $40,000 to B and $20,000 to C. The consolidated renegotiation loss of D and E was $50,000, allocable entirely to E. In Year 2, A, B, D, and E form a consolidated group, without C. If A, B, D, and E had consolidated in Year 1, the consolidated renegotiation loss of the group would have been only $10,000. Although the allocable shares of B and E as shown above aggregate $90,000, the amount allowable to the consolidated group in Year 2 is limited to $10,000. The $20,000 allocable to C is allowable to C in that amount in Year 2.

(iii) *Some members were separate and others were in different group in loss year.* (*a*) In Year 1, A (loss $500,000), B (profit $100,000), and C (profit $300,000) were members of a consolidated group. The consolidated renegotiation loss of A, B, and C was $100,000, allocable entirely to A. D (profit $200,000) was renegotiated separately for the same year and made a renegotiation refund in the amount of $30,000, retaining $170,000 after renegotiation. E, a partnership (profit $40,000) was also renegotiated separately. In Year 2 the partners dissolved E and formed a corporation F, which continued the partnership business. Assume A, B, C, D and E would have qualified for consolidation in Year 1.

(*b*) In a Year 2 consolidated group composed of A, B, C, and D, no amount of loss carryforward would be allowed to the group because A, B, C, and D as a group in Year 1 would have realized a group profit of $70,000. In making this computation, D's profits are reduced by its $30,000 renegotiation refund.

(*c*) In a Year 2 consolidated group composed of A, B, and D, the full amount of the $100,000 consolidated renegotiation loss allocable to A would be allowed to the group.

(*d*) In a Year 2 consolidated group composed of A, B, C, and F, their consolidated renegotiation loss as a group in Year 1 would have been $60,000; hence that amount would be allowed as a loss carryforward to the group.

(e) *Carryforward upon acquisition of business.* The provisions of § 1457.9(e) of this subchapter shall apply to the carryforward of losses under this section.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App., Sup. 1219)

Dated: May 3, 1967.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 67-5106; Filed, May 5, 1967; 8:48 a.m.]

Chapter XVI—Selective Service System

PART 1624—APPEARANCE BEFORE LOCAL BOARD

PART 1626—APPEAL TO APPEAL BOARD

PART 1627—APPEAL TO THE PRESIDENT

PART 1628—PHYSICAL EXAMINATION

PART 1632—DELIVERY AND INDUCTION

Miscellaneous Amendments

CROSS REFERENCE: For miscellaneous amendments to the Selective Service Regulations, see Title 3, Executive Order 11350, *supra*.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Hazardous Cargo Vessel; Correction

F.R. Doc. 67-4505, published at pages 6394-6396 in the issue dated April 25, 1967, is corrected by changing the word "omitting" to read "emitting" in the second line of § 401.105-6(g), Hazardous Cargo Vessel.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. MCCANN,
Administrator.

[F.R. Doc. 67-5080; Filed, May 5, 1967; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 531—DOMESTIC AIR TRANSPORTATION

Air Carriers' Responsibilities and Handling of Mail

A notice of proposed revisions in §§ 531.3 and 531.5 of Title 39, Code of Federal Regulations, was published in the FEDERAL REGISTER of March 7, 1967 (32 F.R. 3778), concerning new procedures for airmail flights. Interested persons were given 30 days in which to submit written comments regarding the proposals.

After careful consideration of the comments received, the Department has reached the conclusion to adopt the proposed amendments with the modification that carriers are requested and not

required to give the Department not less than 20 days' notice when major schedule changes are involved. Accordingly, the amendments to be effective 30 days after publication in the FEDERAL REGISTER read as follows:

§ 531.3 Air carriers' responsibilities.

* * * * *

(g) *For preparing and submitting schedules.* * * *

(2) *Submission.* (i) Air carriers shall submit with proposed new schedules a brief explanatory letter or cover sheet detailing proposed changes.

(ii) Copies of changes to existing schedules must be filed with the Post Office Department, Air Transportation Branch, Bureau of Transportation and International Services, Washington, D.C. 20260, not less than 10 days prior to effective date. In the case of major schedule changes, carriers are requested to give not less than 20 days' notice in order that the Department may have sufficient time to process these schedule changes. The date of filing will be the date of receipt by the Air Transportation Branch.

(iii) Air carriers shall distribute copies of proposed new schedules or changes in existing schedules as follows:

(*a*) Two copies to Air Transportation Branch.

(*b*) One copy to transportation division in each region concerned.

(c) States-Alaska and Inter-Alaska air carriers must send one copy to the Director, Transportation Division, Post Office Department, Post Office Box 9000, Seattle, Wash. 98109.

(3) *Designation of service.* The Transportation Division will advise the Air Transportation Branch of all flights that are not needed for the transportation of mail. The Air Transportation Branch will notify the air carriers of flights designated for transportation of the mail.

* * * * *

NOTE: The corresponding Postal Manual sections are 531.372 and 531.373, respectively.

§ 531.5 Handling of mail.

* * * * *

(d) *Disposition of mail—canceled or irregular flights.* * * *

(4) When irregular operations occur, dispatch airmail to best advantage. If two-carrier routing has advantage over holding for single carrier, use the two-carrier dispatch.

* * * * *

NOTE: The corresponding Postal Manual section is 531.54.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

MAY 3, 1967.

[F.R. Doc. 67-5100; Filed, May 5, 1967; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 2—Federal Aviation Administration

PART 2-60—CONTRACT APPEALS

Establishment of Contract Appeals Panel

Section 2-60.101 is revised to read as follows:

§ 2-60.101 Establishment.

The Federal Aviation Administration Contract Appeals Panel is established within the Office of the General Counsel. The FAA General Counsel appoints the members of the Panel from attorneys employed within the Department of Transportation, and shall designate one of them as Chairman.

(Sec. 303(d), Federal Aviation Act of 1958; 49 U.S.C. § 1344(d))

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: May 1, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-5091; Filed, May 5, 1967; 8:47 a.m.]

Chapter 8—Veterans Administration

PART 8-3—PROCUREMENT BY NEGOTIATION

Cost-Plus-a-Fixed-Fee Contract

In § 8-3.405-5, paragraph (d) is added to read as follows:

§ 8-3.405-5 Cost-plus-a-fixed-fee contract.

* * * * *

(d) The total cost of all (A-E) architect-engineer services contracted for may not exceed 6 percent of the estimated cost of the construction project to which such services apply even though the various phases or segments of the A-E effort are contracted for separately with the same or different A-E firms. This limitation permits no cost exclusions from the total compensation payable for all services performed under an A-E contract or contracts including services for preliminary planning, preliminary site and subsurface investigations, consultant fees, travel expenses, reproduction costs, construction time duties or the like. The limitation also permits no cost exclusions for changes to an A-E contract except when the A-E services are in connection with additional facilities to be added to the project, and in this event the cost of the A-E services is limited to 6 percent of the estimated cost of construction of the additional facilities. This limitation applies to fixed-price contracts as well as cost-plus-a-fixed-fee contracts.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

This regulation is effective immediately.

Approved: May 1, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 67-5107; Filed, May 5, 1967; 8:48 a.m.]

Chapter 11—Coast Guard, Department of Transportation

[CGFR 66-66]

PART 11-1—GENERAL
Subpart 11-1.52—Value Engineering

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4:

1. New Subpart 11-1.52 is added, reading as follows:

Sec.

11-1.5201 Policy.
11-1.5202 Value engineering incentives.
11-1.5202-1 Description.
11-1.5202-2 Application.
11-1.5202-3 Limitations.
11-1.5203 Data and technical information.
11-1.5204 Value engineering incentive clause.
11-1.5204-1 Value engineering incentive clause for firm fixed-price contracts.

AUTHORITY: The provisions of this Subpart 11-1.52 are issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

§ 11-1.5201 Policy.

(a) *General.* Value engineering is concerned with elimination or modification of anything that contributes to the cost of an item but is not necessary to required performance, quality, maintainability, reliability, standardization, or interchangeability. Value engineering usually involves an organized effort directed at analyzing the function of an item with the purpose of achieving the required function at the lowest overall cost. As used in this subpart, "value engineering" means a cost reduction effort not required by any other provision of the contract. It is the policy of the Coast Guard to incorporate value engineering incentives provisions which encourage value engineering in all contracts of sufficient size and duration to offer reasonable likelihood for cost reduction. Normally, however, this likelihood will not be present in contracts for architect-engineering. Value engineering incentives contract provisions provide for the contractor to share in cost reductions that ensue from change proposals he submits.

(b) *Processing value engineering change proposals.* In order to realize the cost reduction potential of value engineering, it is imperative that value engineering change proposals be processed as expeditiously as possible.

§ 11–1.5202 Value engineering incentives.

§ 11–1.5202–1 Description.

Many types of contracts, when properly used, provide the contractor with an incentive to control and reduce costs while performing in accordance with specifications and other contract requirements. However, the practice of reducing the contract price (or fee, in the case of cost-reimbursement type contract) under the "Changes" clause tends to discourage contractors from submitting cost reduction proposals requiring a change to the specifications or other contract requirements even though such proposals could be beneficial to the Government. Therefore, the objective of a value engineering incentive provision is to encourage the contractor to develop and submit to the Government cost reduction proposals which involve changes in the contract specifications, purchase description or statement of work. Such changes may include the elimination or modification of any requirements found to be in excess of actual needs regarding for example, design, components, materials, material processes, tolerances, packaging requirements, or testing procedures and requirements. If the Government accepts a cost reduction proposal through issuance of a change order, the value engineering incentive provision provides for the Government and the contractor to share the resulting cost reduction in the proportion stipulated in the value engineering incentive provision.

§ 11–1.5202–2 Application.

(a) Except as limited by § 11–1.5202–3 below, a value engineering incentive provision shall be included in all advertised and negotiated procurements in excess of $100,000 unless the Chief, Supply Division or the cognizant comptroller or commanding officer, as applicable, has determined that value engineering offers no potential for cost reduction, as, for example, where a particular contract or class of contracts is of insufficient duration to allow value engineering proposals to be processed, or where the item or class of items being procured is a commercial product whose design and cost are controlled by the commercial market. Value engineering incentive provisions also may be included in contracts of less than $100,000 at the discretion of the contracting officer.

(b) The contract clause providing for value engineering incentives is set forth in § 11–1.5204–1 of this chapter.

(c) The precise extent to which the contractor should share in cost reductions must be tailored to the particular procurement. For advertised contracts, the percentage of contractor sharing shall be stated in the "Value Engineering Incentive" clause in the invitation for bids. For negotiated contracts, the percentage of contractor sharing shall be stated in the solicitation, although this percentage may be a subject of negotiation prior to award. In two-step formal advertising, although discussion of the appropriate percentage of contractor sharing is permissible in connection with the first step, a single percentage shall be stipulated in the invitation for bids that is issued at the beginning of the second step. In the case of firm fixed-price contracts, the contractor's share in any cost reduction normally should be 50 percent and in no event greater than 75 percent. However, if such contracts are not awarded on the basis of adequate price competition, a contractor's share of less than 50 percent may be appropriate.

(d) Since the value engineering incentive clause does not require the contractor to perform value engineering, it is intended that the inclusion of the value engineering incentive clause in itself will not increase costs to the Government beyond those considered reasonable for the conduct of the contractor's business or the performance of the contract. Where cost analysis is required, cost allowability will be determined in accordance with normal application of the principles and the procedures provided in Part 1–15 of this title. Accordingly, where a contractor already has a value engineering program, the Government will bear a reasonable and allocable share of the cost of this program, but inordinate value engineering cost increases incurred solely because of inclusion of the clause shall not be allowed. Similarly, where a contractor does not have a value engineering program in existence, proper allocable costs of instituting a reasonable value engineering program are allowable.

§ 11–1.5203 Data and technical information.

A "Data" clause (see ASPR 32 CFR Part 9–203) shall be included in all contracts containing value engineering provisions, except in the case of overseas contracts, in which case the "Technical Information" clause (see ASPR 32 CFR Part 9–206) shall be included. Where a "Data" clause is included in a contract solely because of a value engineering provision, the following should be inserted immediately after the caption of the clause: "This clause applies only to data submitted to the Government in connection with a cost reduction proposal under the provisions of this contract regarding value engineering."

§ 11–1.5204 Value engineering incentive clause.

If it is determined, in accordance with § 11–1.5202 of this chapter, to include a value engineering incentive provision in a contract, the clause set forth below shall be used.

§ 11–1.5204–1 Value engineering incentive clause for firm fixed-price contracts.

VALUE ENGINEERING INCENTIVE (AUGUST 1963)

(a) This clause applies to cost reduction proposals initiated and developed by the contractor for changing the drawings, designs, specifications, or other requiremetns of this contract. This clause does not, however, apply to any such proposal unless it is identified by the contractor at the time of its submission to the contracting officer, as a proposal submitted pursuant to this clause. The cost reduction proposals contemplated are those that:

(1) Would result in less costly items than those specified herein without impairing any of their essential functions and characteristics such as service life, reliability, economy of operation, ease of maintenance, and necessary standardized features, and

(2) Would require, in order to be applied to this contract, a change order to this contract.

(b) Cost reduction proposals as defined herein will be processed expeditiously and in the same manner as prescribed for any other proposal which would likewise necessitate issuance of a contract change order. As a minimum, the following information will be submitted by the contractor with each proposal:

(1) A description of the difference between the existing contract requirement and the proposed change, and the comparative advantages and disadvantages of each;

(2) An itemization of the requirements of the contract which must be changed if the proposal is adopted and a recommendation as to how to make each such change (e.g., suggested revision);

(3) An estimate of the reduction in performance costs that will result from adoption of the proposal taking into account the costs of implementation by the contractor, and the basis for the estimate;

(4) A prediction of any effects the proposed change would have on other costs to the Government, such as Government-furnished property costs, costs of related items, and costs of maintenance and operation;

(5) A statement of the time by which a change order adopting the proposal must be issued so as to obtain the maximum cost reduction during the remainder of the contract, noting any effect on maintaining the contract delivery schedule; and

(6) The dates of any previous submissions of the proposal, the numbers of any Government contracts under which submitted, and the previous actions by the Government, if known.

(c) The Government shall not be liable for any delays in acting upon, or for any failure to act upon, any proposal submitted pursuant to this clause. The decision of the contracting officer as to the acceptance of any such proposal under this contract shall be final and shall not be subject to the "Disputes" clause of this contract. Unless and until a change order applies such a proposal to this contract, the contractor shall remain obligated to perform in accordance with its existing terms. The contracting officer may accept in whole or in part any cost reduction proposal submitted pursuant to this clause by issuing a change order which will identify the cost reduction proposal on which it is based.

(d) If a cost reduction proposal submitted pursuant to this clause is accepted under this contract, an equitable adjustment in the contract price and in any other affected provisions of this contract shall be made in accordance with this clause and the "Changes" clause of this contract. If the equitable adjustment involves a reduction in the contract price, it shall be established by determining the amount of the total estimated decrease in the contractor's cost of performance resulting from the adoption of the cost reduction proposal, taking into account the cost of implementing the change by the contractor, and reducing the contract price by -------- percent (____%)* of such decrease. If the equitable adjustment involves an increase in the contract price, such increase shall be established under the "Changes" clause rather than under this paragraph (d). The resulting contract modification will state that it is made pursuant to this clause.

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*Insert the appropriate percentage; i.e., the contractor's share (11–1.5202–2(c)).

(e) Cost reduction proposals submitted under the provisions of any other contract also may be submitted under this contract for consideration pursuant to the terms of this clause.

(f) The contractor may restrict the Government's right to use any sheet of a value engineering proposal or of the supporting data, submitted pursuant to this clause, in accordance with the terms of the following legend if it is marked on such sheet.

This data furnished pursuant to the value engineering incentive clause of contract _____ shall not be disclosed outside the Government, or be duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate a value engineering proposal submitted under said clause. This restriction does not limit the Government's right to use information contained in this data if it is or has been obtained from another source, or is otherwise available, without limitation. If such a proposal is accepted by the Government by issuance of a change order under the "Changes" clause of said contract after the use of this data in such an evaluation, the Government shall have the right to duplicate, use, and disclose any data pertinent to the proposal as accepted, in any manner and for any purpose whatsoever, and have other so do. After the issuance of a change order accepting a value engineering proposal, but not prior thereto, such proposal and the supporting data shall, for the sole purpose of supplementing the rights granted to the Government under this paragraph, be considered "Subject Data" within the meaning of the "Data" clause of this contract.

If the contract is to include a "Technical Information" clause rather than a "Data" clause, substitute "Technical information" for "Subject Data" and "Technical Information" for "Data" in the last sentence of the clause above. See ASPR 32 CFR Part 2.

Dated: May 1, 1967.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 67-5114; Filed, May 5, 1967; 8:49 a.m.]

[CGFR 67-8]

PART 11-7—CONTRACT CLAUSES

Subpart 11-7.1—Fixed-Price Supply Contracts

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4:

Subpart 11-7.1 is revised to read as follows:

Sec.

11-7.100 Scope of subpart.
11-7.150 Additional clauses.
11-7.150-1 Guaranty.
11-7.150-2 Patent indemnity.
11-7.150-3 Delivery terms—f.o.b. destination.
11-7.150-4 Delivery terms—f.o.b. origin.
11-7.150-5 Authorization and consent.
11-7.150-6 Gratuities.
11-7.150-7 Marking of shipment.
11-7.150-8 Notice of shipments.
11-7.150-9 Notices and interpretations.
11-7.150-10 Priorities, allocations and allotments.
11-7.150-11 Royalty information.
11-7.150-12 Notice to the Government of labor disputes.
11-7.150-13 Soviet-controlled areas.
11-7.150-14 Government-furnished property.
11-7.150-15 Military security requirements.
11-7.150-16 Brand name or equal.
11-7.150-17 Rights in technical and other data and copyrights.
11-7.150-18 Alterations in contract.

AUTHORITY: The provisions of this Subpart 11-7.1 issued under 14 U.S.C. 633, 10 U.S.C. 137.

§ 11-7.100 Scope of subpart.

This subpart sets forth the contract clauses for use in fixed-price supply contracts in addition to those prescribed in Subpart 1-7.1.

§ 11-7.150 Additional clauses.

Unless otherwise indicated by the specific instructions for their use, the clauses set forth or cited in this section shall be included in fixed-price supply contracts, awarded as a result of formal advertising, for delivery within the United States, its possessions, or Puerto Rico. Additional clauses may be used which are considered by each procuring activity to be essential to its operations, and which are not inconsistent with or in limitation of clauses set forth in this Subpart 11-7.1, or Subpart 1-7.1 of this title. Clauses used in Coast Guard formally advertised fixed-price supply contracts are contained in SF-32 and Additional General Provisions—Supply Contract (CG-2557A). Additional clauses supplementing CG-2557A are to be used when deemed necessary by the procuring activity. Unless inappropriate, clauses set forth in this Subpart 11-7.1 should be used in negotiated fixed-price supply contracts, and contracts for foreign delivery.

§ 11-7.150-1 Guaranty.

(a) The clause set forth below is approved for use in fixed-price supply contracts where general guaranty provisions are deemed desirable by the contracting officer (for modifications see paragraph (b) of this section). The approval of such provisions shall not be construed as prohibiting the use of performance guaranty or other special guaranty provisions.

GUARANTY

Notwithstanding the provisions of the clause entitled "Inspections," as set forth in this contract or in "41 CFR 1-7. 101-5," the contractor guarantees that at the time of delivery thereof the articles provided for under this contract will be free from any defects in material or workmanship and will conform to the requirements of this contract. Notice of any such defect or nonconformance shall be given by the Government to the contractor within 1 year of the delivery of the defective or nonconforming article. If required by the Government within a reasonable time after such notice, the contractor shall with all possible speed correct or replace the defective or nonconforming article or part thereof. When such correction or replacement requires transportation of the article or part thereof, shipping costs, not exceeding usual charges, from the delivery point to the contractor's plant and return, shall be borne by the contractor; the Government shall bear all other shipping costs. This guaranty shall then continue as to corrected or replacing articles or, if only parts of such articles are corrected or replaced, to such corrected or replacing parts, until 1 year after date of redelivery. If the Government does not require correction or replacement of a defective or nonconforming article, the contractor, if required by the contracting officer within a reasonable time after the notice of defect or nonconformance, shall repay such portion of the contract price of the article as is equitable in the circumstances.

(b) When inspection and acceptance tests will afford full protection to the Government in ascertaining conformance to specification and the absence of defects and deficiencies, no guaranty provision for that purpose shall be included in the contract. In certain instances, the contracting officer may desire to include a provision in a contract for a guaranty period of more than 1 year. In such instances, where after full inquiry it has been determined that such longer guaranty period will not involve increased costs to the Coast Guard, the longer guaranty period may be substituted for the 1 year specified in the guaranty clause. Where the full inquiry discloses that such longer guaranty period will involve, or is reasonably expected to involve, increased costs to the Coast Guard, such fact, and the reason for the need of such longer period shall be set forth in letter form to the chief officer responsible for procurement, requesting approval for use of a guaranty period in excess of 1 year.

§ 11-7.150-2 Patent indemnity.

Insert the applicable clause set forth in 32 CFR 9.103 (ASPR) under the conditions and in the manner prescribed therein.

§ 11-7.150-3 Delivery terms—f.o.b. destination.

Insert the clause set forth in § 1-19.306.

§ 11-7.150-4 Delivery terms—f.o.b. origin.

Insert the clause set forth in § 1-19.302.

§ 11-7.150-5 Authorization and consent.

Insert the clause set forth in 32 CFR 9.102-1 (ASPR) when applicable under the conditions and in the manner prescribed therein.

§ 11-7.150-6 Gratuities.

Insert the clause set forth in 32 CFR 7.104-16 (ASPR) when applicable under the conditions and in the manner prescribed therein.

§ 11-7.150-7 Marking of shipments.

When appropriate, the following clause may be included in supply contracts:

MARKING OF SHIPMENTS

The contractor shall mark all shipments under this contract in accordance with the current edition of "Military Standard Marking Shipments MIL-STD-129," issued by the Department of Defense. The applicable lot or item number, or both, shall be included in the marking prescribed for each shipment in addition to the contract number.

§ 11-7.150-8 Notice of shipments.

Insert the clause set forth in 32 CFR 7.105-4 (ASPR) when advance notice of shipments from the contractor is desired.

§ 11–7.150–9 Notices and interpretations.

NOTICES AND INTERPRETATIONS

(a) No notice, order, directive, determination, requirement, or interpretation of any provision of the Invitation for Bids or resulting contract, including applicable specifications, shall have any effect or validity unless furnished in writing to the bidder or contractor by the Contracting Officer.

(b) After the contract has been awarded, Government representatives have authority to approve or order changes in work only when such authority has been specifically set forth in writing by the Contracting Officer.

(c) Notwithstanding the provisions of paragraph (b) above, all changes or modifications to this contract which result in a change in unit price, total contract price, quantity, quality, or delivery schedule must be specifically authorized in writing by the Contracting Officer.

§ 11–7.150–10 Priorities, allocations, and allotments.

In accordance with the requirements of § 11–1.311, insert the clause prescribed therein.

§ 11–7.150–11 Royalty information.

Insert the clause set forth in 32 CFR 9.110 (ASPR) when applicable under the conditions and in the manner prescribed therein.

§ 11–7.150–12 Notice to the Government of labor disputes.

Insert the clause set forth in 32 CFR 7.104–4 (ASPR) in all contracts involving the furnishing or production of any items which are or may be urgently required for operational readiness of the Coast Guard.

§ 11–7.150–13 Soviet-controlled areas.

Insert the clause set forth in § 11–6.5003 when applicable under the conditions and in the manner prescribed therein.

§ 11–7.150–14 Government-furnished property.

Insert the clause set forth in 32 CFR, Part 13 (ASPR) under the conditions and in the manner prescribed therein.

§ 11–7.150–15 Military security requirements.

Insert the clause set forth in 32 CFR 7.104–12 (ASPR) under the conditions and in the manner prescribed therein.

§ 11–7.150–16 Brand name or equal.

Insert the clause set forth in § 1–1.307–6 under the conditions and in the manner prescribed therein.

§ 11–7.150–17 Rights in technical and other data and copyrights.

In accordance with the policies and procedures set forth in 32 CFR, Part 9.2 (ASPR), insert the contract clause covering Rights in Technical and other Data and Copyrights prescribed therein.

§ 11–7.150–18 Alterations in contract.

Alterations in contract provisions may be made only in accordance with the provisions of § 1–1.009 of this title and § 11–1.009–2 of this chapter. When alterations are necessary, they shall be set forth either in the Schedule or on an attachment sheet, preceded by the following clause:

ALTERATIONS IN CONTRACT

The following alterations have been made in the provisions of this contract.

Dated: April 28, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67–5115; Filed, May 5, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 204]

IMPLEMENTATION OF FREEDOM OF INFORMATION ACT

Notice of Proposed Rule Making

Correction

In F.R. Doc. 67–4674, appearing at page 6781 of the issue for Wednesday, May 3, 1967, the following corrections are made in § 204.2(d)(8):

1. The fourth sentence should read: "When the petitioner, the beneficiary, or other family members are outside the United States, a visa petition may be approved on condition that the results of any requested blood tests will show that the existence of the claimed relationship is not precluded.".

2. In the sixth sentence, the words "claimed relationship" should read "claimed blood relationship".

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Parts 30, 251]

WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA

Proposed Zoning Standards

CROSS REFERENCE: For a document issued jointly by the Department of the Interior and the Department of Agriculture relating to proposed zoning standards for the Whiskeytown-Shasta-Trinity National Recreation Area, see F.R. Doc. 67–5072, Agriculture Department, Forest Service, *infra*.

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1099]

[Docket No. AO 183–A19]

MILK IN PADUCAH, KY., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Paducah, Ky., on February 17, 1967, pursuant to notice thereof issued on February 1, 1967 (32 F.R. 2448), and February 8, 1967 (32 F.R. 2820).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on April 27, 1967 (32 F.R. 6647; F.R. Doc. 67–4868), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The material issues on the record of the hearing related to:

1. The price for Class I milk.
2. Seasonal production incentive plan.

This decision deals with only issue No. 2, the seasonal production incentive plan. Issue No. 1, Class I prices, will be dealt with in a further decision on this record.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. *Seasonal production incentive plan.* The "Louisville" plan of seasonal adjustment should be modified to set aside 50 cents (instead of 20 cents) per hundredweight of producer milk during each of the months of April through July, for payment to producers during the following months of October through January.

A Louisville plan for seasonal adjustment of payments to producers was adopted in this order effective May 1, 1966. The purpose of the plan is to provide incentive for producers to achieve more even production through the year.

The order provides for retaining in the producer-settlement fund 20 cents for each hundredweight of producer milk delivered during the months of April through July. This money is distributed to producers during the following months of October through January. During each of the months of October, November, and December, 1966, and January 1967, the amount paid back under the plan was approximately 21 cents per hundredweight. This amount was included in the uniform price for these months.

The proponent cooperative association claimed that the various amendments which in recent years have reduced the seasonality of Class I prices have increased the need for other means of providing seasonal changes in producer returns. The associations favored a seasonal range in producer prices of at least $1 per hundredweight between spring take-out months and fall payback months.

For this purpose the association requested that at least 40 cents per hundredweight be retained in the months of April through July for payment in the following October–January period. The association said that such a rate of take-out would provide a satisfactory incentive for evening production if applied in conjunction with the seasonal changes in Class I prices which have been effective in the order. The association requested, however, that if seasonal changes in Class I differentials were removed as a result of the hearing held in Kansas City January 26 and February 13 (pursuant to notices issued on January 16 and February 3, 1967, 32 F.R. 613 and 32 F.R. 2573), the take-out in April through July should be 50 cents per hundredweight.

Official notice is taken of a decision issued April 25, 1967, based on regional hearings held during the period of April 11–15, in which it was decided that a single Class I differential should apply in each of the markets which now have seasonally varying differentials. The effect upon the Paducah order is through its Class I price provision which establishes the Paducah Class I price at 15 cents over the St. Louis Class I price. Under these circumstances the cooperative association desired that the 50-cent rate of take-out apply.

The problem that the Louisville plan is intended to correct is the seasonal changes in production which aggravate the problem of handling reserve milk in some periods and the problem of providing an adequate supply in other periods. Spring milk production per farm tends to be higher than fall production. Production per farm in the spring-summer months (April–July) in 1961 was 132 percent of the subsequent fall-winter months (October–January). This relationship of spring to fall production has steadily narrowed so that in 1966 production in April–July was 103 percent of subsequent October–January production.[1]

Part of this narrowing of difference between spring and subsequent fall production reflects the long-term upward trend in milk production per farm for this market. Production per farm averaged 840 pounds daily in 1966 compared to 556 pounds daily in 1961.

On the other hand, spring production per farm in this market tends to be substantially higher than in the prior fall months, again reflecting the upward trend in production. Thus, the April–July production in 1966 was about 115 percent of the prior October–January level.

The association believes that further inducement for leveling production is needed. Within the context of a continuation of the upward trend of production per farm, the leveling of production could be attained if more of the annual increase occurred in fall and winter

[1] Official notice is taken of data published by the market administrator from the period 1961 through 1963.

months rather than in spring months. The plan proposed by the association appears appropriately designed for this purpose.

The takeout-payback plan of distributing returns to producers does not affect handlers' costs or change the total amount of money received by producers for a year's milk production. The plan does change the time of year at which producers receive certain portions of the money for their milk. In these circumstances, where producers desire that their money be paid to them in this fashion, it would be most likely that producers would respond in accord with the purpose of attaining relatively even production. Further, since it is well understood among producers that the total amount of money they are paid for their milk is unchanged, the plan would be expected to affect only seasonal production and not the average level of production of milk for the entire year.

Since practically all producers supplying this market are members of a cooperative association which is the proponent of the change in the seasonal pricing plan, it may be expected that the membership of association will be completely informed as to the operation of the plan. It is concluded that the 50-cent rate of take-out proposed by the association is appropriate under the circumstances and is adopted.

It is desirable that the change in rate of take-out be made effective as soon as possible.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusion set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were filed.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Paducah, Ky., Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Paducah, Ky., Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Paducah, Ky., marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on May 3, 1967.

JOHN A. SCHNITTKER,
Under Secretary.

Order[1] Amending the Order Regulating The Handling of Milk in the Paducah, Ky., Marketing Area.

§ 1099.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Ky., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Paduch, Ky., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

In § 1099.71, paragraph (h) is revised to read as follows:

§ 1099.71 Computation of the uniform price.

* * * * *

(h) For each of the months of April, May, June, and July, subtract an amount equal to 50 cents per hundredweight on the total amount of producer milk in these computations, which amount is to be retained in the producer-settlement fund and disbursed according to the provision of paragraph (i) of this section;

* * * * *

[F.R. Doc. 67-5119; Filed, May 5, 1967; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Forest Service

[36 CFR Parts 30, 251]

WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA

Proposed Zoning Standards

Notice is hereby given that, pursuant to subsection 2(e) of the Act of November 8, 1965 (79 Stat. 1295, 1297; 16 U.S.C.

460q–1(e)), providing for establishment of the Whiskeytown-Shasta-Trinity National Recreation Area, it is proposed to amend Title 36, Code of Federal Regulations, by the addition of Part 30 and §§ 251.40–251.42 specifying standards and criteria with which local zoning ordinances for the Whiskeytown, Shasta, and Clair Engle-Lewiston Units of the recreation area must comply in order to meet the approval of the Secretary of Agriculture and the Secretary of the Interior, who have the responsibility for administering these units.

The Department of Agriculture and the Department of the Interior in the joint issuance of these regulations wish to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons who wish to offer comments, suggestions, or recommendations with respect to the proposed regulations in Part 30 may submit a written statement thereon to the Director, National Park Service, Department of the Interior, Washington, D.C. 20240, or with respect to the proposed regulations in §§ 251.40–251.42 may submit a written statement thereon to the Chief, Forest Service, Department of Agriculture, Washington, D.C. 20250, within 30 days after this notice is published in the FEDERAL REGISTER.

DEPARTMENT OF AGRICULTURE,
JOHN A. BAKER,
Assistant Secretary, Rural Development and Conservation.

APRIL 19, 1967.

DEPARTMENT OF THE INTERIOR,
CLARENCE F. PAUTZKE,
Deputy Assistant Secretary, Fish and Wildlife and Parks.

MAY 2, 1967.

Part 30, reading as follows, is proposed for addition to Chapter I, Title 36 CFR:

PART 30—WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA ZONING STANDARDS FOR WHISKEYTOWN UNIT

Sec.
30.1 Introduction.
30.2 General provisions.
30.3 Recreation District I.
30.4 Recreation District II.
30.5 Variances, exceptions, and use permits.

AUTHORITY: The provisions of this Part 30 issued under subsection 2(e), 79 Stat. 1295, 1297; sec. 3, 39 Stat. 535; 16 U.S.C. 460q–1(e); 16 U.S.C. 3.

§ 30.1 Introduction.

(a) Administration of the Whiskeytown Unit is required to be coordinated with the other purposes of the Central Valley project and with the purposes of the recreation area as a whole so as to provide for: (1) Public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization and disposal of renewable natural resources as in the judgment of the Secretary of the Interior will promote or is compatible with, and does not significantly impair, public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment.

(b) The Secretary may not acquire without consent of the owner any privately owned "improved property" or interests therein within the boundaries of the unit, so long as the appropriate local zoning agency (Shasta County), shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that is approved by the Secretary. This suspension of the Secretary's authority to acquire "improved property" without the owner's consent would automatically cease: (1) If the property is made the subject of a variance or exception to any applicable zoning ordiance that does not conform to the applicable standards contained in the regulations in this part; or (2) if such property is put to any use which does not conform to any applicable zoning ordinance approved by the Secretary.

(c) "Improved property" as used in this section, means any building or group of related buildings, the actual construction of which was begun before February 7, 1963, together with not more than three acres of land in the same ownership on which the building or group of buildings is situated, but the Secretary may exclude from such "improved property" any shore or waters, together with so much of the land adjoining such shore or waters, as he deems necessary for public access thereto.

(d) The regulations in this part specify the standards with which local zoning ordinances for the Whiskeytown Unit must conform if the "improved property" within the boundaries of that unit is to be exempt from acquisition by condemnation. The objectives of the regulations in this part are to: (1) Prohibit new commercial or industrial uses other than those which the Secretary considers to be consistent with the purposes of the act establishing the national recreation area; (2) promote the protection and development of properties in keeping with the purposes of that act by means of use, acreage, frontage, setback, density, height, or other requirements; and (3) provide that the Secretary receive notice of any variance granted under, or any exception made to, the application of the zoning ordinance approved by him.

(e) Following promulgation of the regulations in this part in final form, the Secretary is required to approve any zoning ordinance or any amendment to an approved zoning ordinance submitted to him which conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Within 60 days following submission, the county will be notified of the Secretary's approval or disapproval of the zoning ordinances or amendments thereto. If more than 60 days is required the county will be notified of the expected delay and of the additional time deemed necessary to reach a decision. The Secretary's approval shall remain effective so long as the zoning ordinances or amendments thereto remain in effect as approved.

(f) Nothing contained in the regulations in this part or in the zoning ordinances or amendments adopted for the Whiskeytown Unit to implement the regulations in this part shall preclude the Secretary from exercising his power of condemnation at any time with respect to property other than "improved property" as defined herein. Nor shall the regulations in this part preclude the Secretary from otherwise fulfilling the responsibilities vested in him by the act authorizing establishment of the Whiskeytown-Shasta-Trinty National Recreation Area, by the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 3), as amended and supplemented, and such other statutory authorities relating to the National Park System.

§ 30.2 General provisions.

(a) Following issuance of the regulations in this part, Shasta County shall submit to the Secretary for his approval, all zoning ordinances and amendments thereto duly adopted by the county which are in force and applicable to property within the Whiskeytown Unit and which demonstrate conformity with the standards contained in the regulations in this part. This shall include any ordinances and amendments in effect prior to the issuance of the regulations in this part which demonstrate such conformity and any that have been adopted specifically to implement the regulations in this part.

(b) Any new uses, and the location, design and scope of any new developments, permitted under the regulations in this part shall be harmonized with adjacent uses, developments and the natural features and shall be consistent with the current Master Plan proposed or adopted by the National Park Service for the Whiskeytown Unit, so as to minimize disruption of the natural scene and to further the public recreational purposes of the aforesaid establishment act for this unit.

(c) Zoning ordinances for the districts hereinafter prescribed shall conform to the general and specific standards contained in the regulations in this part to assure that use and development of the lands within the Whiskeytown Unit are consistent with the objectives of the Congress to protect and preserve the values of the lands in such unit for public use and enjoyment, as set out in the Act of November 8, 1965 (79 Stat. 1295). Except as otherwise provided herein, no additional or increased commercial or industrial uses are permitted within these districts. Any existing nonconforming commercial or industrial uses shall be discontinued within 10 years from the date of this section.

§ 30.3 Recreation District I.

(a) Definition: This district shall comprise all those portions of the Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area delineated as "Recreation District I" on a map bearing the identification NRA–WHI–1000, and dated August 1966.

(b) The following uses are permitted in Recreation District I provided the Shasta County Planning Commission has issued a use permit in each case:

(1) Single-family dwellings, not including tents and trailers, but including servants' quarters in the same structure or in an accessory dwelling, and one noncommercial guest house. Such residential uses shall meet the following requirements:

(i) Minimum building site area—3 acres; but a lesser acreage may be utilized for this purpose if, on or before February 7, 1963, the site was in separate ownership and within a recorded subdivision.

(ii) Maximum building height—35 feet.

(iii) Minimum frontage—150 feet.

(iv) Minimum front yard setback—75 feet.

(v) Minimum side yard setback—50 feet.

(vi) Minimum rear yard setback—25 feet.

(vii) Maximum percentage of lot coverage permitted—10 percent.

(2) Moving, alteration, or improvement of existing residences or accessory structures: *Provided,* There is compliance with the acreage, frontage, setback, density, height, and other requirements prescribed for residential uses under item 1, above: *And provided further,* That such moving, alteration, or improvement does not alter the residential character of the premises. Any moving, alteration, or improvement of such structures that would result in a deviation from these prescribed limitations and requirements would subject the property to acquisition without consent of the owner, unless the Secretary has waived such limitations or requirements.

(3) Riding stables requiring only temporary removable physical structures and facilities and which will serve only visitors to the Whiskeytown Unit of the recreation area.

(4) Campgrounds, organizational camps and picnic areas that require only temporary removable physical structures and facilities.

(5) Limited agricultural uses such as truck gardening, provided these uses do not require the extensive cutting or clearing of wooded areas and are not otherwise destructive of natural or recreational values.

(6) Clearing and removal of trees, shrubbery, and other vegetation to the extent necessary in order to permit the exercise of a use otherwise allowed within this district.

(7) Recreational pursuits that require only temporary removable physical facilities, such as horseshoe pitching, archery, croquet, tennis, softball, volley ball, and similar outdoor game-type activities compatible with the recreational purposes of the area.

(8) Religious and educational uses requiring no permanent structures or facilities.

(9) Removal of gravel, sand and rock or other alteration of the landscape to the minimum extent necessary for the construction of an access road to the property on which a use its permitted. In all other circumstances, such removal or alteration shall be permitted only to the minimum extent necessary to make possible the exercise of a use otherwise permitted in this district.

(10) Signs that are appurtenant to any permitted use and which (i) do not exceed 1 square foot in area for any residential use; (ii) do not exceed 4 square feet in area for any other use, including advertisement of the sale or rental of property; and (iii) which are not illuminated by any neon or flashing device. Such signs may be placed only on the property on which the advertised use occurs, or on the property which is advertised for sale or rental. Signs shall be subdued in appearance, harmonizing in design and color with the surroundings and shall not be attached to any tree or shrub. Nonconforming signs may continue such nonconformity until they are destroyed, moved, structurally altered or redesigned, but the period of such nonconformity may not exceed 2 years from the date a zoning ordinance containing this limitation is adopted by Shasta County.

(11) Accessory uses and temporary removable structures appurtenant to any permitted use.

(c) Any use not included above as a permitted use shall be deemed a prohibited use. Moreover, all land within the boundaries of the Whiskeytown Unit, except certain "improved property" as defined herein, will be acquired by the United States as rapidly as appropriated funds are made available therefor and before any development occurs thereon. Any property that is developed before such acquisition takes place will be subject to acquisition by the Secretary without consent of the owner.

§ 30.4 Recreation District II.

(a) Definition: This district shall comprise all those portions of the Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area delineated as "Recreation District II" on a map bearing the identification NRA–WHI–1000, and dated August 1966.

(b) The following uses are permitted in Recreation District II:

(1) All uses permitted in Recreation District I, subject to all the limitations, conditions and requirements prescribed for such uses in that district.

(2) The following additional uses are permitted in Recreation District II, provided the Shasta County Planning Commission has issued a use permit in each case:

(i) Tree farming by the individual tree selection method under a timber management plan that conforms to the California Logging Code and is acceptable to the Superintendent of the Whiskeytown Unit.

(ii) Agricultural pursuits such as crop farming, grazing, animal husbandry, nurseries, and greenhouses.

(iii) Temporary stands for retail sales of products produced on the premises.

(iv) Measures to promote conservation of soil, water, and vegetation, including reforestation and tree stand improvement, and measures to reduce fire hazards.

(v) Public or privately operated parks and playgrounds.

(vi) Trailer campgrounds.

(vii) Golf courses.

(viii) Heliports: *Provided,* they are located and screened so their operations will cause a minimum of interference with public recreational use and enjoyment of the area.

(ix) Accessory structures, facilities, and utilities as necessary to make possible the exercise of any use otherwise permitted.

(c) Structures developed for the exercise of the additional uses listed under paragraph (b)(2) of this section shall not exceed two stories in height (35 feet), shall have a minimum principal use area of 5 acres, and shall have a front yard setback of not less than 100 feet from the nearest right-of-way line of a road or street. However, a lesser area than 5 acres may be utilized for such purposes if the property in question was in separate ownership on February 7, 1963.

(d) Any use not included above as a permitted use shall be deemed a prohibited use. Moreover, all land within the boundaries of the Whiskeytown Unit, except certain "improved property" as defined herein, will be acquired by the United States as rapidly as appropriated funds are made available therefor and before any development occurs thereon. Any property that is developed before such acquisition takes place will be subject to acquisition by the Secretary without consent of the owner.

§ 30.5 Variances, exceptions, and use permits.

(a) Zoning ordinances or amendments thereto, for the zoning districts comprising the Whiskeytown Unit of the Whiskeytown-Shasta-Trinity National Recreation Area may provide for the granting of variances and exceptions.

(b) Zoning ordinances or amendments thereto for each of the districts established by the regulations in this part shall contain provisions advising applicants for variances and exceptions that, under section 2(f) of the Act of November 8, 1965, the authority of the Secretary to acquire "improved property" without the owner's consent would be reinstated (1) if such property is made the subject of a variance or exception to any applicable zoning ordinance that does not conform to any applicable standard contained in the regulations in this part; or (2) if such property is put to any use which does not conform to any applicable zoning ordinance approved by the Secretary.

(c) The Shasta County Planning Commission, or private owners of "improved property" may consult the Secretary as to whether the grant of any proposed variance or exception would terminate the suspension of his authority to acquire the affected property without consent of the owner, and may request the approval of a variance or exception by the Secretary: *Provided,* The Secretary is notified in writing at least 30 days in advance of

the hearing on the application for the variance or exception. The Secretary within 30 days after the receipt of a request for approval of a variance or exception, shall advise the owner or the Commission whether or not the intended use will subject the property to acquisition by condemnation. If more than 30 days is required by the Secretary for such determination, he shall so notify the owner or Commission, stating the additional time required and the reasons therefor.

(d) The Secretary shall be given written notice of any variance granted under, or exception made to the application of, a zoning ordinance or amendment thereof approved by him. The Secretary shall be provided a copy of every use permit granted by the Shasta County Planning Commission authorizing any use or development of lands within the boundaries of the Whiskeytown Unit of the recreation area.

Sections 251.40, 251.41 and 251.42, reading as follows are proposed for addition to Part 251 of Chapter II, Title 36 CFR:

PART 251—LAND USES

WHISKEYTOWN—SHASTA-TRINITY RECREATION AREA; ZONING STANDARDS FOR SHASTA AND CLAIR ENGLE-LEWISTON UNITS

Sec.
251.40 Introduction.
251.41 General provisions; procedures.
251.42 Standards.

AUTHORITY: §§ 251.40–251.42 issued under sec. 2, 79 Stat. 1295, 16 U.S.C. 460q–1; 30 Stat. 35, 16 U.S.C. 551.

WHISKEYTOWN—SHASTA-TRINITY RECREATION AREA; ZONING STANDARDS FOR SHASTA AND CLAIR ENGLE-LEWISTON UNITS

§ 251.40 Introduction.

(a) Administration of the Shasta and Clair Engle-Lewiston Units will be coordinated with the other purposes of the Central Valley Project of the Bureau of Reclamation and of the recreation area as a whole so as to provide for: (1) Public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) the management, utilization and disposal of renewable natural resources which in the judgment of the Secretary of Agriculture will promote or is compatible with, and does not significantly impair, public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment.

(b) The Secretary may not acquire without consent of the owner any privately owned "improved property" or interests therein within the boundaries of these units, so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that is approved by the Secretary. This suspension of the Secretary's authority to acquire "improved property" without the owner's consent would automatically cease: (1) If the property is made the subject of a variance or exception to any applicable zoning ordinance that does not conform to the applicable standards contained in §§ 251.40–251.42; or (2) if such property is put to any use which does not conform to any applicable zoning ordinance approved by the Secretary.

(c) "Improved property" as used in §§ 251.40–251.42, means any building or group of related buildings, the actual construction of which was begun before February 7, 1963, together with not more than three acres of land in the same ownership on which the building or group of buildings is situated, but the Secretary may exclude from such "improved property" any shore or waters, together with so much of the land adjoining such shore or waters, as he deems necessary for public access thereto.

(d) Sections 251.40–251.42 specify the standards with which local zoning ordinances for the Shasta and Clair Engle-Lewiston Units must conform if the "improved property" or unimproved property proposed for development as authorized by the Act within the boundaries of the units is to be exempt from acquisition by condemnation. The objectives of §§ 251.40–251.42 are to: (1) Prohibit new commercial or industrial uses other than those which the Secretary considers to be consistent with the purposes of the act establishing the national recreation area; (2) promote the protection and development of properties in keeping with the purposes of that Act by means of use, acreage, setback, density, height or other requirements; and (3) provide that the Secretary receive notice of any variance granted under, or any exception made to, the application of the zoning ordinance approved by him.

(e) Following promulgation of §§ 251.40–251.42 in final form, the Secretary is required to approve any zoning ordinance or any amendment to an approved zoning ordinance submitted to him which conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment.

(f) Any owner of unimproved property who proposes to develop his property for service to the public may submit to the Secretary a development plan setting forth the manner in which and the time by which the property is to be developed and the use to which it is proposed to be put. If the Secretary determines that the development and the use of the property conforms to approved zoning ordinances, and serves the purposes of the National Recreation Area and that the property is not needed for easements and rights-of-way for access, utilities, or facilities, or for administration sites, campgrounds, or other areas needed for use by the United States for visitors, he may in his discretion issue to such owner a certification that so long as the property is developed, maintained, and used in conformity with approved zoning ordinances the Secretary's authority to acquire the property without the owner's consent is suspended.

§ 251.41 General provisions; procedures.

(a) *Approval of zoning ordinances and development plans.* (1) All validly-adopted zoning ordinances and amendments thereto pertaining to the Shasta and Clair Engle-Lewiston Units may be submitted by the County of origin to the Secretary for written approval relative to their conformance with the applicable standards of §§ 251.40–251.42. Within 60 days following submission, the County will be notified of the Secretary's approval or disapproval of the zoning ordinances or amendments thereto. If more than 60 days are required, the County will be notified of the expected delay and of the additional time deemed necessary to reach a decision. The Secretary's approval shall remain effective so long as the zoning ordinances or amendments thereto remain in effect as approved.

(2) Development plans pertaining to unimproved property within the Shasta and Clair Engle-Lewiston Units may be submitted by the owner to the Secretary for determination as to whether they conform with approved zoning ordinances and whether the planned use and development would serve the Act. Within 30 days following submission of such plans the Secretary will approve or disapprove the plans or, if more than 30 days are required, will notify the applicant of the expected delay and of the additional time deemed necessary.

(b) *Amendment of ordinances.* Amendments of approved ordinances may be furnished in advance of their adoption to the Secretary for written decision as to their conformance with applicable standards of §§ 251.40–251.42.

(c) *Variances or exceptions to application of ordinances.* (1) The Secretary Shall be given written notice of any variance granted under, or any exception made to, the application of a zoning ordinance or amendment thereto approved by him.

(2) The County, or private owners of improved property, may submit to the Secretary proposed variances or exceptions to the application of an approved zoning ordinance or amendment thereto for written advice as to whether the intended use will make the property subject to acquisition without the owner's consent. Within 30 days following his receipt of such a request, the Secretary will advise the interested party or parties as to his determination. If more than 30 days are required by the Secretary for such determination, he shall so notify the interested party or parties stating the additional time required and the reasons therefore.

(d) *Certification of property.* Where improvements and land use of improved property conform with approved ordinances, or with approved variances from such ordinances, certification that the Secretary's authority to acquire the property without the owner's consent is suspended may be obtained by any party in interest upon request to the Secretary. Where the development and use of unimproved property for service to the public is approved by the Secretary, certification that the authority to acquire the property without the owner's consent is suspended may be issued to the owner.

(e) *Effect of noncompliance.* Suspension of the Secretary's authority to ac-

quire any improved property without the owner's consent will automatically cease if (1) such property is made the subject of variance or exception to any applicable zoning ordinance that does not conform to the applicable standard in the Secretary's regulation, (2) such property is put to a use which does not conform to any applicable zoning ordinance, or, as to property approved by the Secretary for development, a use which does not conform to the approved development plan or (3) the local zoning agency does not have in force a duly adopted, valid, zoning ordinance that is approved by the Secretary in accordance with the standards of §§ 251.40–251.42.

(f) *Nonconforming commercial or industrial uses.* Any existing commercial or industrial uses not in conformance with approved zoning ordinances shall be discontinued within 10 years from the date such ordinances are approved.

§ 251.42 Standards.

(a) The standards set forth in §§ 251.40–251.42 shall apply to the Shasta and Clair Engle-Lewiston Units, which are defined by the boundary descriptions in the notice of the Secretary of Agriculture of July 12, 1966 (31 F.R. 9469), and to a strip of land outside the National Recreation Area on either side of Federal Aid Secondary Highway Numbered 1089, as more fully described in 2(a) of the act establishing the recreation area (79 Stat. 1296).

(b) New industrial or commercial uses: new industrial or commercial uses will be prohibited in any location except under the following conditions:

(1) The industrial use is such that its operation, physical structures, or waste byproducts would not have significant adverse impacts on surrounding or nearby outdoor recreation, scenic and esthetic values. Industrial uses having an adverse impact include, but are not limited to, cement production, gravel extraction operations involving more than one-fourth acre of surface, smelters, sand, gravel and aggregate processing plants, fabricating plants, pulpmills, and commercial livestock feeder yards.

(2) (i) The commercial use is for purposes of providing food, lodging, automotive or marine maintenance facilities and services to accommodate recreationists and the intended land occupancy and physical structures are such that they can be harmonized with adjacent land development and surrounding appearances in accordance with approved plans and schedules.

(ii) This standard provides for privately owned and operated businesses whose purposes and physical structures are in keeping with objectives for use and maintenance of the area's outdoor recreation resources. It precludes establishment of drive-in theaters, zoos, and similar nonconforming types of commercial entertainment.

(c) Protection of roadsides: Provisions to protect natural scenic qualities and maintain screening along public travel routes will include:

(1) Prohibition of new structural improvements or visible utility lines within a strip of land extending back not less than 150 feet from both sides of the centerline of any public road or roadway except roads within subdivisions or commercial areas. In addition to buildings, this prohibition pertains to above-ground power and telephone lines, borrow pits, gravel or earth extraction areas, and quarries.

(2) Retention of trees and shrubs in the above-prescribed roadside strips to the full extent that is compatible with needs for public saftey and road maintenance. Wholesale clearing by chemical or other means for fire control and other purposes will not be practiced under this standard.

(d) Protection of shorelines: Provisions to protect scenic qualities and reduce potentials for pollution of public reservoirs will include: Prohibition of structures within 300 feet horizontal distance from highwater lines of reservoirs other than structures the purpose of which is to service and accommodate boating or to facilitate picnicking and swimming: *Provided,* That exceptions to this standard may be made upon showing satisfactory to the Secretary that proposed structures will not conflict with scenic and anti-pollution considerations.

(e) Property development: Location and development of structures will conform with the following minimum standards:

(1) *Commercial development.* (i) Stores, restaurants, garages, service stations and comparable business enterprises will be situated in centers zoned for this purpose unless they are operated as part of a resort or hotel. Commercial centers will be of sufficient size that expansion of facilities or service areas is not dependent upon use of public land.

(ii) Sites outside designated commercial centers will be used for resort development contingent upon case by case concurrence of the responsible County officials and the Secretary that such use is, in all aspects, compatible with the purposes for establishing the recreation area.

(iii) Structures for commercial purposes, inclusive of isolated resorts or motels, will not exceed two stories height at front elevation, and will be conventional architecture and will utilize colors, nonglare roofing materials, and spacing or layout that harmonizes with forested settings. Except for signs, structures designed primarily for purposes of calling attention to products or service will not be permitted.

(2) *Residential development.* (i) Locations approved for residential development will be buffered by distance, topography, or forest cover from existing or planned public use areas such as trailer parks, campgrounds, or organization sites. Separation will be sufficient to avoid conflicts resulting from intervisibility, noise, and proximity that is conducive to private property trespass.

(ii) Requirements for approval of residential areas will include: (*a*) Construction of access when main access would otherwise be limited to a road constructed by the United States primarily to service publicly owned recreation developments; (*b*) limitation of residences to single-family units situated at a density not exceeding two per acre; (*c*) use of setbacks, limitations to natural terrain, neutral exterior colors, nonglare roofing materials, and limitations of building heights fully adequate to harmonize housing development with the objective of the National Recreation Area as set forth in the act.

(3) *Signs and signing.* Only those signs may be permitted which (i) do not exceed 1 square foot in area for any residential use; (ii) do not exceed 40 square feet in area, 8 feet in length, and fifteen feet maximum height from ground for any other use, including advertisement of the sale or rental of property; and (iii) which are not illuminated by any neon or flashing device. Commercial signs may be placed only on the property on which the advertised use occurs, or on the property which is advertised for sale or rental. Signs shall be subdued in appearance, harmonizing in design and color with the surroundings and shall not be attached to any tree or shrub. Nonconforming signs may continue for a period not to exceed 2 years from the date a zoning ordinance containing these limitations is adopted.

[F.R. Doc. 67-5072; Filed, May 5, 1967; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 67-EA-40]

AIRWORTHINESS DIRECTIVES

Fairchild Hiller Model F-27 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an amendment applicable to Fairchild Series F-27J and FH-227 airplanes. In Fairchild aircraft equipped with Solar Auxiliary Power Unit Model T62T-25 there is a possibility of damage to or failure of the engine-driven generators resulting from an unregulated unloaded condition when the APU generator is switched on the line. The proposed amendment requires rewiring of the engine-driven generators control sensing circuit.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Eastern Region, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

FAIRCHILD. Applies to Model F-27J Airplanes, Serial Numbers 111, and 113 through 121, inclusive, and FH-227 Series Airplanes, Serial Numbers 501 through 520, inclusive, Incorporating Solar Auxiliary Power Unit, Model T62T-25.

Compliance required within the next 400 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent electrical damage to the A.C. engine-driven generator resulting from an unregulated and unloaded condition when the APU-driven generator (A.C.) is switched on the line, accomplish the following:

(a) Rewire the engine-driven A.C. generator control sensing circuit in accordance with Fairchild Hiller F-27 Service Bulletin 30-12, Revision No. 1, dated September 15, 1966, for F-27J aircraft and Fairchild Hiller FH-227 Service Bulletin 30-1 dated August 23, 1966, for FH227 aircraft, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or perform an equivalent rewiring modification, approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Upon request with substantiating data submitted through an FAA maintenance inspector, an increase in the compliance time may be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

Issued in Jamaica, N.Y., on April 20, 1967.

OSCAR BAKKE,
Regional Director.

[F.R. Doc. 67-5092; Filed, May 5, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

MARK V. BURLINGAME

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Add: American Telephone & Telegraph Co. Remove: Middle States Telephone Co. of Illinois.
(3) None.
(4) None.

This statement is made as of April 28, 1967.

Dated: April 17, 1967.

MARK V. BURLINGAME.

[F.R. Doc. 67-5073; Filed, May 5, 1967; 8:45 a.m.]

ALEXANDER S. CHAMBERLAIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 15, 1967.

Dated: April 27, 1967.

ALEX S. CHAMBERLAIN.

[F.R. Doc. 67-5074; Filed, May 5, 1967; 8:45 a.m.]

JOE T. INNIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 17, 1967.

Dated: April 24, 1967.

JOE T. INNIS.

[F.R. Doc. 67-5075; Filed, May 5, 1967; 8:46 a.m.]

LAYTON E. KINCANNON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Stocks Sold: Electronic Specialty Corp.; Kelly Services, Inc.; McWood Corp.; Omark Industries, Inc.; Pearl Brewing Co.; Reliance Electric & Engineering Co.; Singer Corp.; West-Point Pepperell, Inc.

Stocks purchased: Beech Nut Life Savers; Bethlehem Steel Corp.; Cutler Hammer, Inc.; W. W. Grainger, Inc.; Hess Oil and Chemical Corp.; Eli Lilly & Co.; Occidental Petroleum Corp.; Union Carbide Corp.
(3) None.
(4) None.

This statement is made as of April 8, 1967.

Dated: April 26, 1967.

L. E. KINCANNON.

[F.R. Doc. 67-5076; Filed, May 5, 1967; 8:46 a.m.]

WILLIAM R. REMALIA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 15, 1967.

Dated: April 27, 1967.

WILLIAM R. REMALIA.

[F.R. Doc. 67-5077; Filed, May 5, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

May Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.s.t., on April 28, 1967, and, subject to amendment, continuing until superseded by the June Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, linseed oil, and tung oil.

Information on the availability of commodities stored in Commodity Credit Corporation binsites may be obtained from ASCS State offices shown at the end of the sales list, and for commodities stored at other locations from ASCS Commodity and Grain Offices also shown at the end of the list.

For May there is no change in commodities listed.

With the change in the CCC Export Credit Program announced April 25 (press release USDA 1307-67) permitting payments to U.S. exporters in cash rather than in export commodity certificates for export shipments from private stocks, CCC will no longer offer its commodities at net export prices for CCC credit export. This modifies the sales conditions for several of the commodities listed. However, exporters with CCC Export Credit Program sales can buy any commodities from CCC stocks offered at domestic market prices for export under export sales announcements.

On April 14 (press release USDA 1209-67), the USDA announced that the CCC will offer to sell hard red spring wheat as well as hard red winter wheat at domestic market prices for export from west coast ports under Announcement GR-345. Previously, only hard red winter was being offered for sale under this announcement and both classes under Announcement GR-261. The selling terms were also modified to permit buyers to apply purchased wheat against sales already made. In another change, payment for the wheat purchased under either Announcement GR-345 or GR-261 can be made in

cash or in export commodity certificates at the option of the buyer.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM–3) for May 1967 are 5½ percent for U.S. bank obligations and 6½ percent for foreign bank obligations, without regard to credit periods involved up to a maximum of 36 months. Commodities now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, milled and brown pearl rice, cottonseed oil, soybean oil, dairy products, dry edible beans, and tallow.

Information on commodities available under Title IV, P.L. 480, private trade agreements, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: oats, cotton (upland and extra long staple), and tobacco. Wheat and grain sorghum are also available under conditions noted in the individual commodity listings. (In addition, free market stocks of corn, grain sorghum, wheat, wheat flour, tobacco, cottonseed, and soybean oils are eligible for barter programming under barter contracts covering procurements for Federal agencies that will reimburse CCC except that hard red winter, hard red spring, and durum wheats, and flour produced from those wheats, may not be exported through west coast ports.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offeror is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet Nam except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Sales Price or Method of Sale

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1966 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel In-Store).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.18½	$0.15¼	Minneapolis—No. 1 DNS ($1.56) 115 percent +$0.15¼; $1.95¼. Portland—No. 1 SW ($1.46) 115 percent +$0.15¼; $1.83¼. Kansas City—No. 1 HRW ($1.43) 115 percent +$0.15¼; $1.80¼. Chicago—No. 1 RW ($1.49) 115 percent +$0.15¼; $1.87¼.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR–345 (Revision III, July 6, 1962, as amended) as follows:

(1) Notice of foreign sale must be furnished CCC within 5 calendar days after purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

B. CCC will sell wheat for export under Announcement GR–261 (Revision III, Jan. 9, 1961, as amended and supplemented) subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

(3) All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966. However, CCC-owned wheat will not be sold for barter at west coast ports nor will evidence of export at west coast ports be acceptable under a sale for barter.

C. Announcement GR–262 (Revision II, Jan. 9, 1961, as amended) for export as flour as follows: All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966. However, sales for barter will not be made at west coast ports nor will evidence of export from west coast ports be acceptable under a sale for barter pursuant to this announcement.

D. CCC will not sell wheat under Announcement GR–346 until further notice.

Available: Evanston, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price support rate [2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store [1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

See footnotes at end of document.

Markup in-store received by—	Examples
Truck	
$0.14¾	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.01+$0.03) 115 percent +$0.14¾; $1.34¾. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.01+$0.19 +$0.03); 105 percent +$0.14¾; $1.44¾.

Avialable: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Export.

Corn from CCC inventory is not available for export sale.

GRAIN SORGHUM (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate [2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.26½	$0.20¾	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.50) 115 percent +$0.26½; $1.99½. Kansas City, Mo. (ex-rail) ($1.78) 115 percent +$0.20¾; $2.25¾. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.50+$0.34); 105 percent +$0.26½; $2.20½. Kansas City, Mo. (ex-rail) ($1.78+ $0.34); 105 percent +$0.20¾; $2.43¾.

Export.

Sales are made at applicable domestic market price levels for export, as determined by CCC; export payment rates, if any, are deducted in arriving at barter prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966, and to other designated sales.

Available. Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of barley as CCC may designate will be in redemption of rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable barley as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate [2] (published loan rate plus 13 cents per bushel) for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section, applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17¾	$0.15¼	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. ($0.76) 115 percent +$0.17¾; $1.05¾. Minneapolis, Minn. (ex-rail) ($0.99) 115 percent +$0.15¼; $1.29¼. Agricultural Act of 1949; statutory minimums: Cass County, N. Dak. ($0.76+ $0.13); 105 percent +$0.17¾; $1.11¾. Minneapolis Minn. (ex-rail) ($0.99 +$0.13); 105 percent +$0.15¼; $1.33¼.

Export.

Sales are made at applicable domestic market price levels for export, as determined by CCC. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for barley. Sales will be made pursuant to the following announcement:

Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

Available. Kansas City, Evanston, Portland, and Minneapolis grain offices.

OATS, BULK

Unrestricted use.

A. Market price, as determined by CCC, but not less than 115 percent of the applicable 1966 price-support rate [2] for the class, grade and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store [1] basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.16¼	Redwood County, Minn. ($0.56+$0.03 quality differential); 115 percent +$0.16¼; $0.84¼.

C. *Nonstorable.* At not less than the market price as determined by CCC.

Export.

Sales are made at applicable domestic market price levels for export as determined by CCC; export payment rates, if any, are deducted in arriving at barter prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter contracts.

Available. Kansas City, Evanston, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent [2] of the applicable 1966 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.18½	$0.15¼	Rolette County, N. Dak. ($0.89); 105 percent +$0.18½; $1.12½. Minneapolis, Minn. (ex-rail) ($1.23); 105 percent +$0.15¼; $1.45¼.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at applicable domestic market price levels for export, determined by CCC. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcement:

Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

Available. Evanston, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1966 loan rate plus 5 percent, plus 41 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR–369 (Revision III, as amended), Rice Export Program.

Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the current loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Short-fall," and Under Barter Transactions), as amended. Cotton may be acquired at the current market price for such cotton at time of delivery, which shall be the highest price offered but not less than the minimum determined by CCC, and in no event at less than the loan rate for such cotton at time of delivery.

Export.

CCC disposals for barter (1966–67 marketing year). Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export under the Barter Program) and NO–C–31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO–C–6 (Revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC sales for export.* Competitive offers under the terms and conditions of Announcements CN–EX–22 (Extra Long Staple Cotton Export Program) and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

B. *Barter.* Competitive offers under the terms and conditions of Announcement CN–EX–27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

COTTON, UPLAND OR EXTRA LONG STAPLE

Restricted or unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–18 (Sale of Cotton—To Establish Claims). Any such cotton will be offered for sale periodically on the basis of samples representing the cotton for the purpose of establishing claims against producers and others according to schedules issued from time to time by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED

A. *Domestic Crushing or Export.*

1. Shelled peanuts of less than U.S. No. 1 grades may be purchased for foreign or domestic crushing.

2. U.S. Medium—Virginia type—for export.

3. Terms and conditions of sales as set forth in Peanut Announcement PR–1 effective July 1, 1966, Amendment 1, and the lot list.

B. When stocks of any of the above categories are available in their area of responsibility, weekly lot lists are issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

All sales are made on the basis of competitive bids each Wednesday, by the Producer Associations Divisions, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids are submitted.

TUNG OIL

Domestic or export.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitation to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–4, effective April 6, 1967, the applicable Invitation to Bid, and any amendments or revisions thereof.

Bids will include an f.o.b. price with the added provisions that the bidder may include "freight equalization" allowances for certain destinations as shown in a schedule attached to the Invitation to Bid.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, telephone Washington, D.C., area code 202, DU 8–3901.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price but not less than the applicable 1966 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store [1]).*

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents $0.20	*Cents* $0.15½	Minneapolis	No. 1	$3.45

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Announcement PS–GR–4, Revision 1, as amended, dispositions of flaxseed, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis Grain Merchandising ASCS Office.

LINSEED OIL, RAW (BULK)

Export.

Under Announcement PS–GR–4, Revision 1, as amended, dispositions of raw linseed oil,

See footnotes at end of document.

as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Commodity Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP-14: Spray process, U.S. Extra Grade, 21.60 cents per pound.

Export.

Competitive bid, under MP-10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter contracts.

Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to MP-10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

BUTTER

Unrestricted use.

Announced prices, under MP-14: 74 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 73.25 cents per pound—Washington, Oregon, and California. All other States 73 cents per pound.

Export.

Competitive bid under Announcement MP-10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter contracts.

Any butter offered but not sold under the invitation to bid issued pursuant to MP-10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP-14: 49.125 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 48.125 cents per pound.

Export.

Competitive bid under Announcement MP-10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under MP-10.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP-10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

FOOTNOTES

[1] The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 105 percent or the price support loan rate by 115, as indicated, round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight and handling charges.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway, Post Office Box 205, Kansas City, Mo. 64141. Telephone: Emerson 1-0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export), California (domestic only).

Branch Office—Evanston ASCS Branch Office, 2201 Howard Street, Evanston, Ill. 60202. Telephone: Long Distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: 226-3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334-3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: 527-7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y. 10013. Telephone: 264-8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: 556-6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525-4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633-8521.

Iowa, Room 311, Iowa Building, 505 Sixth Avenue, Des Moines, Iowa 50307. Telephone: Area Code 515, 284-4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9-3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372-1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442-3111.

Minnesota, Griggs Midway Building, 1821 University Avenue, St. Paul, Minn. 55104. Telephone: Area Code 612, 228-7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 587, 4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475-3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237-5205.

Ohio, Room 202, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469-5644.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352-8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 256-4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on May 3, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-5117; Filed, May 5, 1967; 8:49 a.m.]

Consumer and Marketing Service

[Docket No. AO 71-A52]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the order amending the order regulating the handling of milk in the New York-New Jersey marketing area (7 CFR Part 1002) which was attached to the decision of the Assistant Secretary issued April 25, 1967 (32 F.R. 6501), is approved or favored by the producers, as defined under the terms of the order, as proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of January 1967 is hereby determined to be the representative period for the conduct of such referendum.

A. J. Pollard is hereby designated agent of the Secretary to conduct the referendum for the New York-New Jersey marketing area in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.). Such referendum shall be completed on or before the 30th day from the date this order is published in the FEDERAL REGISTER.

As a means of effectuating certain policies jointly adopted by the Secretary and the Commissioner of Agriculture and Markets of the State of New York in a memorandum of cooperation dated August 26, 1938, and by the Secretary and the Director of the New Jersey Office of

Milk Industry in a memorandum of agreement dated June 30, 1955, the referendum agent shall transmit a report to the Commissioner of Agriculture and Markets of the State of New York, and to the Director of the Office of Milk Industry of the State of New Jersey.

Signed at Washington, D.C., on May 3, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-5118; Filed, May 5, 1967; 8:50 a.m.]

Forest Service

VENTANA WILDERNESS

Proposal and Hearing Announcement

Notice is hereby given in accordance with the provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on Wednesday, June 7, 1967, in Monterey County Courthouse, Board of Supervisors' Chambers, Alisal and Church Streets, Salinas, Calif., on a proposal for a recommendation to be made by the Secretary of Agriculture to the President of the United States that a recommendation be submitted to Congress for the establishment of the Ventana Wilderness, comprising about 94,728 acres, including most of the Ventana Primitive Area and five contiguous areas. The proposed Ventana Wilderness is located within the Los Padres National Forest, Monterey County, State of California.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Forest Supervisor, Los Padres National Forest, Santa Barbara, Calif. 93101, or the Regional Forester, Appraiser's Building, 630 Sansome Street, San Francisco, Calif. 94111.

Individuals and organizations are invited to express their views by appearing at the hearing, or they may submit written comments for inclusion in the official record to Regional Forester, Appraiser's Building, 630 Sansome Street, San Francisco, Calif. 94111, by July 7, 1967.

A. W. GREELEY,
Associate Chief, Forest Service.

[F.R. Doc. 67-5097; Filed, May 5, 1967; 8:47 a.m.]

Office of the Secretary

CALIFORNIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of California natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

CALIFORNIA

Fresno	Merced
Madera	Riverside

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 2d day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5098; Filed, May 5, 1967; 8:48 a.m.]

IOWA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Iowa natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IOWA

Van Buren

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 2d day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5099; Filed, May 5, 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following-described applications for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Alabama Educational Television Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala., File No. 197, for the establishment of a new noncommercial educational television station on Channel 43, Louisville, Ala.

The Board of Trustees of Michigan State University, East Lansing, Mich., File No. 198, to improve the facilities of noncommercial educational television station WMSB, Channel 10, East Lansing, Mich.

Any interested person may, pursuant to 45 CFR 60.8 within 30 calendar days from the date of this publication, file comments regarding the above applications with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 67-5120; Filed, May 5, 1967; 8:50 a.m.]

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD

CERTAIN WORKERS OF EATON YALE & TOWNE, INC., EATON SPRING DIV., LACKAWANNA, N.Y.

Summary of Final Determinations and Notice of Certification Regarding Petition for Determination of Eligibility To Apply for Adjustment Assistance

Determination of the Board. Pursuant to the Automotive Products Trade Act of 1965 (Public Law 89-283; 79 Stat. 1016) the Automotive Agreement Adjustment Assistance Board determines that:

Dislocation of workers of the Lackawanna, N.Y. plant, Eaton Spring Division, Eaton Yale & Towne, Inc., has occurred or threatens to occur.

U.S. production of the automotive product concerned—flat leaf springs—has decreased appreciably (section 302 (b)(2), Act), and U.S. imports from Canada of the Canadian automotive product concerned have increased appreciably (section 302 (b)(3)(A), Act).

No factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing or threatening to cause the dislocation.

Certification. The Board hereby certifies that the workers of the Lackawanna, N.Y. plant, Eaton Spring Division, Eaton Yale & Towne, Inc., who became or will become unemployed or underemployed on or after March 17, 1967, are eligible to apply for adjustment assistance.

Background. A petition for a determination of eligibility to apply for adjustment assistance under the Automotive Products Trade Act of 1965 was filed with the Automotive Agreement Adjustment

Assistance Board on February 23, 1967, by the United Steelworkers of America, AFL–CIO, on behalf of a group of workers at the Lackawanna plant, Eaton Spring Division, Eaton Yale & Towne, Inc. The petition alleged that the transfer of the production of automotive leaf springs from Lackawanna to a newly established plant in Chatham, Ontario, would result in the permanent layoff of all 169 hourly workers between April 1 and May 31, 1967. The petition further alleged that a company official cited only the United States-Canadian Automotive Products Agreement, signed January 16, 1965, as the reason for the discontinuation of leaf spring production at Lackawanna.

On February 28, 1967, the Automotive Assistance Committee of the Board requested the U.S. Tariff Commission to investigate and report on the facts relating to this petition (32 F.R. 3853, Mar. 8, 1967). No parties requested a hearing and none was held.

The Commission submitted its report on April 19, 1967 (APTA–W–8). The Commission stated that only certain sections of the report could be made public since much of the information it contains was received in confidence (32 F.R. 6458, Apr. 26, 1967).

The Board, in addition, obtained advice from the Departments of the Treasury, Commerce, and Labor, and the Small Business Administration under section 302(f)(1) of the Act.

Eaton Yale & Towne, Inc., and its Eaton Spring Division. Eaton Yale & Towne, Inc., is a diversified corporation manufacturing, both in the United States and abroad, a variety of components used in the production of transportation and industrial equipment.

The Eaton Spring Division operates plants in Detroit (coil springs and related articles) and Lackawanna, N.Y. (leaf springs for trucks). Prior to January 1967 the Detroit plant also produced leaf springs for automobiles.

After the United States-Canadian Automotive Products Agreement was signed, Eaton Yale & Towne, Inc., decided to build a new facility in Chatham, Ontario, about 70 miles east of Detroit. This plant is operated by the newly established subsidiary, Eaton Springs, Canada, Ltd.

Limited production at the new Chatham plant began in the last half of 1966. In January 1967 production of leaf springs for automobiles was transferred from Detroit to Chatham. Production at Lackawanna is scheduled to be completely transferred to Chatham by May 31, 1967.

Conclusions and determinations—Automotive product. The Board concludes that the petitioners were employed in a plant of Eaton Yale & Towne, Inc., manufacturing an automotive product, as defined by the Act: Leaf springs for use primarily as original equipment in the assembly of motor vehicles (section 302(1)(1), Act).

Dislocation. Dislocation in the case of a group of workers means actual or threatened unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof.

During 1966 the number of hourly workers employed at the Lackawanna plant was fairly constant, averaging slightly over 170 persons per month. The first separation which appears to have been directly attributable to the imminent closing of the plant occurred on March 17, 1967. Large-scale layoffs began on April 28, 1967, and will continue through July 1967 when all the hourly workers and some salaried personnel will have been laid off.

The Board determines that the Lackawanna, N.Y. plant, Eaton Spring Division, is the appropriate subdivision of Eaton Yale & Towne, Inc., and that a significant number or proportion of the workers thereof are or will be dislocated (section 302(b)(1), Act; § 501.2(i)(2), Board regulations).

Role of the operation of the Agreement. Section 302(c) of the Act provides that if there is appreciable decrease in U.S. production and an appreciable increase in imports from Canada of the automotive product concerned (section 302(b)(2) and (b)(3), Act), the group of workers must be certified as eligible to apply for adjustment assistance unless the Board determines that the operation of the Agreement has not been the primary factor in causing the dislocation.[1]

Data obtained by the Tariff Commission show that in each of the months of October 1966 through January 1967 (model year 1967) production in the United States of flat leaf springs has been at least 15 percent less than production during corresponding months in model year 1964, and averaged 20 percent less. The data on U.S. imports of automotive flat leaf springs produced in Canada indicate that imports in recent months of the 1967 model year are at least 80 percent greater than the same months of the 1964 model year.

The Board therefore determines that the economic criteria in section 302(b) of the Act are met.

On the basis of the Tariff Commission report, the Board determines that no factor other than the operation of the Agreement has been the primary factor causing the dislocation of the workers from the Lackawanna, N.Y. plant, Eaton Spring Division, Eaton Yale & Towne, Inc.

(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018; Executive Order 11254, 30 F.R. 13569; Automotive Agreement Adjustment Assistance Board regs., 48 CFR Part 501, 31 F.R. 827; Board Order No. 1, 31 F.R. 853)

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD,
EDGAR I. EATON,
Executive Secretary.

APRIL 28, 1967.

[F.R. Doc. 67–5078; Filed, May 5, 1967; 8:46 a.m.]

[1] "For purposes of determining whether the changes specified in section 302(b) have taken place, it is necessary to determine both a current period and a base period. It is believed that 3 to 4 recent consecutive months would usually be representative of the current period, and that the base period should be the model year 1964, except in cases where this year is considered to be an atypical one.

"With respect to the term 'appreciably' in section 302(b), a change of 5 percent in production, imports, or exports would normally be an appreciable one * * *"

H.R. No. 537 (Committee on Ways and Means), 89th Cong., 1st Sess., on H.R. 9042, pp. 21–22.

CIVIL AERONAUTICS BOARD

[Docket No. 18293]

ALASKA-CORDOVA MERGER CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 29, 1967, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 20, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 1, 1967.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 67–5110; Filed, May 5, 1967; 8:48 a.m.]

[Docket No. 18226]

AIR KOREA

Permit Application; Notice of Hearing

Han Jin Transportation Co., Ltd., doing business as Air Korea (Permit Application), Docket 18226.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 18, 1967, at 10 a.m., e.d.s.t., in Room 211, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

For fuller information, interested persons are referred to the prehearing conference report served April 6, 1967, and other material contained in the docket of this proceeding on file with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 2, 1967.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 67–5111; Filed, May 5, 1967; 8:48 a.m.]

[Docket No. 18317]

LINEAS AEREAS DE NICARAGUA, S.A.

Permit Renewal; Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 24, 1967, at 10 a.m. e.d.s.t., in Room 211, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

For fuller information, interested persons are referred to the prehearing conference report served April 25, 1967, and other material contained in the docket of this proceeding on file with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 2, 1967.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 67-5112; Filed, May 5, 1967; 8:49 a.m.]

[Docket No. 17353; Order No. E-25093]

PACIFIC ISLANDS LOCAL SERVICE INVESTIGATION

Order Defining Scope of Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of May 1967.

By this order the Board is establishing the precise scope of the instant investigation which was instituted to determine the need for interisland local air services in the South, Central, and Western Pacific.[1]

The area encompassed by this investigation covers a vast portion of the Pacific Ocean. In the Central and Western Pacific it includes the Palau, Mariana, Caroline, and Marshall Islands, which comprise the U.S. Trust Territories[2] and the Gilbert and Ellice Islands. In the South Pacific the points at issue are American Samoa, Western Samoa, New Hebrides, Fiji Islands, Tonga Islands, and the Cook Islands. In addition, for the reasons set forth below, we believe this investigation should be expanded to include consideration of service to Honolulu, Hawaii.

Specifically, as the Board now envisions this proceeding, it includes the following issues: (1) Whether there is a need for interisland local air service in or among the previously identified islands in the Central and Western Pacific; (2) whether there is a need for interisland local air service in the South Pacific area between American Samoa and the specifically named islands in the surrounding areas; and (3) whether there is a need for interisland local air service between American Samoa and the islands in the Central and Western Pacific. In connection with these issues, we believe it would also be appropriate to consider whether there is a related need for air service between Honolulu, on the one hand, and American Samoa and points in the Central and Western Pacific, on the other.

We have decided to include this latter issue in this proceeding[3] because it will give the Board the opportunity to consider whether a direct link between Honolulu and these points will result in greater economies of operation, increased traffic support, as well as the possibility of improving service to the public by the elimination of the circuity involved in the present service. For instance, in order to get to Honolulu from Majuro or Kwajalein in the Marshall Islands or Truk in the Caroline Islands, a passenger must first travel to Guam. This involves an expensive and time-consuming back-haul which is aggravated by the lack of frequent interisland service.[4]

With regard to a gateway for services in the Western Pacific, for the present we have decided not to consider any proposals involving service beyond the previously defined area of this case. In view of Pan American's long-haul services which link Guam and various points in Asia, it would appear that Guam is the logical gateway terminal for services in the Western Pacific. Furthermore, this long-haul service should improve in the future since additional service for Guam is at issue in the Transpacific Route Investigation.[5]

In order to maintain the focus of this case on the need for interisland local air service, we will require that any authority obtained in this case for service between Honolulu and Guam be subject to a two-stop restriction. Such a restriction will reduce the competitive impact of any new service authorized upon the Honolulu-Guam nonstop operations of Pan American.

On November 17, 1966, Eastern Air Lines, Inc. (Eastern), filed an application in Docket 17953 seeking authority to operate from American Samoa to Western Samoa, Fiji, Tonga, the Cook Islands, and Tahiti. At the same time, Eastern requested by motion that all issues relating to service in and among those points be severed from this proceeding and set for expeditious consideration so that the severed portion could be decided simultaneously with the Transpacific Route Investigation.

Braniff Airways, Inc., Pan American, the Secretary of the Interior, and the Territory of American Samoa filed answers opposing the grant of Eastern's request. Upon consideration of the matters set forth in the various pleadings, the Board has decided that the instant investigation should include service issues as to all of the island groups mentioned in our order instituting this investigation. Accordingly, Eastern's motion will be denied.

Eastern has failed to show that severance of the issues concerning air service to and from American Samoa and the islands in its area is warranted. Since the service we envision hearing for the Central and Western Pacific and between that area and American Samoa is of the same type we intend to hear with respect to the islands in American Samoa's area of the Pacific, we feel that all of these issues can be best handled in the same proceeding, at least through the hearing stage. If, after the hearing, it appears that severance is warranted, the parties may so move at that time.

Finally, since the type of local service we envision may require some form of financial support from the Government of the United States, the Board will expect the various parties to this proceeding to direct their attention to this matter. In view of the fact that a certain measure of support is now being provided by the Government under the contract authorizing air service in the Trust Territory and Guam, it would be appropriate to consider whether any or all of the services at issue require financial aid from the Government, and, if so, who should provide that support.

Since the various U.S. territories involved in this investigation are under the jurisdiction of the Department of Interior, we will make the Department a party to this proceeding along with those territories. We will also include the Postmaster General as a party because there may be a need for improved mail service between the various points at issue. In addition, in view of the many defense installations in the area under investigation, defense considerations may have an important bearing on this case. Accordingly, we will also make the Department of Defense a party.

In view of our action herein, we will provide an additional period of time for interested applicants to file amended or additional applications consistent with the scope of the investigation. If new filings are made, each applicant should file

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[1] Order E-23740, May 25, 1966. In that order the Board noted that, after considering the matter further, it would issue an appropriate order defining the scope of this proceeding.

Insofar as they propose interisland local service in the South, Central, and Western Pacific, applications of Hawaiian Airlines, Inc. (Docket 17047, Corrected), and World Airways, Inc. (Docket 17036), were consolidated into this proceeding.

[2] While Guam is part of the Mariana Islands, it is a U.S. Territory.

[3] Even though Pan American World Airways, Inc. (Pan American), currently provides service which links American Samoa and Honolulu and Guam and Honolulu, we are including these issues in this proceeding since Pan American's service may not be geared to the local needs of the various islands in question. Similarly, we do not believe that inclusion of these issues will duplicate matters already at issue in the Transpacific Route Investigation, Docket 16242. The focus of that proceeding is on long-haul transportation requirements and not the need for improved interisland local service, the basic issue in the instant investigation.

[4] Pursuant to a contract with the Trust Territory Government, Pan American provides Kwajalein, Majuro, and Truk with weekly DC-4 service to Guam. Kwajalein is more than one-third the distance between Guam and Honolulu which are 3,789 miles apart.

[5] Authority between Guam and Okinawa is one of the routes at issue. While this issue has not been included in this proceeding, the Board may modify this decision, upon reconsideration, if such action is shown to be warranted.

a composite application covering clearly and specifically all of the relief sought in this proceeding. This procedure will obviate the confusion resulting from consolidation of several separately filed applications or portions thereof and will assist the parties, the examiner, and the Board in analyzing and considering the precise proposals of each applicant.

Accordingly, it is ordered, That:

1. The scope of the instant investigation be and it hereby is established to include the determination of whether the public convenience and necessity require, and, if so, which carrier or carriers should be selected to provide:

(a) Interisland local air service among and/or within the following groups of Pacific Islands: Palau Islands, Mariana Islands (including Guam), Caroline Islands, Marshall Islands, Gilbert Islands, and Ellice Islands;

(b) Interisland local air service between American Samoa, on the one hand, and the Fiji Islands, Western Samoa, Tonga Islands, Cook Islands, and New Hebrides, and the islands listed in 1(a) above, on the other;

(c) Air service between Honolulu, Hawaii, on the one hand, and American Samoa, and the islands listed in 1(a) above, on the other;

2. Any authority awarded in this proceeding for service between Honolulu and Guam shall be subject to a restriction requiring a minimum of two intermediate stops;

3. Applications, motions to consolidate applications, and motions or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days from the service date of this order, and answers to such pleadings shall be filed no later than 10 days thereafter;

4. The motion of Eastern Air Lines, Inc., for severance, consolidation, expedition, and simultaneous decision, filed November 17, 1966, be, and it hereby is, denied;

5. This proceeding shall be set down for hearing before an examiner of the Board at a time and place hereafter designated;

6. A copy of this order be served upon the Department of Interior, the Department of Defense, the Postmaster General, the Territory of American Samoa, the Trust Territory of the Pacific Islands, and the Territory of Guam, all of which are hereby made parties to the instant investigation; and

7. A copy of this order also be served upon Braniff Airways, Inc., Eastern Air Lines, Inc., Hawaiian Airlines, Inc., Pan American World Airways, Inc., and World Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-5113; Filed, May 5, 1967; 8:49 a.m.]

[6] Attachment filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. CP67-307]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MAY 1, 1967.

Take notice that on April 24, 1967, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP 67-307 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction, acquisition, modification, and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes the construction and operation of the following facilities:

(1) Approximately 165.7 miles of 26-inch pipeline between Lebanon and Gilmore, Ohio,

(2) Approximately 77.2 miles of 30-inch pipeline between Gilmore, Ohio, and Beaver, Pa.,

(3) Approximately 13.5 miles of 26-inch pipeline between its South Bend Compressor Station and Valley Junction, Armstrong and Indiana Countries, Pa.,

(4) Approximately 4.6 miles of 26-inch pipeline between McIlwain Junction and its South Bend Compressor Station, Armstrong County, Pa.,

(5) Two new 6,000-horsepower compressor stations at Leabnon and Gilmore, Ohio, and

(6) Two new measuring and regulating stations and pipeline interconnections and to modify certain facilities in Ohio and Pennsylvania.

Applicant also seeks authorization to acquire the following natural gas facilities from the East Ohio Gas Co.

(1) Approximately 34.9 miles of 24-inch pipeline between Summerfield and Gilmore, Ohio, and

(2) Approximately 0.9 mile of parallel 20-inch and 26-inch pipelines in Mahoning County, Ohio.

In this connection, Applicant proposes to abandon certain off-system delivery points into these pipelines as sales points of Applicant.

Applicant also seeks permission and approval to abandon certain pipeline facilities, extending between its Hastings Compressor Station, Wetzel County, W. Va., and the J. B. Tonkin Compressor Station, Westmoreland County, Pa., consisting of the following:

(1) Approximately 98.8 miles of 12-inch pipeline, and

(2) Approximately 54.3 miles of 16-inch and 20-inch pipeline, together with certain connecting lines and measuring facilities related to these main lines.

Applicant also seeks permission and approval to abandon the Tonkin Compressor Station and the Preston Compressor Station in Greene County, Pa., and an existing delivery connection and a measurement station at McKeesport, Pa.

Applicant also seeks authorization to relocate a measuring and regulating station at Petersburg, Ohio.

Applicant states that it has negotiated a new long-term contract with Texas Gas Transmission Corp. (Texas) providing for delivery at Lebanon, Ohio, of 75,000 Mcf of natural gas per day beginning November 1, 1968, and increasing to 150,000 Mcf of natural gas per day beginning November 1, 1969, and to 200,000 Mcf of natural gas per day beginning November 1, 1970. Applicant and Texas also plan to convert an existing transportation service, now performed by Texas, into a sale of 100,000 Mcf of natural gas per day over the same period.

Applicant estimates the total cost of the proposed facilities, to be constructed over a 3-year period from 1968 through 1970, at approximately $35,415,036. Applicant further estimates the total cost of the facilities proposed to be acquired, as above described, at approximately $1,986,666. Applicant proposes to finance the cost of the above-mentioned facilities in part from funds generated by current operations and mainly through advances from its parent, Consolidated Natural Gas Co., on long-term notes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 29, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-5064; Filed, May 5, 1967 8:45 a.m.]

[Docket No. E-7044]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

MAY 1, 1967.

Take notice that on April 19, 1967, an application was filed with the Federal

Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Southern Utilities Co. (Applicant) for authorization to issue and sell 7,104 additional shares of its Common Stock, par value $10 per share, and to modify Applicant's Employee Stock Purchase Plan. Applicant is incorporated under the laws of the State of Delaware and qualified to do business as a foreign corporation in the State of Iowa, with its principal place of business being located in Centerville, Iowa.

Applicant proposes to issue and sell to its employees up to but not exceeding 7,104 additional shares of its Common Stock, par value $10 per share, in accordance with the terms and conditions of its modified Employee Stock Purchase Plan, a copy of which is filed as an exhibit to its application. The sales will be made through payroll deductions, and request is made for exemption from the competitive bidding requirements of § 34.1a (b) and (c) of the regulations under the Federal Power Act. Applicant states that the net proceeds realized from the sale of the 7,104 additional shares of its Common Stock dedicated to the Employee Stock Purchase Plan is estimated at approximately $668,000.

The modifications in the Employee Stock Purchase Plan are as follows: (1) The price per share of Common Stock of the Company purchased under the Plan is 90 percent (rather than 95 percent) of the market bid price on June 15 and December 15 of each year as published in the Midwest edition of the Wall Street Journal, but not less than the par value of the stock, and (2) the payroll deductions for the purchase of stock may be maximum of 20 percent (rather than 10 percent) of the employee's regular pay base.

Any person desiring to be heard or to make any protests with reference to said application should on or before May 18, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-5065; Filed, May 5, 1967; 8:45 a.m.]

[Docket No. CP67-304]

NORTHERN NATURAL GAS CO.

Notice of Application

MAY 1, 1967.

Take notice that on April 21, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-304 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas through existing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to transport approximately 1,350 Mcf of natural gas on a peak day for fuel and shrinkage in a proposed new hydrocarbon extraction facility to be located adjacent to the present Jasper Treating Plant in Pecos County, Tex. The application states that the extraction plant and appurtenant facilities will be constructed without Commission authorization as provided in § 2.55(a) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 29, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time re- is timely filed, or if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-5066; Filed, May 5, 1967; 8:45 a.m.]

[Docket No. CP67-305]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

MAY 1, 1967.

Take notice that on April 24, 1967, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP67-305 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas sales, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval of the Commission to abandon its sale to Lone Star Gathering Co. (Lone Star) from the Kawitt Field, Karnes, and De Witt Counties, Tex., authorized in Docket No. CP63-192. Applicant states that the purchaser, Lone Star, has filed an application for permission and approval to abandon its facilities and services for which the above-mentioned natural gas was purchased; and Applicant, therefore, requests the Commission to grant permission and approval to abandon said sale if and when it grants same to Lone Star in Docket No. CP65-118 et al.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 29, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-5067; Filed, May 5, 1967; 8:45 a.m.]

[Docket No. CP67-306]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

MAY 1, 1967.

Take notice that on April 24, 1967, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP67-306 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas sales, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval of the Commission to abandon its sale to Lone Star Gathering Co. (Lone Star) from the Kawitt Field, Karnes and De Witt Counties, Texas, authorized in Docket No. CP63-193. Applicant states that the purchaser, Lone Star, has filed an application for permission and approval to abandon its facilities and services for which the above-mentioned natural gas was purchased; and Applicant, therefore, requests the Commission to grant permission and approval to abandon said sale if and when it grants same to Lone Star in Docket No. CP65-118 et al.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 29, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-5068; Filed, May 5, 1967; 8:45 a.m.]

[Docket No. CP67-308]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MAY 1, 1967.

Take notice that on April 24, 1967, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP67-308 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas transportation services and for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, the sale of natural gas for resale in interstate commerce and the removal of a restriction on the use of certain natural gas gathering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to sell to Consolidated Gas Supply Corp. (Consolidated), on a firm basis, quantities of natural gas increasing during the period November 1, 1968, to November 1, 1970, in three increments of contract demand from 112,500 Mcf of natural gas per day to 300,000 Mcf of natural gas per day. Applicant states that the proposed service is to meet the estimated increase in natural gas requirements of Consolidated and Applicant proposes to commence such service November 1, 1968.

To initiate the above-proposed service, Applicant also seeks authorization for the following:

(1) To construct and operate, over a 4-year period, the following natural gas facilities to provide an additional firm capacity of 200,000 Mcf of natural gas per day in its system:

(a) 44.38 miles of 30-inch loop pipeline in Louisiana, Kentucky, and Indiana,

(b) 45.73 miles of 36-inch loop pipeline in Arkansas, Louisiana, Mississippi, and Tennessee,

(c) 118,000 compressor horsepower, and

(d) One meter station;

and,

(2) To remove the restriction as to the use of certain natural gas gathering facilities heretofore imposed by the Commission, in Docket No. G-17335 et al., which prohibited the use of said facilities for purposes other than transportation service certificated therein.

Applicant also seeks permission and approval of the Commission to abandon the 100,000 Mcf per day of natural gas transportation service now being rendered by it for Consolidated by converting same, in three increments, into a sales service.

Applicant estimates the total cost of the proposed project at approximately $35,596,365, said cost to be financed by the issuance of long-term-debt securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 29, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-5069; Filed, May 5, 1967; 8:45 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

AIR POLLUTION

Public Hearings

In the course of its investigation of air pollution in the vicinity of Port Huron-Sarnia and Detroit-Windsor, the International Joint Commission, Room B-208, 1711 New York Avenue NW., Washington, D.C. 20440, and Room 303, 75 Albert Street, Ottawa, Ontario, Canada, will conduct initial public hearings at the times and places listed hereunder.

On September 23, 1966, the Governments of Canada and the United States requested the Commission to inquire into and report to them upon the following questions:

(1) Is the air over and in the vicinity of Port Huron-Sarnia and Detroit-Windsor being polluted on either side of the international boundary by quantities of air contaminants that are detrimental to the public health, safety, or general welfare of citizens or property on the other side of the international boundary?

(2) If the foregoing question or any part thereof is answered in the affirmative, what sources are contributing to this pollution and to what extent?

(3) (a) If the Commission should find that any sources on either side of the boundary in the vicinity of Port Huron-Sarnia and Detroit-Windsor contribute to air pollution on the other side of the boundary to an extent detrimental to the public health, safety, or general welfare of citizens or property, what preventive or remedial measures would be most practical from economic, sanitary, and other points of view?

(b) The Commission should give an indication of the probable total cost of implementing the measures recommended.

The purpose of the hearings is to give all those interested convenient opportunity to present testimony and evidence to the Commission concerning the above questions and regarding any preventive or remedial measures now in effect or planned for the future. Evidence presented will be considered by the Commission and its advisers in formulating a report and recommendations to the two Governments.

Oral statements will be heard but, for accuracy of the record, all important facts and arguments should be submitted in writing. Written submissions, where possible, should be filed with the Secretaries ten (10) days prior to the hearing. Fifty (50) copies should be provided.

Dates and places of hearings:

Date	Time (a.m.)	Place
June 20, 1967	9:30	Henry McMorran Memorial Auditorium, Port Huron, Mich.
June 21, 1967	9:30	Cleary Auditorium, Windsor, Ontario.

WILLIAM A. BULLARD,
Secretary, United States Section, International Joint Commission.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission.

MAY 1, 1967.

[F.R. Doc. 67-5071; Filed, May 5, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-1264]

AMERICAN EQUITIES FUND, INC.

Notice of Proposal To Terminate Registration

MAY 1, 1967.

Notice is hereby given that the Securities and Exchange Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that American Equities Fund, Inc. ("Fund"), 331 West Silver Spring Drive, Milwaukee, Wis. 53217, a Delaware corporation which registered under the Act on May 20, 1964 as an open-end diversified management investment company, has ceased to be an investment company.

The Commission has been informed by letter from the President of the Fund that all outstanding certificates have been redeemed and that no assets remain to be distributed.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than May 26, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5081; Filed, May 5, 1967; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 2, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 3, 1967, through May 12, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5082; Filed, May 5, 1967; 8:46 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

MAY 2, 1967.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 3, 1967, through May 12, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5083; Filed, May 5, 1967; 8:46 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

MAY 2, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Cos., Inc., and all other securities of Pakco Cos., Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 3, 1967, through May 12, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5084; Filed, May 5, 1967; 8:46 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

MAY 2, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period May 3, 1967, through May 12, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5085; Filed, May 5, 1967; 8:47 a.m.]

[File No. 1-4407]

SPORTS ARENAS, INC.

Order Suspending Trading

MAY 2, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value of Sports Arenas, Inc., and the 6 percent convertible debentures being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period May 3, 1967, through May 12, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5086; Filed, May 5, 1967; 8:47 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

MAY 2, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 3, 1967, through May 12, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5087; Filed, May 5, 1967; 8:47 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

MAY 2, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 3, 1967, through May 12, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5088; Filed, May 5, 1967; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Allen's Market, Inc., food store; Second Avenue and Sixth Street, Amory, Miss.; 2-21-67 to 1-31-68.

W. R. Angle & Co., Inc., food store; 25 East Main Street, Christiansburg, Va.; 3-14-67 to 3-13-68.

B & S Grocery, food store; 319 West 12th Street, Tifton, Ga.; 3-24-67 to 3-23-68.

H. Butrus Super Market, food store; 4301 10th Avenue North, Birmingham, Ala.; 2-1-67 to 1-31-68.

Central Park Super Market, food store; 5728 Avenue O, Birmingham, Ala.; 3-23-67 to 3-22-68.

Charming Shoppes of Norristown, Inc., apparel store; 8 East Main Street, Norristown, Pa.; 3-31-67 to 3-30-68.

Glenn W. Clay, agriculture; Carlisle, Ky.; 3-7-67 to 3-6-68.

Coker's Pedigreed Seed Co., agriculture; 1221 Carolina Avenue, Hartsville, S.C.; 3-20-67 to 3-19-68.

Cornerstone Farm and Gin Co., agriculture; Pine Bluff, Ark.; 3-1-67 to 2-29-68.

Crest Stores Co., variety store; 1620 South Boulevard, Charlotte, N.C.; 3-10-67 to 3-9-68.

De Mar's, Inc., apparel store; 6101 West Cermak Road, Cicero, Ill.; 3-1-67 to 2-28-68.

Denton's Supermarket, food store; Acworth Road, Dallas, Ga.; 3-1-67 to 2-29-68.

Downtown Supermarket, food store; Monticello, Ky.; 3-3-67 to 3-2-68.

Drake-Mangrum Super Market, food store; Batesville, Miss.; 2-16-67 to 2-15-68.

Duckwall Stores, Inc., variety stores from 3-31-67 to 3-30-68: 2422 West Colorado Avenue, Colorado Springs, Colo.; 330 Main Colorado Springs, Colo.; 2331 East Platte Avenue, Colorado Springs, Colo.; 2302 North Wahsatch, Colorado Springs, Colo.; 6000 East 64th Avenue, Commerce City, Colo.; 3100 South Sheridan Boulevard, Denver, Colo.; Fort Morgan, Colo.; Lamar, Colo.; 1018 Constitution Road, Pueblo, Colo.; 1153 South Prairie, Pueblo, Colo.; 303 North Broadway, Abilene, Kans.; Dodge City, Kans.; Goodland, Kans.; Great Bend, Kans.; 1103 Main Street, Hays, Kans.; 1303 North Main, Hutchinson, Kans.; 723 North Washington, Junction City, Kans.; 417 Broadway, Larned, Kans.; 943 Massachusetts Street, Lawrence, Kans.; 320 Poyntz Avenue, Manhattan, Kans.; McPherson, Kans.; 213 South Main, Pratt, Kans.; 1209 West Crawford Street, Salina, Kans.; 921 North Kansas Avenue, Topeka, Kans.; 3913 West 21st Street, Topeka, Kans.; 8955 West Central, Wichita, Kans.; 2425 West 13th Street, Wichita, Kans.

O. K. Fairbanks Corp., food stores from 4-3-67 to 3-13-68: 84 Marlboro Street, Keene, N.H.; 480 West Street, Keene, N.H.

Fauerbach Fine Foods, Inc., food store; 1864 Monroe Street, Madison, Wis.; 4-17-67 to 4-16-68.

Foodland Super Market, food stores from 4-11-67 to 4-10-68: Nos. 4, 6, and 8, Sioux Falls, S. Dak.

Edmund Golomb, agriculture; Rural Delivery 1, Berwick, Pa.; 3-28-67 to 3-27-68.

F & F Food Store, Inc., food store; 85 Broad Street SW., Atlanta, Ga.; 3-3-67 to 3-2-68.

Goudchaux's, department store; 1500 Main Street, Baton Rouge, La.; 4-3-67 to 4-2-68.

Grebe's Bakeries, Inc., bakery store; 601 West Mitchell Street, Milwaukee, Wis.; 4-13-67 to 4-12-68.

Hanes & Combs, Inc., agriculture; Lexington, Ky.; 3-1-67 to 2-29-68.

Harold W. Hardy Super Market, Inc., food store; Shepherdsville, Ky.; 2-13-67 to 2-12-68.

Hellmans, Inc., variety store; 2202 Central Avenue, Kearney, Nebr.; 4-1-67 to 3-31-68.

Hogan's Super Market, food store; 2936 Cypress Street, West Monroe, La.; 2-20-67 to 1-31-68.

Independent Food Center, Inc., food store; 5913 Avenue D, Fairfield, Ala.; 2-20-67 to 1-31-68.

Jenny Lee Bakery, bakery store; 219 Forbes Avenue, Pittsburgh, Pa.; 3-6-67 to 12-14-67 (replacement).

Johnson's Super Market, food store; Mountain Home, Ark.; 2-12-67 to 2-11-68.

Johnston the Florist, agriculture; 531 Locust Street, McKeesport, Pa.; 3-29-67 to 3-28-68.

Kaufman's, apparel store; 1040 Main Street, Wheeling, W. Va.; 4-1-67 to 3-31-68.

Kelley's Super Market, food store; Paragould, Miss.; 3-6-67 to 3-5-68.

Kramer's Department Store, department store; 121 West Main Street, Wallace, N.C.; 3-23-67 to 3-22-68.

Kuhn's Variety Store, variety stores from 4-13-67 to 4-12-68: 118 Fifth Street, Murray, Ky.; Main and Third Streets, Russellville, Ky.; Waldron Street and Public Square, Corinth, Miss.; 401 West Main Street, Tupelo, Miss.; 124 Franklin Street, Clarksville, Tenn.; 129 Main Street, Dickson, Tenn.; 109 South Elk Street, Fayetteville, Tenn.; Natchetz Trace Drive, Lexington, Tenn.; 4816 Charlotte Road, Nashville, Tenn.; Public Square, Pulaski, Tenn.; East Lincoln Street, Tullahoma, Tenn.

Kreher's Poultry Farm, agriculture; 11066 Main Street, Clarence, N.Y.; 3-29-67 to 3-28-68.

E. G. Larson, agriculture; Friars Point, Miss.; 3-1-67 to 2-29-68.

Leader Store, department store; 41 West Broad Street, Hazleton, Pa.; 4-14-67 to 4-13-68.

Lee County Hospital, hospital and nursing home; 2000 Pepperall Parkway, Opelika, Ala.; 2-1-67 to 1-31-68.

Lipton's, Inc., apparel store; 50 Broad Street, Bloomfield, N.J.; 3–30–67 to 3–29–68.

M.F.A. Central Cooperative, food store; Morgan and Lafayette Streets, Marshall, Mo.; 4–7–67 to 4–6–68 (replacement).

Monroe Manor Nursing Home, nursing home; 236 West Claiborne Street, Monroeville, Ala.; 3–7–67 to 3–6–68.

Myatt Brothers Food Store, food store; Ohio Avenue at Bay Street, Purvis, Miss.; 2–1–67 to 1–31–68.

Neisner Brothers, Inc., variety store; No. 167, Cutler Ridge, Fla.; 3–6–67 to 3–5–68.

Newtons Red & White Super Market, food store; 120 East Wilson Street, Farmville, N.C.; 2–27–67 to 2–26–68.

Park-N-Save, food store; Route No. 725 West, Germantown, Ohio; 4–11–67 to 4–10–68.

Park 'N Shop Food Mart, Inc., food stores: 301 Robeson Street, Fayetteville, N.C. (3–1–67 to 2–29–68); Broad Street, St. Pauls, N.C. (2–24–67 to 2–23–68).

Piggly Wiggly, Inc., food stores from 3–2–67 to 3–1–68 except as otherwise indicated: 201 Kirkland Street, Abbeville, Ala.; Aliceville, Ala. (2–20–67 to 1–31–68); 501 Claxton Street, Elba, Ala.; 138 South Randolph Street, Eufaula, Ala.; 806 North Water Street, Geneva, Ala.; 213 Cedar Street, Greenville, Ala.; 314 Forrest Avenue, Luverne, Ala.; 109 East Avenue, Ozark, Ala.; 129–31 East Main Street, Samson, Ala.; 212 South 3 Notch Street, Troy, Ala.; No. 46, Bambery, S.C. (3–14–67 to 3–13–68); New Boston, Tex. (2–27–67 to 2–26–68).

Rex Hospital, hospital; 1311 St. Mary's Street, Raleigh, N.C.; 3–27–67 to 3–26–68.

Mrs. Arthur H. Seedorf, agriculture; 170 French Road, West Seneca, N.Y.; 3–27–67 to 3–26–68.

Arthur E. Snyder, agriculture; 57537 Mayflower Road, South Bend, Ind.; 3–7–67 to 3–6–68.

Spendthrift Farm, agriculture; Lexington, Ky.; 3–1–67 to 2–29–68.

Spies Supermarket, food stores from 4–11–67 to 4–10–68: 521 Sixth Avenue, Brookings, S. Dak.; Watertown, S. Dak.

Star Stores, Inc., department store; 15th Street and Greenup Avenue, Ashland, Ky.; 4–1–67 to 3–31–68.

Sterling Stores Co., Inc., variety store; 626 West Main Street, Jacksonville, Ark.; 3–3–67 to 9–2–67 (replacement).

Sutton Super Market, food store; Williamsburg, Ky.; 2–15–67 to 2–14–68.

People's Store of Roseland, department store; 11201 Michigan Avenue, Chicago, Ill.; 2–17–67 to 2–16–68.

T. G. & Y. Stores Co., variety stores: No. 2, Norman, Okla. (4–13–67 to 4–12–68); No. 251, Dallas, Tex. (4–10–67 to 4–9–68).

Tradewell Super Market, food store; 1215 16th Street, Huntington, W. Va.; 4–3–67 to 4–2–68.

Valley Farm Dairy, agriculture; Kinards, S.C.; 3–16–67 to 3–15–68.

Willie's Super Market, food store; 2422 Second Avenue North, Birmingham, Ala.; 2–1–67 to 1–31–68.

Wong's Foodland, food store; 520 Anderson Boulevard, Clarksdale, Miss.; 2–6–67 to 1–31–68.

F. W. Woolworth Co., variety stores from 4–10–67 to 4–9–68 except as otherwise indicated: No. 99, Aurora, Ill.; No. 92, Berwyn, Ill.; No. 95, Bloomington, Ill. (4–5–67 to 4–4–68); No. 802, Blue Island, Ill. (4–3–67 to 4–2–68); No. 2406, Calumet City, Ill. (4–8–67 to 4–7–68); No. 1, Chicago, Ill.; No. 4, Chicago, Ill. (4–5–67 to 4–4–68); No. 112, Chicago, Ill. (4–5–67 to 4–4–68); No. 302, Chicago, Ill.; No. 346, Chicago, Ill.; No. 551, Chicago, Ill. (4–5–67 to 4–4–68); No. 679, Chicago, Ill. (4–5–67 to 4–4–68); No. 725, Chicago, Ill. (4–5–67 to 4–4–68); No. 727, Chicago, Ill.; No. 742, Chicago, Ill. (4–6–67 to 4–5–68); No. 1104, Chicago, Ill. (4–5–67 to 4–4–68); No. 1155, Chicago, Ill. (4–5–67 to 4–4–68); No. 1208, Chicago, Ill. (4–5–67 to 4–4–68); No. 1214, Chicago, Ill. (4–6–67 to 4–5–68); No. 1216, Chicago, Ill.; No. 1259, Chicago, Ill.; No. 1261, Chicago, Ill. (4–6–67 to 4–5–68); No. 1305, Chicago, Ill. (4–5–67 to 4–4–68); No. 1404, Chicago, Ill. (4–6–67 to 4–5–68); No. 1414, Chicago, Ill. (4–6–67 to 4–5–68); No. 1425, Chicago, Ill.; No. 1431, Chicago, Ill. (4–5–67 to 4–4–68); No. 1447, Chicago, Ill.; No. 1523, Chicago, Ill. (4–5–67 to 4–4–68); No. 1630, Chicago, Ill. (4–6–67 to 4–5–68); No. 1656, Chicago, Ill. (4–6–67 to 4–5–68); No. 1748, Chicago, Ill (4–6–67 to 4–5–68); No. 1847, Chicago, Ill. (4–5–67 to 4–4–68); No. 1870, Chicago, Ill. (4–5–67 to 4–4–68); Nos. 1904, 1910, Chicago, Ill.; No. 2066, Chicago, Ill. (4–5–67 to 4–4–68); No. 2436, Chicago, Ill.; No. 93, Decatur, Ill. (4–8–67 to 4–7–68); No. 369, Danvilic, Ill.; No. 726, Dixon, Ill. (4–14–67 to 4–13–68); No. 195, Elgin, Ill. (4–5–67 to 4–4–68); No. 1781, Elmhurst, Ill. (4–5–67 to 4–4–68); No. 357, Evanston, Ill.; No. 1871, Glen Ellyn, Ill. (4–5–67 to 4–4–68); No. 2343, Glen Ellyn, Ill. (4–8–67 to 4–7–68); No. 1845, Highland Park, Ill. (4–7–67 to 4–6–68); No. 89, Hillside, Ili.; No. 318, Jacksonville, Ill.; No. 82, Joliet, Ill.; No. 2103, Loves Park, Ill. (4–5–67 to 4–4–68); No. 1546, Melrose Park, Ill. (4–6–67 to 4–5–68); No. 308, Moline, Ill. (4–5–67 to 4–4–68); No. 283, Norridge, Ill. (4–7–67 to 4–6–68); No. 1413, Oak Park, Ill. (4–5–67 to 4–4–68); No. 78, Peoria, Ill. (4–7–67 to 4–6–68); No. 116, Quincy, Ill.; No. 163, Rockford, Ili.; No. 1313, Rockford, Ill.; No. 259, Rock Island, Ill.; No. 63, Springfield, Ill.; No. 333, Waukegan, Ill.; No. 2168, Waukegan, Ill. (4–5–67 to 4–4–68); No. 1663, Woodstock, Ill. (4–5–67 to 4–4–68); No. 307, Anderson, Ind. (4–3–67 to 4–2–68); No. 1218, Bloomington, Ind. (4–3–67 to 4–2–68); No. 290, Fort Wayne, Ind. (4–3–67 to 4–2–68); No. 549, Frankfort, Ind. (4–3–67 to 4–2–68); No. 676, Hammond, Ind. (4–3–67 to 4–2–68); No. 11, Indianapolis, Ind. (4–3–67 to 4–2–68); No. 2336, Indianapolis, Ind.; No. 1923, Jeffersonville, Ind. (4–3–67 to 4–2–68); No. 2296, Kokomo, Ind. (4–3–67 to 4–2–68); No. 176, Lafayette, Ind. (4–3–67 to 4–2–68); No. 468, La Porte, Ind. (4–3–67 to 4–2–68); No. 2024, Mishawaka, Ind.; No. 142, Muncie, Ind. (4–3–67 to 4–2–68); No. 2193, Muncie, Ind.; No. 451, New Albany, Ind. (4–3–67 to 4–2–68); No. 169, Richmond, Ind. (4–3–67 to 4–2–68); No. 68, Terre Haute, Ind. (4–3–67 to 4–2–68); No. 1023, Terre Haute, Ind. (4–3–67 to 4–2–68); No. 2400, Terre Haute, Ind. (4–3–67 to 4–2–68); No. 447, Wabash, Ind.; No. 219, Battle Creek, Mich.; No. 497, Bay City, Mich.; No. 1089, Benton Harbor, Mich. (4–3–67 to 4–2–68); No. 2171, Benton Harbor, Mich. (4–5–67 to 4–4–68); No. 2161, Big Rapids, Mich.; No. 1107, Cheboygan, Mich. (4–3–67 to 4–2–68); No. 1085, Dowagiac, Mich. (4–3–67 to 4–2–68); No. 190, Flint, Mich. (4–3–67 to 4–2–68); No. 45, Grand Rapids, Mich. (4–3–67 to 4–2–68); No. 167, Kalamazoo, Mich.; No. 2621, Midland, Mich. (4–3–67 to 4–2–68); No. 327, Muskegon, Mich. (4–3–67 to 4–2–68); No. 1072, Niles, Mich. (4–5–67 to 4–4–68); No. 111, Saginaw, Mich. (4–3–67 to 4–2–68); 118 West Robert Street, Crookston, Minn. (4–14–67 to 4–13–68); No. 47, Minneapolis, Minn.; No. 2166, Minneapolis, Minn. (4–14–67 to 4–13–68); No. 2127, Robbinsdale, Minn.; No. 2136, West St. Paul, Minn. (4–14–67 to 4–13–68); 62–64 East Third Street, Winona, Minn. (4–14–67 to 4–13–68); 665 West Foster Street, Appleton, Wis.; 316 West Second Street, Ashland, Wis. (4–14–67 to 4–13–68); No. 278, Kenosha, Wis. (4–14–67 to 4–13–68); No. 133, La Crosse, Wis.; 2825 East Washington Avenue, Madison, Wis. (4–14–67 to 4–13–68).

The following certificates were issued to retail or service establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Arnold's Food Market, Inc., food store; 14 North Baltimore Avenue, Mount Holly Springs, Pa.; bagger; 7.5 percent for any month; 4–13–67 to 4–12–68.

Bashas Market, food store; 1342 East Main Street, Mesa, Ariz.; carryout, janitor; 10 percent for each month; 3–20–67 to 3–19–68.

Big K Department Store, department stores from 4–13–67 to 4–12–68, salesclerk, stock clerk, clerical, 15.9 percent for each month except as otherwise indicated: Athens, Ala. (6.4 percent for each month); Sheffield, Ala. (6.4 percent for each month); Fort Campbell Boulevard, Hopkinsville, Ky. (24.7 percent for each month); Highway 41 South, Madisonville, Ky. (24.7 percent for each month); Cookeville, Tenn.; Nashville, Tenn.; Shelbyville, Tenn.

Cherry & Webb Co., apparel stores from 4–11–67 to 4–10–68, clerk, saiesclerk, stock clerk, wrapper; 1 percent for each month: 139 South Main Street, Fall River, Mass.; 237 Essex Street, Lawrence, Mass.; 107 Merrimack Street, Lowell, Mass.; 814 Purchase Street, New Bedford, Mass.; Barrington, R.I.; 181 Bellevue Avenue, Newport, R.I.; 275 Westminster Mall, Providence, R.I.; Midland Mall, Warwick, R.I.

Duckwell Stores, Inc., variety stores from 3–31–67 to 3–30–68, salesclerk, stock clerk: 583 Garland Drive, Denver, Colo. (29.8 percent for each month); 2121 Fairlawn Drive, Topeka, Kans. (21.6 percent for each month); 1921 West 21st Street, Wichita, Kans. (32.5 percent for each month); 2801–C Eubank Boulevard NE., Albuquerque, N. Mex. (15.3 percent for each month); 5405 Gibson Boulevard SE., Albuquerque, N. Mex. (15.3 percent for each month); 405 Main Street, Clovis, N. Mex. (6.9 percent for each month).

Genung's, Inc., variety stores from 3–23–67 to 3–22–68, salesclerk, 10 percent for each month: 168 Main Street, Bristol, Conn.; 217 Main Street, Danbury, Conn.; 22 West Main Street, Meriden, Conn.; 153 State Street, New London, Conn.; 84 Wall Street, Norwalk, Conn.; Waterford, Conn.

W. T. Grant Co., variety store; New Berwick Highway, Bloomsburg, Pa.; salesclerk, stock clerk; 10 percent for each month; 3–27–67 to 3–26–68.

Howland's, variety stores from 3–23–67 to 3–22–68, saiesclerk, 10 percent for each month: Black Rock Turnpike, Fairfield, Conn.; Hamden, Conn.

K–Mart Foods, food stores from 4–11–67 to 4–10–68, bagger, carryout, checker, 8 percent for each month: 2100 Northeast Carlisle, Albuquerque, N. Mex.; 2540 North Abram, Arlington, Tex.; 1228 East Ledbetter Drive, Dallas, Tex.; 9334 Thornton Freeway, Dallas, Tex.; 6373 Montana, El Paso, Tex.; 1406 Walnut, Garland, Tex.; 3200 West Irving Boulevard, Irving, Tex.; 4324 Waco Drive West, Waco, Tex.

S. S. Kresge Co., variety store; 9929 Homestead Road, Houston, Tex.; salesclerk; 15.9 percent for each month; 4–6–67 to 4–5–68.

Kuhn's Variety Store, variety stores from 4–13–67 to 4–12–68, salcsclerk, stock clerk, clerk: 522 Main Street, Shelbyville, Ky. (24.7 percent for each month); Gallatin, Tenn. (15.9 percent for each month); North Side Public Square, Huntington, Tenn. (9.8 percent for each month); 110 West Broadway, Lenoir City, Tenn. (10 percent for each month); Harding Road, Nashville, Tenn. (15.9 percent for each month); 210–214 Cedar

Avenue, South Pittsburg, Tenn. (10 percent for each month).

Lerner Shops, apparel stores from 4–12–67 to 4–11–68 except as otherwise indicated, salesclerk, stock clerk, office clerk except as otherwise indicated: No. 150, Bridgeport, Conn. (10.7 percent for each month); No. 65, Clearwater, Fla. (salesclerk, 6.2 percent for each month); No. 139, Daytona Beach, Fla. (salesclerk, 10.1 percent for each month); No. 143, Fort Lauderdale, Fla. (17.6 percent for each month); No. 185, Fort Lauderdale, Fla. (17.6 percent for each month); No. 184, Hollywood, Fla. (salesclerk, stock clerk, 12.7 percent for each month); No. 50, Jacksonville, Fla. (salesclerk, cashier, office clerk, 2.9 percent for each month); No. 144, Jacksonville, Fla. (salesclerk, cashier, office clerk, 2.9 percent for each month); No. 71, Panama City, Fla. (9.6 percent for each month); No. 136, Pensacola, Fla. (salesclerk, stock clerk, 9.4 percent for each month); Nos. 45, 108, St. Petersburg, Fla. (salesclerk, stock clerk, 10.1 percent for each month); No. 44, Tallahassee, Fla. (14.2 percent for each month); Nos. 95, 141, West Palm Beach, Fla. (salesclerk, stock clerk, 12.7 percent for each month); Nos. 129, 132, Atlanta, Ga. (salesclerk, office clerk, 11.9 percent for each month); No. 99, Decatur, Ga. (salesclerk, office clerk, 11.9 percent for each month); Nos. 218, 271, 273, Indianapolis, Ind. (salesclerk, 8.8 percent for each month); No. 236, Topeka, Kans. (13.9 percent for each month); No. 232, St. Paul, Minn. (27.5 percent for each month); No. 110, Durham, N.C. (9.9 percent for each month); No. 207, Maple Heights, Ohio (salesclerk, cashier, credit clerk, 9.6 percent for each month); No. 214, Willowick, Ohio (salesclerk, cashier, credit clerk, 9.6 percent for each month); Nos. 36, 127, Oklahoma City, Okla. (5.8 percent for each month); No. 205, Harrisburg, Pa. (salesclerk, office clerk, 5 percent for each month); No. 85, Reading, Pa. (salesclerk, stock clerk, 13.6 percent for each month); No. 118, Scranton, Pa. (salesclerk, office clerk, 5 percent for each month); No. 116, Charleston, S.C. (9.9 percent for each month); No. 137, Columbia, S.C. (19.3 percent for each month); No. 96, Greenville, S.C. (13.2 percent for each month); No. 78, Spartanburg, S.C. (salesclerk, stock clerk, 12 percent for each month); No. 186, Chattanooga, Tenn. (salesclerk, 7.4 percent for each month); No. 213, Memphis, Tenn. (salesclerk, 11.9 percent for each month); No. 37, Dallas, Tex. (7.2 percent for each month, 3–2–67 to 2–29–68); No. 101, Dallas, Tex. (7.5 percent for each month); Nos. 56, 98, Houston, Tex. (salesclerk, office clerk, 2.1 percent for each month); No. 182, Houston, Tex. (1.9 percent for each month, 3–2–67 to 2–29–68); No. 47, Mesquite, Tex. (7.5 percent for each month); No. 187, Pasadena, Tex. (salesclerk, office clerk, 2.1 percent for each month); No. 34, San Antonio, Tex. (salesclerk, 10.7 percent for each month); No. 123, San Antonio, Tex. (10.1 percent for each month, 3–2–67 to 2–29–68); No. 68, Alexandria, Va. (salesclerk, office clerk, 9.3 percent for each month); No. 87, Arlington, Va. (salesclerk, stock clerk, 14 percent for each month); No. 120, Newport News, Va. (salesclerk, cashier, credit clerk, 2.3 percent for each month); No. 32, Portsmouth, Va. (salesclerk, cashier, credit clerk, 2.3 percent for each month); No. 105, Roanoke, Va. (salesclerk, 5.7 percent for each month); No. 310, Virginia Beach, Va. (salesclerk, cashier, credit clerk, 2.3 percent for each month); No. 86, Charleston, W. Va. (9.1 percent for each month); No. 81, Clarksburg, W. Va. (15.2 percent for each month); No. 94, Huntington, W. Va. (salesclerk, 8.9 percent for each month).

McCrory-McLellan-Green Stores, variety stores for the occupations of salesclerk, stock clerk, office clerk, 10 percent for each month except as otherwise indicated: No. 373, Bowie, Md. (3–7–67 to 3–6–68); No. 378, Camden, N.J. (3–7–67 to 3–6–68); No. 352, Toms River, N.J. (3–31–67 to 3–30–68); No. 110, Huntingdon, Pa. (8.7 percent for each month, 4–11–67 to 4–10–68).

C. O. Miller, Inc., variety store; 15 Bank Street, Stamford, Conn.; salesclerk; 10 percent for each month; 3–23–67 to 3–22–68.

Park-N-Save, food stores from 4–11–67 to 4–10–68, carryout, stock clerk, cleanup, 10 percent for each month: State Route 123, Carlisle, Ohio; Farmersville, Ohio; Route 122, Franklin Township, Ohio.

Piggly Wiggly, Inc., food store; Sixth and Jefferson Streets, Sturgeon Bay, Wis.; carryout, sacker; 34 percent for each month; 3–30–67 to 3–29–68.

Spies Supermarkets, food stores from 4–11–67 to 4–10–68, checker, carryout, cleanup, wrapper, stock clerk, 21.7 percent for each month: Sixth Street and Breckenridge, Breckenridge, Minn.; Ninth and Dakota Avenue, Wahpeton, N. Dak.; 205–09 North Van Epps, Madison, S. Dak.

Sterling Stores Co., Inc., variety store; Natchez, Miss.; salesclerk, stock clerk, cleanup; 10.9 percent for each month; 4–11–67 to 4–10–68.

T. G. & Y. Stores Co., variety stores from 4–13–67 to 4–12–68, salesclerk, stock clerk, office clerk, 30 percent for each month except as otherwise indicated: No. 712, Texarkana, Ark. (19.6 percent for each month); No. 244, Baytown, Tex.; No. 394, Baytown, Tex.; No. 343, Houston, Tex.; No. 382, Houston, Tex.; No. 383, Houston, Tex.

Wink's Super Valu, Inc., food store; Ninth and Jefferson Streets, Quincy, Ill.; carryout; 10 percent for each month; 4–7–67 to 4–6–68.

F. W. Woolworth, variety stores from 4–14–67 to 4–13–68 except as otherwise indicated, salesclerk except as otherwise indicated, 17.5 percent for each month except as otherwise indicated: No. 2673, Bloomington, Ill. (11.4 percent for each month); No. 2476, Chicago, Ill. (16.2 percent for each month, 4–7–67 to 4–6–68); No. 2574, Chicago, Ill. (24.4 percent for each month, 4–6–67 to 4–5–68); No. 2606, Chicago, Ill. (13.1 percent for each month, 4–6–67 to 4–5–68); No. 2656, Chicago, Ill. (salesclerk, stock clerk, 23 percent for each month); No. 2669, Chicago, Ill. (12.4 percent for each month); No. 2675, Chicago, Ill. (21.3 percent for each month); No. 2615, Decatur, Ill. (6.1 percent for each month, 4–7–67 to 4–6–68); No. 2450, Downers Grove, Ill. (9.4 percent for each month, 4–6–67 to 4–5–68); No. 2617, Fox Lake, Ill. (12.7 percent for each month, 4–6–67 to 4–5–68); No. 2454, Kankakee, Ill. (9.1 percent for each month, 4–6–67 to 4–5–68); No. 2645, Lincoln, Ill. (6.1 percent for each month, 4–7–67 to 4–6–68); No. 2279, Morton Grove, Ill. (23.5 percent for each month, 4–10–67 to 4–9–68); No. 2623, Naperville, Ill. (salesclerk, stock clerk, 9.4 percent for each month, 4–10–67 to 4–9–68); No. 2449, Niles, Ill. (20.5 percent for each month, 4–7–67 to 4–6–68); No. 312, Ottawa, Ill. (9.5 percent for each month, 4–7–67 to 4–6–68); No. 2474, Pontiac, Ill. (9.4 percent for each month, 4–7–67 to 4–6–68); No. 2573, Rantoul, Ill. (salesclerk, stock clerk, 8.5 percent for each month, 4–6–67 to 4–5–68); No. 704, Sterling, Ill. (13.6 percent for each month, 4–6–67 to 4–5–68); No. 1301, Taylorville, Ill. (checker, salesclerk, 1.7 percent for each month, 4–7–67 to 4–6–68); No. 2624, Connersville, Ind. (12.2 percent for each month, 4–3–67 to 4–2–68); No. 2616, Fort Wayne, Ind. (4.1 percent for each month, 4–3–67 to 4–2–68); No. 2607, Kokomo, Ind. (15 percent for each month, 4–13–67 to 4–2–68); No. 2622, Lawrence, Ind. (27.2 percent for each month, 4–3–67 to 4–2–68); No. 2453, South Bend, Ind. (16.5 percent for each month, 4–5–67 to 4–4–68); No. 2620, Caro, Mich. (18.2 percent for each month, 4–3–67 to 4–2–68); No. 538, Holland, Mich. (18.4 percent for each month, 4–3–67 to 4–2–68); No. 399, Traverse City, Mich. (19.7 percent for each month, 4–3–67 to 4–2–68); No. 59, Milwaukee, Wis. (salesclerk, stock clerk, cleanup); No. 72, Milwaukee, Wis. (salesclerk, stock clerk, cleanup); No. 437, Milwaukee, Wis. (salesclerk, stock clerk, check out); Nos. 842, 2446, Milwaukee, Wis. (salesclerk, stock clerk, 4–10–67 to 4–9–68); No. 2472, Milwaukee, Wis. (salesclerk, stock clerk, cleanup, checker).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 2d day of May 1967.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67–5079; Filed, May 5, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 378]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 3, 1967.

The following are notices of filing of applications for temporary authority under—section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which protestant can and will offer and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 18535 (Sub-No. 47 TA), filed April 26, 1967. Applicant: O. ALEX HICKLIN, doing business as HICKLIN MOTOR LINE, Post Office Box 377, St. Matthews, S.C. 29135. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aggregates, crushed stone and gravel;* from Ruby, Ga., to points in South Carolina; (2) *aggregates, crushed stone, gravel and sand,* in bags, and in bulk, from Marlboro, S.C.; Eldorado, N.C., and Lowry, Va., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, West Virginia, and Virginia; and (3) *Sand*, in bags and in bulk, from points in Kershaw and Lexington Counties, S.C., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, West Virginia, and Virginia, for 180 days. Supporting shippers: Pennsylvania Glass Sand Corp., Gateway Center Building No. 2, Pittsburgh, Pa.; Becker County Sand and Gravel Co., Post Office Box 596, Bennettsville, S.C.; Whitehead Brothers Co., 60 Hanover Road, Florham Park, N.J.; and Kalman Floor Co., Inc., 121 Greenwich Road, Charlotte, N.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, 303A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 30844 (Sub-No. 236 TA), filed April 28, 1967. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: James F. Sexton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans., to points in Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Griffith, Inc., Highway 64 West, Downs, Kans. 67437. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 66562 (Sub-No. 2231 TA), filed April 28, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: Elmer F. Slovacek, 105 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Minneapolis, Minn., and St. Louis, Mo.: From Minneapolis over Interstate Highway 494 to junction of U.S. Highway 65–Interstate Highway 35, thence south on U.S. Highway 65–Interstate Highway 35 to Junction U.S. Highway 218, thence south and east on U.S. Highway 218 to junction U.S. Highway 16-Interstate Highway 90, thence west on U.S. Highway 16–Interstate Highway 90 to junction U.S. Highway 65, thence south on U.S. Highway 65 to junction of U.S. Highway 20, thence east on U.S. Highway 20 to junction U.S. Highway 218, thence south on U.S. Highway 218 to junction U.S. Highway 34, thence east on U.S. Highway 34 to junction U.S. Highway 61, thence south on U.S. Highway 61 to junction U.S. Highway 54, thence east on U.S. Highway 54 to junction Missouri Highway 79, thence east and south on Missouri Highway 79 to junction Interstate Highway 70, thence east on Interstate Highway 70 to St. Louis, and return over the same route, serving the intermediate and/or off-route points of St. Paul, Owatonna, Austin, and Albert Lea, Minn., Mason City, Iowa Falls, Waterloo, Vinton, Cedar Rapids, Iowa City, Washington, Mount Pleasant, New London, Burlington, Fort Madison, and Keokuk, Iowa, Canton, Palmyra, Hannibal, Louisiana, Clarksville, Elsberry, Old Monroe, and St. Charles, Mo., and Quincy, Ill., (2) between Owatonna, Minn., and Albert Lea, Minn., from Owatonna over U.S. Highway 65–Interstate Highway 35 to junction U.S. Highway 16 at Albert Lea, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, and (3) between Hannibal, Mo., and Louisiana, Mo., from Hannibal east over U.S. Highway 36 to junction Illinois Highway 96, thence south over Illinois Highway 96 to junction U.S. Highway 54, thence west over U.S. Highway 54 to junction Missouri Highway 79 at Louisiana, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, for 150 days. Restrictions: (1) The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc., and (2) shipments transported by applicant shall be limited to those on through bills of lading or express receipts. Supporting shippers: There are 61 statements from supporting shippers that may be examined here at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 74857 (Sub-No. 26 TA), filed May 1, 1967. Applicant: FULLER MOTOR DELIVERY CO., 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: Donald E. Fuller (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk or in bags, for the account of Cargill, Inc., from the site of Kentucky Asphalt Sales Terminal, Jefferson County, Ky., to points in Indiana, north of Indiana Highway 28, and *empty pallets*, on return for 180 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 94350 (Sub-No. 178 TA), filed April 28, 1967. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Henry P. Willimon, Post Office Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger vehicles, in initial movements, in truckaway service, from Jackson, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: H. D. Thompson, Store Manufacturing Division, Piggly Wiggly Corp., Jackson, Tenn. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 303A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 103191 (Sub-No. 22 TA), filed May 1, 1967. Applicant: THE GEO. A. RHEMAN CO., INC., Post Office Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in pneumatic tank trailers from points in Charleston County, S.C., to points in Henderson and Union Counties, N.C., for 150 days. Supporting shipper: Planters Fertilizer Co., Post Office Box 4857, Charleston Heights, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, 303A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 107227 (Sub-No. 93 TA), filed May 1, 1967. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, Post Office Box 1697, San Leandro, Calif. 94577. Applicant's representative: Vaughn, Paul & Lyons, 1418 Mills Tower, 220 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements in truckaway service, in mixed loads of passenger automobiles and trucks, from Ogden, Utah, to points in Nevada and points in California north of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, restricted to shipments having an immediate prior movement by rail, and originating at plantsites of Kaiser Jeep Corp. without return movement ex-

cept as otherwise authorized, for 150 days. Supporting shipper: Kaiser Jeep Corp., Toledo, Ohio. Send protests to: William E. Murphy, District Supervisor, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 109677 (Sub-No. 32 TA), filed May 1, 1967. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (exclusive of asphalt and asphalt products), in bulk, in tank vehicles, from Albany and Rensselaer, N.Y., to points in Massachusetts (Pittsfield, Westfield, Dalton, Williamstown, Great Barrington, and Greenfield), for 180 days. Supporting shipper: Cirillo Bros. Petroleum of Albany, Inc., J. K. Kearney, manager, port of Albany, Albany, N.Y. 12207. Send protests to: Wilmot E. James, Jr., District Supervisor, 518 Federal Building, Albany, N.Y. 12207.

No. MC 112822 (Sub-No. 75 TA), filed April 28, 1967. Applicant: EARL BRAY, INC., Post Office Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Carl J. Wright, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars, syrups, and blends thereof*, in bulk, from Bonner Springs, Kans., and points within 5 miles thereof, to points in Missouri for 180 days. Supporting shipper: Holly Sugar Corp., J. R. Copeland, traffic manager, Box 1052, Colorado Springs, Colo. 80901. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 114045 (Sub-No. 276 TA), filed May 1, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Finley and Belt Line Road, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities, in bulk, in tank vehicles), from the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Griffith, Inc., Highway 24 West, Downs, Kans. 67437. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 114274 (Sub-No. 12 TA), filed May 1, 1967. Applicant: ELMER VITALIS, doing business as VITALIS TRUCK LINES, 1656 East Grand Avenue, Des Moines, Iowa 50316. Applicant's representative William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., Beardstown, Ill., to points in Indiana, Iowa, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, restricted to traffic originating at the described plantsite and destined to points in the States named, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., Madison, Wis. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commerce Commission, Bureau of Operations, 227 Federal Office Building, Des Moines, Iowa.

No. MC 119384 (Sub-No. 13 TA), filed May 1, 1967. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Perry, Iowa 50220. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, from the plantsite of Oscar Mayer & Co., Inc., Beardstown, Ill., to points in Indiana, Minnesota, Michigan, Missouri, Nebraska, Ohio, and Wisconsin, restricted to traffic originating at the described plantsite and destined to points in the States named, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., Madison, Wis. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 123067 (Sub-No. 57 TA), filed May 1, 1967. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. 27105. Applicant's representative: Frank C. Phillips, Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, dry, in bulk, in tank or hopper vehicles, from points in Roanoke County, Va., to points in North Carolina, for 150 days. Supporting shippers: Rockydale Quarries Corp., Route 8, Box 635, Roanoke, Va. 24014. Send protests to: District Supervisor Jack K. Huff, Interstate Commerce Commission, Bureau of Operations, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 125918 (Sub-No. 5 TA), filed April 28, 1967. Applicant: JOHN A. DI MEGLIO, White Horse Pike, Ancora, N.J. 08037. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, and clay products*, from Ancora, N.J., to points in New Jersey, restricted to shipments having prior movement via rail, for 150 days. Supporting shipper: Glenwood Refractories Co., 4106 Glenwood Road, Brooklyn, N.Y. 11210. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 127864 (Sub-No. 2 TA), filed April 28, 1967. Applicant: PAUL W. WILLS, INC., 2535 Center Street, Cleveland, Ohio 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in dump vehicles, with *refused, damaged, and rejected shipments*, on return, from Pontiac, Mich., to the port of entry on the international boundary line between the United States and Canada at or near Port Huron, Mich., under a continuing contract with Luntz Iron & Steel Co., for 180 days. Supporting shipper: The Luntz Iron & Steel Co., Continental Building, Canton, Ohio 44702. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Building, Cleveland, Ohio 44114.

No. MC–129042 TA, filed April 28, 1967. Applicant: MARDELLO FORD, doing business as FORD'S MOVING & STORAGE, Post Office Box 43, Cookeville, Tenn. 38502. Applicant's representative: Jared Maddox, 201 Whitson Building, Cookeville, Tenn. 38501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized shipments of household goods*, between Cookeville, Tenn., and points in Smith, Jackson, Clay, Overton, Pickett, Fentress, Cumberland, White, Van Buren, De Kalb, Warren, and Bledsoe Counties, Tenn., for 90 days. Supporting shippers: Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif. 94802; Perfect Pak Co., 1001 Westlake Avenue North, Seattle, Wash. 98109; Interstate System, 134 Grandville Avenue SW., Grand Rapids, Mich.; and American Ensign Van Service, Inc., Post Office Box 2270, Wilmington, Calif. 90744. Send protests to: District Supervisor J. E. Gamble, Interstate Commerce Commission, Bureau of Operations, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC–129048 TA, filed May 1, 1967. Applicant: M & J REFRIGERATED TRANSPORTATION, INC., 636 South West Street, Indianapolis, Ind. 46225. Applicant's representative: James C. Clark, 715 Indiana Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Meat, frozen foods, including frozen meat,* between points in the Chicago commercial zone and points in Indiana, for 180 days. Supporting shippers: Mer-Del's Quality, Inc., 315 Hanna Street, Logansport, Ind.; Brook Hill Farms, Inc., 5230 North Milwaukee Avenue, Chicago, Ill.; Bocar Enterprises, 5406 West Bradbury Avenue, Indianapolis, Ind.; Hoosier Brokerage Co., 729 North Pennsylvania Street, Indianapolis, Ind. Send protests to: District Supervisor R. M. Hagarty, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

MOTOR CARRIERS OF PASSENGERS

No. MC 2835 (Sub-No. 32 TA), filed Apirl 28, 1967. Applicant: ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N.Y. 12401. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers,* in the same vehicle with passengers, between New Paltz and Kingston, N.Y.: From New Paltz, over New York Highway 299 to junction U.S. Highway 44, thence over U.S. Highway 44 to junction U.S. Highway 209, thence over U.S. Highway 209 to Kingston, and return over the same route, serving all intermediate points, for 180 days. Supporting shippers: There are statements from 18 prospective passengers attached to the application that may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Wilmot E. James, Jr., District Supervisor, 518 Federal Building, Albany, N.Y. 12207.

No. MC 30318 (Sub-No. 4 TA), filed May 1, 1967. Applicant: YANKEE TRAILS, INC., 95 Partition Street, Rensselaer, N.Y. 12144. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in special and charter operations, beginning and ending in the town of Queensbury (Warren County), city of Glens Falls (Warren County), village of South Glens Falls (Saratoga County), village of Hudson Falls (Washington County), village of Fort Edward (Washington County), town of Brunswick (Rensselaer County), town of Pittstown (Rensselaer County), town of Hoosick (Rensselaer County), N.Y., and extending to the port of entry on the international boundary line between the United States and Canada, at or near Champlain, N.Y. The transportation sought under this application is to be restricted to traffic moving to and from points in Canada in connection with "EXPO 67" during its term, commencing April 28, 1967, and expiring with October 27, 1967, for 180 days. Supporting shippers: There are approximately 28 supporting statements which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or at the field office named below. Send protests to: Wilmot E. James, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5103; Filed, May 5, 1967; 8:48 a.m.]

[Notice 1514]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 3, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69603. By order of May 2, 1967, the Transfer Board approved the transfer to Appomattox Trucking Co., Inc., Appomattox, Va., of permit in No. MC-114949, issued October 10, 1960, to Gordon Maynard Davis and Clarence Overton Thomas, a partnership, doing business as Davis & Thomas, Dillwyn, Va., authorizing the transportation of: Lumber and pallets, from Drakes Branch, Va., to points in West Virginia, Ohio, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia. John R. Snoddy, Jr., Dillwyn, Va. 23936, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5104; Filed, May 5, 1967; 8:48 a.m.]

MOTOR CARRIER GENERAL RATE INCREASE PROCEEDINGS

Statement of Policy

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of April A.D. 1967.

This Commission in its annual reports to Congress and in requests for new legislation has brought to public attention the complaints of shippers and receivers that some motor carriers subject to our jurisdiction are not providing reasonably adequate service on less-than-truckload shipments. In addition to requested legislation, other approaches to a solution of this question may eventually be marshalled, including the revocation of the certificates and permits of carriers failing to provide service. While our studies of these approaches continue, and while Congress studies our requests for legislation in this area, we believe some revisions in the procedures governing motor carrier general rate increases proceedings may be helpful and therefore merit a trial.

A revised form of order, which we approve, is issued in Docket No. 34816,[1] Increased Minimum Charges Between Points in Central States. The order describes, without limiting, the evidence we shall expect the respondent carriers in that proceeding to introduce. The form of order for this proceeding will replace a form that has been issued heretofore in other general increase cases. Our expectation is that the new form will substantially reduce the processing time for this type of proceeding, and more quickly allow us to reach the essential question in all these proceedings of whether the traffic at various weight-break levels is bearing its fair share of carrier costs. We believe that if the rates on certain small-shipment weight brackets are below a compensatory level, and absent a showing that shippers and receivers cannot reasonably bear the sought increase, we should authorize an increase to insure the shippers' and receivers' expectation of reasonably adequate service. Where the carriers' rates on small shipments are reasonable, and still the carriers fail to render reasonably adequate service, the Commission's only recourse, as it may be in some areas now, will be broader measures to insure that service for all size shipments is available to the general public.

The new form of order differs from prior orders in several fundamental respects. For this reason it will be issued on a case by case basis, and, as more fully explained below, will not be used in interterritorial rate proceedings.

1. *Cost study carriers.* The order authorizes the use of data concerning the Class I and II motor common carriers of general freight that are subject to Instructions 27 and 9002 of the Commission's accounting rules (49 CFR Part 182, Instructions 27 and 9002). Briefly these instructions require the larger motor common carriers to report a breakdown between their line-haul and pickup and delivery costs, an essential ingredient of any cost study. The instructions, as a practical matter, apply to carriers whose revenues exceed $500,000 per year. When these carriers are shown to transport 70 percent or more of all intercity ton-mileage in a territory, cost evidence concerning these carriers should provide representative unit costs for all operations conducted within that territory, since the study group carriers are those whose predominant traffic also moves within the territory. For movements between territories (e.g., transcontinental) such a grouping of carriers may be too limited to be representative, and some other grouping should be used.

[1] See F.R. Doc. 67-5122, infra.

2. *Traffic study carriers.* As indicated above, unit costs based on the operations of the study group carriers should be representative of the costs of moving all traffic in the territory. This is true, even though the operating expenses of all of the carriers actually handling the traffic are not considered in the determination of such unit costs. However, in order to determine the volume of traffic moving in each weight bracket, data must be drawn from a representative sample of all carriers operating in the territory. For these reasons, the new order, unlike the prior orders, provides that the group of carriers used in the cost study need not necessarily be identical with the group of carriers used in the traffic study.

3. *Profit level.* The new order continues a requirement that the carriers should present evidence regarding their optimum profit level in general increase proceedings. Rather than require rate of return ratios and evidence and data pertinent thereto, the new order more explicitly requires that specific evidence be produced to show the amount of money needed by the carriers over and above their operating expenses to attract capital. Such evidence will aid the Commission in determining the carriers' revenue needs.

The new order, like the prior order in general increase proceedings, does not limit the proof that may be offered, but only seeks to outline the general nature of the proof we shall expect. Shippers and receivers of freight, of course, may also present evidence. Nevertheless, the facts bearing on revenue needs of motor carriers are mainly and peculiarly within their own knowledge. It is our hope that a reasonable trial of the new order will demonstrate that the revised procedures allow the parties more expeditiously and just as fairly to pinpoint the difficult areas for decision so that the small shipment traffic will incur no greater than, but no less than, its reasonable share of carrier costs.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-5121; Filed, May 5, 1967; 8:50 a.m.]

[No. 34816]

INCREASED MINIMUM CHARGES BETWEEN POINTS IN CENTRAL STATES

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order of the Commission dated February 13, 1967, in the above-entitled proceeding, an investigation was instituted into and concerning the lawfulness of the rates, charges, and regulations contained in the schedules described in said order;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting rates would be just and reasonable, it is deemed appropriate in the public interest that the information specified below be included in the record to be developed in this proceeding; and good cause appearing therefor:

It is ordered, That respondents be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual expense and revenue data (including anticipated expense and revenue data to show the effect of the proposed increase or decrease) and operating ratios specifically related to the traffic and carriers involved, overall operating ratios, detailed data to establish the representative nature of the carriers used, and in addition, all pertinent evidence and supporting data for the individual representative carriers as they relate to their overall operations, and specifically to the traffic and territories involved.

It is further ordered, That the Commission will take official notice of all the respondent carriers' financial statements on file with the Commission.

It is further ordered, That the traffic studies to be submitted shall represent the most current period possible, and that they shall be based upon actual operations conducted during identical periods of time for each carrier; that the traffic studies shall be shown to be representative of the traffic covered by the rate proposal; and that the traffic study be costed out and operating ratios determined by the individual weight brackets included within the rate proposal;

It is further ordered, That all of the required data specified in this order shall be based upon and reflect at least the most recent annual reporting period;

It is further ordered, That the cost study shall use the most current annual reporting period adjusted to date; that the costs shall be developed for all carriers operating in the territory subject to the requirements for allocation of expenses between line haul and pickup and delivery in 49 CFR Part 182, instructions 27 and 9002, whose ton-miles in the territory comprise 50 percent or more of its operations. If these carriers transport 70 percent or more of the intercity ton-miles within the territory involved they will be assumed to be representative for cost purposes of all the carriers involved; if not, it will be necessary to show that the carriers are representative, which can be done by random sampling.

It is further ordered, That both the cost study and the traffic study be adequately supported by working papers to permit a complete check of the procedures followed and the results obtained.

It is further ordered, That respondents shall produce evidence of the sum of money, in addition to operating expenses, needed to attract debt and equity capital which they require to insure financial stability and the capacity to render service. This evidence should include, without limiting the evidence that may be presented, particularized reference to the respondents' reasonable interest, dividend, and surplus requirements.

It is further ordered, That all Class I and II motor carrier respondents shall submit detailed data regarding carrier-affiliate financial and operating relationships and transactions including, with respect to any and all individuals, partnerships, and corporations affiliated with respondent, when such transactions individually or in the aggregate amount to $2,500 or more during the year 1966, the following information:

1. Name of each affiliate from which respondent, during the year 1966, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.

2. Kinds of property or service which each affiliate supplies to respondent.

3. Basis of charges for property or services supplied by affiliate to respondent, including the base and rate for rental charges.

4. Total charges by each affiliate to respondent during the year 1966 for:

a. Lease of vehicles.
b. Lease of terminals.
c. Lease of other property.
d. Pickup and delivery of shipments.
e. Repair and servicing of vehicles.
f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
g. Property sold by affiliate to respondent.

5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1966.

6. A copy of the income statements for each affiliate for the year 1966 and the latest period of 1967 for which an income statement is available.

7. A statement listing the amounts of wages, salaries, bonuses, and other compensation paid by the affiliate in 1966 to any individual who is also a respondent or an officer, director or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director or substantial stockholder of a respondent.

8. The term "affiliate" as used in this order means:

a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

It is further ordered, That the detailed information called for by this order shall be in writing and shall be verified by a person or persons having knowledge thereof; that such verified material shall be served on all parties of record on or before June 30, 1967, and at the same time, respondents shall file an executed original and two copies with this Commission, together with certificates of service in accordance with rule 1.22(a) of the general rules of practice;

It is further ordered, That all underlying data used in preparation of respondents' detailed and verified material shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that the underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

It is further ordered, That anyone desiring to become a party of record to receive copies of the verified material of respondents to be filed in accordance with the procedure set forth above, must notify the Commission, in writing, on or before May 29, 1967. As soon as practicable after such date, a service list of all parties of record will be prepared and served by the Commission. Otherwise, any interested person desiring to participate in the proceeding may make his appearance at the hearing.

It is further ordered, That this proceeding be, and it is hereby, referred to a Hearing Examiner who will be designated at a later date, for hearing commencing on July 24, 1967, at 9:30 o'clock a.m., d.s.t. (or 9:30 o'clock a.m. U.S. standard time, if that time is observed), in Chicago, Ill., at the U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, and for the recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered, That a copy of this order be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein,

(2) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(3) Have appeared at a hearing.

Dated at Washington, D.C., this 27th day of April 1967.

By the Commission, Commissioner Walrath.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-5122; Filed, May 5, 1967; 8:50 a.m.]

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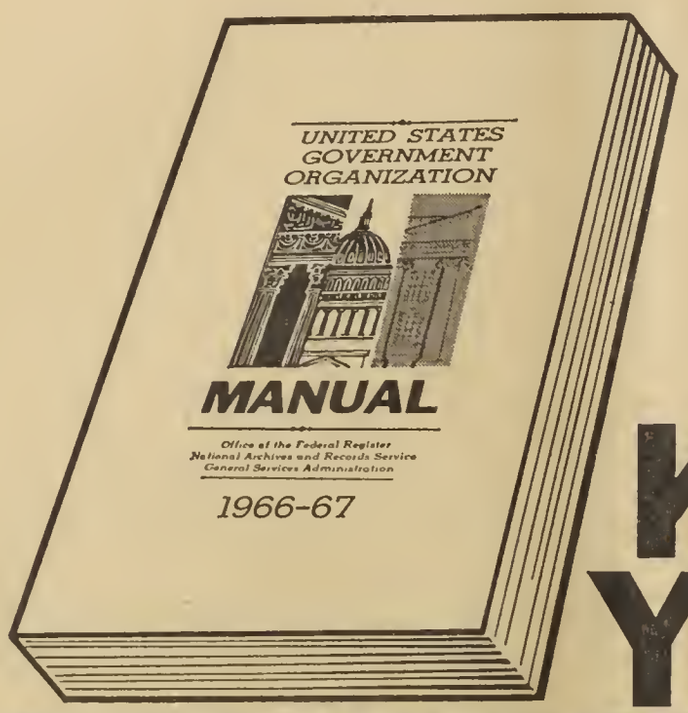
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the position of Staff Assistant to the Secretary (Congressional Relations) is excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraph (30) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *

(30) One Staff Assistant to the Assistant to the Secretary (Congressional Relations).

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–5156; Filed, May 8, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Subpart A—Regulations

PART 28—COTTON CLASSING, TESTING AND STANDARDS

Subpart A—Regulations Under the United States Cotton Standards Act

REPACKED COTTON

On April 15, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6035) regarding proposed amendments of the Regulations for Cotton Classification Under Cotton Futures Legislation (7 CFR Part 27, Subpart A) and the Regulations Under the United States Cotton Standards Act (7 CFR Part 28, Subpart A).

Statements of considerations. These amendments revise the definition of Repacked cotton in paragraph (e) of § 27.38 of the Regulations for Cotton Classification Under Cotton Futures Legislation and in paragraph (e) of § 28.40 of the Regulations Under the United States Cotton Standards Act by adding the following words at the end of the present definition of Repacked cotton: "that are combined after the cotton leaves the gin."

Two communications were received pursuant to the notice. One suggested that the definition be further revised to allow lightweight bales to be returned to the gin for the purpose of adding cotton. The other opposed the revision of the definition. After consideration of these comments it has been decided to revise the definition of Repacked cotton as proposed in the notice of proposed rule making, pursuant to authority contained in Sec. 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U.S.C. 4863) and in Sec. 10 of the United States Cotton Standards Act (42 Stat. 1519; 7 U.S.C. 61).

The amendments are as follows:

1. Paragraph (e) of § 27.38 of the Regulations for Cotton Classification Under Cotton Futures Legislation is amended to read as follows:

§ 27.38 Terms defined for purposes of classification.

* * * * *

(e) *Repacked Cotton.* Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of cotton from two or more smaller bales or parts of bales that are combined after the cotton leaves the gin.

* * * * *

(Sec. 4863, 68A Stat. 582; 26 U.S.C. 4863)

2. Paragraph (e) of § 28.40 of the Regulations Under the United States Cotton Standards Act is amended to read as follows:

§ 28.40 Terms defined; cotton classification.

* * * * *

(e) *Repacked Cotton.* Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of cotton from two or more smaller bales or parts of bales that are combined after the cotton leaves the gin.

* * * * *

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

Effective Date. These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: May 3, 1967.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 67–5172; Filed, May 8, 1967; 8:46 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 330—FEDERAL PLANT PEST REGULATIONS

Emergency Measures; Correction

F.R. Doc. 67–4460, published at page 6339 in the issue dated Saturday, April 22, 1967, is corrected by changing the effective date thereof from April 22, 1967, to May 23, 1967. Although such document was intended to become effective 30 days after publication in the FEDERAL REGISTER, the effective date thereof was specified in the document as the date of publication due to an inadvertent clerical error.

Dated: May 3, 1967.

E. P. REAGAN,
Acting Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 67–5144; Filed, May 8, 1967; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 5]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

1967

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (31 F.R. 15581, 32 F.R. 2609, 3085, 4015, and 6387) is to rescind the quarterly limitations on imports from foreign countries pursuant to the Sugar Act of 1948, as amended (61 Stat. 922), as amended, hereinafter referred to as the "Act".

Despite the large quantity of raw sugar currently made available for importation, offerings of sugar have been scarce. Therefore, quarterly marketing limitations are no longer necessary to obtain an orderly flow of sugar, and limitations on total raw sugar imports from foreign countries during the second quarter of 1967 are rescinded. All obligations under approved set-aside agreements to import sugar during the second quarter pursuant to Sugar Regulation 817 will continue in effect.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by rescinding paragraph (d) of § 811.53.

(Secs. 201, 202, 207, and 403; 61 Stat. 923, as amended, 924 as amended, 927 as amended, and 932 as amended; 7 U.S.C. 1111, 1112, 1117, and 1153)

Effective date. This action rescinds the limitation on second quarter imports from foreign countries. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar for consumption in the continental United States be able as soon as possible to make plans based on changes in the marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and 30-day effective date requirements in 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 5th day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5236; Filed, May 5, 1967; 5:00 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Peach Reg. 1]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this regulation will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 10, 1967. The committee held an open meeting on May 4, 1967, after giving due notice thereof, to consider supply and market conditions for fresh peaches grown in Georgia, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such peaches. Shipments of the early varieties of the current crop of peaches are expected to begin on or before May 10, 1967, and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 918.309 Peach Regulation 1.

(a) *Order.* (1) During the period May 10, 1967, through August 31, 1967, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which do not grade at least 85 percent U.S. No. 1 quality: *Provided,* That peaches with well healed hail marks, split pits, and not more than 1 percent decay may be shipped if they otherwise meet the requirements of this subparagraph.

(2) During the period May 10, 1967, through May 21, 1967, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which are smaller than 1¾ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1¾ inches in diameter.

(3) During the period May 22, 1967, through August 31, 1967, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which are smaller than 1⅞ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1⅞ inches in diameter.

(b) The inspection requirement contained in § 918.64 is hereby suspended with respect to peaches in bulk shipped to destinations in the adjacent markets during the period specified in paragraph (a)(1) of this section.

(c) The maturity regulations contained in § 918.400 are hereby suspended with respect to shipments of peaches to destinations other than in the adjacent markets during the period specified in paragraph (a)(1) of this section.

(d) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U.S. No. 1" and "diameter" shall have the same meaning as when used in the revised U.S. Standards for Peaches (§§ 51.1210-51.1223 of this title).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 5, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-5232; Filed, May 8, 1967; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 83—DUCK VIRUS ENTERITIS (DUCK PLAGUE)

Quarantine and Regulations With Respect to Interstate Movement of Domestic Waterfowl, Products Thereof, and Related Articles

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, and 134b), provisions to appear as a new Part 83, designated "Duck Virus Enteritis (Duck Plague)" in Title 9, Code of Federal Regulations, are hereby issued to read as follows:

Sec.
83.1 Definitions.
83.2 Notice relating to existence of the contagion of duck virus enteritis and notice of quarantine.
83.3 Notice of regulations.
83.4 Interstate movement of affected or exposed domestic waterfowl and products thereof prohibited.
83.5 Interstate movement of domestic waterfowl, products thereof, and related articles from quarantined area restricted.
83.6 Other movements.
83.7 Approval of source flocks.
83.8 Approval of hatcheries.
83.9 Termination of approval of flocks and hatcheries.
83.10 Cleaning and disinfection.

AUTHORITY: The provisions of this Part 83 issued under secs. 1 and 2, 32 Stat. 791 and 792, as amended, secs. 4, 5, 6, and 7, 23 Stat. 32, as amended, secs. 1 and 3, 33 Stat. 1264 and 1265, as amended, sec. 3, 76 Stat. 130; 21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 125, 134b. 29 F.R. 16210, as amended, 30 F.R. 5799, as amended.

§ 83.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section.

(a) "Department" means the U.S. Department of Agriculture.

(b) "Division" means the Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture.

(c) "Director of Division" means the Director of the Animal Health Division, or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) Federal Inspector: An inspector of the Agricultural Research Service, U.S. Department of Agriculture, responsible for the performance of the functions involved.

(e) State Inspector: An inspector regularly employed in livestock sanitary work of a State or political subdivision thereof, and who is authorized by such State or political subdivision to perform the functions involved.

(f) Accredited Veterinarian: A veterinarian approved by the U.S. Department of Agriculture to perform the functions involved.

(g) State: Any State, Territory, the District of Columbia or Puerto Rico.

(h) Interstate: From one State into or through any other State.

(i) Quarantined area: A State or area quarantined under this part because of duck virus enteritis.

(j) Nonquarantined area: Any State or area not quarantined under this part because of duck virus enteritis.

(k) Domestic waterfowl: Ducks, geese, swans, and other waterfowl of all ages in captivity.

(l) Duckling: An unfed newly hatched duck.

(m) Domestic waterfowl products: Eggs, feathers, manure, carcasses, parts thereof, or offal derived from domestic waterfowl in a quarantined area.

(n) Duck virus enteritis: The contagious, infectious, and communicable disease of waterfowl, also known as duck plague.

(o) Approved source flock: A flock of domestic waterfowl approved in accordance with § 83.7.[1]

(p) Approved hatchery: A domestic waterfowl hatchery approved in accordance with § 83.8.[1]

(q) Nonapproved flock: A flock of domestic waterfowl in a quarantined area which does not meet the requirements of § 83.7.

(r) Approved laboratory: A laboratory approved by the Director of Division for the diagnosis of duck virus enteritis.

(s) Feed bags: Burlap, canvas, paper or other bags which have been used to contain any livestock or poultry feed on any premises where domestic waterfowl were maintained in a quarantined area.

§ 83.2 Notice relating to existence of the contagion of duck virus enteritis and notice of quarantine.

Notice is hereby given that the contagion of duck virus enteritis exists in Suffolk County in the State of New York, and that live poultry in that county are affected with said disease. Therefore, Suffolk County is hereby quarantined.

[1] Names of approved domestic waterfowl source flocks and approved hatcheries may be obtained from the Director, Animal Health Division, Agricultural Research Service, Hyattsville, Md. 20782, upon request.

§ 83.3 Notice of regulations.

Notice is hereby given that in order to more effectually suppress and extirpate duck virus enteritis, to prevent the spread thereof, and to protect the domestic waterfowl industry of the United States, the regulations in this part are promulgated.

§ 83.4 Interstate movement of affected or exposed domestic waterfowl and products thereof prohibited.

Domestic waterfowl affected with or exposed to duck virus enteritis and domestic waterfowl products derived from such affected or exposed waterfowl may not be moved interstate for any purpose. A bird shall be deemed to be exposed to duck virus enteritis within the meaning of this part if it was in a flock in which any bird was affected with the disease or if it was otherwise in contact with an affected bird within the preceding 10 days.

§ 83.5 Interstate movement of domestic waterfowl, products thereof, and related articles from quarantined area restricted.

Domestic waterfowl, domestic waterfowl products, and feed bags shall not be moved interstate from any quarantined area except in accordance with the provisions of this section. Authorization for such movement under such provisions does not excuse compliance with other applicable Federal or State laws or § 83.4.

(a) *Newly hatched domestic waterfowl.* Ducklings or newly hatched domestic waterfowl of other species may be moved interstate from a quarantined area if they originate in approved source flocks, were hatched in approved hatcheries, and are certified by a State or Federal inspector as meeting these requirements.

(b) *Domestic waterfowl, carcasses and parts thereof.* Eviscerated carcasses of domestic waterfowl processed, inspected and passed at federally inspected slaughtering establishments located within a quarantined area may be moved interstate without further restriction under this part.

(c) *Offal; feathers; manure; condemned carcasses and parts.* Offal, feathers, manure, and condemned carcasses and condemned parts of carcasses derived from nonapproved flocks of domestic waterfowl in a quarantined area may be moved interstate under this part if they have been heated throughout to a temperature of not less than 140° F. for not less than 10 minutes, or heated according to a method specifically approved by the Director of Division. Such articles derived from approved source flocks may be moved interstate without restriction under this part.

(d) *Feed bags.* Feed bags used on premises where nonapproved flocks of domestic waterfowl are maintained may be moved interstate from a quarantined area if they have been heated throughout to a temperature of not less than 140° F. for not less than 10 minutes, or heated according to a method specifically approved by the Director of Division. Other feed bags may be moved interstate without restriction under this part.

§ 83.6 Other movements.

The Director of Division may in specific cases, authorize the interstate movement from a quarantined area of domestic waterfowl, domestic waterfowl products, or feed bags, not otherwise authorized under this part, under such conditions as he may prescribe to prevent the spread of duck virus enteritis: *Provided,* That they shall be accompanied by a permit from the appropriate official of the State of destination.

§ 83.7 Approval of source flocks.

A flock of domestic waterfowl may be designated an approved source flock by the Director of Division if:

(a) The flock is maintained free from exposure to duck virus enteritis under surveillance of a State or Federal inspector.

(b) Flock records including egg production, feed consumption, and mortality are maintained on a current basis and are available for inspection by State or Federal inspectors.

(c) All waterfowl that die in the flock on a specified day each week (any 24-hour period during each week as specified by the inspector) are submitted to an approved laboratory for examination for 7 weeks out of each 8-week period, and do not show pathological lesions of duck virus enteritis.

(d) At any time three or more waterfowl die in the flock within a 24-hour period, they are submitted to an approved laboratory for examination and do not show pathological lesions of duck virus enteritis.

(e) A random selection of live or dead 10 day embryos from each setting of eggs originating in the flock, is made in accordance with a sampling plan which reflects a 95 percent probability of detecting a 2 percent or greater infection rate on examination for virus isolation, and, upon such examination of the embryos, no virus is detected.

(f) Known susceptible waterfowl are maintained as sentinels within the approved source flock as deemed appropriate by the Director of Division and remain free of signs of duck virus enteritis.

§ 83.8 Approval of hatcheries.

A domestic waterfowl hatchery may be designated an approved hatchery by the Director of Division if:

(a) The hatchery is maintained and operated in accordance with requirements specified in 9 CFR 147.33, and in such manner as to prevent the transmission of duck virus enteritis under the surveillance of a State or Federal inspector.

(b) Records identifying all eggs hatched as to source, fertility, and hatchability, and records of all shipments from the hatchery are maintained, and such records are made available for inspection by State or Federal inspectors as deemed necessary by the Director of Division.

(c) Only eggs from approved source flocks are hatched on the premises.

(d) Ten-day embryos are made available for testing for virus isolation as required for approving and maintaining approved source flocks.

§ 83.9 Termination of approval of flocks and hatcheries.

Whenever it is determined by a State or Federal inspector that a domestic waterfowl flock or a hatchery which has been approved under the provisions of § 83.7 or § 83.8 no longer meets the requirements of such provisions for such approval, he shall terminate such approval by giving notice thereof to the owner of the flock or hatchery involved. Prior to making any such determination, he shall inform the owner of his proposed action and the reasons therefor and afford the owner opportunity to present his views with respect to the proposed action.

§ 83.10 Cleaning and disinfection.

Cars, trucks, and other vehicles, coops, containers, and other facilities used in connection with the interstate shipment of domestic waterfowl affected with or exposed to duck virus enteritis or domestic waterfowl products derived from such affected or exposed waterfowl shall be cleaned and disinfected in accordance with provisions of §§ 71.4–71.11 of this subchapter, or with a 3-percent solution of cresol compound U.S.P.

Effective date. The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

The foregoing provisions are intended to prevent the interstate spread of duck virus enteritis and to facilitate a Federal-State program now in operation in the State of New York for the control and eradication of the disease. In order to accomplish their purposes, the regulations should be made effective as soon as possible. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on the regulations are impracticable and contrary to the public interest and good cause is found for making them effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of May 1967.

F. J. MULHERN,
Acting Deputy Administrator,
Agriculture Research Service.

[F.R. Doc. 67-5171; Filed, May 8, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 66-EA-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On March 4, 1967, F.R. Doc. 67-2412 was published in the FEDERAL REGISTER (32 F.R. 3738) and amended, in part, § 71.123 of Part 71 of the Federal Aviation Regulations by altering VOR Federal airway No. 140 segment between Bluefield, W. Va., and Montebello, Va.

In amending V-140, the established floors for this airway segment were inadvertently omitted. Accordingly, action is taken herein to reinsert the established floors in the airway description.

Since this alteration is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the final rule, of April 27, 1967, as amended in F.R. Doc. 67-2412 may be retained.

In consideration of the foregoing, effective immediately, the text of the amendment in F.R. Doc. No. 67-2412 is amended to read as follows:

In § 71.123 (32 F.R. 2009) V-140 is amended by deleting "12 AGL Clifdale, Va.; 12 AGL Montebello, Va.;" and substituting "12 AGL INT of Bluefield 071° and Montebello, Va., 250° radials; 12 AGL Montebello;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 27, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-5150; Filed, May 8, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WA-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Continental Control Area and Revocation and Alteration of Restricted Areas

The purpose of these amendments to Part 71 and to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area R-2903D, to alter R-2903A and R-2903E and combine them into one area, and to remove the three areas from the continental control area. These restricted areas are in the vicinity of Jacksonville, Fla.

The Federal Aviation Administration has reviewed the requirement for these restricted areas. It has been determined that the Navy activities conducted therein do not justify the continuation of the areas in their present configuration. The action taken herein reduces the size of the restricted area complex by revoking R-2903D, lowering the ceiling of R-2903E and R-2903A to 10,000 feet, modifying the boundary of R-2903A to exclude the southern portion of the area, and combining R-2903E with R-2903A. The requirement for this area will be the subject of future review and possible action.

Since this amendment has the effect of returning airspace to the public for use, the lessening of the restriction reduces the burden on the public and notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 and Part 73 of the Federal Aviation Regulations are amended, effective June 22, 1967, as hereinafter set forth.

1. Section 71.151 (32 F.R. 2061) is amended as follows:

a. R-2903A Jacksonville East, Fla., is deleted.

b. R-2903D Jacksonville West, Fla., is deleted.

c. R-2903E Jacksonville North, Fla., is deleted.

2. Section 73.29 (32 F.R. 2303) is amended as follows:

a. R-2903A Jacksonville East, Fla., is amended to read:

R-2903A JACKSONVILLE, FLA.

Boundaries: Beginning at latitude 30°15'-30" N., longitude 81°43'25" W.; clockwise along an arc of a circle 2½ nautical miles in radius centered at latitude 30°14'00" N., longitude 81°41'00" W.; to latitude 30°11'-25" N., longitude 81°41'00" W.; to latitude 29°59'28" N., longitude 81°41'00" W.; to latitude 29°59'28" N., longitude 82°02'00" W.; to latitude 30°21'32" N., longitude 82°-02'00" W.; to latitude 30°21'20" N., longitude 81°55'45" W.; to latitude 30°15'30" N., longitude 81°50'00" W.; to point of beginning.

Designated altitudes: Surface to and including 10,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.

Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

b. R-2903D Jacksonville West, Fla., is revoked.

c. R-2903E Jacksonville North, Fla., is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 3, 1967.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 67-5149; Filed, May 8, 1967; 8:46 a.m.]

[Airspace Docket No. 67-EA-5]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On March 4, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3751) stating that the Federal Aviation Agency was considering an amendment to the Federal Aviation Regulations (FARs) which would alter Restricted Areas R-6611, R-6612, and R-6613 at Dahlgren, Va.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was from the Air Transport Association and they interposed no objection.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

Section 73.66 (32 F.R. 2334) R-6611 Dahlgren Complex, Va., R-6612 Dahlgren Complex, Va., and R-6613 Dahlgren Complex, Va., are amended by changing the time of designation in each area to read:

Time of designation: 0800 to 1700 e.s.t., Monday through Saturday September 1

through May 31; 0700 to 1600 e.s.t. Monday through Saturday June 1 through August 31.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 3, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-5151; Filed, May 8, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WA-15]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the name of the controlling agency of Restricted Areas R-2203 A and B, Eagle River, Alaska.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 73.22 (32 F.R. 2293) is amended, effective July 1, 1967, as follows:

In R-2203 A and B "Controlling agency: Federal Aviation Agency, Anchorage ARTC Center," is deleted and "Controlling agency: FAA, Anchorage Approach Control." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 2, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-5152; Filed, May 8, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-67]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke the Igloo, S. Dak., Restricted Area R-6101.

The Department of the Army has advised the Federal Aviation Administration that Restricted Area R-6101 is no longer required. Accordingly, action is taken herein to revoke this restricted area.

Since this amendment reduces the burden on the public, notice and public procedure hereon are unnecessary and the amendment may be made effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.61 (32 F.R. 2330) Restricted Area R-6101 Igloo, S. Dak., is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 3, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-5154; Filed, May 8, 1967; 8:46 a.m.]

[Docket No. 8084]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Technical Amendments; Correction

Effective April 1, 1967, the Federal Aviation Administration amended the Federal Aviation Regulations to make changes that were necessary because of the taking effect of the Department of Transportation Act on April 1, 1967. These amendments were issued on April 4, 1967, and published in the FEDERAL REGISTER on April 11, 1967 (32 F.R. 5769). As part of the regulations concerning the functions, powers, and duties of the Department of Transportation published in the FEDERAL REGISTER on April 5, 1967 (32 F.R. 5605), Parts 0 through 99 of Title 49 of the Code of Federal Regulations were vacated and assigned to the Office of the Secretary of Transportation, and parts then in Title 49 were renumbered by adding 100 to each part number.

Included in the amendments to Part 103 of the Federal Aviation Regulations were several changes in references to the former ICC regulations on the transportation of explosives and other dangerous articles. These changes referred to parts in Title 49 that were renumbered. They are corrected in this action.

Notice and public procedure thereon are not required since these amendments are editorial only and good cause exists for making them effective immediately.

In consideration of the foregoing, effective April 1, 1967, §§ 103.1(b) and (c)(3), 103.5(a)(9), 103.7, 103.9(a)(1), 103.11, 103.13, and 103.21 are each amended by striking out the numbers "72", "73", and "78" wherever they appear in those sections, and inserting the numbers "172", "173", and "178" respectively in place thereof.

(Secs. 3(e), 9(c), 9(f), Department of Transportation Act (15 U.S.C. 1652(e), 1655(c), 1657(f)); sec. 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1354(a))

Issued in Washington, D.C., on May 2, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-5137; Filed, May 8, 1967; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1199]

PART 13—PROHIBITED TRADE PRACTICES

Capital City Quilting, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; 13.-1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act; 13.-1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-70 Textile Fiber Products Identification Act; 13.-1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act; 13.-1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Capital City Quilting, Inc., et al., Magnolia, Ark., Docket C-1199, Apr. 20, 1967]

In the Matter of Capital City Quilting, Inc., a Corporation, and Capital City Woolen Mills, Inc., a Corporation, and Jacob Ladin, Individually and as an Officer of the Aforesaid Corporations

Consent order requiring two affiliated manufacturers of quilted fabrics, batting, and other wool and textile articles with headquarters in Magnolia, Ark., and Des Moines, Iowa, to cease misbranding the fiber content of their wool and textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Capital City Quilting, Inc., a corporation, and its officers, and Capital City Woolen Mills, Inc., a corporation, and its officers, and Jacob Ladin, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Capital City Quilting, Inc., a corporation, and its officers, and Capital City Woolen Mills, Inc., a corporation, and its officers, and Jacob Ladin, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the

United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, either in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner, each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 20, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-5126; Filed, May 8, 1967; 8:45 a.m.]

[Docket No. C-1198]

PART 13—PROHIBITED TRADE PRACTICES

Jack R. Gutter and Duchess Mink

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155–50 Forced or sacrifice sales; § 13.235 *Source or origin:* 13.235–60 Place: 13.235–60(e) Imported products or parts as domestic. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; § 13.1355 *Value.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Jack R. Gutter et al., Beverly Hills, Calif., Docket C-1198, Apr. 18, 1967]

In the Matter of Jack R. Gutter, an Individual Trading as Duchess Mink

Consent order requiring a Beverly Hills, Calif., manufacturer and wholesaler of fur products to cease misbranding and falsely advertising his fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Jack R. Gutter, an individual trading as Duchess Mink, or under any other trade name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "Dyed Broadtail-processed Lamb" on labels in the manner required where an election is made to use that term instead of the term "Dyed Lamb".

3. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on labels the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, in the sequence required by Rule 30 of the aforesaid rules and regulations.

5. Using the term "Appraisal Price" on labels, or terms of similar import or meaning, to represent the value of fur products being offered for sale, unless such evaluations and prices are based upon authentic and bona fide appraisals of value by a qualified appraiser having no pecuniary or other interest in the fur products.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Falsely or deceptively identifies any fur products as to the country of origin of furs contained in such fur product.

4. Fails to set forth the term "Broadtail Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

5. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

6. Fails to set forth the term "natural" as part of the information to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

7. Misrepresents directly or by implication, that any such fur products came from a particular source for the purpose of the sale.

8. Misrepresents directly or by implication, that any such fur products were secured by respondent from a source that is or was in financial or other distress.

9. Misrepresents directly or by implication, that the fur products being offered for sale have been appraised as to value by authentic and bona fide appraisals made by a qualified appraiser having no pecuniary or other interest in the fur products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: April 18, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-5127; Filed, May 8, 1967; 8:45 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER I—INTERPRETATIONS

PART 45—INTERPRETATIONS; TITLE II, FEDERAL COAL MINE SAFETY ACT OF 1952

Firefighting Equipment

Incident to a revision of efficiency ratings of fire extinguishers issued by the National Fire Protection Association, the Bureau of Mines has revised the interpretation of section 209(g)(1) of the Federal Coal Mine Safety Act (66 Stat. 692, 30 U.S.C. 471–483), as amended (Public Law 89–376). The present interpretations are published as §§ 45.46

through 45.46–3, Part 45, Title 30, Code of Federal Regulations (22 F.R. 1551, Mar. 9, 1957, as amended 29 F.R. 14365, Oct. 17, 1964).

Interpretations are adopted for the guidance of coal mine operators and the public to provide uniformity in the administration of Title II of the Federal Coal Mine Safety Act.

The purpose of this revision is to update, rearrange, and modify interpretations relating to the minimum requirements for suitable firefighting equipment, adequate for the size of the mine, as provided in section 209(g)(1) of the Act, and to take cognizance of the revised efficiency ratings of fire extinguishers issued by the National Fire Protection Association.

Sections 45.46 through 45.46–3 of Part 45, Title 30, Code of Federal Regulations are revised as follows and shall be effective on July 1, 1967.

WALTER R. HIBBARD, Jr.,
Director, Bureau of Mines.

§ 45.46 Statutory provision (sec. 209 (g)(1).

Each mine shall be provided with suitable firefighting equipment, adequate for the size of the mine.

CLASSIFICATION OF FIRES

§ 45.46–1 Fire classifications.

It is essential that the fire classifications adopted by the National Fire Protection Association (NFPA) be thoroughly understood before acquiring and providing firefighting equipment and facilities, otherwise such equipment and facilities may be found and determined to be inadequate and unsuitable. The following classifications of fires have been adopted by the National Fire Protection Association, but have been modified by the Bureau of Mines to permit the use of loaded stream extinguishers on Class C fires if the equipment is deenergized.

(a) *Class A fires.* (1) Class A fires are defined as those occurring in ordinary solid, combustible materials, such as coal, wood, rubber, textiles, paper, and rubbish.

(2) Fires in such materials can be controlled best through the quenching or cooling action of water or solutions containing large proportions of water. Chemical fire extinguishers, such as soda acid, foam, and loaded stream, also can be used successfully on Class A fires. Other types of chemical fire extinguishers are not as effective when used on Class A fires. Rock dust and fine sand may be used, but are difficult to apply to overhead fires and in other circumstances.

(b) *Class B fires.* (1) Class B fires are defined as those occurring in flammable liquids, such as fuel oils, lubricating oils, grease, paint, varnish, and lacquer.

(2) Blanketing or smothering is essential for successfully fighting Class B fires. Class B fires are considered by firefighting authorities to be the most difficult to control and they also are subject to spreading rapidly because of liquidity or rupture of containers.

(3) Suitable extinguishers for Class B fires are rock dust or fine sand and chemical fire extinguishers such as foam, dry chemical, liquid carbon dioxide, vaporizing liquid, and loaded stream.

(4) In no case should water be used unless a "spray," "mist," or "fog" nozzle is provided.

(c) *Class C fires.* (1) Class C fires are defined as those in live, energized electrical equipment, such as oil-filled transformers, generators, motors, switch panels, circuit breakers, insulated electrical conductors, and other electrical devices.

(2) A nonconducting extinguishing agent is essential for fighting Class C fires. Chemical fire extinguishers, such as liquid carbon dioxide, dry chemical, and vaporizing liquid, are suitable for Class C fires. Rock dust or fine sand also may be used, but either of these, particularly fine sand, may damage electrical equipment. Loaded stream extinguishers may be used on Class C fires if the equipment is deenergized.

(3) Where electricity is involved in a fire, the electric circuit should be broken or deenergized as soon as possible, because of contact hazards and under certain conditions a fire cannot be extinguished when a live circuit exists at the seat of the fire. When the electric circuit has been deenergized nonconducting characteristics of the extinguishing agent need not be considered and extinguishers suitable for Class A or B fires may be used. However, in the planning of suitable fire fighting facilities for Class C fire hazards electrical nonconductivity of the extinguishing agent is of first importance and deenergization should not be considered and should not be given any weight.

CLASSIFICATION AND EFFICIENCY RATING OF EXTINGUISHERS

§ 45.46–2 Classification and efficiency rating of extinguishers.

(a) The extinguishing capacity of an agent varies greatly on different types of fires. Standardized test fires are used when making comparisons between extinguishers to show the superiority of one extinguisher over another for a particular type of fire. For the purposes of these interpretations a numerical system which has been adopted by the National Fire Protection Association is used to indicate the extinguishing ability of a portable fire extinguisher. In this system, the letters "A," "B," and "C" indicate the class of fire for which the extinguisher is rated. For example, the designation 1–B indicates that an extinguisher of the size, capacity, and extinguishing agent indicated is able to handle a standard, small, flammable-liquid test fire. A designation 2–B indicates that the extinguisher can handle twice as much flammable-liquid as a 1–B extinguisher. No numerical designation is given to extinguishers tested for Class C fires. The Class C designation merely means that the extinguisher is suitable for electrical fires. An extinguisher can receive a rating for more than one class of fire.

(b) Conversion of pre-1956 and post-1956 extinguisher ratings and classifications and minimum requirements:

(1) The efficiency rating system of fire extinguishers was revised and extinguishers regraded by the National Fire Protection Association in 1956. Prior to 1956, a different system was used, and will still be found on the name plates of extinguishers manufactured before that date. The A, B, C fire classification is the same but the number ratings are different.

(2) In determining the minimum requirements and adequacy of a fire extinguisher the Bureau of Mines will consider the comparative efficiency ratings of hand-type firefighting facilities. In addition, the Bureau of Mines will consider the quantity of the extinguishing agent used in determining the size of the extinguisher required to meet minimum requirements. The 1956 rating revisions of the National Fire Protection Association reduced the quantity of extinguishing agent below what is required by the Bureau of Mines. The size of an extinguisher which meets the Bureau of Mines minimum requirements is designated in appropriate footnotes. A tabulation is appended showing in the first column NFPA extinguisher ratings prior to 1956; in the second column the revision by NFPA; and in the third column the minimum capacity of an extinguisher acceptable to the Bureau of Mines is indicated by an asterisk.

MINIMUM FIREFIGHTING EQUIPMENT FOR COAL MINES

§ 45.46–3 Minimum requirements.

(a) The minimum requirements applicable for "suitable firefighting equipment, adequate for the size of the mine," as those words are used in section 209(g)(1) of the Act, are established with reference to a Class of fires and with reference to the efficiency rating and capacity of a fire extinguishing unit. It is recognized, however, that fire control standards and equipment at some mines may be equivalent or superior to, although not the same as, the standards herein established. In such instances the fire control system will be considered as complying with section 209(g)(1) of the Act.

(b) Each mine shall be equipped with the following firefighting equipment:

(1) Two acceptable fire extinguishing units suitable for Class C fires[1] and at least 240 pounds of rock dust or dry sand shall be located within 600 feet of any point where any mining machine, loading machine, or other self-propelled electrical equipment (except a locomotive) is being operated, except where acceptable fire extinguishers are carried on portable machines. Where fire extinguishers are carried on portable machines, only one fire-extinguishing unit suitable for Class C fires is required for each such portable machine.

(2) A chemical fire extinguishing unit suitable for Class C fires[1] shall be provided on each locomotive.

(3) The following firefighting equipment shall be provided at belt conveyors:

(i) A pipeline paralleling the belt for the entire length of the belt, equipped with hose outlets with valves and 150 feet

[1] A unit consists of a one gallon or larger vaporizing liquid (pressure) extinguisher; 7½ pounds or larger carbon dioxide; 7½ pounds ordinary dry chemical; 5 pounds multipurpose dry chemical.

of hose at the drive, tailpiece and at intervals not in excess of 300 feet, and containing water at a pressure sufficient to supply 50 gallons of water a minute at a nozzle pressure of 50 pounds per square inch; or

(ii) At each belt drive and tailpiece and at intervals not in excess of 300 feet throughout the length of the belt

(*a*) A fire extinguishing unit suitable for Class C fires; [1] or

(*b*) 240 pounds of rock dust or dry sand; or

(*c*) A barrel or tank of water of at least 55 gallons capacity together with at least 3 pails or not less than 10-quart capacity.

The joints of an articulated belt system are not considered to be drives or tailpieces for the purpose of this subparagraph (3).

(4) A fire extinguishing unit suitable for Class C fires [1] and another extinguishing agent, such as 240 pounds of rock dust or dry sand, shall be provided at each electrical installation, such as permanent pumping stations, battery-charging station, substations, and in shops.

(5) Two fire-extinguishing units suitable for Class B fires [2] and at least 240 pounds of rock dust or dry sand shall be provided at each permanent underground oil-storage station. Where oil is stored on a working section an acceptable fire extinguisher suitable for Class B fires [2] or at least 240 pounds of rock dust or dry sand shall be provided at such storage area if 25 gallons or more of oil are stored on the working section, and at each place on the working section where 25 gallons or more of oil are stored.

(6) Rock dust, dry sand, or suitable fire extinguishers shall be immediately available during welding, cutting, or soldering with arc or flame in underground workings in other than a fireproof enclosure.

(7) (i) At each mine where 300 tons or more of coal per shift are produced underground there shall be provided—

(*a*) (*1*) Water lines, or air lines readily convertible to water lines, installed along main and secondary haulage roads and extending to the working sections and equipped with outlet valves at intervals of not more than 500 feet and capable of delivering 50 gallons of water per minute at a nozzle pressure of 50 pounds per square inch, and not less than 1,000 feet of firehose with fittings suitable for connection with such water lines; or

(*2*) Two portable water-tank cars of at least 1,000 gallons (500 gallons at anthracite mines) capacity each, equipped with a high-pressure pump or compressed-air connection and not less than 300 feet of fire hose with nozzles; or

(*3*) Two portable chemical cars containing or carrying the equivalent protection of two portable water-tank cars of at least 1,000 gallons capacity each (500 gallons at anthracite mines);

Provided, however, That one of the two water-tank cars or one of the two chemical cars may be replaced by (*i*) a portable high-pressure rock-dusting machine fitted with at least 250 feet of hose, with at least 60 sacks of rock dust in good condition near it at all times, or (*ii*) a portable foam-generating machine with facilities and equipment for supplying the machine with 30 gallons of water per minute at a pressure of 30 pounds per square inch for a period of not less than 20 minutes.

(*b*) Where two or more adjacent mines are connected by track, one of the two water-tank cars or one of the two chemical cars (or their substitutes) required for each mine may be a common unit.

(*c*) All units shall be stationed at strategic locations and shall be properly filled, equipped, and ready for use at all times.

(ii) At each mine where less than 300 tons of coal are produced per shift, there shall be provided at 500 foot intervals along all main and secondary haulage roads:

(*a*) A barrel or tank of water of at least 55 gallons capacity together with at least three pails of not less than 10-quart capacity; or

(*b*) Not less than 240 pounds of rock dust or dry sand in good condition at all times.

(8) At each wooden door through which power lines pass there shall be provided (i) a fire extinguishing unit suitable for Class C fires,[1] or (ii) not less than 240 pounds of rock dust or dry sand in good condition at all times.

(9) Within 600 feet of each working face there shall be provided—

(i) Water piped to the face of working places at a pressure and volume such that a hose will deliver to each face at least 50 gallons of water per minute at a nozzle pressure of 50 pounds per square inch; or

(ii) A fire extinguishing unit suitable for Class A fires;[3] or

(iii) 240 pounds of rock dust or dry sand; or

(iv) A barrel or tank of water of at least 55 gallons capacity together with at least 3 pails of not less than 10-quart capacity.

One such fire extinguishing unit may serve more than one working face: *Provided,* That it is within 600 feet of each working face to be served by such unit.

(10) (i) At each mine where 300 tons, or more, of coal per shift are produced underground there shall be available for emergency use the following materials:

1,000 board feet of brattice boards.
3 rolls of brattice cloth.
2 hand saws.
25 pounds of 8d nails.
25 pounds of 10d nails.
25 pounds of 16d nails.
3 claw hammers.
25 bags of wood fiber plaster or 10 bags of cement (or equivalent material for stoppings).
5 tons of rock dust or dry sand.

(ii) At each mine where less than 300 tons of coal are produced per shift the following material shall be available at the mine: *Provided, however,* That emergency materials for one or more mines may be stored at a central warehouse or building supply company and such supply must be the equivalent of that required for all the mines involved and be within one hour's delivery time from each mine:

1,000 board feet of brattice boards.
3 rolls of brattice cloth.
2 hand saws.
25 pounds of 8d nails.
25 pounds of 10d nails.
25 pounds of 16d nails.
3 claw hammers.
25 bags of wood fiber plaster or 10 bags of cement (or equivalent material for stoppings).
5 tons of rock dust or dry sand.

(11) Fire extinguishers, all fire extinguishing equipment, all auxiliary equipment and emergency materials shall be maintained in useable, operative condition. Chemical fire extinguishers shall be examined every 6 months.

(12) All chemical fire extinguishers shall be approved by the Underwriters' Laboratories, Inc., or Factory Mutual Laboratories and shall carry appropriate labels.

[1] A unit consists of a one gallon or larger vaporizing liquid (pressure) extinguisher; 7½ pounds or larger carbon dioxide; 7½ pounds ordinary dry chemical; 5 pounds multipurpose dry chemical.

[2] 2½ gallon foam; 15 pounds carbon dioxide; 10 pounds ordinary dry chemical; 5 pounds multipurpose dry chemical.

[3] 2½-gallon soda acid; 2½ gallon water (pump or pressure); 1¾-gallon loaded stream; 2½-gallon foam; 8 pounds multipurpose dry chemical.

APPENDIX

Extinguishing agent	Extinguisher type and size	Classification and rating of extinguishers labeled prior to 1956	Approximate present classification and rating	Minimum capacity extinguishers which meet Bureau of Mines requirements		
				A	B	C
Chemical solution (soda-acid).	1¼-, 1½-gallon	A-2	1-A	------	------	------
	2½-gallon	A-1	2-A	(*)	------	------
	17-gallon	A	10-A	------	------	------
	33-gallon	A	20-A	------	------	------
Water	1½-, 1¾-gallon (pump or pressure)	A-2	1-A	------	------	------
	2½-gallon (pump or pressure)	A-1	2-A	(*)	------	------
	4-gallon (pump or pressure)	A-1	3-A	------	------	------
	5-gallon (pump or pressure)	A-1	4-A	------	------	------
	17-gallon (pressure)	A	10-A	------	------	------
	33-gallon (pressure)	A	20-A	------	------	------
	Five 12-quart or six 10-quart water-filled pails; 55-gallon water filled drum with three fire pails; 25–55-gallon water filled bucket tank with above five or six fire pails.	A-1	2-A	(*)	------	------

Extinguishing agent	Extinguisher type and size	Classification and rating of extinguishers labeled prior to 1956	Approximate present classification and rating	Minimum capacity extinguishers which meet Bureau of Mines requirements		
				A	B	C
Loaded stream	1-gallon	A-2, B-4	1-A			
	1¼-gallon and 2½-gallon	A-1, B-2	2-A, ½-B	(*)		
	33-gallon (Not recommended for Class C fires if equipment is energized.)	A	20-A			
Foam	1¼- and 1½-gallon	A-2, B-2	1-A, 2-B			
	2½-gallon	A-1, B-1	2-A, 4-B	(*)	(*)	
	5-gallon	A-1, B-1	4-A, 6-B			
	10-gallon	A, B	6-A, 8-B			
	17-gallon	A, B	10-A, 10-B			
	33-gallon	A, B	20-A, 20-B			
Vaporizing liquid (carbon tetrachloride base).	1-, 1¼-, 1½-quart (pump)	B-2, C-2	½-B, C			
	1-, 1½-, 2-, 2½-quart (pressure)	B-2, C-2	½-B, C			
	1-, 3½-gallon (pressure)	B-2, C-1	1-B, C			(*)

NOTE: Carbon tetrachloride is not recommended for use except where ventilation is very good. It has never been the policy of the Bureau of Mines to discourage the use of carbon tetrachloride fire extinguishers under all conditions. The Bureau bas, however, consistently advised against their use in confined and unventilated places in mines. This type of extinguisher shall not be used where there is a likelihood of dangerous concentrations of the fumes and gases evolved passing over workmen. Neither should they be used where there is no ready means of escape for the operator providing he is not properly equipped with respiratory protection.

Extinguisbing agent	Extiguisher type and size	Classification and rating of extinguishers labeled prior to 1956	Appropriate presnt classification and rating	Minimum capacity extnguishers wbich meet Bureau of Mines requirements		
				A	B	C
Carbon dioxide	6 or less pounds of carbon dioxide	B-2, C-2	1-B, C			
	7½ pounds of carbon dioxide	B-2, C-1	2-B, C			(*)
	10 to 12 pounds of carbon dioxide	B-2, C-1	4-B, C			
	15 to 20 pounds of carbon dioxide	B-1, C-1	4-B, C		(*)	
	25 and 26 pounds of carbon dioxide	B-1, C-1	6-B, C			
	50 pounds of carbon dioxide	B-1, C-1	10-B, C			
	75 pounds of carbon dioxide	B-1, C-1	12-B, C			
	100 pounds of carbon dioxide	B, C	12-B, C			
	Carbon dioxide extinguishers with metallic horns will not carry a C classification.					
Dry chemical	4 to 6¼ pounds of dry chemical	B-2, C-2	4-B, C			
	7½ pounds of dry chemical	B-2, C-1	6-B, C			(*)
	10 to 15 pounds of dry chemical	B-1, C-1	8-B, C		(*)	
	20 pounds of dry chemical	B-1, C-1	16-B, C			
	75 to 350 pounds of dry chemical	B, C	40-B, C			
Multipurpose dry chemical.	5 pounds of dry chemical (multipurpose)		8-B, C		(*)	(*)
	8 pounds of dry chemical (multipurpose)		1-A, 16-B, C	(*)		
Wetting agent	10 gallons	A, B	6-A	(*)		
	20 gallons	A, B	12-A			
	50 gallons	A, B	30-A			
Sand pails	Use should be supplemented by other equipment.	B-5	Not rated by NFPA.			
Rock dust	Suitable for A, B, and C fires		Not rated by NFPA.			
	NOTE: Tests to determine the value of rock dust as a fire extinguishing agent have not been extensive enough to establish a unit value in comparison with accepted standards of the NFPA. Based on the information available, a reasonable value for mine use is that three 80-pound bags be accepted for Class A, B, and C fires.					

Illustrative of the use of the table, in the case of the use of water as the extinguishing agent under the pre-1956 rating a 2½-gallon water pump or pressure tank is required to provide one Class A unit while under the 1956 revised rating system a 1½-gallon water pump or pressure tank provides one Class A unit, but a 1½-gallon water pump or pressure tank does not meet the minimum capacity requirements of the Bureau of Mines. In the case of the use of carbon dioxide as the extinguishing agent the use of the 6-pound carbon dioxide extinguisher would, under the pre-1956 ratings, require two such extinguishers to provide one Class B or C unit while under the 1956 revised rating system one such extinguisher constitutes one Class B or C unit, but in neither case does the use of a 6-pound, or less, carbon dioxide extinguisher meet the minimum requirements of the Bureau of Mines.

[F.R. Doc. 67-5129; Filed, May 8, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 257—ACCEPTANCE OF SERVICE OF PROCESS

The Deputy Secretary of Defense approved the following on April 22, 1967:

Sec.
257.1 Purpose.
257.2 Applicability.
257.3 Service of process defined.
257.4 Designation.
257.5 Receipt of service of summons and complaint by the U.S. Marshal for the District Court of the District of Columbia.

AUTHORITY: The provisions of this Part 257 issued under sec. 5, Federal Register Act, 49 Stat. 500, as amended (44 U.S.C. 305).

§ 257.1 Purpose.

This part confirms the designation of certain offices within the Department of Defense to receive service of process upon the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy and the Secretary of the Air Force (hereafter referred to collectively as "Secretaries").

§ 257.2 Applicability.

The provisions of this part apply to the Departments of the Army, Navy, and Air Force, and to the Office of the Secretary of Defense.

§ 257.3 Service of process defined.

When applied to the filing of a court action against an officer or agency of the United States, this term signifies the delivery by a U.S. marshal of a summons and complaint, by serving the United States and by delivering a copy of the summons and complaint to such officer or agency. It further signifies the delivery of a subpoena requiring a witness to appear and give testimony, or a subpoena requiring production of documents, or for any other reason whether or not the matter involves the United States.

§ 257.4 Designation.

The following officers have been designated to receive service of process on behalf of the Secretaries specified in § 257.1:

(a) Office of the Secretary of Defense: General Counsel, DoD.

(b) Department of the Army: Assistant Judge Advocate General for Civil Law.

(c) Department of the Navy: Director, Litigation Division, Navy, Judge Advocate General.

(d) Department of the Air Force: Director of Civil Law, Air Force, Judge Advocate General.

§ 257.5 Receipt of service of summons and complaint by the U.S. Marshal for the District Court of the District of Columbia.

(a) The respective Secretaries have agreed that in litigation before the U.S. District Court for the District of Columbia, service of a summons and complaint upon the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force may be accomplished by the U.S. marshal for the District Court of the District of Columbia by serving the General Counsel of the Department of the Navy or one of his designees at Room 2034, Main Navy Building, 18th and Constitution Avenue, Washington, D.C. 20360.

(b) Acceptance of process is not to be deemed to constitute an admission or waiver with respect to the jurisdiction or to propriety of service.

(c) Upon receipt of a summons and complaint on behalf of the Secretary concerned, the General Counsel of the Department of the Navy shall forward

such documents for necessary action to the respective Secretaries' representatives designated in § 257.4 except documents involving the Navy over which he has assigned responsibility.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-5125; Filed, May 8, 1967; 8:45 a.m.]

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER B—SALES AND SERVICES

PART 810—SALE OR RELEASE OF MOTION PICTURE AND SOUND TRACK STOCKFOOTAGE

1. Part 810 is revised to read as follows:

Sec.
810.1 Purpose.
810.2 Definitions.
810.3 Sale, use, and release of stockfootage.
810.4 Responsibility.
810.5 Procedures for requesting stockfootage.
810.6 Established fees.
810.7 Requests exempt from fees.
810.8 Collection of fees.

AUTHORITY: The provisions of this Part 810 issued under sec. 8012, 70A Stat. 488, sec. 501, 65 Stat. 290; 10 U.S.C. 8012, 5 U.S.C. 140.
SOURCE: AFR 95-12, Mar. 9, 1967.

§ 810.1 Purpose.

This part states the policy on the sale, use, and release of unclassified Air Force motion picture stockfootage and the dissemination of classified stockfootage. It does not cover the sale of prints made from completed Air Force motion pictures or the use of stockfootage in films produced for the Air Force.

§ 810.2 Definitions.

(a) *Stockfootage.* Specific scenes or sound tracks from Air Force film footage intended for use in the completion of a motion picture production, or in engineering analysis, intelligence, and training, or for other miscellaneous purposes.

(b) *Service.* The search of film files, the screening of stockfootage, selection of scenes, actual reproduction of scenes or sound track required, and the shipment of stockfootage.

§ 810.3 Sale, use, and release of stockfootage.

(a) The sale or release of reproductions from unclassified stockfootage is authorized within the provisions of this part. Classified stockfootage may be disseminated (as specified in Part 850, Subchapter E of this chapter) only when an official requirement exists, and when there is no limitation affecting the specific release imposed by the contributing military activity. The sale or release of the original negative is prohibited.

(b) Activities contributing film to the USAF Motion Picture Film Depository will insure that any limitation on further dissemination is clearly noted on the film.

(c) The requests for classified stockfootage received from foreign governments or their representatives will be sent for approval to Hq USAF (AFNIN), Washington, D.C. 20330.

(d) Recipients will not use stockfootage to imply, or otherwise indicate, that the Air Force indorses a product.

(e) Exclusive rights to stockfootage may not be claimed by any other agency or person.

(f) The waiver of proprietary and privacy rights will not pass with the sale or release of stockfootage unless these rights and the right of transfer are owned by the Air Force.

(g) The sale of stockfootage which is available from commercial motion picture sources is prohibited.

(h) Film received from Air Force contractors will not be released or sold to competitive contractors unless the Air Force contracting officer having jurisdiction over the contract determines that it is in the best interest of the Air Force.

(i) Formal agreements between the Air Force and certain other Government agencies provide for photographic and related services. When the provisions for releasing stockfootage to Government agencies are not as specified in this part, the provisions of the formal agreement will apply.

§ 810.4 Responsibility.

The USAF Motion Picture Film Depository will provide the services stated in this part and such other services as the Commander, Aerospace Audio-Visual Service, directs. It will function as a collecting agent for the sales of stockfootage and services as stated in § 810.6.

§ 810.5 Procedures for requesting stockfootage.

(a) *Preliminary inquiry to USAF Motion Picture Film Depository.* Before submitting his request, a person may obtain preliminary information on available stockfootage in general subject areas for which access has been granted. Such inquiries to the USAF Motion Picture Film Depository do not constitute a formal request.

(b) *Unclassified stockfootage requested for release to public.* The person requesting unclassified stockfootage for release to the public will:

(1) Send his request to the Secretary of the Air Force (SAFOI), Washington, D.C. 20330.

(2) Include in each request a film sequence outline or script clearly indicating the scenes for which he wants stockfootage.

(3) State the type of film preferred and the approximate number of screen feet required. When notified by Hq USAF that his request is favorably considered, the requester may communicate direct with the USAF Motion Picture Film Depository to arrange for selecting the stockfootage.

(c) *Unclassified stockfootage requested for internal use.* The person requesting unclassified stockfootage for use within the Federal Government will:

(1) Send his request to the 1350 Motion Picture Sq (USAF Motion Picture Film Depository), Wright-Patterson AFB, OH 45433.

(2) Include in the request a statement of intended use.

(3) State the type of film preferred and the approximate number of screen feet required.

NOTE: An Air Force contractor requiring unclassified stockfootage to meet film production requirements specified in an Air Force contract will forward his request through the Air Force contracting officer having jurisdiction over the contract. If stockfootage is for a film production intended for public release, he must submit his request according to paragraph (b) of this section.

(d) *Classified stockfootage requested by Air Force contractor.* An Air Force contractor requiring classified stockfootage will forward his request for review and approval through the Air Force contracting office having jurisdiction over the contract involved.

(e) *Other classified stockfootage requests.* The person outside the Air Force requesting classified stockfootage will:

(1) Send his request to Hq USAF (AFXOPXB), Washington, D.C. 20330.

(2) Include in the request a statement of intended use. When notified by Hq USAF that his request is favorably considered, the requester may communicate direct with the USAF Motion Picture Film Depository to arrange for selecting the stockfootage.

(3) Provide assurance that the classified information will be handled according to Part 850, Subchapter E of this chapter (if he is not in the Executive Branch of the Government) and explain the measures he will take to safeguard the information.

§ 810.6 Established fees.

(For still photography fees, see Part 811 of this subchapter).

The following fees are charged for stockfootage and service:

16mm or 35mm black and white unedited footage and/or optical sound track, per foot	$0.10
Color unedited footage:	
16mm, per foot	.20
16mm, internegative	.25
35mm, per foot:	
Viewing or release print, each	.25
Separation master positive (3 required)	.75
Color interpositive, each	.55
Color internegative, each	.55
Magnetic tape (per foot):	
16mm (direct dubb), each	.05
35mm (direct dubb), each	.05
Searching (including overhead): Each hour or fraction thereof (per hour)	7.00
All film used in duplication to furnish a requested end product will be charged for on a per foot basis; minimum charge (including stock search) per order	10.00

§ 810.7 Requests exempt from fees.

To the extent that funds are available, the requests received from sources and

for services indicated in this section are exempt from the payment of fees, provided the service will not hamper the mission of the furnishing agency, is consistent with this part, and is accomplished during normal work schedules.

(a) *Sources.* (1) DOD agencies and other departments of the Federal Government requesting stockfootage for use in approved departmental activities.

(2) Members of Congress requesting stockfootage for use in official Government activities.

(3) Federal, State, territorial, county, or municipal government, or an agency thereof, carrying on a function related to, or furthering, an Air Force or other DOD objective.

(4) Nonprofit organizations carrying on a function related to, or in the interest of, public health and welfare.

(5) Members of the Armed Forces in a casualty status, or their next of kin or authorized representative, when requested stockfootage relates to the source of the casualty.

(b) *Services.* (1) Service that is occasional and incidental (including requests from residents of foreign countries), when it is determined that fees would be inappropriate.

(2) Service determined by SAFOI to be in the best interest of the Air Force.

(3) Service that is furnished free according to statutes or Executive orders.

(4) Service for which the Federal Government will ultimately pay.

§ 810.8 Collection of fees.

Payments will be made by Government check, certified check, or money order, drawn payable to the Treasurer of the United States. When appropriate, fees will be collected whether or not stockfootage is ordered as a result of the search.

PART 819—PROVIDING ENVIRONMENTAL SERVICES TO NONMILITARY AGENCIES AND INDIVIDUALS

2. A new Part 819 is added as follows:

Sec.
819.1 Purpose.
819.2 Responsibility.
819.3 Guidance for providing environmental service.

AUTHORITY: The provisions of this Part 819 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 105–9, Mar. 16, 1967.

§ 819.1 Purpose.

This part prescribes the conditions under which the Air Force provides environmental services to nonmilitary agencies and individuals.

§ 819.2 Responsibility.

The Environmental Science Services Administration is recognized as the Federal agency responsible for providing environmental services to nonmilitary agencies and individuals. When assistance is requested by the Environmental Science Services Administration to carry out this responsibility, the Air Force, through the Air Weather Service, will make every effort to provide it. Requests for assistance or questions that are beyond the capability of Air Weather Service will be referred to Hq USAF (AFOWX).

§ 819.3 Guidance for providing environmental service.

(a) On request, aircraft pilots authorized to use an Air Force facility where an Air Weather Service detachment is located will be furnished local observations and weather information required for clearance purposes.

(b) Civilian airlines using Air Force bases where the Air Weather Service facility has been designated an International Civil Aviation Organization (ICAO) Main or Dependent meteorological station will be furnished local observations, clearance information, inflight service, and planning information in accordance with ICAO procedures.

(c) Civilian contractors located on an Air Force installation or operating a Government-owned facility will be furnished environmental services adequate to assure protection of Government interests.

(d) Other nonmilitary agencies and individuals will be furnished requested environmental service provided that all of the following criteria have been satisfied:

(1) The national environmental service normally responsible for the service has requested that it be provided. Agencies or individuals who have not cleared their requests through the national environmental service will be asked to do so.

(2) Military mission accomplishment will not be impaired.

(3) Additional personnel and facilities will not be required.

(4) Recipient is advised that the Air Force can assume no legal, financial, or moral responsibility for the weather service provided.

(e) In an emergency, when immediate action is required to avert or lessen the loss of human life and property damage, service will be furnished without regard to the limitations described in this section.

SUBCHAPTER D—CLAIMS AND LITIGATION

PART 840—RELEASING INFORMATION FOR LITIGATION AND APPEARANCE OF WITNESSES BEFORE CIVILIAN COURTS AND OTHER TRIBUNALS

3. Part 840 is revised to read as follows:

Sec.
840.1 Purpose.
840.2 Definitions.
840.3 Air Force policy.
840.4 Responsibilities.
840.5 Limitations.
840.6 Fees and charges.
840.7 Requests for depositions or statements.
840.8 Authentication of documents.
840.9 Release to the Department of Justice.
840.10 Release to Government contractors.
840.11 Compliance with subpoena.
840.12 Witnesses in private litigation.
840.13 Witnesses in suits involving the United States.
840.14 Travel expenses in litigation involving the United States.

AUTHORITY: The provisions of this Part 840 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 110–5, Apr. 7, 1967.

§ 840.1 Purpose.

This part covers release of official Air Force information for litigation purposes, and guides Air Force military and civilian personnel appearing as witnesses. It does not apply to courts-martial or administrative boards convened by U.S. Military authorities. Oversea major commands supplement this part to meet local requirements.

§ 840.2 Definitions.

(a) *Official information.* All documents, files, records, or papers in the custody of the Air Force and its personnel, and all matters within the knowledge of Air Force personnel, prepared or obtained in the performance of official duties.

(b) *Litigation.* Lawsuits, hearings, investigations or similar proceedings in civilian courts, commissions, boards or other tribunals.

§ 840.3 Air Force policy.

Official information is made available for use in litigation, and Air Force personnel are permitted to testify concerning official information, unless the information is classified, or is privileged or is exempt by law (see Pub. L. 89–487, July 4, 1966; 5 U.S.C. 1002(e)).

§ 840.4 Responsibilities.

Air Force personnel who have custody of official information requested for use in litigation or who are requested to appear as witnesses will comply with this part. The staff judge advocate should be consulted as to the release of information, unless release is clearly proper and authorized.

§ 840.5 Limitations.

(a) When the United States is a party to existing litigation, information will be released relevant to the litigation only when authorized by The Judge Advocate General, the staff judge advocate of the major command concerned, the U.S. Attorney General, or an appropriate U.S. Attorney.

(b) Custodians who receive requests for information which might aid in a claim or litigation against the United States will consult the staff judge advocate.

(c) When the United States is not a party to the litigation and the requested information does not appear to aid a claim or litigation against the United States, custodians may release information not classified, privileged, or exempt.

(d) Information of a personal nature from personnel records is not released for litigation purposes without the consent of the person who is the subject of the records, except in response to a subpoena or court order properly issued and served, or as authorized by the major command

staff judge advocate or The Judge Advocate General.

(e) Medical information is released only in accordance with AFM 168–4 (Administration of Medical Activities), or in response to a proper subpoena or court order, or as authorized by the major command staff judge advocate or The Judge Advocate General.

(f) Classified defense information is not released to courts or unauthorized persons under any circumstances unless the classification is removed by proper authority. If classified information is subpoenaed and cannot be declassified at lower levels, The Judge Advocate General should be notified. Pending his decision, the person on whom the subpoena is served answers the subpoena and informs the court of the restrictions of this section.

§ 840.6 Fees and charges.

Persons releasing copies of records to non-Government requestors will collect fees and charges under Subchapter P, Part 288, Chapter I of this title.

§ 840.7 Requests for depositions or statements.

Requests by parties to prospective or actual litigation for statements or depositions of Air Force personnel concerning matters connected with their official duties may be granted, provided this part is followed. Staff judge advocates will give legal advice as needed.

§ 840.8 Authentication of documents.

Official Air Force documents used in civil litigation are authenticated by certificate, rather than by the personal appearance and testimony of the custodian, wherever practicable. The authentication procedure in Part 847 of this subchapter meets the requirements of Federal courts and of most State courts and administrative bodies. Use the simplest authentication procedure permissible.

§ 840.9 Release to the Department of Justice.

The Department of Justice, through the U.S. attorneys, represents the Government's interest in all litigation involving the Air Force.

(a) Unclassified information which is not privileged or exempt will be released to the Department of Justice or the U.S. Attorney on request.

(b) Requests for classified information which cannot be declassified at lower levels, or for privileged or exempt information, are sent to The Judge Advocate General for decision.

§ 840.10 Release to Government contractors.

Contracting officers may grant requests from Government contractors for information for use in contractor litigation. Comply with this part and Part 844 of this subchapter.

§ 840.11 Compliance with subpoena.

(a) When a subpoena is served which calls for information which is classified, privileged, or exempt, staff judge advocates are authorized to communicate with counsel who requested the subpoena, explain the restrictions on release, tender releasable information, and suggest withdrawal of the subpoena.

(b) A subpoena which is defective for improper issue or service, or for lack of jurisdiction, is treated as a routine request for release of information.

§ 840.12 Witnesses in private litigation.

(a) Air Force personnel who are requested to appear and testify in private litigation in which the Government has no interest may be authorized to do so, if this part does not prohibit release of the information sought and there is no expense to the Government.

(b) Expenses are arranged between the witnesses and the party requesting his appearance. If absence exceeds normal pass privileges the witness takes regular or annual leave. Commanders should be as liberal as practicable in granting leave for this purpose.

§ 840.13 Witnesses in suits involving the United States.

(a) When U.S. Attorneys request the attendance of witnesses and no temporary duty is required, honor the request if practicable.

(b) When U.S. Attorneys request the attendance of witnesses and temporary duty is required, ask the U.S. Attorney to request the witness through the Administrative Division, Department of Justice. Hq USAF (AFJALF) directs travel.

(c) In hospital recovery litigation, honor requests by counsel assisting in the hospital recovery claim if practicable.

§ 840.14 Travel expenses in litigation involving the United States.

(a) The Air Force pays travel expenses of Air Force witnesses furnished on behalf of the United States:

(1) To testify as to information obtained in the performance of official duties; or,

(2) In any case in which the Air Force is the agency concerned in the litigation.

(b) When Air Force witnesses are provided on behalf of the Government in other cases, travel expenses are reimbursed by the Government agency involved. Hq USAF gives instructions on funding the expenses.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67–5124; Filed, May 8, 1967; 8:45 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER C—SHIPPING AND NAVIGATION

PART 117—MARINE ACCIDENTS: INVESTIGATIONS; CONTROL; RESPONSIBILITY

Miscellaneous Amendments

Correction

In F.R. Doc. 67–2542, appearing at page 3830 of the issue for Wednesday, March 8, 1967, the word "testifying" in the first sentence of § 117.1b is corrected to read "testify".

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 50—Division of Public Contracts, Department of Labor

PART 50–204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Radiation Standards for Uranium Mining

Cumulative evidence points to the urgent necessity of substantial prompt reduction of exposure to radiation hazards of miners. Accordingly, under the authority of sections 1 and 4 of 49 Stat. 2036, 2038 (41 U.S.C. 35, 38) and section 7, 60 Stat. 241 (5 U.S.C. 556), Part 50–204 of Title 41 of the Code of Federal Regulations is amended, effective 30 days after this document is published in the FEDERAL REGISTER, by adding thereto a new § 50–204.321 to read as set out below.

As this amendment merely establishes rules of procedure for application in administrative, enforcement and investigative proceedings, conducted by the U.S. Department of Labor under the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.), it is exempt from the requirement of section 4 of the Administrative Procedure Act (5 U.S.C. 553) requiring notice and public procedure in certain rule making. Because of the need for a promptly effective regulation in this area, no good purpose would be served by delay pending the formulation of an effective rule. So that the benefits of public participation in the formulation of the rule will not be lost, however, interested persons are invited to submit data, views, or argument concerning the amendment hereby promulgated within 30 days after the publication of this document in the FEDERAL REGISTER in writing by mail to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210. Consideration will be given such submissions with the view to making any amendment to the regulation considered to be necessary or desirable as fully as

though such submissions had been received in response to a proposal.

The new § 50–204.321 reads as follows:

§ 50–204.321 Radiation standards for uranium mining.

(a) For the purpose of this section the working level shall be an environment which exposes the worker to the equivalent of a concentration of 100 picocuries of radon per liter of air. For this purpose any combination of radon and radon daughters which produces 1.3×10^5 potential alpha decompositions is considered to be the equivalent of 100 picocuries of radon.

(b) The maximum permissible exposure of a worker in uranium mining to radiation shall not exceed the exposure he would receive at the working level if he were exposed to 3.6 months of work weeks of 40 hours duration at such level in any 12 consecutive months of employment. No 3 consecutive months of such employment shall involve exposure greater than the worker would receive at the working level for work weeks of 40 hours length during 1.8 months.

(c) Upon good cause shown the Secretary of Labor may, if he is satisfied that the safety and health of the workers will be adequately protected and upon such terms as he shall prescribe, permit a level of exposure in excess of that specified in paragraph (b) of this section, not to exceed 12 working level months exposure in any 12 consecutive months of employment which involves not more than 6 working level months exposure in any 3 consecutive months of employment, during a period not to exceed 18 months after the effective date of this amendment.

(d) The levels of exposure provided in paragraphs (b) and (c) of this section shall be deemed to have been exceeded unless the mine operator makes such determinations of radon levels and maintains such records of miner's working positions as are necessary to establish that such levels are not exceeded.

Signed at Washington, D.C., this 5th day of May 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67–5199; Filed, May 8, 1967; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17007; FCC 67–534]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Pierre, S. Dak.

Report and order. In the matter of amendment of § 73.606 of the Commission's rules relating to television broadcast channel assignments (Pierre, S. Dak.); Docket No. 17007, RM–1012.

1. On November 28, 1966, the Commission issued a notice of proposed rule making in the above entitled matter (FCC 66–1073) pursuant to a petition filed August 9, 1966, by KSOO–TV, Inc., licensee of KSOO–TV, Sioux Falls, S. Dak., requesting that Channel 4 be assigned to Pierre, S. Dak.

2. Pierre is located in Hughes County and is the state capital of South Dakota. The 1960 U.S. Census reported a population of 10,088 for Pierre and 12,725 for Hughes County. The only channel presently assigned to Pierre is channel *10, reserved for noncommercial educational use. Although Pierre is the state capital, television service is received from only one commercial station, KPLO–TV, Reliance, S. Dak., a satellite of KELO–TV, Sioux Falls.

3. The only comments filed were by petitioner, which reaffirmed its intention to apply for the channel if it is assigned to Pierre. Channel 4 can be dropped in at Pierre if the tranmitter site is located approximately 22 miles to the north and east of Pierre. Because of cochannel mileage requirements, Channel 4 can only be assigned to a very limited geographical area. Since there are no communities in this area of a size capable of supporting a TV station in the foreseeable future, assignment of the Channel to Pierre would not deprive any other community of a needed assignment. It will also be desirable to change the offset for Channel 4, assigned to Dickinson, N. Dak., a channel not yet in use. Petitioner will operate on Channel 4 as a satellite of its station KSOO–TV in Sioux Falls, S. Dak. The proposed operation will bring a first local station to Pierre, a second commercial service and will also enable KSOO–TV to operate more competitively with KELO–TV.

4. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended: *It is ordered,* That, effective June 12, 1967, the table of assignments in § 73.606(b) of the Commission rules is amended, insofar as the cities listed below are concerned, to read as follows:

City	*Channels*
Pierre, S. Dak	4, *10+
Dickinson, N. Dak	2+, *4—, 7

5. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat. as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 3, 1967.

Released: May 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5160; Filed, May 8, 1967; 8:46 a.m.]

[1] Commissioner Bartley dissenting; Commissioners Cox and Johnson concurring in the result.

[Docket No. 17251; FCC 67–535]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Agana, Guam

Report and order. In the matter of amendment of § 73.606 Table of Assignments, TV broadcast stations (Agana, Guam); Docket No. 17251.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 67–268, released March 3, 1967, 32 F.R. 3835, proposing on our own motion the assignment and reservation of two VHF channels for educational use at Agana, Guam, to be used as part of the future educational television broadcast program for the territory. In letters to the Commission previous to the adoption of our notice, the Governor of Guam and the Department of Education of Guam inquired concerning the possibility of providing multiple TV channels for educational use in the territory. They have been engaged in a study program on the feasibility of providing educational programs to the many schools, military installations, and the general public in Guam, and have applied to the Department of Health, Education, and Welfare for matching funds.

2. At the present time television Channels 8 and 10 are assigned to Agana. Station KUAM–TV occupies Channel 8. While there is a translator in operation on Channel 10, no applications have been filed for a regular television broadcast station on this assignment. Our proposal was to assign and reserve for education, Channel 3 and to reserve Channel 10.

3. Comments supporting the proposal were filed by Pacific Broadcasting Corp. (Pacific), licensee of Station KUAM–TV. It states that it believes there is a need for improved educational opportunities for the native population of Guam, both in-school and adult at-home education. Pacific further states that in recognition of this need it has cooperated fully in making the facilities of Station KUAM–TV available for educational and instruction programing. It further suggests that educational interests apply for Channel 3 first because this will permit continued use of the existing translator station operating on Channel 10 for as long as possible. No opposing comments were filed to the proposal.

4. In view of the above, the Commission is convinced that adoption of the proposal would enhance opportunities for needed educational service in the territory of Guam and that it would serve the public interest. We also believe the public interest will be served by the selection of Channel 3 first for an educational station in order that the translator operation may continue on Channel 10 until it is needed for an additional educational station.

5. Authority for the amendment adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered,* That, effective June 12, 1967, the television table of assignments (§ 73.606(b)) of the Commission's rules and regulations is amended, insofar as the community named is concerned, to read as follows:

City	*Channel No.*
Agana, Guam	*3, 8, *10

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 3, 1967.

Released: May 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5161; Filed, May 8, 1967; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

National Elk Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Sport fishing on the National Elk Refuge, Wyo., is permitted only on the areas designated by State fishing orders as open to fishing. These open areas, comprising 327 acres, are delineated on maps available at refuge headquarters, Jackson, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Use of boats or other floating devices is not permitted. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through October 31, 1967.

DON E. REDFEARN,
Refuge Manager, National Elk Refuge, Jackson, Wyo.

APRIL 6, 1967.

[F.R. Doc. 67-5128; Filed, May 8, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 211]

WAIVERS

Notice of Proposed Rule Making

Pursuant to section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) notice is hereby given of the proposed issuance of the following rule pertaining to the waiver of immigrant visas under section 211(b) of the Act for returning residents who present Form I–151, Alien Registration Receipt Card. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views or arguments relative to this proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

In Title 8—Aliens and Nationality, Chapter I—Immigration and Naturalization Service, Department of Justice, Part 211—Documentary Requirements: Immigrants; Waivers, subparagraph (1) Form I–151, *Alien Registration Receipt Card* of paragraph (b) *Aliens returning to an unrelinquished lawful permanent residence of* § 211.1 *Visas* is amended by adding the following sentence at the end thereof: "When the Secretary of Labor certifies that a labor dispute involving a work stoppage or layoff of employees is in progress at a named place of employment, Form I–151 shall be invalid when presented in lieu of an immigrant visa or reentry permit by an alien who has departed for and seeks reentry from any foreign place and who, prior to his departure or during his temporary absence abroad has in any manner entered into an arrangement to return to the United States for the primary purpose, or seeks reentry with the intention, of accepting employment at the place where the Secretary of Labor has certified that a labor dispute exists, or of continuing employment which commenced at such place subsequent to the date of the Secretary of Labor's certification."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: May 4, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67–5178; Filed, May 8, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1125]

MILK IN PUGET SOUND, WASH. MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Puget Sound, Wash. marketing area is being considered for an indefinite period.

The provision proposed to be suspended is: In paragraph (c)(3) of § 1125.44 (interplant movement provisions) the provision "located in the marketing area or within any of the counties of Kitsap, Mason, Clallam, Jefferson, and Pierce in the State of Washington,". The provision relates to the classification of milk moved by transfer or diversion from a pool plant to a nonpool plant.

An association of producers supplying the market has requested this suspension so that it may move reserve milk for which it has been unable to find an outlet in the marketing area to a nonpool plant located outside of the marketing area. The order now provides that milk which is transferred or diverted to a nonpool plant located outside the marketing area or outside of a designated 5-county area be classified as Class I.

The proposed action would permit a Class II classification of milk (under certain conditions and within certain limits) which is transferred or diverted to a nonpool plant regardless of its location.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on May 4, 1967.

S. R. SMITH,
Administrator.

[F.R. Doc. 67–5173; Filed, May 8, 1967; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 40]

FINANCIAL RESPONSIBILITY OF INSURANCE COMPANIES ISSUING POLICIES TO FARM LABOR CONTRACTORS

Application for Certificate of Registration

Pursuant to section 14 of the Farm Labor Contractor Registration Act of 1963 (7 U.S.C. 2053), and Secretary of Labor's Orders Nos. 36–64 and 37–64 (30 F.R. 1139), 29 CFR Part 40 is proposed to be amended in the manner set forth below. In order to protect the interests of those migrant workers who are beneficiaries of the Act, the proposed amendments prescribe standards of eligibility and financial responsibility for those insurance carriers which file certificates of insurance on behalf of a farm labor contractor seeking to comply with the insurance provisions of the Act.

Interested persons may submit written data, views, and argument concerning the proposed amendments within 30 days of their publication in the FEDERAL REGISTER. Such submissions should be filed by mail with the Administrator, Bureau of Employment Security, U.S. Department of Labor, Washington, D.C. 20210.

Paragraph (d) of § 40.4 would be amended to read as follows:

§ 40.4 **Application for Certificate of Registration.**

* * * * *

(d) (1) No certificate of insurance filed by an insurance carrier in accordance with this section will be accepted, unless said insurance carrier meets the following requirements:

(i) The insurance carrier possesses and maintains surplus funds (policyholders' surplus) of not less than $500,000, which minimum shall be determined on the basis of the values of assets and liabilities as shown in its financial statements filed with and approved by the insurance department or other insurance regulatory authority of the State of domicile (home State) of such company, except in instances where in the judgment of the Administrator additional evidence with respect to such values is considered necessary; and

(ii) The insurance carrier has a general policyholder's rating of B or better in the current issue of "Best's—Insurance Reports—Fire and Casualty", or a "recommended", rating in the current issue of "Best's—Insurance Reports—Life".

(2) If the insurance carrier is not listed in the current issue of Best's, or, if listed, is not assigned a general policyholder's rating of B or better or "recommended" whichever is applicable, such carrier may request approval for eligibility by submitting to the Administrator its latest financial statement, as filed with the insurance department of its home State, on the Convention form statement, with all exhibits and schedules included, and copies of reports of examination on conditions and affairs, as prepared by State supervisory authorities and such other information as the Administrator may request.

* * * * *

(Sec. 14, 78 Stat. 924; 7 U.S.C. 2053)

Signed at Washington, D.C., this 1st day of May, 1967.

ROBERT C. GOODWIN,
Administrator,
Bureau of Employment Security.

[F.R. Doc. 67-5131; Filed, May 8, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 3, 131]

OVER-THE-COUNTER SYSTEMIC ANALGESICS

Extension of Time for Filing Comments on Proposed Statement of Policy and Changes in Warning Statements

A notice was published in the FEDERAL REGISTER of April 5, 1967 (32 F.R. 5560), proposing a statement of policy and changes in warning statements regarding over-the-counter systemic analgesics. The notice provided that comments could be filed on the proposal within 30 days of its publication date.

A request for an extension of time for filing comments has been received and, good cause therefor appearing, the time for filing comments on the subject proposal is extended to June 19, 1967.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502 (a), (f), 701(a), 52 Stat. 1050, 1051, 1055; 21 U.S.C. 352 (a), (f), 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 2, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-5148; Filed, May 8, 1967; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 561]

[No. FSLIC-3,080]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposed Amendment Relating to Definition of Scheduled Items

MAY 3, 1967.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that § 561.15 of the rules and regulations for Insurance of Accounts (12 CFR 561.15) be amended as follows:

Amend paragraph (c) of § 561.15, aforesaid, to read as follows:

§ 561.15 Scheduled items.

* * * * *

(c) The total amount invested in real estate owned as a result of foreclosure, or acquired by deed in lieu of foreclosure, other than real estate owned pending transfer to an insuring or guaranteeing agency of the U.S. Government.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than June 9, 1967, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 67-5159; Filed, May 8, 1967; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 67-EA-11]

RESTRICTED AREA

Withdrawal of Proposed Designation

In a notice of proposed rule making published in the FEDERAL REGISTER on March 21, 1967 (32 F.R. 4316) it was stated that the Department of the Navy had submitted a request for the designation of restricted airspace at Cedar Point, Ohio, to contain bombing and rocket firing exercises.

In view of several objections to the proposal, the Navy has reviewed its requirements for NAS Grosse Ile, Mich., and has requested that the proposal be withdrawn. A new proposal is under review by the Department of the Navy.

In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 67-EA-11 is withdrawn.

This notice of withdrawal is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 1, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-5153; Filed, May 8, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 264]

BRITISH HONDURAS AND THAILAND

Validity of Nonimmigrant Visas

Public Notice 261 of April 6, 1967, authorized consular officers to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act valid for an indefinite period of time to otherwise eligible nationals of certain countries which offer reciprocal or more liberal treatment to nationals of the United States who are in a similar class. The following countries are being added to the list of countries contained in that notice: British Honduras and Thailand.

This notice amends Public Notice 261 of April 6, 1967 (32 F.R. 5643).

BARBARA M. WATSON,
Acting Administrator, Bureau of Security and Consular Affairs.

MAY 1, 1967.

[F.R. Doc. 67-5138; Filed, May 8, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

SAN JUAN NATIONAL FOREST, COLO.

Order of Transfer of Administrative Jurisdiction of Land at Lemon Reservoir, Florida Project, Colo.

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 213), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over the following described lands, which lie adjacent to the exterior boundaries of the San Juan National Forest, Colo., and which were acquired or withdrawn by the Bureau of Reclamation in the development of the Lemon Reservoir (Florida) project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes.

One thousand one hundred sixty-four and twenty-seven one hundredths acres (1,164.27) of acquired land, and 874.69 acres of withdrawn public land within the "take-line" of Lemon Reservoir as shown on Lemon Dam and Reservoir Right-of-Way Map No. 519-400-53, Revised March 27, 1967 (400), copies of which are on file in the offices of the Regional Director, Region 4, Bureau of Reclamation, Salt Lake City, Utah, and the Regional Forester, Rocky Mountain Region, U.S. Forest Service, Denver, Colo.

The area aggregates 2,038.96 acres.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest lands: *Provided,* That all lands and waters within the Lemon Reservoir area needed or used for the operation of the project or for other Reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER.

N. B. BENNETT, Jr.,
Acting Commissioner of Reclamation.

APRIL 21, 1967.

[F.R. Doc. 67-5130; Filed, May 8, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

ALEXANDER AUCTION SALES & SERVICE ET AL.

Deposting of Stockyards

Correction

In F.R. Doc. 67-4993, appearing at page 6853 of the issue for Thursday, May 4, 1967, the list of stockyards and dates of posting should read as follows:

Name, location of stockyard, and date of posting

Alexander Auction Sales & Service, Buhl, Idaho, October 5, 1965.

G. & L. Sale Barn, Hopedale, Illinois, March 29, 1961.

Mound City Livestock Auction Company, Mound City, Kansas, April 19, 1963.

Columbus Livestock Commission Co., Columbus, Mississippi, June 1, 1966.

Lemmon Livestock Sales Company, Lemmon, South Dakota, November 28, 1949.

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

LEHIGH UNIVERSITY AND UNIVERSITY OF MIAMI

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00042-01-77040. Applicant: Lehigh University, Bethlehem, Pa. 18015. Article: Double focusing Mass Spectrometer, model RMU-6 (Nier-Johnson Geometry) with Ion Source T-2N, Electrostatic Sector ME-1010C, Combined Electron Multiplier MD-1051 and Faraday cup Detection systems, MC-123C, and Direct solids inlet MG-150, Total Ion monitor MD-1072A, all-glass heated inlet, MG-141B and differential pumping system with parts and accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Class demonstration of various different type of measurements and research encompassing: Quantitative analysis of mixtures including those of certain stable isotopes; qualitative investigation of compounds including low volatility-solids at elevated temperatures and study of enriched effluents from the gas chromatograph equipment, Study of Ionization efficiency curves under controlled energy ranges between 3 and 80eV, and study of Ion-molecule reactions through controlled Ionization to provide a chemical Ionization Mass Spectrum. Application received by Commissioner of Customs: April 21, 1967.

Docket No. 67-00043-33-46040, Applicant: University of Miami, 521 Anastasia Avenue, Coral Gables, Fla. 33134. Article: Electron microscope, Norelco type EM-300. Manufacturer: Philips Co., Netherlands.

Intended use of article: Investigation of ultrastructural effects will be made encompassing studies of: Univalent and multivalent antibodies; localization of molecules such as: antigens, semen

articles, crustacean gametes, mammalian sperm and microtubular bundles and their molecular genesis. Cytochemical localization will include enzymes, treated bloodvessels in chick embryos and developing chick esophagus at the ultrastructure level. Other research includes definition of molecular subunits in the chick embryonic trachea and examination of synthetic proteinaceous microspheres. Application received by Commission of Customs: April 24, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-5140; Filed, May 8, 1967; 8:46 a.m.]

TRUSTEES OF CLARK UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00023-01-77030. Applicant: Trustees of Clark University, 950 Main Street, Worcester, Mass. 01610. Article: Compact high resolution NMR Spectrometer System Model JNM-C-60H with Water Circulator, Model JNM-CW-1. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used in chemical research programs to investigate organic structures, study the transmission of conjugative effects through cyclopropyl systems and interpret the spectra of a variety of cyclopropyl derivatives as well as analysis of cyclohexane derivatives and rotamer populations of acyclic systems. Application received by Commissioner of Customs: April 5, 1967.

Docket No. 67-00048-33-46040. Applicant: University of Miami, Coral Gables, Florida 33124. Article: Electron Microscope, Norelco type EM-300. Manufacturer: N. V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of article: Research of Anterior Horn and Dorsal Root Ganglion Neurons as well as their axons and Satellite cells. Study of selected regions of single peripheral nerve fibers and satellite cells, and measurement of alterations in lamellar spacings. Study of Neuromuscular diseased nerves and muscular biopsies of afflicted patients. Train research fellows in the use of this instrument. Application received by Commissioner of Customs: April 27, 1967.

Docket No. 67-00049-33-11000. Applicant: National Institutes of Health, 9000 Wisconsin Avenue, Bethesda, Md. 20014. Article: LKB 9000 combined gas chromatograph-mass spectrometer comprised of: LKB 9001 Analyzer Unit and LKB 9002 Control Unit with LKB 9042 Direct Inlet System, LKB 9043 Vapor Leak Inlet System. Manufacturer: LKB-Produlster Ab, Box 76 Stockholm-Bromma 1, Sweden. Intended use of article: Analysis of uncontaminated substances and structural determination in a wide variety of chemical and biomedical research problems will be conducted. Determination of phytanic acid degradation will be extended through identification of low concentrations of phytanic acid in animal and tissue cultures of patients. Continued studies of biologically active alkaloids and lipids are to be made. Through the use of stable isotopes, "tracer" studies will be conducted on patients not otherwise permitted to use radioactive isotopes. Application received by Commissioner of Customs: April 27, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-5141; Filed, May 8, 1967; 8:46 a.m.]

UNIVERSITY OF SOUTH FLORIDA AND UNIVERSITY OF OREGON MEDICAL SCHOOL

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00044-55-835000. Applicant: University of South Florida, 4202 Fowler Avenue, Tampa, Fla. 33620. Article: Deep Sea Reversing Thermometers. Manufacturer: Watanabe Keiki Manufacturing Co., Ltd., Japan. Intended use of article: Applicant states:

> Deep sea water temperature oceanography research program. Measurement of thermometric depth during hydrocasts, i.e., accurate measurement of effects of pressure (depth) on thermometer readings.

Application received by Commissioner of Customs: April 25, 1967.

Docket No. 67-00047-33-72000. Applicant: University of Oregon Medical School, 3181 Southwest Sam Jackson Park Road, Portland, Oreg. 97201. Article: Weissenberg Rheogoniometer Model R.17 with ancillary equipment. Manufacturer: Farol Research Engineers, Ltd., United Kingdom. Intended use of article: Applicant states:

> The instrument will be used as a research tool for studying the flow properties of blood and red blood cell suspensions, and also as a demonstration and instruction instrument for graduate students.

Application received by Commissioner of Customs: April 25, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-5142; Filed, May 8, 1967; 8:46 a.m.]

WEST VIRGINIA UNIVERSITY AND UNIVERSITY OF PENNSYLVANIA

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00052-33-46500. Applicant: West Virginia University, Morgantown, W. Va. 26506. Article: Microtome Model LKB 8800 Ultratome Ultramicrotome and accesories. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: Applicant states:

This instrument will be used for cutting ultrathin sections for electron microscopy as part mainly of research but also as patient service in the diagnosis of diseases.

Application received by Commissioner of Customs: April 27, 1967.

Docket No. 67-00053-33-46500. Applicant: University of Pennsylvania, Department of Biology, Philadelphia, Pa. 19104. Article: Microtome, Model LKB 8800 Ultratome III ultramicrotome—ultratome table—Knifemaker Combination, Model 7800, and accessories. Manufacturer: LKB-Produkter A.B., Stockholm, Sweden. Intended use of article: Applicant states: "Preparation of Ultrathin Section of Biological Specimen for Electron Microscope." Application received by Commissioner of Customs: April 27, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-5143; Filed, May 8, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12285 etc.]

REOPENED NEW YORK-FLORIDA ROUTE RENEWAL CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on May 24, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 1, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-5157; Filed, May 8, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SHELL CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7H2166) has been filed by Shell Chemical Co., Agricultural Chemicals Division, Washington, D.C. 20006, proposing the issuance of a food additive regulation establishing a tolerance of 2 parts per million for residues of 2,2-dichlorovinyl dimethyl phosphate in food resulting from vapor phase fumigation of stored food commodities.

Dated: April 27, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-5147; Filed, May 8, 1967; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION; REGION VI (SAN FRANCISCO)

Redelegation of Authority To Execute Legends on Bonds, Notes, or Other Obligations

The Assistant Regional Administrator for Administration, Region VI (San Francisco), Department of Housing and Urban Development, is hereby authorized within such Region to execute, on behalf of the Secretary of Housing and Urban Development, any legend appearing on any bond, note, or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note, or other obligation and its payment therefor on the date specified in the particular legend.

This redelegation supersedes the redelegation effective April 27, 1966 (31 F.R. 6383, April 27, 1966).

(Secretary's delegation effective Mar. 22, 1966 (31 F.R. 4814))

Effective date. This redelegation of authority shall be effective as of March 13, 1967.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 67-5158; Filed, May 8, 1967; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-35]

LONG ISLAND NUCLEAR SERVICE CORP.

Notice of Issuance of Amendment to Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 7 to License No. 31-8360-1, set forth below. This amendment provides for addition to the license of Mr. Lawrence Crevoiserat as one of the individuals who may supervise and carry out operations for Long Island Nuclear Service Corp. The license condition dealing with transportation has been amended to reflect the formation of the Department of Transportation.

Mr. Crevoiserat was authorized to conduct activities for a company which held a license for activities similar to those authorized in Long Island Nuclear Service Corp.'s license. The Commission has determined that Mr. Crevoiserat is qualified to supervise and carry out operations for Long Island Nuclear Service Corp.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fiftcen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervenc is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervenc or requests for public hearing may bc filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., May 2, 1967.

For the Atomic Energy Commission.

JOHN A. MCBRIDE,
Director, Division of Materials Licensing.

BYPRODUCT, SOURCE, AND SPECIAL NUCLEAR MATERIAL LICENSE

[License No. 31-8360-1; Amdt. No. 7]

In accordance with application dated January 30, 1967, Byproduct, Source, and Special Nuclear Material License No. 31-8360-1 is amended as follows:

Conditions 3 and 4 are amended to read:

3. Byproduct, source, and special nuclear material shall be received and handled by, or in the physical presence of, John D. LaGrua, Jr., or Lawrence Crevoiserat.

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Department of Transportation and other agencies of the United States having jurisdiction.

When Department of Transportation regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Department of Transportation in §§ 173.391-173.395, 49 CFR Part 173, "Regulations Applying To Shippers," and §§ 177.823, 177.860 (c) and (d), 49 CFR Part 177, "Regulations Applying To Shipments Made By Way Of Common, Contract, Or Private Carriers By Public Highways," and (2) any requests for modifications or exceptions to those requirements, any request for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

Date of issuance: May 2, 1967.

For the Atomic Energy Commission.

JOHN A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 67-5123; Filed, May 8, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17407, 17408; FCC 67-512]

ALJIR BROADCASTING CO., INC., AND SOUTH KANE-KENDALL BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Aljir Broadcasting Co., Inc., Aurora, Ill., Docket No. 17407, File No. BPCT-3818; South Kane-Kendall Broadcasting Corp., Aurora, Ill., Docket No. 17408, File No. BPCT-3896; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 60, Aurora, Ill.

2. Since Federal Aviation Agency approval has not been obtained for South Kane-Kendall Broadcasting Corp.'s proposed tower height and location, an air menace issue has been specified, and the Federal Aviation Agency has been made a party thereto.

3. The transmitter proposed by Aljir Broadcasting Co., Inc., has not been type accepted by the Commission. Accordingly, in the event of a grant of the application of Aljir Broadcasting Co., Inc., the grant shall be made subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type acceptance of the proposed transmitter in accordance with § 73.640 of the Commission's rules.

4. There appears to be a significant disparity in the proposed Grade B contours of the applications. In accordance with the Commission's policy, evidence with respect to which of the proposals would represent a more efficient use of the frequency may be adduced under the comparative issue.[1]

5. Aljir Broadcasting Co., Inc., is qualified to construct, own and operate the proposed new television broadcast station and, except as indicated by the issue set forth below, South Kane-Kendall Broadcasting Corp. is qualified to construct, own, and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed, would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Aljir Broadcasting Co., Inc., and South Kane-Kendall Broadcasting Corp., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by South Kane-Kendall Broadcasting Corp. would constitute a menace to air navigation.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to this proceeding with respect to the application of South Kane-Kendall Broadcasting Corp.

It is further ordered, That, in the event of a grant of the application of Aljir Broadcasting Co., Inc., the application shall be granted subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type-acceptance of its proposed transmitter in accordance with the requirements of § 73.640 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 26, 1967.

Released: May 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5163; Filed, May 8, 1967; 8:46 a.m.]

[Docket Nos. 17407, 17408; FCC 67M-739]

ALJIR BROADCASTING CO., INC., AND SOUTH KANE-KENDALL BROADCASTING CORP.

Order Scheduling Hearing

In re applications of Aljir Broadcasting Co., Inc., Aurora, Ill., Docket No. 17407, File No. BPCT-3818; South Kane-Kendall Broadcasting Corp., Aurora, Ill., Docket No. 17408, File No. BPCT-3896; for construction permit for new television broadcast station (Channel 60):

It is ordered, That H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 20, 1967, at 10 a.m.; and that a prehearing conference shall be held on May 22, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: April 28, 1967.

Released: May 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN WAPLE,
Secretary.

[F.R. Doc. 67-5162; Filed, May 8, 1967; 8:46 a.m.]

[Docket Nos. 16476-16478; FCC 67M-737]

ARTHUR A. CIRILLI ET AL.

Order Regarding Deferral of Hearing

In re applications of Arthur A. Cirilli, Trustee in Bankruptcy (WIGL), Supe-

[1] Harriscope, Inc., FCC 65-1165, 2 FCC 2d 233.

[2] Commissioner Bartley dissenting; Commissioner Lee absent.

rior, Wis., Docket No. 16476, File Nos. BR–4080, BRRE–7740, for renewal of license of Station WIGL; Quality Radio, Inc. (WAKX), Superior, Wis., Docket No. 16477, File No. BP–16497, for construction permit; and Arthur A. Cirilli, Trustee in Bankruptcy (Assignor), and D.L.K. Broadcasting Co., Inc. (Assignee), Superior, Wis., Docket No. 16478, File Nos. BAL–5627, BALRE–1336, for assignment of license of Station WIGL.

In view of recent procedural developments in the above-captioned proceeding, as indicated in the communication of counsel for Arthur A. Cirilli, Trustee in Bankruptcy (WIGL) and D.L.K. Broadcasting Co., Inc., transmitted to the Examiner and the other parties on April 17, 1967: *It is ordered,* On the Hearing Examiner's own motion, that hearing on Issue 1 applicable to the proposal of Quality Radio, Inc. (WAKX), and heretofore scheduled for May 16, 1967 is deferred without date pending consideration of this issue in light of further developments herein.

Issued: May 2, 1967.

Released: May 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5164; Filed, May 8, 1967; 8:46 a.m.]

[Docket No. 16564; FCC 67M–735]

L. G. GRAVES

Order Scheduling Hearing

In the matter of L. G. Graves, Dallas, Tex., Docket No. 16564; order to show cause why the license for radio station KMV–2276 in the Citizens Radio Service should not be revoked:

It is ordered, That Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding, and that the hearing therein shall be convened in Dallas, Tex., on June 19, 1967.

Issued: May 2, 1967.

Released: May 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5166; Filed, May 8, 1967; 8:46 a.m.]

[Docket Nos. 17405, 17406; FCC 67M–725]

HARTFORD COUNTY BROADCASTING CORP. AND CENTRAL CONNECTICUT BROADCASTING CO.

Order Scheduling Hearing

In re applications of Hartford County Broadcasting Corp., New Britain, Conn., Docket No. 17405, File No. BPH–5488; The Central Connecticut Broadcasting Co., New Britain, Conn., Docket No. 17406, File No. BPH–5489; For construction permits:

It is ordered, That Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 5, 1967, at 10 a.m.; and that a prehearing conference shall be held on May 23, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: April 28, 1967.

Released: May 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5167; Filed, May 8, 1967; 8:46 a.m.]

[Docket No. 14952; FCC 67M–742]

NORRISTOWN BROADCASTING CO., INC. (WNAR)

Order Continuing Hearing

In re application of Norristown Broadcasting Co., Inc. (WNAR, Norristown, Pa., Docket No. 14952, File No. BP–12902; for construction permit.

The Hearing Examiner having under consideration a motion filed April 28, 1967, on behalf of the above-entitled applicant requesting that the dates for exchange of engineering and nonengineering exhibits, previously scheduled for May 2, and May 16, 1967, respectively, be continued to June 30, 1967 that a date for notification of witnesses be specified as July 19, 1967, and that the date for commencement of hearing be continued from June 6, 1967, to July 26, 1967; and

It appearing that the applicant and its consulting engineer are involved in another multiparty proceeding before the Commission which is scheduled to go to hearing on June 13, 1967; and

It further appearing that counsel for the Broadcast Bureau, the only other party to this proceeding, has consented to an early favorable consideration of this motion, and good cause for granting said motion having been shown:

It is ordered, That the motion for extension of time is granted, and the date for exchange of engineering and nonengineering exhibits is now specified as June 30, 1967, the date for notification of witnesses is specified as July 19, 1967, and the date for commencement of hearing is continued from June 6, 1967, to July 26, 1967.

Issued: May 2, 1967.

Released: May 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5168; Filed, May 8, 1967; 8:46 a.m.]

[Docket No. 11081 etc.; FCC 67M–729]

ORANGE NINE, INC., ET AL.

Statement and Order After Prehearing Conference

In re applications of Orange Nine, Inc., Orlando, Fla., Docket No. 11081, File No. BPCT–1153; Mid-Florida Television Corp., Orlando, Fla., Docket No. 11083, File No. BPCT–1801; Central Nine Corp., Orlando, Fla., Docket No. 17339, File No. BPCT–3697; Howard A. Weiss, Orlando, Fla., Docket No. 17340, File No. BPCT–3736; Florida Heartland Television, Inc., Orlando, Fla., Docket No. 17341, File No. BPCT–3737; Comint Corp., Orlando, Fla., Docket No. 17342, File No. BPCT–3738; Florida 9 Broadcasting Co., Orlando, Fla., Docket No. 17343, File No. BPCT–3739; TV 9, Inc., Orlando, Fla., Docket No. 17344, File No. BPCT–3740; for construction permit for new television broadcast station (Channel 9).

At today's prehearing conference, among other things the following partial schedule was set up:

Further prehearing conference—July 17, 1967, at 2 p.m.

Hearing (rescheduled from June 15, 1967)—September 18, 1967.

Oppositions to petitions for leave to amend now on file may be filed by May 11, 1967.

So ordered.

Issued: April 28, 1967.

Released: May 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5169; Filed, May 8, 1967; 8:46 a.m.]

[Docket Nos. 17409, 17410; FCC 67M–726]

SHURTLEFF-SCHORR BROADCASTING CORP. AND CORNBELT BROADCASTING CORP.

Order Scheduling Hearing

In re applications of Shurtleff-Schorr Broadcasting Corp., Lincoln, Nebr., Docket No. 17409, File No. BPH–5106; Cornbelt Broadcasting Corp., Lincoln, Nebr., Docket No. 17410, File No. BPH–5424; For construction permits:

It is ordered, That Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 26, 1967, at 10 a.m.; and that a prehearing conference shall be held on May 23, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: April 28, 1967.

Released: May 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5170; Filed, May 8, 1967; 8:46 a.m.]

[Docket No. 14185]

EDUCATIONAL FM BROADCAST CHANNELS

Allocation; Order Extending Time for Filing Reply Comments

In the matter of revision of FM broadcast rules, particularly as to allocation

(educational FM channels); Docket No. 14185.

1. The time specified for filing reply comments in this proceeding (upon extension beyond that originally specified) is May 1, 1967. On April 25, the Association of Maximum Service Telecasters, Inc., filed a request for an extension of 10 days in which to file reply comments. MST states that it needs the additional time in order to study more fully the engineering and legal comments filed in the proceeding.

2. We are of the view that good cause has been shown for the requested extension of time in this case and that it would serve the public interest. *Accordingly, it is ordered,* That the time for filing replies to comments in this proceeding is extended to May 11, 1967.

3. This action is taken pursuant to the authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: May 1, 1967.

Released: May 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5165; Filed, May 8, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI67-219, RI67-240]

ASHLAND OIL & REFINING CO.

Order Amending Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates, To Permit Substitute Rate Filings

APRIL 28, 1967.

On November 25, and December 9, 1966, Ashland Oil & Refining Co. (Ashland) filed with the Commission proposed changes in rates to 17 cents per Mcf, which pertains to its jurisdictional sales of natural gas from the Harper Ranch Field, Clark County, Kans. The Commission by orders issued on December 20, 1966, and January 4, 1967, respectively, suspended for 5 months Ashland's aforementioned rate filings until June 1, 1967, and June 9, 1967, respectively, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Ashland's suspended rate increases have not been made effective pursuant to section 4(e) of the Natural Gas Act.

On March 30, 1967, Ashland submitted amended notices of change in rates, designated as Supplement No. 1 to Supplement Nos. 4, 6, and 2 to Ashland's FPC Gas Rate Schedule Nos. 59, 130, and 75, respectively, amending its aforementioned supplements to the rate schedules involved to provide for rate increases to 17.0025 cents instead of 17 cents per Mcf filed on November 25 and December 9, 1966. Ashland's amended filings to the 17.0025 cents rate includes partial reimbursement of the assessment imposed by the Kansas State Board of Health. The assessment became due on January 1, 1967, the same date as the 17 cents increased rate under the contracts. Ashland states that such reimbursement was inadvertently omitted from the previous filings. The estimated additional amounts involved total $36 annually. Ashland's proposed amended rate filings are set forth in Appendix A hereof.

Ashland's proposed rate of 17.0025 cents per Mcf exceeds the area ceiling of 11 cents per Mcf for increased rates in Kansas as announced in the Commission's statement of general policy No. 61-1, as amended, as did the previously suspended rates in said dockets. Since Ashland's corrective rate filing includes partial reimbursement of the assessment imposed by the Kansas State Board of Health, we believe that it would be in the public interest to accept the corrective rate filings subject to the suspension proceedings in Docket Nos. RI67-219 and RI67-240, respectively, with the suspension periods of such corrective rate filings to terminate concurrently with the suspension periods (June 1, 1967, in Docket No. RI67-219) and (June 9, 1967, in Docket No. RI67-240) of the original filings in said dockets.

Ashland requests a retroactive effective date of January 1, 1967, and January 9, 1967, respectively, the date of filing of the previous notices of change. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Ashland's rate filings and such request is denied.

The Commission finds: Good cause exists for amending the Commission's orders issued on December 20, 1966 and January 4, 1967, in Docket Nos. RI67-219 and RI 67-240, respectively, to the extent hereinafter provided.

The Commission orders:

(A) The suspension orders issued on December 20, 1966, and January 4, 1967, in Docket Nos. RI67-219 and RI67-240, respectively, are amended only so far as to permit the 17.0025 cents per Mcf rate contained in Supplement No. 1 to Supplement Nos. 4, 6, and 2 to Ashland's FPC Gas Rate Schedule Nos. 59, 130 and 75, respectively, to be filed to supersede the 17 cents per Mcf rate provided in Supplement Nos. 4, 6, and 2 to said rate schedules, subject to the suspension proceedings in Docket Nos. RI67-219 and RI67-240. The suspension periods for such substitute rate filing shall terminate concurrently with the suspension period (June 1, 1967, in Docket No. RI67-219) and (June 9, 1967 in Docket No. RI67-240) presently in effect in said dockets.

(B) In all other respects, the orders issued by the Commission on December 20, 1966, in Docket No. RI67-219, and January 4, 1967, in Docket No. RI67-240, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-219	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	59	1-4	Northern Natural Gas Co. (Harper Ranch Field, Clark County, Kans.).	[1] $8,321	3-30-67	4-30-67	[2] 6-1-67	[5] 16.0	[3 4 6] 17.0025	RI62-219.
	do	130	1-6	do	[7] 2,707	3-30-67	4-30-67	[2] 6-1-67	[5] 16.0	[3 4 5 6] 17.0025	RI62-255.
RI67-240	do	75	1-2	do	[8] 3,108	3-30-67	4-30-67	[9] 6-9-67	[5] 16.0	[3 4 5 10] 17.0025	

[1] Tax portion of increase is 0.0025 cent amounting to $21 annually.
[2] The end of the suspension period for the previously filed 17.0 cents per Mcf rate in Docket No. RI67-219.
[3] Periodic and tax reimbursement increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] To be substituted for increased rate of 17.0 cents per Mcf which did not include tax reimbursement and is currently suspended in Docket No. RI67-219 until June 1, 1967.
[7] Tax portion of increase is 0.0025 cent amounting to $7 annually.
[8] Tax portion of increase is 0.0025 cent amounting to $8 annually.
[9] The end of the suspension period for the previously filed 17.0 cents per Mcf rate in Docket No. RI67-240.
[10] To be substituted for increased rate of 17.0 cents per Mcf which did not include tax reimbursement and is currently suspended in Docket No. RI67-240 until June 9, 1967.

[F.R. Doc. 67-5019; Filed, May 8, 1967; 8:45 a.m.]

[Docket Nos. RI67-360 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 28, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 14, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate sched. No.	Supp. No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-360	Phillips Petroleum Co. (Operator), Bartlesville, Okla. 74003. Attention: Mr. W. B. Gaul.	381	[3] 4	Northern Natural Gas Co. (Azalea Plant; Midland County, Tex.) (Permian Basin Area).	$3,430	4- 6-67	[3] 5- 7-67	10- 7-67	[3] 16.93	[3] [6] 17.0	RI66-419.
	-----do	386	[3] 5	Northern Natural Gas Co. (Benedum Plant; Upton County, Tex.) (Permian Basin Area).	673	4- 6-67	[3] 5- 7-67	10- 7-67	[3] 16.56	[3] [6] 17.0	RI66-419.
	-----do	406	[3] 5	El Paso Natural Gas Co. (Wilson Plant; Lea County, N. Mex.) (Permian Basin Area).	131,320	4- 6-67	[3] 5- 7-67	10- 7-67	[3] 16.66	[3] [6] 18.0	
	-----do	410	[3] 4	El Paso Natural Gas Co. (Ector Plant; Ector County, Tex.) (Permian Basin Area).	112,140	4- 6-67	[3] 5- 7-67	10- 7-67	[3] 16.74	[3] [6] 18.0	
RI67-361	Phillips Petroleum Co	387	5	Northern Natural Gas Co. (Hunt-Baggett Area, Crockett County, Tex.) (Permian Basin Area).	720	4- 6-67	[3] 5- 7-67	10- 7-67	16.40	[6] 17.0	RI66-420.
RI67-362	Western Oil Fields, Inc., 1220 Denver Club Bldg., Denver, Colo. 80202.	1	4	El Paso Natural Gas Co. (Tubb and Blinebry Gas Pools, Lea County, N. Mex.) (Permian Basin Area).	2,831	4- 3-67	[7] 5- 4-67	10- 4-67	15.5	[3] 16.5	RI63-459.
RI67-363	Elizabeth M. Brown et al., c/o Ross, Marsh & Foster, 725 15th St. NW., Washington, D.C. 20005. Attention: Sherman S. Poland, Esquire.	5	7	Natural Gas Pipeline Co. of America (LaGloria Field, Jim and Brooks Counties, Tex.) (RR. District No. 4).	562	3-30-67	[3] 4-30-67	9-30-67	[3] [10] 10.81979	[3] [6] [10] 15.5020	
RI67-364	Mobil Oil Corp. (Operator) et al., Post Office Box 2444, Houston, Tex. 77001. Attention: H.H. Beeson, Esquire.	39	14	Natural Gas Pipeline Co. of America (Clayton Field, McMullen and Live Oak Counties, Tex.) (RR. District Nos. 1 and 2).	$113,410	4- 3-67	[7] 5- 4-67	10- 4-67	14.0	[6] 15.39281	R167-325.
RI67-365	Flournoy Drilling Co. et al., Post Office Box 491, Alice, Tex. 78332.	2	2	Natural Gas Pipeline Co. of America (Greta Field, Refugio County, Tex.) (RR. District No. 2).	5,400	4- 4-67	[3] 6- 1-67	11- 1-67	[10] 14.0	[3] [6] [10] 15.0	
RI67-366	Western Oil Fields, Inc. (Operator) et al., 1220 Denver Club Bldg., Denver, Colo. 80202.	3	3	Northern Natural Gas Co. (Elmwood Field, Beaver County, Okla.) (Panhandle Area).	6,300	4- 3-67	[7] 5- 4-67	10- 4-67	[11] 16.0	[3] [6] [11] 17.0	RI62-254.
RI67-367	Apache Corporation, 820 South Detroit, Tulsa, Okla. 74120.	29	5	Northern Natural Gas Co. (Bechthold and Depew Units, Bechthold and Southeast Como Fields, Lipscomb County, Tex.) (RR. District No. 10).	5,180	4- 3-67	[13] 7- 1-67	12- 1-67	[10] 17.0	[3] [6] [10] 18.0	
	-----do	20	2	Northern Natural Gas Co. (Elmwood Northeast Field, Beaver County, Okla.) (Panhandle Area).	269	4- 6-67	[7] 5- 7-67	10- 7-67	[11] [13] 18.992	[3] [6] [11] [13] 20.179	RI63-395.
R167-368	Apache Corp. (Operator) et al.	11	1	Michigan Wisconsin Pipe Line Co. Laverne Field, Beaver County, Okla.) (Panhandle Area).	2,714	4- 5-67	[7] 5- 6-67	10- 6-67	17.0	[3] [6] 19.5	
RI67-369	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	164	9	Panhandle Eastern Pipe Line Co. (Northeast Greenough Field, Beaver County, Okla.) (Panhandle Area).	8,795	4-10-67	[6] 6-22-67	11-22-67	[14] 16.0	[6] [14] 18.0	
R167-370	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	73	3	Natural Gas Pipeline Co. of America (Southeast Camrick Gas Pool, Beaver County, Okla. (Panhandle Area).	1,800	4-10-67	[7] 5-11-67	10-11-67	[10] 17.0	[3] [6] [10] 18.5	
	-----do	34	11	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Panhandle Area).	139	4-10-67	[7] 5-11-67	10-11-67	[10] 17.0	[6] [10] [16] 18.2	RI61-453.[17]

See footnotes at end of table.

Docket No.	Respondent	Rate sched. No.	Supp. No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-371	Cleary Petroleum, Inc. (Operator), et al., 310 Kermac Bldg., Oklahoma City, Okla. 73102.	6	19	Arkansas Louisiana Gas Co. (Starr Field, Blaine County, Okla.) (Oklahoma "Other" Area).	962	4-10-67	[3] 5-11-67	10-11-67	15.0	[5] [12] [13] 16.8	
	do	3	3	Northern Natural Gas Co. (Como Area, Beaver County, Okla.) (Panhandle Area).	1,920	4- 6-67	[3] 7- 1-67	12- 1-67	[10] 17.0	[5] [8] [10] 18.0	
RI67-372	Brooks Hall (Operator) et al., Post Office Box 1499, Oklahoma City, Okla.	1	6	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey County, Okla.) (Oklahoma "Other" Area).	2,088	4- 7-67	[3] 5- 8-67	10- 8-67	[11] 15.0	[5] [11] [20] 17.9	
RI67-373	William E. Portman, 2014 First National Bldg., Oklahoma City, Okla. 73102.	2	5	Panhandle Eastern Pipe Line Co. (Hugoton Field, Texas County, Okla.) (Panhandle Area).	98	4-10-67	[3] 6- 1-67	11- 1-67	[10] 10.0397	[5] [10] 11.0397	
RI67-374	Petroleum, Inc., et al., 300West Douglas, Wichita, Kans. 67202.	26	3	Natural Gas Pipeline Co. of America (Brillhart Upper Morrow Field, Hansford County, Tex.) (RR. District No. 10).	4,000	4-10-67	[3] 5-11-67	10-11-67	17.0	[5] 19.0	

[2] Applicable only to that portion of the total residue gas that is derived from new gas-well gas.
[3] The stated effective date is the effective date requested by Respondent.
[4] Remainder of a periodic increase to 17.0 cents per Mcf which was contractually due on July 1, 1966.
[5] Pressure base is 14.65 p.s.i.a.
[6] Remainder of a periodic increase to 18.0 cents per Mcf which was contractually due on Aug. 1, 1966.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Periodic rate increase.
[9] Subject to 0.25 cent per Mcf dehydration charge by Buyer.
[10] Subject to a downward B.t.u. adjustment.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Contractual effective date.
[13] Includes base rate of 16.0 cents plus 2.224 cents upward B.t.u. adjustment before increase and base rate of 17.0 cents plus 3.179 cents upward B.t.u. adjustment after increase.
[14] Two-step periodic rate increase.
[15] Settlement rate in Texaco's companywide settlement in Docket No. G-8969, et al. Settlement order issued Dec. 30, 1963. Moratorium on rate increases expired Mar. 1, 1966.
[16] Six-step periodic rate increase.
[17] Rate of 18.0 cents per Mcf currently suspended and not made effective in Docket No. RI67-247.
[18] Increase is from initial certificated rate to initial contract rate.
[19] For acreage added by Supplement No. 18. Rate of 16.8 cents being collected subject to refund in Docket No. RI66-183 for remainder of acreage under rate schedule.
[20] "Fractured" rate increase. Contractual due rate is 19.5 cents.

Western Oil Fields, Inc., and Western Oil Fields, Inc. (Operator), et al., request that their proposed rate increases be permitted to become effective on May 1, 1967. Mobil Oil Corp. (Operator) et al. (Mobil) request an effective date of May 2, 1967. Apache Corp. requests an effective date of June 30, 1967, a date prior to the contractually provided effective date of July 1, 1967, for Supplement No. 5 to its FPC Gas Rate Schedule No. 29, and a retroactive effective date of January 1, 1967, for Supplement No. 2 to its FPC Gas Rate Schedule No. 20. Apache Corp. (Operator) et al., request a retroactive effective date of May 15, 1965, for their proposed rate increase. Cabot Corp. (SW) requests that its proposed rate increases be permitted to become effective May 10, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Phillips Petroleum Co. (Operator) and Phillips Petroleum Co. (both referred to herein as Phillips) and Western Oil Fields, Inc.'s (Western) proposed rate filings involve sales in the Permian Basin Area of Texas and New Mexico and exceed the applicable area ceiling rates established in the related quality statements previously accepted by Commission orders. Phillips' proposed rate changes represent increases for the remaining portion of "fractured" rates previously filed for. Under the circumstances, we conclude that Phillips and Western's proposed rate filings should be suspended as herein ordered.

Mobil is proposing an increase from a "fractured" rate of 14 cents per Mcf, which is in effect subject to refund in Docket No. RI67-325, to the contractually due redetermined rate of 15.25 cents, plus tax reimbursement of 0.14281 cent. Although the 14 cents rate did not exceed the area ceiling for increased rates, such rate was suspended since Mobil did not waive its right to file for the remaining increment of its contractually due rate. Mobil is now filing for the remaining increase. We believe, in this situation, that Mobil's proposed rate increase should be suspended for five months from May 4, 1967, the date of expiration of the statutory notice.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

Except for the stay of the moratorium in Opinion No. 468, Phillips and Western's (Supplement No. 4 to Western's FPC Gas Rate Schedule No. 1) rate filings would be rejectable because the proposed rates are in excess of the applicable area ceiling determined in Opinion Nos. 468 and 468-A. If the moratorium is ultimately upheld upon judicial review, Phillips and Western's aforementioned rate filings will be rejected ab initio.

[F.R. Doc. 67-5020; Filed, May 8, 1967; 8:45 a.m.]

[Docket No. G-15298 etc.]

J. LEE YOUNGBLOOD ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 27, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to

accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and Date Filed	Applicant	Purchaser, Field and Location	Price Per Mcf	Pressure Base
G-15298 4-6-67 [1]	J. Lee Youngblood et al., Post Office Box 1865, Dallas, Tex. 75221.	Colorado Interstate Gas Co., Keyes Field, Cimarrou County, Okla.	15.0	14.65
G-17396 C 3-13-67	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Consolidated Gas Supply Corp., West Cameron Block 33 Field, Offshore Cameron Parisb, La.	[2] 19.0 [3] 20.625	15.025 15.025
D 3-13-67		----do----------	Uneconomical	
G-17405 C 4-7-67	Phillips Petroleum Co., Bartlesville, Okla. 74003.		[2] 19.0 [3] 20.625	15.025 15.025
G-18297 E 4-12-67	Cities Service Oil Co., Operator (successor to Antelope Gas Products Co., Operator), Cities Service Bldg., Bartlesville, Okla. 74003.	Kansas-Nebraska Natural Gas Co., Inc., Kimball Gasolene Plant, Kimball Couuty, Nebr.	10.0	16.4
CI62-140 D 4-12-67	Standard Oil Co. of Texas, A Division of Chevron Oil Co., Post Office Box 1249, Houstou, Tex. 77001.	Natural Gas Pipeline Co. of America, Scjita Field, Duval Couuty, Tex.	(4)	
CI63-1284 E 3-20-67	Jack Gumm (successor to Pruitt Secoud Oil (Operator) et al.), c/o Thomas L. Healey, 25th Floor, Humble Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., South Weesatche Field, Goliad County, Tex.	12.0	14.65
CI64-841 C 3-27-67	St. Clair Oil Co., 219 East Main St., St. Clairsville, Ohio 43950.	Equitable Gas Co., Skin Creek and Collins Settlement Districts, Lewis County, W. Va.	25.0	15.325
CI65-229 E 4-3-67 [5]	Horizon Oil & Gas Co. of Texas, 1216 Hartford Bldg., Dallas, Tex. 75201.	Baca Gas Gathering System, Inc., Flank et al. Fields, Baca County, Colo.	12.0	14.65
CI66-714 E 4-12-67	Sun Oil Co. (successor to Shell Oil Co.), 1608 Walnut St., Philadelphia, Pa. 19103.	Lone Star Gathering Co., Speary Field, Karnes County, Tex.	16.0	14.65
CI67-243 B 9-1-66 4-17-67 [6]	Maoco Drilling & Supply Co., 715 Park Bldg., Pittsburgh, Pa. 15222.	Consolidated Gas Supply Corp., Benezette Township, Elk County, Pa.	Depleted	
CI67-963 A 2-2-67	O. A. Hollobaugh et al., R. D. No. 2, New Bethlehem, Pa. 16242.	The Manufacturers Light & Heat Co., Mahoning Township, Armstrong County, Pa.	25.0	15.325
CI67-1425 A 4-13-67	William G. Bush, 190 Hall Ave., Grand Junction, Colo. 81501.	Daman Pipeline Co., Inc., Agate Area, Grand County, Utah.	7.5	15.025
CI67-1426 A 4-12-67	Union Pacific Railroad Co., 5480 Ferguson Dr., Los Angeles, Calif. 90022.	Colorado Interstate Gas Co., Table Rock Field, Sweetwater County, Wyo.	16.0	14.65
CI67-1427 B 4-12-67	Gulf Oil Corp. (Operator), et al., Post Office Box 1589, Tulsa, Okla. 74102.	Kansas-Nebraska Natural Gas Co., Inc., Armstrong Field, Logan County, Colo.	(7)	
CI67-1428 B 4-12-67	----do----------	----do----------	(7)	
CI67-1429 A 4-12-67	Drevzoll, Inc., 520 Cameron Bldg., Oklahoma City, Okla. 73106.	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	25.0	15.325
CI67-1430 (CI62-1373) [5] F 4-10-67	Gene A. Carter (successor to Conrad N. Gerling et al.), 1116 Vaughn Plaza, Corpus Christi, Tex. 78403.	Natural Gas Pipeline Co. of America, Kai Creek and Flying "M" Fields, Victoria County, Tex.	16.0	14.65
CI67-1431 A 4-7-67	C. M. Parker, 2060 Fairfax Rd., Columbus, Ohio 43215.	The Ohio Fuel Gas Co., Sutton Township, Meigs County, Ohio.	20.0	15.025
CI67-1432 A 4-10-67	C. F. Sbewey, Post Office Box 108, Kermit, W. Va. 25674.	United Fuel Gas Co., Acreage in Martin County, Ky.	16.0	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and Date Filed	Applicant	Purchaser, Field and Location	Price Per Mcf	Pressure Base
CI67-1433 A 4-10-67	Home National Bank and Home National Bank, Attorney in Fact for Spurgeon White et al., c/o George M. Cooper, Brown Bldg., Sutton, W. Va. 26601.	Equitable Gas Co., Birch District, Braxton County, W. Va.	16.0	15.325
CI67-1434 A 4-10-67	Emery E. Miller and Bernice E. Miller, R.D. No. 1, Mahoning, Pa. 16237.	The Manufacturers Light & Heat Co., Madison Township, Armstrong County, Pa.	20.0	15.325
CI67-1435 A 4-11-67	Maple Oil Co., c/o Homer H. Maple, Attorney in Fact, 107 North Stout St., Harrisville, W. Va. 26362.	Carnegie Natural Gas Co., Acreage in Ritchie County, W. Va.	20.0	15.325
CI67-1436 A 4-12-67	Mrs. Pauline F. Van Cleve Cruse, Post Office Box 1324, Shreveport, La. 71102.	United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La.	9.74317	15.025
CI67-1437 A 4-14-67	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	Natural Gas Pipeline Co. of America Balko Field, Beaver County, Okla.	17.0	14.65
CI67-1438 B 4-14-67	Ralph E. Fair, Inc., Alamo National Bldg., San Antonio, Tex. 78205.	Lone Star Gathering Co., East Marshall Field Area, Goliad County, Tex.	(9)	
CI67-1439 B 4-14-67	Ralph E. Fair, Alamo National Bldg., San Antonio, Tex. 78205.	----do----------	(9)	
CI67-1440 A 4-12-67	Birthright Oil Co., 401 Pere Marquette Bldg., New Orleans, La. 70113.	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Southwest Belle Isle Field, St. Mary and Iberia Parishes, La.	20.625	15.025
CI67-1441 B 4-17-67	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Lone Star Gathering Co., Criswell Field, DeWitt County, Tex.	(9)	
CI67-1442 B 4-17-67	----do----------	Texas Eastern Transmission Corp., Cherokee Lake Area, Rusk County, Tex.	Depleted	
CI67-1443 B 4-17-67	Hugh Goodrich (Operator), et al., 609 Bank of the Southwest Bldg., Houston, Tex. 77002.	Lone Star Gathering Co., acreage in Victoria County, Tex.	(9)	
CI67-1444 A 4-12-67	Fred Snyder Co., Hundred, W. Va. 26575.	Pennzoil Co., Mannington Field, Wetzel County, W. Va.	15.0	15.325
CI67-1447 A 4-17-67	W. T. Massey and Harry A. Moore, d.b.a. Massey & Moore, Post Office Box 592, Cushing, Okla. 74023.	Cities Service Gas Co., North Ramsey Field, Payne County, Okla.	12.0	14.65
CI67-1448 B 4-17-67	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City. Okla. 73118.	Northern Natural Gas Co., Harper Ranch Field, Clark County, Kans.	Depleted	
CI67-1449 B 4-17-67	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	United Gas Pipe Line Co., Bayou Chauvin Field, Terrebonne Parish, La.	(10)	
CI67-1450 B 4-17-67	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Stanton County, Kans.	Depleted	
CI67-1451 B 4-17-67	Edwin M. Jones Oil Co., c/o Mr. John H. Dahlgren, attorney Morrison, Dittmar, Dahlgren & Kaine, Milam Bldg., San Antonio, Tex. 78205.	Valley Gas Transmission, Inc., South Oakville Field, Live Oak County, Tex.	Depleted	
CI67-1452 A 4-17-67	Mid-East Oil Co., 1800 Oliver Bldg., Pittsburgh, Pa. 15219.	Consolidated Gas Supply Corp., Canoe Township, Indiana County, Pa.	25.0	15.325
CI67-1453 B 4-17-67	Ashland Oil & Refining Co	Universal Gasoline Co., Aylesworth Field, Marshall County, Okla.	Uneconomical	
CI67-1456 B 4-17-67	Reserve Oil & Gas Co., Operator, 1700 Fidelity Union Tower, Dallas, Tex. 75201.	Lone Star Gathering Co., Anna Barre Field, De Witt County, Tex.	(9)	
CI67-1457 A 4-17-67	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76107.	Northern Natural Gas Co., Mocane Gas Area, Beaver County, Okla.	[11] 17.0	14.65
CI67-1458 A 4-17-67	----do----------	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[11] 17.0	14.65

Docket No. and Date Filed	Applicant	Purchaser, Field and Location	Price Per Mcf	Pressure Base
CI67-1459 ..... A 4-17-67	Marathon Oil Co.,[13] 539 South Main St., Findlay, Ohio 45840.	Transwestern Pipeline Co., Halley Field Area, Winkler County, Tex.	[11] 16.5	14.65
CI67-1460 ..... B 4-18-67	William I. Forbes, Jr., 846 Maplewood Rd., Wayne, Pa., 19087.	Newdelva Corp., Acreage in Lewis County, W. Va.	([12])	

[1] Amendment to certificate filed to add interest of co-owner.
[2] For gas from Federal waters.
[3] For gas from State waters.
[4] Deletes the Carlos Garcia et al., lease. Lease expired by its own terms and is no longer covered by subject contract.
[5] Amendment to certificate filed to reflect the acquisition by Applicant of co-owner's (Henry Frost Oil Properties, Inc.) interest under said certificate and rate schedule and to delete the term "(Operator) *et al*".
[6] Filing completed.
[7] Wells ceased to produce in commercial quantities.
[8] Certificate issued J. N. Pratt et al.
[9] Gas will no longer be transported and/or sold in interstate commerce.
[10] Leases covered by subject contract have expired by their own terms. No deliveries of gas have been made since August 1965.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Applicant states its willingness to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[13] Properties sold to Newdelva Corp.

[F.R. Doc. 67-5021; Filed, May 8, 1967; 8:45 a.m.]

[Docket No. RP67-19]

SOUTHWEST GAS CORP.

Notice of Proposed Changes in Rates and Charges

MAY 3, 1967.

Pursuant to § 2.59 of the Commission's rules (8 CFR 2.59), notice is hereby given that on April 24, 1967, Southwest Gas Corp. (Southwest) filed proposed changes in its FPC Gas Tariff Original Volume No. 1, effective as of January 1, 1967. The proposed changes reflect decreased rates and charges in Rate Schedules G-1, G-2, I-2, and I-3. The proposed decrease is approximately $36,975 annually, based upon billing quantities for a 12-month period ending March 31, 1967, and reflects a rate reduction from Southwest's supplier, El Paso Natural Gas Co., which became effective January 1, 1967.

Copies of the proposed rate changes have been served by Southwest upon its customers and upon the Public Service Commission of Nevada.

Comments may be filed with the Commission on or before May 23, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-5139; Filed, May 8, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4481]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Notice of Proposed Issuance and Sale of Common Stock to Holding Company

MAY 3, 1967.

Notice is hereby given that Ohio Edison Co. ("Ohio Edison"), a registered holding company, and Pennsylvania Power Co. ("Pennsylvania"), 47 North Main Street, Akron, Ohio 44308, a public-utility subsidiary company of Ohio Edison, have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application, which is summarized below, for a statement of the proposed transactions.

Pennsylvania proposes to issue and sell to Ohio Edison, its sole common stockholder, 50,000 additional shares of its authorized and unissued common stock, par value $30 per share, and Ohio Edison proposes to acquire these shares for cash at par, or for a total consideration of $1,500,000.

The proceeds from the sale of the common stock are to be used by Pennsylvania to reimburse its treasury for expenditures for plant additions and improvements. Pennsylvania estimates that the proceeds, which will be included in the company's general funds, together with cash on hand and cash to be derived from operations will be sufficient to provide for its 1967 cash requirements for plant additions and improvements which are estimated to aggregate approximately $6,965,000.

The fees and expenses incurred and to be incurred in connection with the proposed transactions are estimated at $3,350, consisting of Federal and State taxes of $3,000, counsel fee of $250, and miscellaneous expenses of $100.

The joint application states that the Pennsylvania Public Utility Commission, the State Commission of the State in which Pennsylvania is organized and doing business, has jurisdiction over the proposed issue and sale of common stock and that a copy of the State Commission order will be filed by amendment.

Notice is further given that any interested person may, not later than May 26, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-5132; Filed, May 8, 1967; 8:46 a.m.]

[70-4483]

POTOMAC EDISON CO.

Notice of Proposed Charter Amendment and Issue and Sale of Preferred Stock at Competitive Bidding

MAY 3, 1967.

Notice is hereby given that The Potomac Edison Co. ("Potomac"), 55 East Washington Street, Hagerstown, Md. 21740, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc., also a registered holding company, has filed a declaration and an amendement thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Potomac proposes (a) to amend its charter to increase the authorized number of shares of its cumulative preferred stock from 100,000 to 200,000 shares and (b) to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 100,000 shares of its $_____ Cumulative Preferred Stock, Series C, par value $100 per share. The dividend rate of the new preferred stock (which will be a multiple of 1 cent) and the price, exclusive of accrued dividends, to be paid to Potomac (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding.

The declaration states that the terms and conditions of the cumulative pre-

ferred stock do not conform in all respects to the Commission's Statement of Policy regarding preferred stock subject to the Act, as prescribed in Holding Company Act Release No. 13106. Potomac has agreed to convene a meeting of stockholders to effect full compliance therewith, and, pending the adoption of the amendments at such a stockholders' meeting, Potomac has agreed to do nothing which would contravene the charter as it is proposed to be amended.

The net proceeds of the sale of the preferred stock will be used to provide for expenditures in connection with the construction program of Potomac and its subsidiary companies, including the payment of $2,500,000 of short-term bank loans incurred therefor. Construction expenditures of Potomac and its subsidiaries for the years 1967–69 are presently estimated to aggregate $91,000,000.

Fees and expenses to be incurred by Potomac in connection with the proposed transactions are estimated at $35,000, including counsel fees of $9,000 and accountants' fees of $3,300. The fee of counsel for the underwriters is estimated at $8,000 and is to be paid by the successful bidders.

The declaration states that authorization by the Maryland Public Service Commission is required for the issue and sale of the preferred stock, that the order of said commission will be filed herein by amendment, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 31, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-5133; Filed, May 8, 1967; 8:46 a.m.]

[812-2095]

TAX EXEMPT INCOME FUND, SERIES 3

Notice of Application for Order of Exemption

MAY 3, 1967.

Notice is hereby given that Tax Exempt Income Fund, Series 3 ("Applicant"), 45 Wall Street, New York, N.Y., a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a full statement of the representations which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 under which there will be offered for sale to the public 5,000 units of undivided interest in a portfolio of municipal bonds. This registration statement has not yet become effective. Applicant will be governed by a Trust Agreement under which Goodbody & Co. will act as Sponsor and United Trust Co. of New York will act as Trustee. Applicant states that the Sponsor, acting as underwriter, will deposit with the Trustee $5 million principal amount of bonds and will receive from the Trustee simultaneously with such deposit registered certificates for 5,000 units. No additional bonds are to be deposited during the life of the trust and no additional units will be issued. The Trust Agreement provides that bonds may from time to time be sold under certain circumstances, or may be redeemed or may mature in accordance with their terms, and the proceeds from such dispositions will be distributed to unitholders.

Units will remain outstanding until redeemed or until the termination of the Trust, which may be terminated by 100 percent agreement of the unitholders of the Applicant, or, in the event that the value of the bonds shall fall below $2 million, upon direction of the Sponsor to the Trustee. In connection with the requested exemption the Sponsor has agreed to refund the sales load to purchasers of units from the Sponsor or any Dealer participating in the distribution, if within 90 days after the registration statement becomes effective the net worth of the Trust shall be reduced to less than $100,000 or if the Trust is terminated. The Sponsor will instruct the Trustee on the date the bonds are deposited that if the Trust shall at any time have a net worth of less than $2 million, as a result of redemption by the Sponsor of unsold units, the Trustee shall terminate the Trust in the manner provided in the Trust Agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the Trust Agreement as provided therein. The Sponsor has agreed on behalf of the underwriter and such dealers to refund any sales load to any purchaser of units on demand and without any deduction in the event of such termination. Applicant further represents that at the present time the Sponsor maintains a market for the units of most of the other Tax Exempt Income Funds and Municipal Investment Trust Funds with which it is similarly connected, and continually offers to purchase such units at prices which exceed the redemption price for such units by amounts which depend upon general market conditions and that as of the date of this application, partly as a result of these activities, no unit of any of the previous Tax Exempt Income Funds or Municipal Investment Trust Funds has ever been redeemed. It is the Sponsor's intention to maintain a market for the units of the Applicant and to continuously offer to purchase such units at prices in excess of the redemption price as set forth in the Trust Agreement, although the Sponsor is not obligated to do so.

Notice is further given that any interested person may, not later than May 17, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-5134; Filed, May 8, 1967; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30; Chicago Regional Office Disaster No. 1]

MANAGER, DISASTER BRANCH OFFICE, OAK LAWN, ILL.

Delegation of Authority Regarding Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 12), 32 F.R. 3192, there is hereby redelegated to the Manager of Oak Lawn, Ill., Disaster Branch Office the following authority:

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $50,000.

2. To execute loan authorizations for Washington, area and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

BERNARD L. BOUTIN,
Administrator.
By J. P. CALLAHAN, Jr.,
Manager, Disaster Branch Office,
Oak Lawn, Ill.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse disaster loans up to $50,000.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as acting manager of the disaster branch office.

Effective date: April 25, 1967.

NATHAN J. ACKERMAN,
Acting Regional Director,
Chicago, Ill.

[F.R. Doc. 67-5135; Filed, May 8, 1967; 8:46 a.m.]

[Declaration of Disaster Area 612]

MINNESOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Freeborn, Mower, Steele and Waseca Counties, in the State of Minnesota;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from tornadoes and accompanying conditions occurring on April 30, 1967.

OFFICE

Small Business Administration Regional Office, 816 Second Avenue South, Minneapolis, Minn. 55402

2. Temporary offices will be established at Albert Lea and Waseca, Minn., as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1967.

Dated: May 1, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-5136; Filed, May 8, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 4, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41009—*Newsprint paper to Cleveland, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2887), for interested rail carriers. Rates on newsprint paper, in carloads, as more fully described in the application, from Clermont, Quebec, Canada, to Cleveland, Ohio.

Grounds for relief—Foreign water competition.

Tariff—Supplement 98 to Canadian National Railways tariff ICC E. 519.

FSA No. 41010—*Gravel from Dickason Pit, Ind.* Filed by Illinois Freight Association, agent (No. 327), for and on behalf of Chicago & Eastern Illinois Railroad Co. Rates on trafficbound gravel, road surfacing, passing through a 1 inch screen (not suitable for concrete construction), in carloads, from Dickason Pit, Ind., to Holland, Moccasin, and Altamont, Ill.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 62 to Chicago & Eastern Illinois Railroad Co. tariff ICC 330.

FSA No. 41011—*Commodities between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 600), for interested rail carriers. Rates on compounds, anti-ice, jet fuel, in tank-car loads, also ducts or tubes, air system, in less-than-carloads and carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 66 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41012—*Commodities between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 601), for interested rail carriers. Rates on compounds, anti-ice, jet fuel, in tank-car loads, also duct or tubes, air system, in less-than-carloads and carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 66 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-5174; Filed, May 8, 1967; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 4, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41013—*Malt liquors from and to Western Trunk Line Territory.* Filed by Western Trunk Line Committee, agent (No. A-2499), for interested rail carriers. Rates on malt liquors, in carloads, between points in Wyoming, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief—Market competition.

Tariff—Supplement 53 to Western Trunk Line Committee, agent, tariff ICC A-4470.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-5175; Filed, May 8, 1967; 8:48 a.m.]

[Notice 379]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 4, 1967.

The following are notices of filing of applications for temporary authority un-

der section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC–531 (Sub-No. 227 TA), filed May 1, 1967. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer ingredients and anhydrous ammonia*, in bulk, in tank vehicles, from Luling, La., to points in Alabama, Mississippi, and to Marianna, Fla., for 150 days. Supporting shipper: Monsanto Co. (Mr. Wallace R. Reed, Transportation Analyst, Bulk Trucking Section), 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: John C. Redus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 2202 (Sub-No. 317 TA), filed May 2, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: Walter Stiegele (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Montgomery, Ala., and Baton Rouge, La., from Montgomery over U.S. Highway 31 to junction U.S. Highway 29, thence over U.S. Highway 29 to Pensacola, Fla., thence over U.S. Highway 90 to New Orleans, La., thence over U.S. Highway 61 to Baton Rouge, and return over the same route, serving all intermediate points, and the off-route points of Plaquemine and Zee, La., near St. Francisville, La., and those in Louisiana within 10 miles of U.S. Highway 61 between New Orleans and Baton Rouge, La., for 180 days. Supporting shipper: The application is supported by statements from 104 shippers, which may be examined at the Interstate Commerce Commission, Washington, D.C. Send protests to: District Supervisor Baccei, Interstate Commerce Commission, Bureau of Operations, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 66562 (Sub-No. 2232 TA), filed April 28, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York, N.Y. 10017. Applicant's representative: R. J. Evans, 2436 Bagley Avenue, Detroit, Mich. 48216. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) Serving Lowell, Ind., as an off-route point in connection with applicant's regular-route operations between Chicago, Ill., and Cincinnati, Ohio; (2) serving Rensselaer, Ind., as an off-route point in connection with applicant's regular-route operations between Lafayette, Goodland, and Medaryville, Ind.; (3) between junction U.S. Highway 460 and junction Indiana Highway 37 and Paoli, Ind., over Indiana Highway 37, (4) between Orleans and Mitchell, Ind., over Indiana Highway 37, (5) between Paoli and Salem, Ind., over Indiana Highway 56, serving the off-route points of French Lick, Bedford, and Pekin, Ind., in connection with routes (3), (4), and (5), above; (6) between Louisville, Ky., and Paoli, Ind., over U.S. Highway 150, as an alternate route for operating convenience only, serving no intermediate points; and (7) between Campbellsburg, Ind., and Mitchell, Ind., over Indiana Highway 60, as an alternate route for operating convenience only, serving no intermediate points, for 180 days. Supporting shippers: There are statements from 28 shippers supporting the application that may be examined here at the Interstate Commerce Commission, in Washington, D.C., or at the field office listed below. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 112750 (Sub-No. 243 TA), filed May 1, 1967. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except coin, currency, and negotiable securities), as are used in the business of banks and banking institutions, (1) between Duluth and St. Paul, Minn., on the one hand, and, on the other, points in the Upper Peninsula of Michigan, and (2) between Richmond, Va., on the one hand, and, on the other, points in Alamance, Bertie, Brunswick, Camden, Carteret, Caswell, Chowan, Columbus, Currituck, Dare, Duplin, Forsyth, Gates, Guilford, Hertford, Hyde, Jones, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Scotland, Tyrrell, and Washington Counties, N.C., and Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lee, Marion, Marlboro, Orangeburg, Richland, Sumter, and Williamsburg Counties, S.C., for 180 days. Supporting shippers: Federal Reserve Bank of Richmond, Richmond, Va., Wachovia Bank and Trust Co., Elizabeth City, N.C. 27909, The Farmers Bank, Post Office Box 216, Murfreesboro, N.C. 27855, Wachovia Bank and Trust Co., Ahoskie, N.C. 27910, Peoples Bank & Trust Co., Rocky Mount, N.C., Northwest Bancorporation, Northwestern Bank Building, Minneapolis, Minn. 55440, American National Bank and Trust Co., 7th and Robert Streets, St. Paul, Minn. 55101, and Federal Reserve Bank of Minneapolis, Minneapolis, Minn. 55440. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 115826 (Sub-No. 174 TA), filed May 1, 1967. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, rugs, floor covering, textiles, and textile products*, from points in Georgia and Tennessee, to points in Kansas, Nebraska, Montana, and Nevada, and points in the Commercial Zone of Kansas City, Mo., for 180 days. Supporting shippers: There are approximately 20 supporting statements which may be examined here at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 116077 (Sub-No. 211 TA), filed May 1, 1967. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: B. A. Ditta (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer ingredients and anhydrous ammonia*, in bulk, in tank vehicles, from Luling, La., to points in Alabama and Mississippi and Marianna, Fla., for 180 days. Supporting shipper: Monsanto Co. (Mr. Wallace R. Reed, Transportation Analyst, Bulk Trucking Section), 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: John C. Redus, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 118196 (Sub-No. 94 TA), filed May 2, 1967. Applicant: RAYE & COMPANY TRANSPORTS, INC., Hiway 71 North, Post Office Box 613, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Meats, meat products, and meat byproducts and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities, in bulk, in tank vehicles), from the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans., to points in Arizona, California, Idaho, Illinois, Minnesota, Montana, Nevada, Oregon, Utah, Washington, Wisconsin, and Wyoming. Restriction: The authority granted above is restricted to the transportation of traffic originating at the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans., for 180 days. Supporting shipper: Griffith, Inc., Highway 24 West, Downs, Kans. 67437. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123392 (Sub-No. 5 TA), filed May 2, 1967. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY CO., 3801 Virginia Street, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in bulk, in specially designed trailers, carrier or shipper furnished, from Greenwood Helium Plant, Morton County, Kans., to San Diego, Calif., for 150 days. Supporting shipper: Gardner Cryogenics Corp., 2136 City Line Road, Bethlehem, Pa. Send protests to: Harold M. Gregory, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 128987 (Sub-No. 1 TA), filed May 2, 1967. Applicant: GLENCO INDUSTRIES, INC., 1810 South Calhoun Road, New Berlin, Wis. 53151. Applicant's representative: Glenn E. Coates (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Architectural precast concrete panels and shapes*, from the plantsite of Crest-Schokbeton Concrete, Inc., at or near Lemont, Ill., to the construction site of the Marshall & Ilsley Bank office and parking structure at 770 North Water St., Milwaukee, Wis., for 150 days. Supporting shipper: Crest/Schokbeton Concrete, Inc., Post Office Box 328, Lemont, Ill. 60439 (Ronald F. Williams, General Manager). Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129014 (Sub-No. 1 TA), filed May 1, 1967. Applicant: MISSISSIPPI-RED RIVER TRANSPORT CO., 1830 East Division Street, Arlington, Tex. 76010. Applicant's representative: Reagan Sayers, Post Office Box 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions*, in bulk, from the storage facilities of International Minerals & Chemical Corp. at or near Hugo Okla., to points (1) in Texas east of U.S. Highway 75 and north of Texas Highway 7 from Centerville, Tex. (on U.S. Highway 75) to its intersection with Texas Highway 103, thence over Texas Highway 103 to its intersection with Texas Highway 21, thence over Texas Highway 21 to the Texas-Louisiana State line, and bounded on the east by the Texas-Louisiana and Texas-Arkansas State lines, and bounded on the north by the Texas-Oklahoma State line; (2) to points in Louisiana bounded on the west by the Texas-Louisiana State line, bounded on the north by the Arkansas-Louisiana State line, and bounded on the south and east by the following highways (including service to points on such named highways): From the Texas-Louisiana State line over Louisiana Highway 6 to its intersection with Louisiana Highway 175 at or near Many, La., thence over Louisiana Highway 175 to its intersection with U.S. Highway 171, thence over U.S. Highway 171 to its intersection with Louisiana Highway 3 at or near Shreveport, La., thence over Louisiana Highway 3 to the Louisiana-Arkansas State line; and (3) to points in Arkansas bounded on the west by the Texas-Arkansas and the Oklahoma-Arkansas State lines, bounded on the south by the Louisiana-Arkansas State line, and bounded on the east and north by the following highways (including service to points located on said highways): From the Louisiana-Arkansas State line over Arkansas Highway 29 to its intersection with Arkansas Highway 4 at or near Hope, Ark., thence over Arkansas Highway 4 to its intersection with Arkansas Highway 27 at or near Nashville, Ark., thence over Arkansas Highway 27 to its intersection with U.S. Highway 70 at or near Kirby, Ark., thence over U.S. Highway 70 to its intersection with Arkansas Highway 8 at or near Glenwood, Ark., thence over Arkansas Highway 8 to the Arkansas-Oklahoma State line. Applicant proposes to transport *damaged or rejected shipments* on return, for 180 days. Supporting shipper: International Minerals & Chemical Corp., Food Division, Post Office Box 4250, Stock Yards Station, Fort Worth, Tex. 76106. Send protests to: Billy R. Reid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex.

No. MC 129056 TA, filed May 2, 1967. Applicant: MASTIFF EQUIPMENT CORPORATION, LTD., 6999 Cote Des Neiges Road, Montreal, Quebec, Canada. Applicant's representative: Norman Charles, 80 Bay Street, Glens Falls, N.Y. 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Decorative insulation board*, finished, from ports of entry on the international boundary line between the United States and Canada, at or near Detroit, Mich., Alexandria Bay, Champlain, and Ogdensburg, N.Y., and Highgate Springs, Vt., to Atlanta, Ga., Chicago, Ill., Elkhart, Ind., Boston, Mass., Detroit, Mich., New York, N.Y., Cleveland, Ohio, Sunbury, Pa., and Providence, R.I., for 180 days. Supporting shipper: Moulins Yamaska Mills, Inc., St. Pie de Bagot, Quebec, Canada, Jacques Dufresne, vice president and manager. Send protests to: Wilmot E. James, Jr., District Supervisor, 518 Federal Building, Interstate Commerce Commission, Albany, N.Y. 12207.

MOTOR CARRIERS OF PASSENGERS

No. MC 129055 TA, filed May 2, 1967. Applicant: GOLDEN ARROW LINE, INCORPORATED, 12 Grant Street, Plattsburgh, N.Y. 12901. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round trip charter operations, beginning and ending at points in Clinton County, N.Y., and extending to the port of entry on the international boundary line between the United States and Canada, at or near Champlain, N.Y. The transportation performed under this authority is being restricted to traffic moving to and from points in Canada in connection with "EXPO 67" during its term commencing April 28, 1967, and expiring with October 27, 1967, for 180 days. Supporting shippers: Mrs. Carmella Motyka, 5400 F., Missouri Drive, Plattsburgh AFB, N.Y., State University Teachers College, Plattsburgh, N.Y., Rosemary Infante, Secretary, Plattsburgh State University College, Macdonough East, Sarah S. Spiess, Assistant Dean of Women Our Lady of Victory Academy, Sister Mary Genevieve, Principal, Plattsburgh, N.Y., Girl Scout Troop 82, Barbara Race, 18 Pleasant Street, Peru, N.Y., Plattsburgh City School District, 17 Broad Street, Plattsburgh, N.Y. 12901, Frank L. Carpenter, Assistant Superintendent Business Affairs, St. Peter's Church, 114 Cornelia Street, Plattsburgh, N.Y. 12901, Rev. Paul E. Marquis, Plattsburgh State University, Student Information Services, Plattsburgh, N.Y., Daniel A. Stone, Manager, State University, Miner Center, Frederick A. Halla, Director, Chazy, N.Y., Saint John's High School, 59 Broad Street, Plattsburgh, N.Y., Sister M. Bernardine, Principal. Send protests to: Wilmot E. James, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5176; Filed, May 8, 1967; 8:48 a.m.]

[Notice 1515]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 4, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered

proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69357. By order of April 28, 1967, the Transfer Board approved the transfer to L M Transfer, Inc., Maspeth, Long Island, N.Y., of the operating rights in permits Nos. MC–65271 (Sub-No. 5), MC–65271 (Sub-No. 7), MC–65271 (Sub-No. 8), and MC–65271 (Sub-No. 9), issued April 20, 1964, August 26, 1965, September 22, 1966, and September 30, 1966, respectively, to Louis Max Co., Inc., Maspeth, Long Island, N.Y., authorizing the transportation, over irregular routes, of department store merchandise, between Long Island City and Manhattan, N.Y., on the one hand, and, on the other, Short Hills (Millburn Township), N.J., and Radnor, Pa.; between Rutherford, N.J., on the one hand, and, on the other, Manhasset, White Plains, and Manhattan, N.Y., and Radnor, Pa.; and between Manhattan, N.Y., and Paramus, N.J., with certain restrictions. Bowes and Millner, 1060 Broad Street, Newark, N.J., attorneys for applicants.

No. MC–FC–69479. By order of April 28, 1967, the Transfer Board approved the transfer to Jim Mitten Trucking, Inc., 619 East Sixth Street, Oakley, Kans., of certificates in Nos. MC–87092 and MC–87092 (Sub-No. 1), issued May 28, 1957, and October 18, 1965, respectively, to James J. Mitten, 619 East Sixth Street, Oakley, Kans., authorizing the transportation of: Household goods, general commodities, and a wide variety of specified commodities, from, to, or between, specified points in Kansas, Colorado, Nebraska, and Missouri.

No. MC–FC–69553. By order of April 28, 1967, the Transfer Board approved the transfer to Reading Trucking, Inc., Medford, Mass., of certificate of registration in No. MC–120250 (Sub-No. 1), issued December 18, 1963, to R. E. Melanson & Bros., Inc., North Quincy, Mass., authorizing the operations in Massachusetts. George C. O'Brien, 33 Broad Street, Boston, Mass. 02109, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–5177; Filed, May 8, 1967; 8:48 a.m.]

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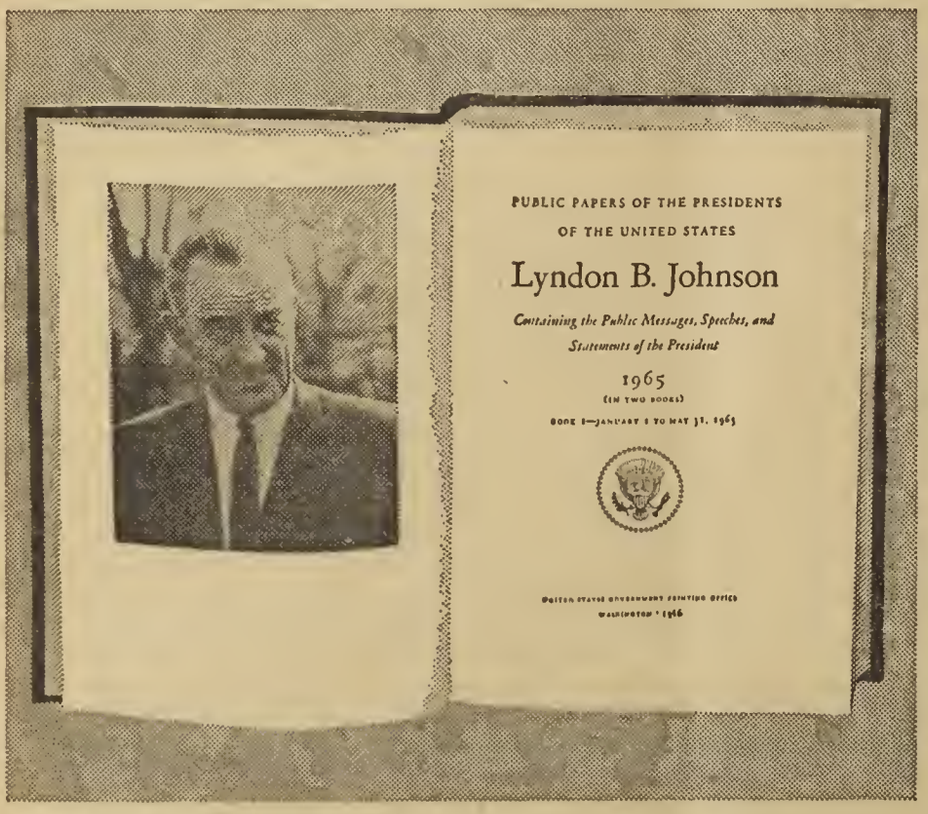
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Title 3—THE PRESIDENT

Reorganization Plan No. 1 of 1967

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, February 27, 1967, pursuant to the provisions of chapter 9 of title 5 of the United States Code.[1]

CERTAIN FUNCTIONS RELATING TO SHIP MORTGAGES

SECTION 1. *Transfer of functions.* The functions which are now vested in the Secretary of Commerce relating to the approval of the surrender of the documents of a vessel pursuant to subsections B(4) and O(a) of the Ship Mortgage Act, 1920, as amended (46 U.S.C. 911(4) and 961(a)), are hereby transferred to the Secretary of Transportation.

SEC. 2. *Incidental transfers.* (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred by this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of Transportation at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

[F.R. Doc. 67-5274; Filed, May 9, 1967; 8:50 a.m.]

---

[1] Effective May 9, 1967, under the provisions of and pursuant to 5 U.S.C. 906 (80 Stat. 396).

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AND AFRICAN SWINE FEVER: PROHIBITED AND RESTRICTED IMPORTATIONS

Requirements for Pork and Pork Products From Countries Where African Swine Fever Exists

Pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), paragraph (a) of § 94.8, Part 94, Title 9, Code of Federal Regulations, is hereby amended to read as follows:

§ 94.8 Pork and pork products from countries where African swine fever exists.

* * * * *

(a) No pork or pork product will be permitted entry into the United States from any country where African swine fever exists unless:

(1) Such pork or pork product has been fully cooked in a can which was promptly sealed so that such cooking and sealing produced a fully sterilized product in a hermetically sealed can that is shelf stable without refrigeration; or

(2) Such pork or pork product is not otherwise prohibited importation under this part and is consigned directly from the port of entry in the United States to a meat processing establishment operating under Federal meat inspection, approved by the Director of the Animal Health Division for further processing of such pork or pork product by heat.

* * * * *

African swine fever is widespread in countries of Africa and is increasing in incidence in countries of Europe. The effect of the foregoing amendment is to strengthen the restrictions upon the importation into the United States of pork and pork products from countries where that disease exists. Protection of the livestock of the United States demands that this amendment be made effective promptly. Accordingly, it is found that notice and other public procedure concerning this amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U.S.C. 111; 29 F.R. 16210, as amended, 30 F.R. 5801, as amended)

Done at Washington, D.C., this 4th day of May 1967.

F. J. MULHERN,
Acting Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 67-5193; Filed, May 9, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8015; Amdt. 39-414]

PART 39—AIRWORTHINESS DIRECTIVES

Allison-Aero Products Models A6441FN-606, A6441FN-606A Propellers

Amendment 39-400 (32 F.R. 5921), AD 67-12-1, requires daily inspection, or replacement where necessary, of Allison-Aero Products Models A6441FN-606 and A6441FN-606A propellers in which were installed fixed splines Part Number 6522974, Serial Number 1367 and up. Subsequent to the issuance thereof, it has come to the attention of the FAA that certain fixed splines bearing Part Numbers 6523110 and 6509978, which are of the original configuration, are still in service and have experienced failures which have precipitated propeller overspeeds.

Pursuant to the authority delegated to me by the Administrator, an amendment to AD 67-12-1 was adopted on May 1, 1967, and made effective immediately, by telegram, as to all known operators of the aforementioned Allison-Aero Products Models propellers, revising Paragraph (a) of the AD to include Part Numbers 6523110 and 6509978.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the amendment to the AD effective immediately as to all known operators of the propellers. These conditions still exist and the revision to the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-400 (32 F.R. 5921), AD 67-12-1, is amended as follows:

Revise Paragraph (a) so that it now reads as follows:

(a) Within the next 10 hours' time in service, unless already accomplished, each propeller in which is installed a fixed spline Part Numbers 6523110, or 6509978, or Part Number 6522974, Serial Number 1367 and up, must be inspected and marked as required by Allison telegram THO-641W-LOD, dated April 7, 1967, as modified by Allison telegram THO-662W-LOD, dated April 10, 1967. Thereafter, repetitive daily inspections are required as specified in those telegrams.

This amendment becomes effective May 10, 1967, for all persons except those to whom it was made effective by telegram dated May 1, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Kansas City, Mo., on May 2, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-5187; Filed, May 9, 1967; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-321; Order 344]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Reports by Natural Gas Companies of Curtailments of Service to Industrial Customers

MAY 2, 1967.

The schedule "Curtailments of Main Line Industrial Customers" required to be filed by natural gas pipeline companies as a supplement to their Annual Report FPC Form No. 2 requires the reporting of curtailments, the average daily delivery during the system 3-day peak period, and the maximum 24-hour delivery during the year to such customers.[1]

Our review and analysis of the information supplied in the initial submission of these reports discloses that the following revisions of the existing schedule are desirable.

1. Schedule 520A[2a] now requires the reporting, in columns (e) and (f), of

[1] The schedule was prescribed for inclusion in Form No. 2 by Order No. 300 in Docket No. R-243, issued June 24, 1965, 33 FPC 1286, 30 F.R. 8831, amended by Order No. 300-A, issued Mar. 30, 1966, 35 FPC ------, 31 F.R. 5428.

[2a] Schedule filed as part of the original document.

the maximum 24-hour delivery made to each main line industrial customer during the year. In view of the claims by many companies that the review of their daily sales records required to obtain these peak deliveries is both time-consuming and a cost burden, and in light of the fact that the primary utility of the information would have been in connection with a method of cost allocation no longer under consideration, we have decided to eliminate the reporting of this information.

2. The information supplied in this schedule covers a report year which ends on each April 30 but because the data for the last month (April) is often not available until the date (May 15) the report is now required to be submitted, we are revising Instruction 7. to change the filing date to June 15.

3. We have found, also, that the requirement, in Instruction 1., to report in group totals the curtailment of small customers (less than 50,000 Mcf annually) can be deleted. Many companies have large numbers of such customers and their small size does not warrant daily metering so they were unable to supply the data. We find that the absence of this information has no appreciable effect on the usefulness of the report.

These three changes should reduce substantially the reporting burden, a result clearly in the public interest.

4. The schedule, pages 519–520 of FPC Form No. 2, was revised beginning with the report year 1966, to provide for the reporting of "Field and Main Line Industrial Sales of Natural Gas".[2b] Since the Schedule 520A supplements the schedule on pages 519–520 and, at the suggestion of some of the reporting companies, we are revising it to conform to the revision of the basic schedule by the addition of the words "Field and" to both the title and instruction paragraph 1. of the schedule.

The change is not only conformatory but clarifying, as well. Instruction 1. in the supplemental schedule 520A directs, in part, that

> 1. The pipeline company shall report below particulars concerning curtailments of deliveries of natural gas to each customer identified in the preceding schedule * * *

i.e., the schedule on pages 519–520 of Form No. 2 which, in Instruction 1., states, in pertinent part:

> 1. Report below particulars concerning sales of natural gas to industrial customers served other than from local distribution systems operated by the respondent.

Thus the revision here adopted makes it clear that curtailments of service to all industrial customers except those served from distribution lines are to be reported.

[2b] Order No. 310–B, issued Dec. 22, 1966, in Docket No. R–283, 36 FPC ------, 31 F.R. 16562.

The Commission finds:

(1) It is necessary and appropriate for the administration of the Natural Gas Act that the supplementary schedule "Curtailments of Main Line Industrial Customers," page 520A of FPC Form No. 2, be revised as ordered herein.

(2) Since the amendments to the schedule ordered herein involve either a reduction in the reporting requirements or are of a clarifying nature and the information contained therein is not generally available to the public,[3] the notice and effective date requirements of section 4 of the Administrative Procedure Act are not applicable.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 10 and 16 thereof (52 Stat. 826, 830; 15 U.S.C. 717i, 717o), orders:

(A) Effective upon the issuance of this order, FPC Form No. 2, prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, is amended by revising the supplementary Schedule 520A thereto as follows:

1. The title is revised to read "Curtailments of Field and Main Line Industrial Customers".

2. In instruction paragraph 1., the matter in parenthesis is revised to read "(Field and Main Line Industrial Sales of Natural Gas)", and the third sentence, "Curtailments * * * by States.", is deleted.

3. Instruction paragraph 2. is revised to read:

> 2. All volumes should be stated in Mcf at 14.73 p.s.i.a., 60° F.

4. Instruction paragraph 3. is revised by changing "(d), (e), and (g)." to "(d) and (e),".

5. Instruction paragraph 5. is revised by changing "column (g)" to "column (e)".

6. Instruction paragraph 6. is revised by changing "column (h)" to "column (f)" and deleting the last sentence thereof.

7. Instruction paragraph 7. is revised by changing "May 15" to "June 15".

8. The heading to and columns (e) and (f) are deleted and columns (g) and (h) are redesignated "(e)" and "(f)", respectively.

The schedule, as so revised, is appended hereto.

(Secs. 10, 16, 52 Stat. 826, 830; 15 U.S.C. 717i, 717o)

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-5212; Filed, May 9, 1967; 8:47 a.m.]

[3] See ordering clause (A) of Order No. 300–A, supra, note 1.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 177—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Pursuant to the Federal Tort Claims Act, as amended, 28 U.S.C. 2671–2680, and Title 28, Chapter I, Part 14 of the Code of Federal Regulations (31 F.R. 16616), Part 177 is added to Title 5 of the Code of Federal Regulations as set out below.

Sec.

177.101 Scope of regulations.
177.102 Administrative claim; when presented; appropriate Commission office.
177.103 Administrative claim; who may file.
177.104 Investigations.
177.105 Administrative claim; evidence and information to be submitted.
177.106 Authority to adjust, determine, compromise, and settle.
177.107 Limitations on authority.
177.108 Referral to Department of Justice.
177.109 Final denial of claim.
177.110 Action on approved claim.

AUTHORITY: The provisions of this Part 177 issued under 28 U.S.C. 2672; 28 CFR 14.11.

§ 177.101 Scope of regulations.

This part applies only to claims asserted under the Federal Tort Claims Act, as amended, accruing on or after January 18, 1967, for money damages against the United States for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an officer or employee of the Commission (referred to in this part as an "employee") while acting within the scope of his office or employment.

§ 177.102 Administrative claim; when presented; appropriate Commission office.

(a) For the purpose of this part, a claim is deemed to have been presented when the Commission receives, at a place designated in paragraph (b) or (c) of this section, an executed "Claim for Damage or Injury", Standard Form 95, or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, for personal injury, or for death alleged to have occurred by reason of the incident. A claim which should have been presented to the Commission, but which was mistakenly addressed to or filed with another Federal agency, is deemed to be presented to the Commission as of the date that the claim is received by the Commission. If a claim is mistakenly addressed to or filed with the Commission, the Commission shall forthwith transfer it to the appropriate Federal agency, if ascertainable, or return it to the claimant.

(b) Except as provided in paragraph (c)(1) of this section, a claimant shall mail or deliver his claim to the Office of

the General Counsel, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

(c) (1) When a claim is for $200 or less and does not involve a personal injury, the claimant shall mail or deliver it to the Director of the Commission's Regional Office in which the Commission employee whose negligence or wrongful act or omission is alleged to have caused the loss or injury complained of is employed. In these cases, the address of the appropriate Regional Director is one of the following:

Atlanta Region—Atlanta Merchandise Mart, 240 Peachtree Street NW., Atlanta, Ga. 30303.
Boston Region—Post Office and Courthouse Building, Boston, Mass. 02109.
Chicago Region—Main Post Office Building, 433 West Van Buren Street, Chicago, Ill. 60607.
Dallas Region—1114 Commerce Street, Dallas, Tex. 75202.
Denver Region—Building 20, Denver Federal Center, Denver, Colo. 80225.
New York Region—News Building, 220 East 42d Street, New York, N.Y. 10017.
Philadelphia Region—Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.
St. Louis Region—1256 Federal Building, 1520 Market Street, St. Louis, Mo. 63103.
San Francisco Region—Federal Building, Box 36010, 450 Golden Gate Avenue, San Francisco, Calif. 94102.
Seattle Region—302 Federal Office Building, First Avenue and Madison Street, Seattle, Wash. 98104.

(2) If the Commission employee's office of employment is the Central Office of the Commission or is not known and not reasonably ascertainable, the claimant shall mail or deliver his claim to the Office of the General Counsel, United States Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

§ 177.103 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property interest which is the subject of the claim, his authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his authorized agent, or legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate or by any other person legally entitled to assert such a claim under applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually, as their respective interests appear, or jointly. When an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 177.104 Investigations.

The Commission may investigate, or may request any other Federal agency to investigate, a claim filed under this part.

§ 177.105 Administrative claim; evidence and information to be submitted.

(a) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support on the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent on him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering before death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the amount of damages claimed.

(b) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the Commission or another Federal agency. The Commission shall make available to the claimant a copy of the report of the examining physician on written request by the claimant, if he has, on request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the Commission any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for injury to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership of the property interest which is the subject of the claim.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the injury to or loss of property or the damages claimed.

§ 177.106 Authority to adjust, determine, compromise, and settle.

(a) The General Counsel of the Commission, or his designee, is delegated authority to consider, ascertain, adjust, determine, compromise, and settle claims under the provisions of section 2672 of title 28, United States Code and this part.

(b) Notwithstanding the delegation of authority in paragraph (a) of this section, a Regional Director is delegated authority, to be exercised in his discretion, to consider, ascertain, adjust, determine, compromise, and settle under the provisions of section 2672 of title 28, United States Code and this part any claim for $200 or less which is based on the alleged negligence or wrongful act or omission of an employee of his Region, except when:

(1) There are personal injuries to either Government personnel or individuals not employed by the Government; or

(2) All damage to Government property or to property being used for the Commission, or both, is more than $200, or all damage to non-Government property being used by individuals not employed by the Government is more than $200.

§ 177.107 Limitations on authority.

(a) An award, compromise, or settlement of a claim under this part in excess of $25,000 may be effected only with the

advance written approval of the Attorney General or his designee. For the purpose of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised, or settled under this part only after consultation with the Department of Justice when, in the opinion of the General Counsel of the Commission, or his designee:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and the Commission is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(c) An administrative claim may be adjusted, determined, compromised, or settled under this part only after consultation with the Department of Justice when the Commission is informed or is otherwise aware that the United States or an employee, agent, or cost-type contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

§ 177.108 Referral to Department of Justice.

(a) When Department of Justice approval or consultation is required under § 177.107, the referral or request shall be transmitted to the Department of Justice by the General Counsel of the Commission or his designee.

§ 177.109 Final denial of claim.

Final denial of an administrative claim under this part shall be in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the Commission action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

§ 177.110 Action on approved claim.

(a) Payment of a claim approved under this part is contingent on claimant's execution of (1) a "Claim for Damage or Injury", Standard Form 95, (2) a claims settlement agreement, and (3) a "Voucher for Payment", Standard Form 1145, as appropriate. When a claimant is represented by an attorney, the voucher for payment shall designate both the claimant and his attorney as payees, and the check shall be delivered to the attorney, whose address shall appear on the voucher.

1967 and the determination of county

(b) Acceptance by the claimant, his agent, or legal representative, of an award, compromise, or settlement made under section 2672 or 2677 of title 28, United States Code, is final and conclusive on the claimant, his agent or legal representative, and any other person on whose behalf or for whose benefit the claim has been presented, and constitutes a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-5231; Filed, May 9, 1967; 8:49 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 77]

PART 247—OPERATORS' RESPONSIBILITIES WITH RESPECT TO GUARANTEE CLAUSE IN NEW SHIP CONSTRUCTION CONTRACTS

Revocation of Part

Part 247 (General Order 77, as amended) of this title and chapter is hereby revoked.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Acting Maritime Administrator.

Dated: May 3, 1967.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 67-5189; Filed, May 9, 1967; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Moosehorn National Wildlife Refuge, Me.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Moosehorn National Wildlife Refuge, Maine, is permitted, except on areas designated by signs as closed, during the State firearms season. This open area, comprising 21,000 acres, is delineated on maps available at refuge headquarters, Post Office Box X, Calais, Maine 04619 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1967.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 1, 1967.

[F.R. Doc. 67-5180; Filed, May 9, 1967; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1967–68 Marketing Year

DETERMINATION OF COUNTY NORMAL YIELDS FOR 1967 CROP

The regulations contained in § 730.1808 are issued pursuant to and in conformity with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended. Section 301(b)(13), subparagraphs (D) and (F), of the Act provide definitions for county normal yields as follows:

(D) "Normal yield" for any county, in the case of rice * * *, shall be the average yield per acre of rice * * *, for the county during the 5 calendar years immediately preceding the year for which such normal yield is determined * * *, adjusted for abnormal weather conditions and for trends in yields. If for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

* * * * *

(F) In applying subparagraphs (D) and (E), if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such 5-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre. If, on account of abnormally favorable weather conditions, the yield for any year of such 5-year period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to the issuance of the regulations for determining county normal yields for

1967 and the determination of county normal yields thereunder, public notice (31 F.R. 12952) was given in accordance with (5 U.S.C. 553). No data, views, or recommendations pertaining thereto were submitted pursuant to such notice. Since farmers will be harvesting rice in areas prior to the date that county normal yields would ordinarily become effective (30 days after publication in the FEDERAL REGISTER), it is hereby found that the proclamations and determinations herein shall become effective upon the date of filing of this document with the Director, Office of the Federal Register.

Section 730.1808 is issued to provide the regulations for determining county normal yields and to proclaim the yields for the 1967 crop of rice determined thereunder.

§ 730.1808 County normal yield for 1967 crop rice.

(a) *Regulations.* County normal yields for 1967 crop rice shall be determined by computing the average yield per harvested acre of rice for each county producing rice during the years 1962 through 1966, adjusted for abnormal weather conditions and other uncontrollable natural causes and for trends in yields. Where data for any year are not available, or there was no actual yield, an appraised yield for such year shall be determined on the basis of the yields obtained in surrounding counties during such year and the yield in years for which data are available. Adjustments for abnormal weather conditions and other uncontrollable natural causes shall be as follows: For any annual yield, including an appraised yield, which is less than 75 per centum of the 5-year (1962–66) average yield, 75 per centum of such average shall be substituted therefor; and for any annual yield, including an appraised yield, which is in excess of 125 per centum of the 5-year (1962–66) average yield, 125 per centum of such average shall be substituted therefor. The adjustment for trends in yields shall be made by adopting as the county normal yield the simple average of (1) the 1962–66 average yield per harvested acre of rice for the county, adjusted for abnormal weather conditions and other uncontrollable natural causes as provided in the preceding sentence, and (2) the 1965–66 average yield per harvested acre of rice for the county, similarly adjusted, except that no trend adjustment shall be made unless the 2-year adjusted average is higher than the 5-year adjusted average. Notwithstanding the adjustments as indicated above, no county normal yield shall be less than the unadjusted 5-year (1962–66) average yield.

(b) *Statistical data.* Section 301(c) of the Agricultural Adjustment Act of 1938, as amended, provides that "The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this act." In accordance therewith, the annual yields of rice for counties in the States of Arkansas, California, Louisiana, Mississippi, Missouri, and Texas used in the determination of county normal yields in this section shall be the latest official yields determined by the Statistical Reporting Service of the Department, on the basis of its estimate of harvested acres and production of rice in applicable counties of those States during each of the years 1962 through 1966, except that if such a yield for any year is not available an appraised yield shall be used for such year. In the minor rice-producing States of Florida, Illinois, North Carolina, Oklahoma, South Carolina, and Tennessee where no official estimates of rice yields were available, the annual rice yields for the years 1962 through 1966 used in determining the county normal yields in this section for the applicable counties in these States shall be those obtained by special surveys covering all farms producing rice in any of the calendar years 1962 through 1966.

(c) *Proclamation of county normal yields.* County normal yields for 1967 crop rice, determined in accordance with paragraphs (a) and (b) of this section, are as follows:

ARKANSAS

County	Normal yield per harvested acre (pounds)	County	Normal yield per harvested acre (pounds)
Arkansas	4,366	Lafayette	3,100
Ashley	4,108	Lawrence	4,402
Chicot	3,906	Lee	3,984
Clark	3,570	Lincoln	4,295
Clay	4,283	Little River	3,995
Conway	3,867	Lonoke	4,383
Craighead	4,592	Miller	3,148
Crittenden	3,712	Mississippi	4,322
Cross	4,383	Monroe	4,249
Dallas	3,487	Perry	3,601
Desha	4,069	Phillips	3,834
Drew	3,996	Poinsett	4,650
Faulkner	3,636	Prairie	4,388
Grant	3,130	Pulaski	3,867
Greene	4,187	Randolph	4,345
Hot Spring	3,643	St. Francis	3,975
Independence	4,208	White	4,061
Jackson	4,218	Woodruff	4,106
Jefferson	4,182	State	4,289

CALIFORNIA

Butte	5,171	Riverside	4,120
Colusa	5,038	Sacramento	4,921
Fresno	4,215	San Joaquin	5,002
Glenn	5,048	Stanislaus	4,572
Imperial	4,000	Sutter	5,174
Kern	4,442	Tulare	4,131
Kings	2,312	Yolo	5,025
Madera	4,231	Yuba	4,825
Merced	4,556	State	5,009
Placer	4,282		

FLORIDA

Collier	1,182	Lee	1,182
Hendry	2,144	Palm Beach	772
Hillsborough	1,200	State	1,062

ILLINOIS

Adams	3,000

LOUISIANA

Acadia	3,537	Calcasieu	3,076
Allen	3,432	Cameron	3,444
Ascension	3,057	Catahoula	3,754
Assumption	2,980	Concordia	3,670
Avoyelles	3,560	East Carroll	3,685
Beauregard	2,826	Evangeline	3,781
Bossier	3,000	Franklin	3,507

LOUISIANA—Continued

County	Normal yield per harvested acre (pounds)	County	Normal yield per harvested acre (pounds)
Grant	3,638	St. James	3,288
Iberia	3,140	St. John the Baptist	3,166
Iberville	3,306	St. Landry	3,873
Jefferson Davis	3,710	St. Martin	3,304
Lafayette	3,378	St. Mary	3,046
Lafourche	1,895	St. Tammany	2,100
Madison	4,184	Tensas	3,752
Morehouse	3,980	Terrebonne	2,800
Ouachita	3,425	Vermilion	3,534
Pointe Coupee	3,065	West Baton Rouge	3,560
Rapides	3,826	West Carroll	3,774
Richland	3,105	State	3,522
St. Charles	2,290		

MISSISSIPPI

Bolivar	3,900	Quitman	3,572
Coahoma	3,869	Sharkey	3,962
De Soto	3,706	Sunflower	3,900
Hancock	2,500	Tallahatchie	3,790
Humphreys	3,846	Tate	3,950
Issaquena	3,000	Tunica	3,702
Lafiore	3,774	Washington	4,060
Panola	3,749	State	3,884

MISSOURI

Butler	4,308	Pemiscot	4,238
Lewis	3,216	Ripley	4,334
Lincoln	3,316	St. Charles	3,951
Marion	4,084	Scott	4,332
Mississippi	3,509	Stoddard	4,390
New Madrid	4,330	State	4,302

NORTH CAROLINA

Brunswick	1,209	State	1,648
Hyde	1,785		

OKLAHOMA

McCurtain	3,722

SOUTH CAROLINA

Berkeley	2,538	Horry	1,500
Charleston	1,974	Jasper	2,113
Colleton	1,597	Kershaw	1,502
Georgetown	1,000	State	1,955

TENNESSEE

Dyer	4,282	Lauderdale	4,210
Fayette	2,300	State	4,252

TEXAS

Austin	4,578	Lavaca	4,365
Bowie	3,898	Liberty	3,840
Brazoria	3,827	Matagorda	4,828
Calhoun	4,352	Newton	3,532
Chambers	3,942	Orange	3,188
Colorado	4,662	Polk	2,780
Fort Bend	4,265	Travis	4,358
Galveston	3,858	Victoria	4,726
Hardin	3,665	Walker	2,680
Harris	4,420	Waller	4,695
Jackson	4,708	Washington	3,170
Jasper	3,464	Wharton	4,804
Jefferson	3,680	State	4,266

(Secs. 301, 375, 52 Stat. 38, as amended by 70 Stat. 212, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1375)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 4, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-5194; Filed, May 9, 1967; 8:46 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 4]

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

Order Amending Order

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AUTHORITY: The provisions of this Part 1004 issued under secs. 1–19, 48 Stat. 31 as amended, 7 U.S.C. 601–674.

§ 1004.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Delaware Valley marketing area. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler (except a cooperative association in its capacity as a handler pursuant to § 1004.10(c) and as the operator of a pool plant with respect to milk which is transferred in bulk to the pool plant of another handler) as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to his receipts of producer milk (including such handler's own production), milk received from a cooperative association pursuant to § 1004.10(c), milk received in bulk as a transfer from a plant of a cooperative association and other source milk allocated to Class I pursuant to § 1004.46(a) (5) and (9) and the corresponding step of § 1004.46(b). The payment shall also apply with respect to any handler in his capacity as the operator of a partially regulated plant or an other order plant with respect to route disposition in the marketing area of unpriced other source milk.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs was issued December 8, 1966 and the decisions of the Asistant Secretary containing all amendment provisions of this order, were issued April 7 and 25, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1967 and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C. 553(d) (1966))

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area (Doc. AO–160–A28–29; 32 F.R. 5876). The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for

sale in the marketing area (Doc. AO–160–A33; 32 F.R. 6501).

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Delaware Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

DEFINITIONS

§ 1004.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1004.2 Secretary.

"Secretary" means the Secretary of Agriculture, or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1004.3 Department of Agriculture.

"Department of Agriculture" means the U.S. Department of Agriculture or any other Federal agency as may be authorized by Act of Congress, or by Executive order, to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1004.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1004.5 Delaware Valley marketing area.

"Delaware Valley marketing area", called the "marketing area" in this part means all the territory in the Commonwealth of Pennsylvania situated within the following boundary line: Beginning at a point in the Pennsylvania State line at the northern boundary of the Lower Makefield township line in Bucks County, thence first westerly, thence southerly along said Lower Makefield township line to the Middletown township line; thence westerly and southerly along the Middletown township line to the Lower Southampton township line; thence northerly and thence westerly along the Lower Southampton township line to the Montgomery County line; thence northerly along the Montgomery County line to the Trenton cutoff of the Pennsylvania Railroad; thence westerly along said railroad to the Upper Dublin township line, thence along the southern and western boundaries of Upper Dublin township to the Whitemarsh township line; thence southerly along the Whitemarsh township line to the lower Merion township line; thence along the northern boundary of lower Merion township to the Delaware County line; thence northerly, westerly and southerly along the Delaware County line to the Pennsylvania State line; thence easterly and northerly along the Pennsylvania State line to the point of beginning; all of that territory situated within and bounded on the north, east, and west by the boundary line of the State of Delaware, and on the south by the Chesapeake and Delaware Canals, all of which area lies within New Castle County, Delaware, and all of the territory in the State of New Jersey within the outer boundaries of the following counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Salem, and Ocean (except the boroughs of Bay Head, Beachwood, Island Heights, Lakehurst, Lavallette, Mantoloking, Ocean Gate, Pine Beach, Point Pleasant, Point Pleasant Beach, Seaside Heights, Seaside Park, South Toms River, and the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted).

§ 1004.6 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1004.7 Plants.

(a) "Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment at which milk or milk products are received from dairy farmers or processed or packaged. However, a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

(b) "Distributing plant" means a plant from which fluid milk products are disposed of during the month in the marketing area as route disposition.

(c) "Supply plant" means a plant from which fluid milk products are shipped during the month to a distributing plant.

§ 1004.8 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a), (b), or (c) of this section.

(a) A distributing plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 45 percent, of the milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), is disposed of as route disposition, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts.

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 40 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association), or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant except an "other order plant" from which a volume of fluid milk products which is not less than 50 percent during any month of September through February, or 45 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations and from other plants is disposed of as route disposition during the month, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts.

(c) A supply plant that was a pool plant during each of the months of September through February pursuant to paragraph (b) of this section shall be a pool plant during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of any such month, requesting the plant to be designated a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant. However, the automatic pool plant status of a supply plant pursuant to this paragraph shall be canceled for any month during the March through August period that another supply plant is qualified for pooling by shipping fluid milk products to the same distributing plant(s) by which such automatic pooling was accomplished.

(d) A supply plant(s) not otherwise meeting the provisions of paragraph (b) of this section shall be considered to have met such provisions if:

(1) It is owned and operated by a handler who also operates a pool plant pursuant to § 1004.8(a);

(2) It is located outside the marketing area and is not a pool plant under another Federal order;

(3) The handler files a written request with the market administrator on or before the first day of September for pool plant status for such plant;

(4) The plant(s) in combination with the pool distributing plant meet the provisions of § 1004.8(a);

(5) The handler qualifies no other supply plant by actual shipments to such pool distributing plant; and

(6) The handler notifies the market administrator each month at the time

of filing reports pursuant to § 1004.30 in the detail prescribed by the market administrator with respect to any receipts from dairy farmers not meeting the health requirements for disposition as fluid milk in the marketing area.

§ 1004.9 Nonpool plants.

"Nonpool plant" means a plant other than a pool plant. The categories of nonpool plants are:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler or an other order plant from which fluid milk products are shipped to a pool plant.

§ 1004.10 Handler.

"Handler" means

(a) Any person in his capacity as the operator of:

(1) A pool plant;

(2) A partially regulated distributing plant;

(3) An unregulated supply plant; and

(4) An other order plant pursuant to § 1004.61.

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of § 1004.15 from a pool plant to a nonpool plant for the account of such cooperative association.

(c) Any cooperative association with respect to the milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association unless both the cooperative association and the handler notify the market administrator in writing prior to the first day of the month that the plant operator will be the handler and is purchasing the milk on the basis of farm weights and tests determined by farm bulk tank calibrations and at butterfat tests based on samples taken at the farm. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which such milk is delivered.

(d) A producer-handler; and

(e) Any other person who by purchase or direction causes milk of producers to be picked up at the farm and/or moved to a plant.

§ 1004.11 Pool handler.

"Pool handler" means any person in his capacity as the operator of a pool plant or a cooperative association qualified as a handler pursuant to § 1004.10 (b) or (c).

§ 1004.12 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant, and whose sole source of supply for Class I milk is his own farm production and transfers from pool plants: *Provided,* That such person furnishes proof satisfactory to the market administrator that the maintenance and management of all dairy animals and other resources necessary to produce the entire amount of Class I milk handled (excluding transfers from pool plants), and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

§ 1004.13 Dairy farmer.

"Dairy farmer" means any person who produces milk which is delivered in bulk to a plant.

§ 1004.14 Dairy farmer for other markets.

"Dairy farmer for other markets" means:

(a) Any dairy farmer with respect to milk reported pursuant to § 1004.8(d) (6); or

(b) Effective on and after January 1, 1968, any dairy farmer whose milk is received by a handler at a pool plant during any of the months of March through August, from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received milk other than as producer milk during the preceding months of January and February, unless such dairy farmer held nonproducer status during such months solely because the pool plant to which he currently ships was not a pool plant in such months.

§ 1004.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, a dairy farmer for other markets, or any person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10(c), or is diverted to a nonpool plant other than a producer-handler plant or an other order plant during any month(s) of March through August, or, in accordance with the provisions of paragraphs (a), (b), or (c) of this section, during any month of September through February. If a handler diverting milk pursuant to paragraph (a) of this section diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant. If a handler diverting milk pursuant to paragraphs (b) or (c) of this section diverts in excess of the limits prescribed, all diversions by such handler during the month shall be pursuant to paragraph (a) of this section.

(a) Not more than 10 days' production during the month unless, (1) in the case of a cooperative association, all of the diversions of milk of member producers of the cooperative during the month fall within the limits prescribed in paragraph (b) of this section, or (2) in the case of a pool handler (other than a cooperative association) diverting milk of nonmember producers, all of such diversions from such plant fall within the limits prescribed in paragraph (c) of this section.

(b) The diversion is the milk of a member of a cooperative association diverted for the account of such association and the amount of member milk so diverted does not exceed 15 percent of the volume of milk of all producer members of such cooperative association received at pool plants during such month.

(c) The diversion is the milk of a producer, who is not a member of a cooperative association, which is diverted by a handler in his capacity as the operator of a pool plant from which the quantity of nonmember milk so diverted does not exceed 15 percent of the total nonmember producer milk delivered to such handler during the month.

(d) Milk which is diverted pursuant to paragraphs (a), (b), or (c) of this section shall be deemed to have been received by the handler, for whose account it is diverted, at a pool plant at the location of the plant from which it was diverted, except that, for the purpose of applying location adjustments pursuant to §§ 1004.52 and 1004.82 milk which is diverted from a pool plant to a plant at which a greater location adjustment credit is applicable shall be priced at the latter location.

§ 1004.16 Milk and milk products.

(a) "Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, and any other mixture of cream and milk or skim milk containing less than 18 percent butterfat (other than ice cream, ice cream mixes, ice milk mixes, eggnog, yogurt, sour half and half, and sterilized products in hermetically sealed containers): *Provided,* That when nonfat milk solids are added for "fortification", the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content;

(b) "Producer milk" means any skim milk or butterfat contained in milk:

(1) Received directly at a pool plant from producers;

(2) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1004.10(c); or

(3) Diverted in accordance with the provisions of § 1004.15;

(c) "Other source milk" means all skim milk and butterfat contained in or represented by:

(1) Receipts (including any Class II milk product produced in the handler's plant during a prior month) in a form other than as fluid milk products which are reprocessed, converted, or combined with another product during the month; and

(2) Receipts in the form of fluid milk products from any source other than producers, pool plants, or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c).

§ 1004.17 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a plant to a retail or wholesale outlet (including any delivery by a vendor, from a plant store or through a vending machine) except any delivery to a plant.

§ 1004.18 Certified milk.

"Certified milk" is milk which is produced, packaged and sold under the label of certified milk in accordance with the rules and regulations promulgated by the American Association of Medical Milk Commissions, Inc.

MARKET ADMINISTRATOR

§ 1004.20 Designation.

The market administrator for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1004.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1004.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1004.87:

(1) The cost of his bond and the bonds of his employees,

(2) His own compensation, and

(3) All other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1004.30 and 1004.31, or payments pursuant to §§ 1004.80 through 1004.87;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(h) Verify all reports and payments of each handler, by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and information concerning the operation of this part as do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 5th day of each month the Class II price computed pursuant to § 1004.50(b), and the handler butterfat differentials computed pursuant to § 1004.51, both for the preceding month;

(2) The 13th day of each month, the uniform price computed pursuant to § 1004.71, and the butterfat differential to producers computed pursuant to § 1004.81, both for the preceding month;

(3) The 15th day of the month preceding the start of each calendar quarter, the Class I price computed pursuant to § 1004.50(a); and

(4) The 15th day of each month, the indexes computed pursuant to § 1004.50 (a)(1) for the preceding month, the 12-month average of prices for milk for manufacturing purposes as determined pursuant to § 1004.50(a)(3) for the period ending with the preceding month and the 12-month utilization percentage factor for the period ending with the preceding month calculated in the manner described in § 1004.50(a)(4).

(k) On or before the 15th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month;

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1004.46(a)(10) and the corresponding step of § 1004.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1004.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS AND FACILITIES

§ 1004.30 Reports of receipts and utilization.

(a) On or before the 8th day after the end of each month each cooperative association in its capacity as a handler and each pool handler with respect to each of his pool plants shall report for the month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in (i) receipts of producer milk (including such handler's own production), (ii) receipts of fluid milk products and cream from other pool plants and milk received from a cooperative association for which it is a handler pursuant to § 1004.10(c), and (iii) receipts of other source milk;

(2) Inventories of fluid milk products and cream on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of milk from dairy farmers shall be reported in lieu of producer milk, such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and

(c) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(d) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1004.10 (b) and (c) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat diverted to nonpool plants; and

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler.

§ 1004.31 Other reports.

(a) Each pool handler shall report to the market administrator in detail and on forms prescribed by the market administrator as follows:

(1) On or before the 25th day after the end of the month for each pool plant his producer payroll for such month which shall show for each producer: (i) his name and address; (ii) the total pounds of milk received from such producer; (iii) the average butterfat content of such milk; and (iv) the net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) Such other information with respect to receipts and utilization of butterfat and skim milk as the market administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to a pool handler, the handler shall file with the market administrator a report stating the producer's name and post office address, and the farm and plant locations involved.

(c) In making payments to producers pursuant to § 1004.80(a)(2), or to a cooperative association pursuant to § 1004.80(b), each pool handler shall furnish such producer or cooperative association with respect to each of its producer members from whom the handler received milk during the month, a written statement showing:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate at which payment to the producer is required under the provisions of § 1004.80(a)(2);

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The nature and amount of any deductions made in payments due such producer; and

(6) The net amount of the payment to the producer.

(d) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1004.62(b) shall report the same information as required in paragraph (a) of this section with respect to dairy farmers from whom he receives milk.

(e) On or before the 20th day after the end of the month, each handler pursuant to § 1004.10(e) shall report to the market administrator, in the detail and on forms prescribed by the market administrator, all transactions wherein milk was bought or dealt in, giving the following information:

(1) The name and address of any cooperative association or producer for whom the handler by either purchase or direction caused milk of producers to be moved to a plant;

(2) The total pounds of milk involved in the transaction, and the average butterfat content of such milk; and

(3) Such other information with respect to such transaction as the market administrator may prescribe.

§ 1004.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items in inventory at the beginning and end of each month required to be reported pursuant to § 1004.30(a)(2);

(d) Payments to producers and cooperative associations, including any deductions and the disbursement of money so deducted; and

(e) Other information required to be reported pursuant to § 1004.31(e).

§ 1004.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1004.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to § 1004.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1004.41 through 1004.46.

§ 1004.41 Classes of utilization.

Subject to the conditions set forth in §§ 1004.42 through 1004.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of as a fluid milk product;

(2) Contained in inventory of packaged fluid milk products on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of for livestock feed;

(3) Contained in fluid milk products which are dumped, if the handler gives the market administrator such advance notice of intent to dump as the market administrator may prescribe;

(4) Contained in inventory of fluid milk products in bulk which are on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.42(b)(1), but not to exceed the following:

(i) Two percent of producer milk received at a pool plant; plus

(ii) One and one-half percent of milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1004.10(c); plus

(iii) One and one-half percent of milk received at a pool plant in bulk tank lots from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the handler (and by the operator of such other order plant if such receipt is fully subject to the classification and pricing provisions of such other order); plus

(v) One and one-half percent of receipts from dairy farmers for other markets pursuant to § 1004.14(b) and receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of milk moved in bulk tank lots from a pool plant to other plants; and plus

(vii) One-half of one percent in receipts of producer milk by a cooperative association in its capacity as a handler pursuant to § 1004.10(c);

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.42(b)(2);

(7) Disposed of in bulk to any commercial food establishment for use on the premises in the manufacture of soup, candy, bakery products, or any other nondairy commercial food product: *Provided*, That such establishment does not dispose of any fluid milk product;

(8) The weight of skim milk in fortified fluid milk products which is excepted from Class I milk pursuant to paragraph (a) of this section.

§ 1004.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat in receipts described in § 1004.41(b)(5); and (2) skim milk and butterfat in other source milk, exclusive of that specified in § 1004.41(b)(5).

(c) In the case of milk received from producers by a cooperative association handler pursuant to § 1004.10(c), the cooperative association shall be responsible for proving that skim milk and butterfat in such milk which was not received at a pool plant should be classified other than as Class I, and the operator of a pool plant receiving skim milk and butterfat from a cooperative association handler pursuant to § 1004.10(c) shall be responsible for proving that such skim milk and butterfat should be classified other than as Class I.

§ 1004.43 Responsibility of handlers and the reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1004.44 Transfers.

Skim milk and butterfat in the form of any fluid milk product shall be classified:

(a) As Class I milk if transferred from a pool plant or a cooperative association as a handler pursuant to § 1004.10(c) to a pool plant, unless Class II utilization is indicated by the transferee and transferor handlers (or by the handler if such transfer is between two pool plants of the same handler) in their reports pursuant to § 1004.30(a) for the month, subject to the conditions of subparagraphs (1), (2), and (3) of this paragraph:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1004.46(a)(10) and the corresponding step of § 1004.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1004.46(a)(5), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1004.46(a)(9) or (10), and the corresponding steps of § 1004.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1004.30 for the month within which such transaction occurred;

(2) The operator of such nonpool transferee plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to receipts from other order plants;

(ii) Any route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and thereafter pro rata to receipts from pool plants and other order plants not regulated by such order;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to the receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant, and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) Any remaining receipts from pool plants or other order plants shall be assigned to Class II: *Provided*, That if on inspection of the books and records of the nonpool plant the market administrator finds that the remaining unassigned receipts at such plant exceed the available Class II utilization, the transfer shall be classified as Class I up to the amount of such excess.

(d) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1004.41.

§ 1004.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1004.30(a) by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, and the total pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1004.10 (b) and (c) and was not received at a pool plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in

such products plus all the water originally associated with such solids.

§ 1004.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1004.45, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1004.10 (b) and (c) which was not received at a pool plant, and the classification of milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at each pool plant for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1004.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I, the pounds of skim milk in receipts of certified milk in packaged form;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows, if the fluid products so received are classified and priced as Class I milk under such order or the equivalent thereof if assigned to Class I milk under this order:

(i) From Class II milk, the lesser of the pounds remaining, or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to § 1004.14(a) and from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products, for which the handler requests Class II utilization, which were received from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating the plant and from dairy farmers for other markets pursuant to § 1004.14(b), but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), if not assigned pursuant to subparagraphs (3) and (6)(i) of this paragraph, to the extent that the total of such receipts is in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), in receipts from Order 2 pool bulk tank units and in receipts in bulk from other order plants which are classified and priced pursuant to the applicable order; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II, shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk (and for the first month this order is effective, in packaged fluid milk products) on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from other order plants if not classified or priced pursuant to the order regulating such plant and from dairy farmers for other markets pursuant to § 1004.14 (b), that were not subtracted pursuant to subparagraph (6) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from Order 2 pool bulk tank units and in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (6)(iii) of this paragraph, pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1004.22(1); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of

such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(11) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) according to the classification assigned pursuant to § 1004.44(a); and

(12) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1004.50 Class prices.

Subject to the provisions of §§ 1004.51 and 1004.52 the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk.* For each month in each calendar quarter through June 1968, the price per hundredweight of Class I milk shall be the price computed for such quarter pursuant to subparagraphs (1) through (4) of this paragraph:

(1) Compute the indexes set forth in subdivisions (i) through (v) of this subparagraph for the second, third, and fourth months preceding the first month of the pricing quarter and divide the sum of these indexes by 15. The result shall be the formula index;

(i) Compute an index of wholesale commodity prices, using a 1957–58 base period by dividing by 0.99614, the average of the four latest weekly index figures (those available on the 15th day of the following month) of wholesale commodity prices as reported on a 1957–59 base by the Bureau of Labor Statistics, U.S. Department of Labor;

(ii) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1957–58 base period, by dividing by 0.03896 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service;

(iii) Compute an index of prices received by Pennsylvania farmers for farm products except dairy, using a 1957–58 base period, by dividing by 2.103 the monthly index published by the Pennsylvania Federal-State Crop Reporting Service;

(iv) Compute an index of prices for milk for manufacturing purposes, f.o.b. plant United States, as reported by the Department of Agriculture, using a 1961–62 base period, by dividing by 0.030707 the monthly average prices determined pursuant to paragraph (b)(1) of this section, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for such month:

January	1.023	July	0.988
February	1.014	August	.997
March	1.006	September	1.000
April	.980	October	1.004
May	.976	November	1.014
June	.984	December	1.014

(v) Compute an index of average daily pounds of Class I milk disposition using a 1957–58 base period, by dividing by 29,476 the daily average for the month of pounds of Class I milk disposition by plants fully regulated as a result of their sales in the marketing area other than in the State of New Jersey and excluding Class I milk disposition (on route or otherwise) outside the marketing area by any handler whose route disposition in the marketing area, exclusive of New Jersey, is less than 5 percent of his total route disposition, and excluding any duplication because of disposition between plants, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for the month:

January	1.009	July	0.946
February	1.023	August	.949
March	1.011	September	1.020
April	1.025	October	1.046
May	1.010	November	1.005
June	.966	December	.990

(2) Subject to the conditions set forth in subparagraphs (3) and (4) of this paragraph the Class I price shall be that price indicated in the following class I price schedule opposite the bracket in which the formula index computed pursuant to subparagraph (1) of this paragraph falls except that for the months through April 1968, 20 cents shall be added to such price. If such index value is not within a bracket, the price shall be determined by the adjacent index bracket which is the same as or nearest to the bracket in which the price was established in the previous quarter:

Class I Price Schedule

[Price Per Hundredweight]

Formula index	*Class I price*
At least but less than: [1]	
80.0–82.0	4.45
83.8–85.8	4.65
87.6–89.6	4.85
91.4–93.4	5.05
95.2–97.2	5.25
99.0–101.0	5.45
102.8–104.8	5.65
106.6–108.6	5.85
110.4–112.4	6.05
114.2–116.2	6.25
118.0–120.0	6.45

[1] If the formula index is more than 120.0 or less than 80.0 this table shall be extended at the same rate as the increase or decrease in the preceding bracket.

(3) If the annual level of the price for any calendar quarter exceeds by more than $2.60 the simple average of prices for milk for manufacturing purposes, f.o.b. plants United States, reported on a preliminary basis by the Department of Agriculture for each of the 12 months ending with the second month preceding such calendar quarter, as determined at 3.5 percent butterfat content pursuant to paragraph (b)(1) of this section, the Class I price for such quarter shall be adjusted downward (in multiples of 20 cents) to a price at which the annual level price is within such $2.60 variance.

(4) The Class I price for any calendar quarter computed pursuant to subparagraphs (1) through (3) of this paragraph shall be further adjusted as follows: *Provided,* That for each of the 6 months following the effective date of this part, the adjustments pursuant to this subparagraph shall not exceed plus or minus 20 cents:

(i) increased by 20 cents if the total receipts of producer milk during the 12-month period ending with the second month preceding such calendar quarter is less than 129 percent of the total pounds of such producer milk classified as Class I for the same period, and shall be increased an additional 20 cents if the ratio is less than 126 percent; and

(ii) decreased by 20 cents if the ratio of such receipts to such Class I disposition exceeds 139 and decreased an additional 20 cents if such ratio exceeds 142 percent.

(b) *Class II milk.* The price per hundredweight of Class II milk shall be determined for each month as follows:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the Department of Agriculture for the month, by subtracting for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or adding for each one-tenth of 1 percent of average butterfat content below 3.5 percent an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture; and

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

	Amount (cents)		Amount (cents)
January	+16	July	+16
February	+15	August	+23
March	+08	September	+19
April	+04	October	+19
May	+01	November	+19
June	+02	December	+19

§ 1004.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent variation in butterfat content by the appropriate rate, rounded in each case to the nearest one-tenth cent determined as follows:

(a) *Class I milk.* Divide by 35 an amount calculated as follows: Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40-percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the Department of Agriculture, divide by the number of quotations, subtract $2, divide by 9.7143: *Provided*, That such butterfat differential shall not be less than that provided pursuant to paragraph (b) of this section.

(b) *Class II milk.* Multiply by 0.120 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture for Grade A (92-score) butter in the New York City market.

§ 1004.52 Location differentials to handlers.

(a) For that milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at a pool plant located 45 miles or more by shortest highway distance, as determined by the market administrator from the nearest of the City Halls in Philadelphia, Pa.; Trenton or Atlantic City, N.J.; and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the Class I price shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers, subject to the exception contained in § 1004.15(d):

Distance of plant from nearest City Hall:	Rate per hundredweight (cents)
45 miles	23.0
Each additional 10 miles or fraction thereof an additional	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant in an amount not in excess of that by which such Class I disposition exceeds 95 percent of the sum of receipts at such plant from producers, cooperative associations pursuant to § 1004.10(c), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, and from dairy farmers for other markets pursuant to § 1004.14(b). Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) For milk received from producers at a pool plant located 45 to 75 miles by the shortest highway distance as determined by the market administrator from the nearest of the City Halls in Philadelphia, Pa.; Trenton or Atlantic City, N.J.; and classified as Class II milk (except that for which a Class I location differential was assigned pursuant to paragraph (b)), the Class II price shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk was received from producers, subject to the exception contained in § 1004.15(d):

Distance of plant from nearest City Hall:	Rate per hundredweight (cents)
45 to 70 miles	5.0
Each additional 70 miles or fraction thereof an additional	1.0

§ 1004.53 Equivalent prices or indexes.

If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

APPLICATION OF PROVISIONS

§ 1004.60 Producer-handler.

Sections 1004.40 through 1004.46, 1004.50 through 1004.53, 1004.62, 1004.70, 1004.71, and 1004.80 through 1004.87 shall not apply to a producer-handler.

§ 1004.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1004.30) and allow verification of such reports by the market administrator. In addition, each handler operating an Order 2 pool plant from which any unpriced milk is disposed of as route disposition in the marketing area of this order shall, on or before the 15th day after the end of the month make payments to the producer-settlement fund of the difference between the announced Class I price under this order and the announced uniform price under Order 2, both applicable at his plant location, on the volume of such milk so disposed, and pay the administrative assessment provided in § 1004.87 with respect to such milk.

(a) Any plant qualified pursuant to § 1004.8(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant on routes in the Delaware Valley marketing area than in a marketing area regulated pursuant to such other order;

(b) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to § 1004.8 (a) or (b).

§ 1004.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1004.30(b) and 1004.31(d) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1004.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1004.70(e) and a credit in the amount specified in § 1004.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1004.30(b) and 1004.31(d) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent

to the requirements of § 1004.8(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk (approved by a duly constituted health authority for fluid disposition) received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

§ 1004.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant and of each cooperative association handler pursuant to § 1004.10 (b) and (c) with respect to milk which was not received at a pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of milk received from a cooperative association as a handler pursuant to § 1004.10(c) and allocated pursuant to § 1004.46 (a) and (b)(11) and the quantity of producer milk in each class, as computed pursuant to § 1004.46(c), by the applicable class prices (adjusted pursuant to §§ 1004.51 and 1004.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1004.46(a)(12) and the corresponding step of § 1004.46(b) by the applicable class prices;

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.46(a)(7) and the corresponding step of § 1004.46(b) for the current month;

(2) Multiply the difference between the applicable Class I price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1004.46(a)(4) and the corresponding step of § 1004.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1004.46(a)(5) and the corresponding step of § 1004.46(b); and

(e) Add an amount equal to the values of skim milk and butterfat determined pursuant to subparagraphs (1) and (2) of this paragraph as follows:

(1) The value at the Class I price of skim milk and butterfat received from dairy farmers for other markets assigned to Class I pursuant to § 1004.46(a)(9) and the corresponding step of § 1004.46 (b), adjusted pursuant to § 1004.52;

(2) The value at the Class I price of skim milk and butterfat assigned to Class I pursuant to § 1004.46(a)(9), and the corresponding step of § 1004.46(b), excluding milk from dairy farmers for other markets, adjusted for the location of the nearest plants from which such types of receipts were received.

§ 1004.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1004.70 for all handlers who filed the reports prescribed by § 1004.30 for the month and who made the payments required pursuant to § 1004.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1004.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1004.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included pursuant to paragraph (a) of this section; and

(2) The total hundredweight for which a value is computed pursuant to § 1004.70(e); and

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price," per hundredweight of milk of 3.5 percent butterfat received from producers.

PAYMENTS

§ 1004.80 Time and method of payment.

(a) Except as provided in paragraphs (b) and (d) of this section, each handler, except a cooperative association, shall make payment as specified in subparagraphs (1) and (2) of this paragraph to each producer from whom milk is received:

(1) On or before the last day of each month, at not less than the Class II price for the preceding month per hundredweight for his deliveries of producer milk during the first 15 days of the month; and

(2) On or before the 20th of the following month, the applicable uniform price per hundredweight for his deliveries of producer milk during the month subject to the following adjustments:

(i) Proper deductions authorized in writing by such producers;

(ii) Partial payments made pursuant to subparagraph (1) of this paragraph; and

(iii) If by such date such handler has not received full payment from the market administrator pursuant to § 1004.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) In the case of milk received by a handler from a cooperative association in its capacity as the operator of a pool plant such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler.

(d) Each handler who received milk from a cooperative association handler

pursuant to § 1004.10(c), shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at the rate specified in paragraph (a)(1) of this section; and

(2) A final payment equal to the value of such milk at the uniform price adjusted by the applicable differentials pursuant to §§ 1004.81 and 1004.82, less the amount of partial payment on such milk.

§ 1004.81 Butterfat differential to producers.

The uniform price to each producer shall be increased or decreased, for each one-tenth of 1 percent by which the average butterfat content of his milk is above or below 3.5 percent, respectively, by the butterfat differential computed pursuant to § 1004.51(a) and rounded to the nearest full cent.

§ 1004.82 Location differential to producers.

(a) Subject to the exception contained in § 1004.15(d), the uniform price for milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at a pool plant located at least 45 miles from the nearest of the City Halls in Philadelphia, Pa.; Atlantic City or Trenton, N.J., by shortest highway distance as determined by the market administrator shall be reduced 23 cents, plus 1½ cents for each additional 10 miles or fraction thereof, which such plant is located from the nearest of the City Halls in Philadelphia, Pa.; Atlantic City or Trenton, N.J.

(b) For purposes of computations pursuant to §§ 1004.84 and 1004.85 the uniform price shall be reduced at the rates set forth in paragraph (a) of this section applicable at the location of the plant(s) at which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(1) and at the location of the nonpool plant(s) from which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(2).

§ 1004.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1004.61 and 1004.62, 1004.84 and 1004.86 and out of which he shall make all payments from such fund pursuant to §§ 1004.85 and 1004.86: *Provided*, That the market administrator shall offset the payment due to a handler against payment due from such handler.

§ 1004.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1004.70 for such handler;

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1004.10(c) at the uniform price adjusted by producer butterfat and location differentials, less in the case of a cooperative association on milk for which it is a handler pursuant to § 1004.10(c), the amount due from other handlers pursuant to § 1004.80(d); and

(2) The value at the uniform price adjusted by the producer butterfat differential pursuant to § 1004.81 and the location differential on nonpool milk pursuant to § 1004.82(b) (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.70(e).

§ 1004.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1004.84(b) exceeds the amount computed pursuant to § 1004.84(a); *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1004.86 Adjustment of accounts.

(a) Except as provided in paragraph (b) of this section, whenever verification by the market administrator of reports or payments of a handler discloses errors resulting in money due the market administrator from such handler, such handler from the market administrator, or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred;

(b) Whenever verification by the market administrator of the reports or payments of a handler discloses errors resulting in money due any producer or cooperative association from such handler for milk received by such handler prior to the effective date of this amended order, the market administrator shall promptly notify such handler of any amount so due, and payment thereof shall be made promptly to the market administrator. The market administrator shall then pay the producer or cooperative association to whom such monies are due, except that if the amount is not more than 2 cents per hundredweight on the milk involved, the monies shall be deposited in the producer-settlement fund.

§ 1004.87 Expense of administration.

As his pro rata share of the expense of administration, each handler shall pay to the market administrator on or before the 20th day after the end of the month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1004.10(c), and a cooperative association as the operator of a pool plant with respect to milk transferred in bulk to a pool plant) with respect to his receipts of producer milk (including such handler's own-farm production, milk received from a cooperative association pursuant to § 1004.10(c), and milk transferred in bulk from a plant owned and operated by a cooperative association) and other source milk allocated to Class I pursuant to § 1004.46(a) (5) and (9) and the corresponding step of § 1004.46(b);

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area in excess of his receipts of Class I milk from pool plants and other order plants; and

(c) Each handler in his capacity as the operator of an other order plant with respect to his route disposition in the marketing area, which milk was not classified and priced under such other order.

§ 1004.88 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid:

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all

books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin until the 1st day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1004.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1004.91.

§ 1004.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1004.92 Continuing obligations.

If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1004.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1004.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1004.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: June 1, 1967.

Signed at Washington, D.C., on May 5, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-5234; Filed, May 9, 1967; 8:49 a.m.]

[Milk Order 99]

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

Order Amending Order

§ 1099.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued April 27, 1967, and the decision of the Under Secretary containing all amendment provisions of this order was issued May 3, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Paducah, Ky., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1099.71, paragraph (h) is revised to read as follows:

§ 1099.71 Computation of the uniform price.

* * * * *

(h) For each of the months of April, May, June, and July, subtract an amount equal to 50 cents per hundredweight on the total amount of producer milk in these computations, which amount is to be retained in the producer-settlement fund and disbursed according to the provision of paragraph (i) of this section;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 5, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-5235; Filed, May 9, 1967; 8:49 a.m.]

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1205—COTTON RESEARCH AND PROMOTION

Subpart—Cotton Board Rules and Regulations

On April 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 5696) regarding Cotton Board rules and regulations with respect to the $1 per bale assessment, collecting and reporting handlers, refund, of assessments, reports and records, and related matters under the Cotton Research and Promotion Act (80 Stat. 279; 7 U.S.C. 2101 et seq.).

These rules and regulations were formulated by the Cotton Board and submitted to the Secretary of Agriculture on April 5, 1967, for his approval. The notice of proposed rule making afforded interested persons an opportunity to submit written data, views, or arguments relative to the proposed regulations.

Comments were received from 25 sources, principally persons engaged in the merchandising of cotton. Copies of all such comments were made available to the Cotton Board. After consideration of these comments, the Cotton Board requested approval of the regulations with the following changes:

1. In the first sentence of § 1205.510, the date "June 1, 1967" is changed to read "June 10, 1967".

2. Paragraph (d) of § 1205.512 is changed to include purchase of unbaled lint cotton from a cotton producer and to provide for the collection of the assessment on a bale which contains cotton purchased from more than one cotton producer.

3. Paragraph (a) of § 1205.513 is changed to provide that collecting handler reports shall be on a monthly instead of a semimonthly basis.

4. Section 1205.525 is changed to provide that only the warehouse first receiving a bale of cotton after ginning is required to enter the gin code number on the warehouse receipt.

5. Paragraph (a) of § 1205.530 is changed to reduce the number of periodic reports required to be submitted by ginners.

6. In paragraph (b) of § 1205.530, the date "February 28" is changed to read "March 20" and provision is made for a supplemental report to the Cotton Board on any bales ginned after March 20.

After consideration of the regulations submitted by the Cotton Board for approval and all relevant matters pursuant thereto, the regulations are hereby approved as hereinafter set forth:

Subpart—Cotton Board Rules and Regulations

DEFINITIONS

Sec.
1205.500 Terms defined.

GENERAL

1205.505 Communication.

ASSESSMENTS

1205.510 Levy of assessment.
1205.511 Payment and collection.
1205.512 Collecting handlers and time of collection.
1205.513 Remittance to Cotton Board.
1205.514 Receipts for payment of assessments.

REFUNDS

1205.520 Procedure for obtaining refund.

WAREHOUSE RECEIPTS

1205.525 Entry of gin code number.

REPORTS AND RECORDS

1205.530 Ginners reports.
1205.531 Records.
1205.532 Retention period for reports and records.
1205.533 Availability of reports and records.

CONFIDENTIAL INFORMATION

1205.540 Confidential books, records, and reports.

AUTHORITY: The provisions of this subpart issued under sec. 7, 80 Stat. 281, 7 U.S.C. 2106; Cotton Research and Promotion Order, 7 CFR 1205.327, 31 F.R. 16759.

DEFINITIONS

§ 1205.500 Terms defined.

As used throughout this subpart, unless the context otherwise requires, the following terms shall mean:

(a) "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

(b) "Cotton Board" means the administrative body established pursuant to the Cotton Research and Promotion Order.

(c) "CCC" means the Commodity Credit Corporation.

(d) "Form A" means Cotton Producer's Note, Form CCC Cotton A.

(e) "Gin code number" means the identification number assigned to each cotton gin by the Cotton Division, Consumer and Marketing Service, U.S. Department of Agriculture.

(f) "Handle" means to harvest, gin, warehouse, compress, purchase, market, transport, or otherwise acquire ownership or control of cotton.

(g) "Handler" means any person who handles cotton, including CCC.

(h) "Marketing" means any sale of cotton, or the pledging of cotton to CCC as collateral for a price support loan.

(i) "Marketing year" means a consecutive 12-month period ending on July 31.

(j) "Person" means any individual, partnership, corporation, association, or any other entity, whether governmental or private.

(k) "Producer" means any person who owns or shares in a cotton crop (or in the proceeds thereof) as landowner, landlord, tenant, or sharecropper.

(l) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

GENERAL

§ 1205.505 Communication.

All reports, requests, and applications for refunds and communications in connection with the cotton research and promotion order shall be addressed as follows: Cotton Board, Post Office Box 4948, Memphis, Tenn. 38104.

ASSESSMENTS

§ 1205.510 Levy of assessment.

An assessment of $1 per bale for cotton research and promotion is hereby levied on each bale of upland cotton that is produced from cotton harvested and ginned on and after June 10, 1967. Such assessment shall be payable and collected only once on each bale.

§ 1205.511 Payment and collection.

The assessment shall be paid by the producer of the cotton to the collecting handler designated in § 1205.512. If more than one producer shares in the proceeds received from a bale, each such producer is obligated to pay that portion of the assessment which is equivalent to his proportionate share of the proceeds. Failure of the handler to collect the assessment on each bale shall not relieve the handler of his obligation to remit the assessment to the Cotton Board as required in §§ 1205.512 and 1205.513.

§ 1205.512 Collecting handlers and time of collection.

Collecting handlers and the time of collecting the $1 per bale assessment shall be as follows:

(a) Except as provided in paragraph (b) of this section, any person who purchases a bale of cotton from the producer of the cotton shall be the collecting handler for such cotton. The handler shall collect the assessment at the time the handler first makes any payment or any credit to the producer's account for the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(b) Any cooperative marketing association or other person that accepts a bale of cotton from the producer of the cotton under an oral or written contract or agreement providing for the marketing of the cotton shall be the collecting handler for such cotton. Such association or person shall collect the assessment regardless of whether the cotton is marketed or tendered to CCC for price support loan. The handler shall collect the assessment at the time the handler first makes any cash advance, any payment, or any credit to the producer's account for the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(c) For bales of cotton tendered to CCC for Form A loan, except bales tendered pursuant to paragraph (b) of this section:

(1) The ASCS County Office shall be the collecting handler except as provided in subparagraph (2) of this paragraph. The ASCS County Office shall collect the assessment when it makes disbursement based on the Form A loan documents. The producer's copy of the Cotton Producer's Note (Form CCC Cotton A) shall show payment of the assessment and shall constitute the producer's receipt for payment of the assessment.

(2) Any person (other than an ASCS County Office) who advances to the producer the loan value of the cotton as shown on a Cotton Producer's Note (Form CCC Cotton A) shall be the collecting handler for such cotton. The handler shall collect the $1 per bale assessment at the time the handler makes any advance to the producer on the loan value of the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(d) Any person who purchases cotton in the cotton field where produced or who purchases seed cotton or unbaled lint cotton from the producer of the cotton shall be the collecting handler. The handler shall collect the assessment at the time such cotton is ginned and shall give the producer a receipt indicating payment of the assessment. When a bale is ginned that contains any such cotton purchased from more than one producer, the handler shall collect each producer's proportionate share of the assessment and shall give each producer a receipt indicating the producer's proportionate share of the assessment payment.

(e) Any person who consumes domestically or exports cotton of his own production shall be the collecting handler for such cotton. Such handler shall pay the assessment to the Cotton Board at the time the cotton is consumed or exported.

(f) Any person who obtains ownership of a bale of cotton from the producer of the cotton by transfer of any kind or by any means, under conditions other than those described in paragraph (a), (b), (c), or (d) of this section shall be the collecting handler for such cotton. Such handler shall collect the assessment at the time he takes ownership of the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(g) In the event of a producer's death, bankruptcy, receivership, or incapacity to act, the representative of the producer, or his estate, or the person acting on behalf of creditors, shall be considered the producer of the cotton for the purposes of this section and § 1205.520.

§ 1205.513 Remittance to Cotton Board.

Each collecting handler shall transmit assessments and reports on assessments to the Cotton Board as follows:

(a) *Reporting periods.* Each calendar month shall be a reporting period and the period shall end at the close of business on the last day of the month.

(b) *Reports.* Each collecting handler shall make reports on forms made available or approved by the Cotton Board. Each collecting handler shall prepare a separate report form each reporting period for each gin from which such handler handles cotton on which he is required to collect the assessment during the reporting period. Each report shall be mailed in duplicate to the Cotton Board within 10 days after the close of the reporting period and shall contain the following information:

(1) Date of report.

(2) Reporting period covered by report.

(3) Gin code number.

(4) Name and address of handler.

(5) Listing of all producers from whom the handler was required to collect the assessment, their addresses, and total number of bales for each producer on which the handler was required to collect the assessment.

(6) Date of last report remitting assessments to the Cotton Board.

(c) *Remittances.* The collecting handler shall remit all assessments to the Cotton Board with the report required in paragraph (b) of this section. All remittances sent to the Cotton Board by collecting handlers shall be by check, draft, or money order payable to the order of the "Cotton Board". All remittances shall be received subject to collection and payment at par.

§ 1205.514 Receipts for payment of assessments.

Each collecting handler who is required by § 1205.512 to give the producer a receipt showing payment of the $1 per bale cotton research and promotion assessment shall include such receipt as part of the invoice or settlement sheet for the cotton, or shall give the producer a separate receipt form. The document given to the producer as a receipt shall contain the following information:

(a) Name and address of collecting handler.

(b) Gin code number of gin at which cotton was ginned.

(c) Name and address of producer who paid assessment.

(d) Number of bales on which assessment was paid.

(e) Date on which assessment was paid by producer.

REFUNDS

§ 1205.520 Procedure for obtaining refund.

Each cotton producer against whose cotton any assessment is made and collected pursuant to this subpart may obtain a refund of such assessment only by following the procedures prescribed in this section.

(a) *Application form.* A producer shall obtain a refund application form from the Cotton Board. Such form may be obtained by written request to the Cotton Board and the request shall bear the producer's signature or his properly witnessed mark.

(b) *Submission of refund application to Cotton Board.* Any producer requesting a refund shall mail an application on the prescribed form to the Cotton Board within 90 days from the date the assessment was paid on the cotton. The refund application shall show (1) producer's name and address; (2) collecting handler's name and address; (3) gin code number; (4) number of bales on which refund is requested; (5) date or inclusive dates on which assessments were paid; and (6) the producer's signature or properly witnessed mark. Where more than one producer shared in the assessment payment on cotton, joint or separate refund application forms may be filed. In any such case the refund application shall show the names, addresses and proportionate shares of all such producers. The refund application form shall bear the signature or properly witnessed mark of each producer seeking a refund.

(c) *Proof of payment of assessment.* The receipt given to the producer by the collecting handler, or a copy thereof, or such other evidence satisfactory to the Cotton Board, shall accompany the producer's refund application. Within 60 days from the date the properly executed application for refund is received by the Cotton Board, the Cotton Board shall make remittance to the producer. For joint applications, the remittance shall be made payable jointly to all eligible producers signing the refund application form. Receipts submitted with refund applications shall be returned to the producer with his refund by the Cotton Board.

WAREHOUSE RECEIPTS

§ 1205.525 Entry of gin code number.

For each bale of cotton ginned on or after June 10, 1967, the warehouse that first receives the bale for storage after ginning shall enter the gin code number of the gin at which the bale was ginned on the warehouse receipt issued for the bale.

REPORTS AND RECORDS

§ 1205.530 Ginners reports.

Each cotton gin in the United States shall submit reports to the Cotton Board on forms made available or approved by the Cotton Board, as follows:

(a) *Periodic report.* Each gin shall report the cumulative number of bales ginned at the gin as of the close of business on the last day of each month during its active ginning operations. Such reports shall be mailed to the Cotton Board not later than 5 days after the last day of each month in which cotton was ginned.

(b) *End-of-season report.* Within 10 days following the close of its ginning operations each year but in no event later than March 20, each gin shall report to the Cotton Board an alphabetical listing of producer names, their addresses and the number of bales ginned for each such producer. Each gin that gins cotton after March 20 shall make a supplemental report to the Cotton Board when ginning operations are completed giving the same information for all bales ginned after March 20.

§ 1205.531 Records.

Each handler required to make reports pursuant to this subpart shall maintain such books and records as are necessary to verify the reports.

§ 1205.532 Retention period for reports and records.

Each handler required to make reports pursuant to this subpart shall retain for at least 2 years beyond the marketing year of their applicability: (a) One copy of each report made to the Cotton Board; and (b) such books and records as are necessary to verify such reports.

§ 1205.533 Availability of reports and records.

Each handler required to make reports pursuant to this subpart shall make available for inspection by the Cotton Board, including its designated employees, and the Secretary any reports, books, or records required under this subpart.

CONFIDENTIAL INFORMATION

§ 1205.540 Confidential books, records, and reports.

All information obtained from the books, records, and reports of handlers and all information with respect to refunds of assessments made to individual producers shall be kept confidential in the manner and to the extent provided for in § 1205.336.

Effective date. This subpart shall become effective on June 10, 1967.

Signed at Memphis, Tenn., this 1st day of May 1967.

GEORGE C. CORTRIGHT,
Chairman, Cotton Board.

Attest:

CARLTON H. POWER,
Assistant Secretary, Cotton Board.

Approved at Washington, D.C., this 5th day of May 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-5233; Filed, May 9, 1967; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 10—ANNUAL REPORT TO STOCKHOLDERS

PART 18—FORM AND CONTENT OF FINANCIAL STATEMENTS

On February 8, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2640) permitting interested persons 30 days to comment on the provisions contained therein. In such notice, the Comptroller of the Currency proposed a new Part 18 to the regulations relating to the form and content of financial statements, and conforming amendments to Part 10, concerning annual reports to stockholders.

More than 30 days have elapsed since the publication of the notice and this Office has reviewed and considered in detail all comments received and has incorporated a number of changes in such regulations as a result of such review. Accordingly, the regulations set forth below are hereby adopted in final form.

Chapter 1, Title 12 of the Code of Federal Regulations is amended by addition of a new Part 18 and a revision of Part 10 as follows:

Sec.
10.1 Scope and application.
10.2 No private right of action hereunder.
10.3 Information to be furnished stockholders.
10.4 Filing of report.

AUTHORITY: The provisions of this Part 10 issued under R.S. 324 et seq. as amended; 12 U.S.C. 1, et seq., secs. 12(g) and 13(a)(2), Securities Exchange Act of 1934, as amended.

§ 10.1 Scope and application.

(a) Every bank subject to the jurisdiction of the Comptroller of the Currency shall mail a written report containing, as a minimum, the financial and other information called for by this part, to each of its stockholders in time to be received by them prior to the bank's annual meeting, but in no event later than 60 days after the close of the fiscal year.

(b) On and after May 1, 1965, compliance with the requirements of § 10.4 shall be deemed a registration under section 12(g) of the Securities Exchange Act of 1934, as amended, of any class of equity securities heretofore issued by a national bank and held of record by 750 or more persons (after May 1, 1967, 500 or more persons).

(c) Notwithstanding the foregoing, any national bank prior to listing any class of its securities on a national securities exchange shall have filed a registration statement in accordance with the applicable provisions of Part 16 of this chapter, which has been declared effective by the Comptroller of the Currency.

INSTRUCTION: Sections 10.1 (b) and (c) apply to issues of equity securities that are now held, or may in the future become held, of record by 750 or more persons (after May 1, 1967, 500 or more persons). The registration requirements applicable to public offerings made hereafter are found in Part 16 of this chapter.

§ 10.2 No private right of action hereunder.

The enforcement of Parts 10, 11, 15, and 16 of this chapter shall be a function solely of the Office of the Comptroller of the Currency and no provision of the regulation in these parts (Parts 10, 11, 15, and 16 of this chapter) is intended to confer any private right of action on any stockholder or other person against a national bank.

§ 10.3 Information to be furnished stockholders.

The annual report shall bear the written, printed, or facsimile signature of the Chairman of the Board, President or other executive officer of the bank and shall include, as a minimum, the schedules and related information required by, and prepared in accordance with, Part 18 of this chapter.

§ 10.4 Filing of report.

Every bank registered under the Securities Exchange Act, pursuant to this part, shall file two copies of the annual report with the Comptroller of the Currency, Washington, D.C.; one copy with the appropriate Regional Administrator of National Banks; and maintain one copy at the office of the bank. Such reports will be available for public inspection upon request, at the principal office of the reporting bank and at the Office of the Comptroller of the Currency, Washington, D.C., during normal business hours.

Sec.
18.1 Scope and application.
18.2 Definition of terms.
18.3 Accrual accounting.
18.4 Consolidated statements.
18.5 Reporting of securities transactions.
18.6 Reconciliation of capital accounts and valuation reserves.
18.7 Rules of general application.

Appendix A—Balance Sheet.
Appendix B—Statement of Earnings.
Appendix C—Reconcilement of Capital Accounts.
Appendix D—Reconcilement of Valuation and Contingency Reserves.

AUTHORITY: The provisions of this Part 18 issued under R.S. 324 et seq., as amended, 12 U.S.C. 1, et seq., sections 12(g) and 13(a)(2), Securities Exchange Act of 1934, as amended.

§ 18.1 Scope and application.

(a) This part (unless otherwise noted) together with any subsequent interpretive statements specifies the form and minimum content of all financial statements required by regulation of this Office to be distributed to stockholders for fiscal years ending after June 30, 1967.

(b) The term "financial statements" as used in this part should be deemed to include all supporting schedules, instructions, and related forms.

(c) This part incorporates by reference all instructions and interpretations of this Office relating to financial reporting to stockholders which are presently outstanding and as may be amended hereafter.

(d) Certain instructions which assume a basis of full accrual accounting apply only to those banks within the scope of § 18.3 (a), (b), and (c).

§ 18.2 Definition of terms.

Unless the context otherwise requires, the following terms shall have the meaning indicated in this section:

(a) *Valuation Reserve.* A "valuation reserve" is an account established through an appropriate charge representing management's judgment as to possible loss or value depreciation in a specific class of assets, such as loans or investment securities. Loan loss reserves established pursuant to the Treasury tax formula should be separately disclosed and may be considered valuation reserves; where reported as a liability, these reserves should not be included in the capital accounts.

(b) *Reserve for Contingencies.* A "reserve for contingencies" is an account which represents capital reserves set aside for possible or unforeseen decreases or shrinkages in book values of assets or for other unforeseen or indeterminate liabilities, not otherwise reflected on the bank's books. Reserves for possible security losses, reserves for possible loan losses, and other contingency reserves that are established as precautionary measures only shall be included in the capital accounts, as they represent segregations of undivided profits.

(c) *Significant Subsidiary.* The term "significant subsidiary" means a subsidiary meeting either of the following conditions:

(1) The investments and advances in the subsidiary by its parent plus the parent's proportion of investment and advances in such subsidiary by the parent's other subsidiaries, if any, exceed 5 percent of the equity capital accounts of the parent (bank); or

(2) The parent's proportion of the gross operating revenues of the subsidiary exceeds 5 percent of the gross operating revenue of the parent (bank).

(d) *Material.* The term "material" when used to modify any item of assets or liabilities means an item exceeding 3 percent of total assets; when used to modify any income or expense item, it means an item exceeding 5 percent of gross operating revenue.

(e) *Significant.* The term "significant" refers to information which would be considered necessary to evaluate the condition and operations of a bank.

§ 18.3 Accrual accounting.

(a) For all fiscal years beginning after December 31, 1967, any bank subject to the jurisdiction of this Office, with total resources of $100 million or more shall prepare all its financial statements subject to this part on the basis of accrual accounting. Where the results would be only insignificantly different for particular accounts, a cash basis of reporting may be used.

(b) For all fiscal years beginning after December 31, 1968, any bank subject to the jurisdiction of this Office, with total resources of $50 million or more shall prepare all its financial statements subject to this regulation on the basis of accrual accounting. Where the results would be only insignificantly different for particular accounts, a cash basis of reporting may be used.

(c) For all fiscal years beginning after December 31, 1969, any bank subject to the jurisdiction of this Office, with total resources of $25 million or more shall prepare all its financial statements subject to this regulation on the basis of accrual accounting. Where the results would be only insignificantly different for particular accounts, a cash basis of reporting may be used.

(d) For all fiscal years beginning after December 31, 1967, any bank subject to the jurisdiction of this Office and not subject to the reporting requirements of paragraphs (a), (b), or (c) of this section, shall prepare all of its financial statements subject to this regulation so that its installment loan function and related tax provisions are on the basis of accrual accounting, or alternatively, such bank, as a footnote to the balance sheet, must disclose the amount of unearned income on installment loans carried in the undivided profits or other capital accounts.

(e) Notwithstanding the foregoing paragraphs (a), (b), and (c) of this section, income items of trust department functions may be reported on a cash basis.

§ 18.4 Consolidated statements.

(a) All majority-owned significant subsidiaries shall be consolidated with the parent.

(b) All majority-owned bank premises subsidiaries—whether or not significant subsidiaries—shall be consolidated with the parent.

(c) Any lien on bank premises owned by the bank or its majority-owned bank premises subsidiary, which has not been assumed by the bank or its subsidiary, should be reported in a parenthetical item, "(Bank premises owned are subject to $_____liens not assumed by bank or its subsidiaries)", immediately following the "bank premises and equipment" account in the Balance Sheet, Appendix A.

(d) Nonsignificant subsidiaries may also be consolidated.

(e) Minority interests in the net assets of consolidated subsidiaries shall be shown in each consolidated balance sheet as a liability. The aggregate amount of profit and loss accruing to minority interests may be stated separately in the consolidated profit or loss statement. Alternatively, net income (less minority interest) may be reported in "other income".

(1) Income from foreign subsidiaries and foreign branches shall be reported only when remittable to the parent bank; such income shall be reported under Item 1(f), Appendix B.

(f) In general, intercompany items and transactions shall be eliminated. If significant items are not eliminated, a statement of the reasons and methods of treatment shall be made.

§ 18.5 Reporting of securities transactions.

(a) *Amortization of securities.* When an investment security is purchased at a price exceeding par or face value, the bank shall provide for the amortization of the premiums paid by a charge to operating income so that such premium shall be entirely extinguished at or before maturity of the security.

(b) *Accretion of bond discount.* The accretion of bond discount is at the option of the bank. When discount is accreted and amounts to 5 percent or more of the annual bond income, appropriate notation should be made in statements of net operating income indicating the amount of net operating income after taxes resulting from the accretion of discount. If accretion is followed, discount on bonds acquired should be accreted from date of purchase to maturity, and a provision for applicable deferred income taxes should be made.

(c) *Trading account securities.* Banks that are dealers in securities should report their trading account securities at the lower of cost or market value. If either the reporting value of securities or income therefrom meet the test of materiality, the trading account and trading account income should be reported separately. The income account should include coupon interest, profit and losses, revaluation adjustments and any other incidental revenue or expenses related to the purchase and sale of such securities, but salaries, commissions and other expenses should be excluded. If materiality is not met, unless management wishes to report separately, trading account securities should be included with portfolio securities in the respective classifications. In the earnings statement coupon interest should then be reported with interest on securities and other income with other operating income.

(d) *Securities profits and losses.* Securities profits and losses should be reported after applicable income taxes as a nonoperating addition in the case of a net profit and nonoperating deductions in the event of a net loss.

§ 18.6 Reconciliation of capital accounts and valuation reserves.

(a) Banks shall report a comparative reconciliation of capital accounts for the latest fiscal year and the preceding fiscal

year, in the format illustrated in Appendix C.

(b) Banks shall report a comparative reconciliation of valuation reserves and contingency reserves for the latest fiscal year and the preceding fiscal year in the format illustrated in Appendix D.

§ 18.7 Rules of general application.

(a) *Earnings.* All banks subject to the jurisdiction of the Office of the Comptroller of the Currency shall be required to report: (1) Net operating earnings, total and per share, after deductions for income taxes applicable to operating earnings; (2) net amount, after nonoperating additions and deductions and applicable income taxes, which was transferred to capital accounts.

(b) *Additional information.* The information required with respect to any financial statement shall be furnished as a minimum requirement to which shall be added such further material information as is necessary to make the required statements not misleading. For example, information on nonsubsidiary organizations or trusteeships operated for the benefit of bank stockholders should be disclosed. The reporting bank may add any additional information it deems desirable.

(c) *Changes in accounting principles and practices and retroactive adjustments initiated by the bank.* (1) Any changes in accounting principles or practices or in the method of applying any accounting principles or practices, made during any period for which financial statements are filed which affects comparability of such financial statements with those of prior or future annual periods, and the effect thereof upon the net operating earnings for each period for which financial statements are filed, should be disclosed in a note to the appropriate financial statement where significant.

(2) Any significant retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net operating earnings and nonoperating additions and deductions of prior periods shall be disclosed in a note to the appropriate financial statement.

(d) *Balance sheet and statement of earnings.* (1) Banks shall report a balance sheet and a statement of earnings. The format illustrated in Appendices A and B represents the minimum disclosure consistent with this part. However, banks with resources of less than $5 million, may, in lieu of Appendix B, report their statement of earnings in the format of the Report of Income and Dividends prepared for the Office of the Comptroller of the Currency. The earnings statement of banks choosing this option should be identical to Items 1 through 8 of said Report.

(2) If a cash basis of accounting has been used, it should be so stated.

(3) All fixed assets acquired subsequent to June 30, 1967, shall be stated at cost less accumulated depreciation or amortization.

APPENDIX A—BALANCE SHEET

	19–	19–
Resources:		
1. Cash and due from banks		
2. U.S. Government obligations		
3. Obligations of States and political subdivisions		
4. Obligations of Federal agencies		
5. Other securities		
6. Investments in unconsolidated subsidiaries		
7. Trading account securities		
8. Securities purchased under agreements to resell		
9. Federal funds sold		
10. Loans		
11. Direct lease financing		
12. Bank premises and equipment		
13. Customer's acceptance liability		
14. Other assets		
15. Total		
Liabilities:		
16. Deposits:		
(a) Demand deposits		
(b) Time deposits		
17. Securities sold under agreements to repurchase		
18. Federal funds purchased		
19. Funds borrowed		
20. Mortgages payable		
21. Acceptances outstanding		
22. Other liabilities		
23. Total liabilities		
24. Minority interests in consolidated subsidiaries		
Capital accounts:		
25. Capital notes and debentures		
Rate		
Maturity		
26. Equity capital:		
(a) Capital stock:		
Preferred stock—total par value		
Number shares oustanding		
Commonstock—total par value		
Number shares authorized		
Number of shares outstanding		
(b) Surplus		
(c) Undivided profits		
(d) Reserve for contingencies and other capital reserves		
27. Total capital accounts		
28. Total liabilities and capital		

NOTES

(1) A bank, for purposes of the preparation of its reports to shareholders, may use options permitted or specifically authorized. It may also combine the various lines as indicated below, if the line figure is less than 3 percent of total assets.

Line 4 into Line 5. Line 6 into Line 14. Line 7 into Lines 2, 3, 4, 5 as appropriate. Line 8 into Line 10. Line 9 into Line 10. Line 11 into Line 14. Line 13 into Line 14. Line 17 into Line 19. Line 18 into Line 19. Line 20 into Line 19. Line 21 into Line 22. Line 24 into Line 22.

(2) The reserve for loan losses may be shown either as a deduction from gross loans or as a noncapital liability item.

APPENDIX B—STATEMENT OF EARNINGS

	19–	19–
1. Operating income:		
(a) Interest and fees on loans		
(b) Interest and dividends on:		
(1) U.S. Government obligations		
(2) Obligations of States and political subdivisions		
(3) Other securities		
(c) Trading account		
(d) Service charges on deposit accounts		
(e) Trust department		
(f) Other		
(g) Total		
2. Operating expenses:	19–	19–
(a) Salaries and bonuses		
(b) Pensions, profit sharing, and other employee benefits		
(c) Interest on deposits		
(d) Interest on borrowed money		
(e) Net occupancy—bank premises		
(f) Equipment rentals, depreciation, maintenance		
(g) Other		
(h) Total		
3. Operating earnings before income tax		
4. Income taxes applicable to operating earnings		
5. Minority interest in net operating earnings		
6. Net operating earnings per share (State share basis of computation)		

7. Nonoperating additions, net after tax effect:
   (a) Net security profits
   (b) Transfers from reserves
   (c) Loan recoveries (not credited to reserve for bad debts)
   (d) Other
   (e) Minority interest applicable thereto
   (f) Total nonoperating additions
8. Nonoperating deductions, net after tax effect:
   (a) Net security losses
   (b) Transfers to reserves
   (c) Loan chargeoffs (not charged to reserve for bad debts)
   (d) Other
   (e) Minority interest applicable thereto
   (f) Total nonoperating deductions
9. Net nonoperating additions (deductions)
10. Transferred to undivided profits

NOTE: Any operating income or expense item which is not material may be combined with 1(f) or 2(g), as appropriate.

APPENDIX C.—RECONCILEMENT OF CAPITAL ACCOUNTS

	19-	19-
Balance, beginning of year		
Additions:		
Transferred from statement of earnings (line 10)		
Other additions (specify)		
Total additions		
Deductions:		
Cash dividends declared (per share ----) $---- 19- $---- 19-		
Other deductions		
Total deductions		
Balance, end of year		

APPENDIX D.—RECONCILEMENT OF VALUATION AND CONTINGENCY RESERVES

Item	Valuation reserves						Contingency reserves	
	Reserve for loan losses pursuant to IRS rulings		Other reserves on loans		Reserves on securities			
	19-	19-	19-	19-	19-	19-	19-	19-
1. Balance at beginning of calendar year								
2. Additions due to mergers and absorptions								
3. Recoveries credited to these reserves								
4. Transfers to these reserves								
5. Total (sum of items 1, 2, 3 and 4)								
6. Losses charged to these reserves								
7. Transfers from these reserves								
8. Balance at end of year								

Dated: May 1, 1967.

[SEAL]

WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-5286; Filed, May 9, 1967; 9:14 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 103]

PART 1690—DETERMINATION OF AVAILABILITY OF MEMBERS OF THE STANDBY RESERVE OF THE ARMED FORCES FOR ORDER TO ACTIVE DUTY

Time for Taking Appeal

1. Subparagraph (1) of paragraph (d) of § 1690.16, *Appeal to appeal board*, is amended to read as follows:

§ 1690.16 Appeal to appeal board.

* * * * *

(d) * * *

(1) Within 30 days after the date the local board mails to the reservist a Standby Reserve Notice of Availability (SSS Form 86).

* * * * *

2. Paragraph (c) of § 1690.17 *Appeal to Director of Selective Service*, is amended to read as follows:

§ 1690.17 Appeal to Director of Selective Service.

* * * * *

(c) The reservist, any person who claims to be a dependent of the reservist, or any person who, prior to the determination appealed from, filed a written request that the reservist be found not available for order to active duty because of his current civilian occupation, at any time within 30 days after the mailing by the local board of a Standby Reserve Notice of Availability (SSS Form 86) notifying the reservist of the determination of the appeal board, may appeal to the Director of Selective Service from such determination if the appeal board determined that the reservist was available for order to active duty and was in Category I-R and one or more members of the appeal board dissented from such determination. The local board may permit any person entitled to appeal to the Director of Selective Service under this paragraph to do so, even though the 30-day period provided for taking such an appeal has elapsed, if it is satisfied that the failure of such person to appeal within such 30-day period was due to a lack of understanding of the right to appeal or to some cause beyond the control of such person.

* * * * *

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460. Interpret or apply sec. 1 (13), 72 Stat. 1440; 10 U.S.C. 672; E.O. 9979, 13 F.R. 4177; 3 CFR 1943-1948 Comp.)

The foregoing amendment to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register, National Archives and Records Service, General Services Administration.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

MAY 5, 1967.

[F.R. Doc. 67-5198; Filed, May 9, 1967; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 11—Coast Guard, Department of Transportation

[CGFR 67-9]

PART 11-16—PROCUREMENT FORMS

Miscellaneous Amendments

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4:

The table of contents for Part 11-16 is amended to revise existing entries and add new entries as follows:

Subpart 11-16.1—Forms for Advertised Supply Contracts

Sec.	
11-16.100	Scope of subpart.
11-16.101	Contract forms.
11-16.101-50	Conditions for use.
11-16.101-51	Instructions for preparation of forms for advertised supply contracts (Standard Forms 33, 26, and 30).

Subpart 11-16.2—Forms for Negotiated Supply Contracts

11-16.201	Request for Quotations (Standard Form 18).
11-16.201-1	Form prescribed.
11-16.202	Contract forms.
11-16.202-1	General.
11-16.202-2	Conditions for use.
11-16.202-50	Award/Contract (Standard Form 26).
11-16.202-51	Solicitation, Offer, and Award (Standard Form 33).
11-16.202-52	Amendment of Solicitation/Modification of Contract (Standard Form 30).

Sec.
11–16.250 Instructions for preparation of forms for advertised and negotiated supply and services contracts (Standard Forms 33, 26, and 30).
11–16.250–1 General.
11–16.250–2 Solicitation, Offer, and Award (Standard Form 33).
11–16.250–3 Award/Contract (Standard Form 26).
11–16.250–4 Amendment of Solicitation/Modification of Contract (Standard Form 30).
11–16.251 General Provisions-Fixed-Price Supply Contract (Standard Form 32).

Subpart 11–16.3—Purchase and Delivery Order Forms

11–16.300 Scope of subpart.
11–16.301 Order-invoice-voucher forms.
11–16.301–1 Purchase Order-Invoice-Voucher (Standard Form 44).
11–16.301–2 Order for Supplies or Services (Standard Forms 147 and 148).
11–16.301–50 Blanket purchase order.
11–16.350 Receipt for Cash-Subvoucher (Standard Form 1165).

Subpart 11–16.4—Forms for Advertised Construction Contracts

11–16.400 Scope of subpart.
11–16.401 Forms prescribed.
11–16.402 Required use.
11–16.402–1 Contracts estimated not to exceed $2,000.
11–16.402–2 Contracts estimated to exceed $2,000 but not to exceed $10,000.
11–16.402–3 Contracts estimated to exceed $10,000.
11–16.403 Optional use for negotiated contracts.
11–16.404 Terms, conditions, and provisions.

Subpart 11–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction)

11–16.500 Scope of subpart.
11–16.501 Contract forms.
11–16.501–50 Forms for advertised services contracts.
11–16.501–51 Forms for negotiated services contracts.

New Subpart 11–16.1 is added, reading as follows:

Subpart 11–16.1—Forms for Advertised Supply Contracts

§ 11–16.100 Scope of subpart.

This subpart sets forth instructions concerning forms used in procuring supplies by formal advertising which are in addition to those instructions prescribed in Subpart 1–16.1 of this title.

§ 11–16.101 Contract forms.

In addition to the forms prescribed by § 1–16.101 of this title, the following forms shall be used in supply contracts where the procurement is effected by formal advertising:

(a) CG Form 2557A (Additional General Provisions to U.S. Standard Form 32.)

(b) Any other special terms for the Invitation for Bids or additional contract provisions prescribed by this regulation.

§ 11–16.101–50 Conditions for use.

(a) The Solicitation, Offer, and Award (Standard Form 33) shall be prepared in accordance with §§ 1–2.201 of this title and 11–2.201 of this chapter. One copy of Standard Form 33A shall accompany each copy of Standard Form 33. Offerors shall be requested to return not more than three signed copies of their offers.

(b) Standard Form 32 and CG Form 2557A (Additional General Provisions) may be attached to each copy of the solicitation. Alternatively, only one copy of Standard Form 32 and CG Form 2557A need be furnished to each offeror for retention if such provisions are specifically incorporated by reference, including each form name, number and date, in the Schedule. Provisions which are inapplicable to a particular procurement may be deleted by appropriate reference in an Alterations in Contract clause.

(c) Award of contracts shall be accomplished by completing the award portion of Standard Form 33 and furnishing a copy of the form, so completed, to each successful offeror. Alternatively, such award may be accomplished by completing the award portion of Standard Form 26 and furnishing it to each successful offeror. Papers previously forwarded to offerors need not accompany the successful offeror's copy of the award document. The required use of the award portion of Standard Form 33 or Standard Form 26 does not preclude the additional use of informal documents, including telegrams, as notice of awards.

(d) See § 11–16.202–52 for use of Amendment of Solicitation/Modification of Contract (Standard Form 30).

(e) Continuation Sheet (Standard Form 36) shall be used when additional space is required for Schedule, Amendment/Modification, or Award; however, where the columns thereon are not required, a blank sheet may be used. The appropriate procurement number and page number shall be shown on all continuation sheets.

§ 11–16.101–51 Instructions for preparation of forms for advertised supply contracts (Standard Forms 33, 26, and 30).

See § 11–16.250 for preparation of forms for advertised supply contracts (Standard Forms 33, 26, and 30).

Subpart 11–16.2—Forms for Negotiated Supply Contracts

1. Section 11–16.200 is revised to read as follows:

§ 11–16.200 Scope of subpart.

This subpart sets forth instructions concerning forms used in procuring supplies by negotiation which are in addition to those instructions prescribed in Subpart 1–16.2 of this title.

2. Section 11–16.201 is added, reading as follows:

§ 11–16.201 Request for Quotations (Standard Form 18).

§ 11–16.201–1 Form prescribed.

(a) *General.* Standard Form 18 is prescribed for obtaining price, cost, delivery, and related information from suppliers.

(b) *Conditions for use.* Standard Form 18 is authorized for use when it appears reasonably certain that the procurement will be consummated by (1) a fixed-price contract involving extensive negotiation or (2) a cost-reimbursement contract. Continuation Sheet (Standard Form 36) may be used as required. (Standard Form 18 may be used for negotiated procurements in excess of $2,500, and for negotiated procurements of $2,500 or less (including purchase orders) when written solicitations (other than by telegram) of quotations are required. (See § 11–3.650–2(c)(1) for use of DD Form 1155 as a request for quotations.) Two copies of Standard Form 18 shall be sent to each prospective supplier and he shall be requested to return only one signed copy. A quotation submitted on this form or on DD Form 1155 is not to be construed as an offer which can be accepted by the Government to form a binding contract. Therefore, issuance by the Government of a purchase order pursuant to a supplier's quotation does not constitute a contract, but the purchase order is an offer by the Government to the supplier to buy certain goods or services upon specified terms and conditions.

3. Section 11–16.202 is added, reading as follows:

§ 11–16.202 Contract forms.

§ 11–16.202–1 General.

The forms described in this section are authorized for use in negotiated supply contracts. Instructions for their use are set forth in this chapter as indicated in this section.

§ 11–16.202–2 Conditions for use.

§ 11–16.202–50 Award/Contract (Standard Form 26).

(a) *General.* Standard Form 26 is designed for use primarily when entering into contracts resulting from extensive negotiation where the signature of both parties on a single document is appropriate. (See also § 11–16.202–51 for use of this form as an award pursuant to receipt of a firm offer on Solicitation, Offer, and Award (Standard Form 33).)

(b) *Conditions for use.* This form, in conjunction with appropriate General Provisions as provided in paragraph (c), (d), and (e) of this section, is prescribed for use in negotiated supply contracts except:

(1) Contracts for which Solicitation, Offer, and Award (Standard Form 33) is used in accordance with § 11–16.202–51;

(2) Contracts for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property;

(3) Procurements for which special contract forms are prescribed by FPR or CGPR; and

(4) Procurements for which purchase order and related forms are authorized by Subpart 11–16.3 of this part.

(c) *Short form negotiated supply contracts.* (1) DD ASPR Form 1270, General Provisions (Short Form Negotiated Contract) shall be used with Standard Form 26, Award/Contract, for negotiated, fixed-price contracts which do not exceed $10,000 and which are for standard or commercial items not involving special inspection due to complicated specifications. DD ASPR Form 1270 need not be used in contracts to be performed outside the United States, its possessions or Puerto Rico.

(2) No clause on DD ASPR Form 1270 may be deleted or altered, and no other clause covering the subject matter of any clause set forth in FPR or CGPR may be used (including the clauses required by §§ 1–1.710–3 and 1–1.805–3 of this title) except:

(i) Clause number 8, Termination For Convenience, Line 8 will be altered to read "Part 1–8 of the Federal Procurement Regulations" in lieu of "Section VIII of the Armed Services Procurement Regulations";

(ii) Clause number 17, Renegotiation will be deleted;

(iii) The Communist Areas Clause (§ 11–7.150–16) shall be inserted in the Schedule where appropriate;

(iv) When the contract is for procurement of supplies and data or solely for data, one of the clauses set forth in ASPR 9–203 through 9–206 shall be added when required by the instructions contained in ASPR, section IX, Part 2;

(v) The Priorities, Allocations, and Allotments Clause (§ 11–7.150–13) may be inserted in the Schedule where required;

(vi) The Federal, State, and Local Taxes Clause (§ 11–7.150–11 of this chapter) may, in the discretion of the contracting officer, be inserted in the Schedule;

(vii) The procedures set forth in § 1–4.604 of this title will be followed when required by Subpart 1–4.6 of this title, Livestock Products;

(viii) Where Government property having an acquisition cost of more than $25,000 is to be furnished, the Government Property (Fixed-Price) Clause in ASPR 13–702 shall be inserted in the Schedule; and where Government property having an acquisition cost of $25,000 or less is to be furnished, the Government-Furnished Property (Short Form) Clause in ASPR 13–710 shall be inserted in the Schedule; and

(ix) When required by Subpart 1–12.9 of this title, the clause set forth in § 1–12.904–1 of this title shall be added.

(d) *Long form negotiated supply contracts.* Except as provided in paragraphs (b) and (c) of this section, Award/Contract (Standard Form 26) shall be used with Standard Form 32 (General Provisions (Supply Contract)) or with required nonpersonal services clauses and CG Form 2557A (Additional General Provisions to SF 32) or any other forms containing contract provisions which are prescribed by FPR and CGPR for entering into negotiated fixed-price contracts to which Subparts 1–7.1 of this title and 11–7.1 of this chapter are applicable.

(e) *Special negotiated contracts.* Award/Contract (Standard Form 26) may be used for special procurements where clauses other than those on DD ASPR Form 1270, or Standard Form 32 have been authorized. For example, personal and professional services contracts and contracts for mortuary services.

(f) *Corporate certificate.* Where a corporate certificate is considered necessary or desirable, it may be executed on a typed sheet, identified by contract number, and attached to Award/Contract (Standard Form 26).

(g) *Schedule and continuation sheet.* Standard Form 36 (Continuation Sheet) shall be used for the Schedule and Continuation Sheets (see § 11–16.101–50(d)).

(h) *Effective date.* The effective date shown on the Award/Contract (Standard Form 26) is the date agreed to by the contracting parties as the date on which the terms and conditions of the contract take effect. This date may be different from the signature dates and is used for such purposes as establishing a base time from which delivery schedules may be established (see § 1–1.316–4(a)(2) of this title). The effective date does not necessarily determine the fund obligation date which normally is the date when a mutually binding agreement is reached. If referred to in the contract schedule, the effective date shall always be identified as the "effective date" and should not be later than any performance or delivery dates set forth in the schedule. The effective date should be filled in prior to forwarding for contractor signature.

§ 11–16.202–51 Solicitation, Offer, and Award (Standard Form 33).

(a) *General.* The following forms are prescribed for use under the conditions set forth in paragraph (b) of this section in effecting negotiated fixed-price procurement of supplies:

(1) Solicitation, Offer, and Award (Standard Form 33);

(2) Solicitation Instructions and Conditions (Standard Form 33A);

(3) General Provisions (Supply Contract) (Standard Form 32);

(4) CG Form 2557A (Additional General Provisions to Standard Form 32);

(5) Continuation Sheet (see §11–16.101–50(d));

(6) Amendment of Solicitation/Modification of Contract (Standard Form 30) when need (see §11–16.202–52); and

(7) Award/Contract (Standard Form 26) when needed.

(b) *Conditions for use.* (1) The above forms (together with authorized contract provisions) shall be used in connection with the negotiation of fixed-price contracts for supplies when it appears desirable to commence negotiations by soliciting written offers which, if there is written acceptance by the Government, would create a binding contract without further action. Prospective offerors shall be requested to return not more than three signed copies of their offers.

(2) When offers have been submitted on Solicitation, Offer, and Award (Standard Form 33) and it is in the interest of the Government and is in accordance with § 1–3.805(a)(5) of this title to accept a prospective contractor's offer without further negotiation, price and other factors considered, award may be made by use of the Award portion of Standard Form 33. In such instances, the contract will consist of the appropriate documents listed in paragraph (a) of this section. Alternatively, award may be made by use of the Award portion of Standard Form 26 (see § 11–16.202–50).

(3) When an offer submitted by a prospective contractor leads to further negotiation, the resulting contract shall be prepared as a bilateral contract document on Award/Contract (Standard Form 26) in accordance with § 11–16.202–50, except that:

(i) If the circumstances are such that the prospective contractor can amend his offer in writing to reflect any necessary changes, the amended offer may be accepted by use of the Award portion of Solicitation, Offer, and Award (Standard Form 33) or the Award portion of Award/Contract (Standard Form 26); or

(ii) If all the terms and conditions agreed to as a result of such further negotiation are specifically and clearly set forth in identifiable writings but such writings are unsuitable or too voluminous to permit acceptance of the amended offer by use of the Award portion of either Standard Form 33 or 26 and if the circumstances of the procurement require prompt acceptance of the amended offer, such modified offer may be accepted by the issuance of a notice of award in substantially the format set forth below.

In cases of subdivision (i) of this subparagraph, the use of the Award portion of Standard Form 33 or 26 does not preclude the additional use of informal documents, including telegrams, as notices of award. In cases within subdivision (ii) of this subparagraph, all of the terms and conditions of the contract thereby created shall be, without change or modification, promptly consolidated into a bilateral contract document using Award/Contract (Standard Form 26) and a signed copy thereof shall be retained by the activity to be available to the General Accounting Office for audit purposes (see § 11–50.105).

NAME AND ADDRESS OF PURCHASING OFFICE

Date: ----------.

NAME AND ADDRESS OF CONTRACTOR

Contract No. -------.

Gentlemen: Your offer dated ---------- (in response to Solicitation No. ------, dated ----------) as amended by (list and identify all documents or portions thereof, such as letters, telegrams, and printed matter, from the prospective contractor and the Government, which together set forth the terms and conditions of the contract) for the furnishing of ----------, at a total price of $ ------, is accepted and award is hereby made.

A contract in the usual form, dated, and numbered as set forth above, incorporating all the terms and conditions of the contract hereby created is being prepared and will be forwarded to you in the near future.

This contract is authorized by and has been negotiated pursuant to 10 U.S.C. 2304 (a)( ).

UNITED STATES OF AMERICA
By: ----------
(Name) Contracting Officer

(4) Standard Form 32, if applicable, and any other general provisions may be attached to each of the Solicitation, Offer, and Award (Standard Form 33). Alternatively, only one copy of Standard Form 32 and any other general provisions need be furnished to each supplier for retention, if such provisions are specifically incorporated by reference in the Schedule including each form name, number and date. Provisions which are inapplicable to a particular procurement generally may be deleted by appropriate reference in an Alterations in Contract clause.

(5) When a cost breakdown is required in connection with an offer, the appropriate form of the DD Form 633 series shall be used to the extent provided in § 11–16.252.

(6) This paragraph does not preclude the use of the purchase order forms prescribed in Subpart 11–16.3 of this part.

(7) When it is necessary to issue an amendment to a solicitation for offers, Standard Form 30 shall be used.

§ 11–16.202–52 Amendment of Solicitation/Modification of Contract (Standard Form 30).

(a) *General.* This paragraph prescribes a single form for (1) amendment of solicitations (whether advertised or negotiated), and (2) modification of contracts (including purchase and delivery orders entered into on DD Form 1155 (see § 11–3.650–4).

(b) *Conditions for use.* This form shall be used for:

(1) Any amendment to a solicitation;

(2) Any change order issued pursuant to the Changes clause of a contract;

(3) Any other unilateral contract modification "CG" (see § 11–50.203(a)) "CG", except notices of termination (see § 1–8.801 of this title), issued pursuant to a contract provision authorizing such modification without the consent of the contractor;

(4) Administrative changes such as the correction of typographical mistakes, changes in the paying office, and changes in accounting and appropriation data; and

(5) Supplemental agreements "CG" as defined in § 11–50.203(c) "CG".

(c) *Continuation of amendments/modifications.* Standard Form 36 or a blank sheet of paper may be used for continuation of amendments/modifications (see § 11–16.101–50(d)).

4. Section 11–16.250 is revoked and new § 11–16.250 is added reading as follows:

§ 11–16.250 Instructions for preparation of forms for advertised and negotiated supply and services contracts (Standard Forms 33, 26, and 30).

§ 11–16.250–1 General.

The following information is applicable to all of the forms discussed in this section.

(a) *Dates.* All date entries shall be constructed with a 2-position numeric day, 3-position alpha month, and a 2-position numeric year; e.g., 05NOV66.

(b) *Self-explanatory blocks.* Self-explanatory blocks are not discussed.

§ 11–16.250–2 Solicitation, Offer, and Award (Standard Form 33).

Instructions for block entries are as follows:

Block No.	*Title and/or instructions*
2	*Solicitation No.*—For Small Business Restricted Advertising and other types of restricted advertising, the box "Advertised (IFB)" shall be checked after insertion of the appropriate Procurement number.
25	Although Small Business Restricted Advertising and other types of restricted advertising are to be treated as advertised procurements for the purpose of classification in block 2, such procurements are negotiated procurements (see § 1–1.706–8 of this title), and require the insertion of the appropriate negotiation authority in block 25.

§ 11–16.250–3 Award/Contract (Standard Form 26).

Instructions for block entries are as follows:

Block No.	*Title and/or instructions*
2	*Effective Date*—Not applicable to formal advertising. For negotiated procurements, see § 11–16.202–50(h).
9	*Discount for Prompt Payment*—Percentages will be expressed in whole numbers and decimals; e.g., 3.25 percent—10 days, 0.50 percent—20 days.
11	*Ship To/Mark For*—Multiple delivery points shall be shown in the Schedule and this block annotated to that effect. Any "Mark For" address for ultimate consignee shall be entered in this block.
14	*Accounting and Appropriation Data*—If multiple accounting classifications are applicable, enter adjacent to each classifications the line item number listed in block No. 15 applying to the appropriate classification.
15	*Item No.*—See ASPR, Section XX, Part 3.
16	*Supplies/Services*—When used as an acceptance, only the Item numbers of the solicitation need be set forth in the Schedule portion. Any modification made by the offeror to a solicitation which are accepted by the Government will be set forth in the Schedule.
22	If the form is being used as a negotiated bilateral contract pursuant to receipt of quotations on Request for Quotations (Standard Form 18) or informal means, and subsequent negotiations, if any, the box shall be checked and contractor shall be required to sign this document and return the prescribed number of copies to the issuing office.
26	If this form is being used as an acceptance (award) pursuant to receipt of a firm offer on Solicitation, Offer, and Award (Standard Form 33), the box shall be checked and contractor will not be required to sign this document.

§ 11–16.250–4 Amendment of Solicitation/Modification of Contract (Standard Form 30).

Instructions for block entries are as follows:

Block No.	*Title and/or instructions*
1	*Amendment/Modification No.*—(a) Amendment to each solicitation document shall be sequentially numbered by use of a four position numeric serial number supplementary to the basic solicitation number, commencing with 0001. (b) All contract modifications including supplemental agreements, minor modifications and change orders will be numbered consecutively commencing with number 1 for each contract.
2	*Effective Date.*—See § 11–16.202–50(h).
13	If the modification is a Change Order (11(a)) or Administrative Change (11(b)), the first box in this block shall be checked, and contractor's signature will not be required. If the modification is a Supplemental Agreement (11(c)), contractor's signature will be required, the second box shall be checked and the number of copies to be returned to issuing office shall be inserted.
17	Contracting Officer's signature is not required when amending a solicitation.

5. Section 11–16.251 is revoked and new § 11–16.251 is added, reading as follows:

§ 11–16.251 General Provisions-Fixed-Price Supply Contract (Standard Form 32).

Any negotiated contract to which Subparts 1–7.1 of this title and 11–7.1 of this chapter, are applicable will include Standard Form 32. The addition of other clauses set forth in Subparts 1–7.1 of this title and 11–7.1 of this chapter, or of other clauses not inconsistent with FPR or CGPR, shall be accomplished by including such clauses as "Additional General Provisions" numbered consecutively. The deletion or modification of clauses contained in the form or in the "Additional General Provisions" shall be accomplished by appropriate reference or provisions in an Alterations in Contract clause. These instructions must be read in conjunction with Subparts 1–7.1 of this title and 11–7.1 of this chapter, to make certain that current clauses are in use at all times.

Subpart 11–16.3 is revised to read as follows:

Subpart 11–16.3—Purchase and Delivery Order Forms

§ 11–16.300 Scope of subpart.

This part prescribes forms for use (a) when purchases are authorized or required to be made by the purchase order

or imprest fund method, and (b) as delivery orders.

§ 11–16.301 Order-invoice-voucher forms.

§ 11–16.301–1 Purchase Order-Invoice-Voucher (Standard Form 44).

Standard Form 44 is authorized for use to accomplish small purchases in accordance with § 1–3.605–1 of this title as implemented by § 11–3.605–1 of this chapter.

§ 11–16.301–2 Order for Supplies or Services (Standard Forms 147 and 148).

In lieu of the provisions of § 1–16.301–2 of this title, forms DD 1155, 1155r, 1155r–1, and 1155c–1, Order for Supplies or Services/Request for Quotations are prescribed for use in accordance with § 11–3.605–2.

§ 11–16.301–50 Blanket purchase order.

See Subpart 1–3.6 of this title and Subpart 11–3.6 of this chapter and particularly § 11–3.606–2 of this chapter.

§ 11–16.350 Receipt for Cash-Subvoucher (Standard Form 1165).

Standard Form 1165 may be used in connection with procurements by the imprest fund (petty cash) method in accordance with § 1–3.604 of this title and as implemented by § 11–3.604 of this chapter.

New Subpart 11–16.4 is added, reading as follows:

Subpart 11–16.4—Forms for Advertised Construction Contracts

§ 11–16.400 Scope of subpart.

This subpart sets forth instructions concerning forms for use in construction contracts, which are defined for the purpose of this subpart as contracts for the construction, alteration or repair (including dredging, excavating, and painting) of buildings, structures or other real property.

§ 11–16.401 Forms prescribed.

In addition to the forms prescribed by § 1–16.401 of this title, the following forms are prescribed for use in formally advertised construction contracts where the work is to be performed in the United States, its possessions, or Puerto Rico.

(a) CG Form 2557C (Additional General Provision to U.S. Standard Form 23–A).

(b) CG Form 2557C–1—Copeland Regulations for Contractors and Subcontractors on Public Building and Public Work and on Building and Work Financed in Whole or in Part by Loan or Grants from the United States (29 CFR Part 3).

(c) Standard Form 30—Amendment of Solicitation/Modification of Contract.

(d) Continuation sheet: There is no prescribed form of continuation sheet for construction contracts. A blank sheet, incorporating (1) the contract or invitation number, as appropriate; (2) page number and number of pages; and (3) name of bidder or contractor may be used for this purpose. Standard Form 36, Continuation Sheet (Supply Contract), shall not be used for construction contracts.

§ 11–16.402 Required use.

(a) Except as provided in § 1–12.403–2, the forms prescribed by §§ 1–16.401 of this title and 11–16.401 shall be used for fixed-price contracts, entered into pursuant to formal advertising, for construction (including alteration or repair) of public buildings or works, except for: Contracts for the alteration, or repair of vessels (see Subpart 11–16.50); and contracts for construction, alteration, or repair work in foreign countries.

(b) Determinations as to the form or forms to be used in soliciting bids in each instance shall be made in accordance with § 1–16.402 of this title as implemented by this § 11–16.402.

§ 11–16.402–1 Contracts estimated not to exceed $2,000.

Standard Forms 19 and 19–B shall be used for those contracts executed as a result of formal advertising. Standard Form 22 also may be used. Where it is indicated that the low bid may exceed $2,000, Standard Form 19–A should be attached, the specifications should include the appropriate wage rate determination, and the following language shall be inserted in the space provided in the bid portion of Standard Form 19 prior to the issuance of the invitation:

If this bid exceeds $2,000, the bidder shall furnish with his bid a bid guaranty in an amount equal to ------ percent of his bid; failure to submit the guaranty on time is cause for rejection of the bid. (December 1966)

When Standard Form 19 is used, progress payments may be made if the period of performance is greater than 1 month. However, if the period of performance is less than 1 month or the total contract amount does not warrant progress payments, a single payment may be made, in which case the contracting officer may indicate completion and final acceptance of the contract work by a stamped and signed statement to that effect on the face of the standard form and forwarding it to the cognizant accounting office for payment. The following statement may be used for this purpose:

I certify that the work and services furnished hereunder have been completed, inspected, and accepted as conforming to the contract requirements, and the amount is correct and proper for payment.

Signature and Title of Certifying Officer

§ 11–16.402–2 Contracts estimated to exceed $2,000 but not to exceed $10,000.

Standard Forms 19, 19–A, 19–B, and CG Forms 2557C and 2557C–1 shall be used for these construction contracts executed as a result of formal advertising. Standard Form 22 also may be used. The additional language set forth in § 11–16.–402–1 shall be inserted in the bid portion of Standard Form 19 prior to issuance of the invitation. See § 1–16.402–2 of this title for provisions that are required where the Government's estimate, though less than $10,000, indicates the low bid may exceed that amount.

§ 11–16.402–3 Contracts estimated to exceed $10,000.

Standard Forms 19–A, 19–B, 20, 21, 22, 23, 23–A, and CG Forms 2557C and 2557C–1 shall be used for these construction contracts executed as a result of formal advertising. Strict compliance with the following instructions is required:

(a) *Standard Form 19–A.* This form together with CG Form 2557C–1 shall be attached to the contract file.

(b) *Standard Form 19–B.* This form shall be completed by the bidder and shall be attached to the contract file.

(c) *Standard Form 20 (Invitation for Bids).* (1) Bidders shall be requested to return only two signed copies of their bid. This form shall be completed by inserting the appropriate data on the face of the form. Invitations for bids shall contain the information required by §§ 1–2.201(a) of this title and 11–2.201 (a) and 11–2.201–50 of this chapter.

(2) All invitations for bids shall allow sufficient bidding time (i.e., the period of time between the date of distribution of an invitation for bids and the date set for opening of bids) to allow bidders an adequate opportunity to prepare and submit their bids, giving due regard for the construction season, the time necessary for bidders to inspect the site, obtain subcontract bids, examine data concerning the work and prepare estimates from plans and specifications.

(i) *Information regarding bidding material, bid guarantee and bonds.* Insert the following paragraphs on the face of the form:

(A) *Bid Bonds.* Each bidder shall submit with his bid a Bid Bond (Standard Form 24) with good and sufficient surety or sureties acceptable to the Government, or other security as provided in paragraph 4 of Instructions to Bidders (Standard Form 22) in the form of twenty percent (20%) of the bid price or $3,000,000 whichever is lesser. The bid bond penalty may be expressed in terms of a percentage of the bid price or may be expressed in dollars and cents.

(B) *Performance and Payment Bonds.* Within ------ days after the prescribed forms are presented to the bidder to whom award is made for signature, a written contract on the form prescribed by the specifications shall be executed and two bonds, each with good and sufficient surety or sureties acceptable to the Government, furnished; namely a Performance Bond (Standard Form 25) and a Payment Bond (Standard Form 25–A). The penal sums of such bonds will be as follows:

I. *Performance Bond.* The penal sum of the performance bond shall equal ------ percent (------%) of the contract price. (Insert the appropriate percent determined in accordance with the provisions of § 1–10.104–1(b) of this title.)

II. *Payment Bond.*

a. When the contract price is $1,000,000 or less, the penal sum will be fifty percent (50%) of the contract price.

b. When the contract price is in excess of $1,000,000 but not more than $5,000,000, the penal sum shall be forty percent (40%) of the contract price.

c. When the contract price is more than $5,000,000, the penal sum shall be $2,500,000.

Any bonds furnished will be furnished by the contractor to the Government prior to commencement of contract performance.

(ii) *Additional information for bidders.*

(A) Additional information and instructions may be given to bidders by using the reverse side of Standard Form 20 or continuation sheets. If used, the reverse side of Standard Form 20, and each continuation sheet used, shall be headed:

READ THE FOLLOWING IN CONJUNCTION WITH THE INSTRUCTIONS TO BIDDERS, STANDARD FORM 22.

(B) When required by the instructions pertaining to the various paragraphs or by the procuring activity, a paragraph shall be inserted advising prospective bidders where complete drawings and specifications may be examined or copies obtained, information as to the charge, if any, to be made for the drawings and specifications, and the conditions under which they may be obtained. If a charge is made for the drawings and specifications, the following sentences shall be included: "Payment will be made by cash or check, or money order and delivered to District Commander (f) (or as applicable) Attention: Collection Clerk, _____. Checks and money orders should be made payable to "U.S. Coast Guard".

(C) Paragraph 10 of Standard Form 22, Instructions to Bidders reserves in the Government the right to accept any item or combination of items of a bid unless precluded by the invitation for bids or the bidder includes in his bid a restrictive limitation. However, in unit price contracts, although the work is set out in "items" for pay purposes, the nature of work is not normally such that multiple awards can be made on the basis of such items. Accordingly, for purposes of award, the work should be set up on a basis of schedules, each schedule comprised of a group of items which by their nature must be performed under a single contract. Thus, if the entire project is not susceptible of division among several contractors, the work will be set up as a single schedule. Conversely, if the work is of a nature that lends itself to multiple awards, the items will be grouped in separate and distinct schedules, each capable of being awarded as a separate contract.

(D) Where Standard Form 30, Amendment of Solicitation/Modification of Contract, is not used, each amendment to an invitation for bids shall contain a statement as follows:

NOTICE: Bidders are required to acknowledge receipt of this amendment on the bid form, in the space provided, or by separate letter or telegram prior to opening of bids. Failure to acknowledge all amendments may cause rejection of the bid.

(d) *Standard Form 21 (Bid Form).* This form shall be furnished to all bidders with the invitation for bids. If the work is divided into separate schedules a bidding schedule showing a breakdown for each such separate schedule should be attached to the invitation for bids and a statement referring thereto made on Standard Form 21.

BIDDING SCHEDULE

(To be attached to bid form when required by Invitation for Bids)

Item No.	Description	Estimated quantity	Unit	Unit price	Estimated amount

(The following paragraphs shall be printed on the last page of the bidding schedule immediately below the schedule.)

NOTE: Use additional page if necessary. All extensions of the unit prices shown will be subject to verification by the Government. In case of variation between the unit price and the extension, the unit price will be considered to be the bid.

If a modification to a bid based on unit prices is submitted, which provides for a lump sum adjustment to the total estimated cost, the application of the lump sum adjustment to each unit price in the bid schedule must be stated. If it is not stated, the bidder agrees that the lump sum adjustment shall be applied on a pro rata basis to every unit price in the bid schedule.

(e) *Standard Form 22 (Instructions to Bidders).* A copy of this form should accompany each invitation for bids for the information of bidders.

(f) *Standard Form 23 (Construction Contract).* A copy of this form should be furnished bidders with the invitation for bids for information. The form shall be completed after award to the acceptable bidder and executed by the parties as the formal contract instrument.

(g) *Standard Form 23–A (General Provisions).* Standard Form 23–A with additional general provisions shall be attached to the executed contract. CG Form 2557C shall be used to provide additional general provisions in connection with Standard Form 23–A.

(h) *CG Form 2557C (Additional General Provisions to SF–23–A).* Additional general provisions or modifications to the General Provisions as authorized in Subpart 1–7.6 of this title and Subpart 11–7.6 of this chapter, may be added to this form. CG Form 2557C with any additional sheets necessary shall be attached together with SF–23–A to the executed contract.

(i) *Specifications.* Specifications consisting of technical and special provisions pertinent to the particular contract and contract drawings shall be attached to the above standard forms to complete the contract.

§ 11–16.403 Optional use for negotiated contracts.

Use of the forms prescribed in §§ 1–16.401 of this title and 11–16.401 is optional for negotiated construction contracts. When used for negotiated contracts, the forms shall be adopted by lining out or obliterating the words "sealed" and "publicly opened" and adding language to (a) indicate the authority for negotiation, and (b) provide that wherever the words "invitation" and "bid" occur they shall be deemed to refer to "solicitation" and "offer", respectively. The appropriate clauses required for negotiated contracts shall be added to the contract forms. For example, the "Examination of Records" clause in § 1–7.101–10 of this title, must be added if the negotiated contract exceeds $2,500.

§ 11–16.404 Terms, conditions, and provisions.

(a) The use of additional contract provisions consistent with those contained in the above forms is authorized and, where required elsewhere in this chapter, the use of such additional clauses is mandatory.

(b) Changes or additional provisions inconsistent with those contained in the standard forms shall be incorporated when required by this chapter or when approved by Commandant (F) pursuant to § 11–1.009–2(b) of this chapter. A copy of any such approval shall be forwarded by Commandant (F) to the General Services Administration.

(c) The provisions of paragraph (a) and (b) of this section shall not be construed as authorizing the reinstatement in Standard Form 19 of clauses which appear in Standard Form 23–A and which have either been condensed or omitted in the development of Standard Form 19 in the interests of uniformity or simplification. Where such reinstatement is deemed essential, it shall be treated as a deviation as provided in paragraph (b) of this section. Deviations are not required for the use with Standard Form 19 of clauses which, although not properly a part of Standard Form 23–A, accompany it when printed for use within the Coast Guard as CG Form 2557C.

(d) The "Disputes" clause of Standard Form 19 may be altered by inserting in the schedule or in the specifications, the following:

Alterations. As used in the "Disputes" clause of the General Provisions "head of the Federal agency" means the "Secretary" of the Treasury.

(e) Deletion or modification of provisions in the above forms shall be accomplished in the "Alterations" paragraph of Standard Form 23, or in an alterations paragraph added in the schedule of Standard Form 19, or in the specifications, as may be appropriate.

New Subpart 11–16.5 is added, reading as follows:

Subpart 11–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction)

§ 11–16.500 Scope of subpart.

This subpart prescribes forms for use in advertised and negotiated nonpersonal service contracts other than construction.

§ 11–16.501 Contract forms.

§ 11–16.501–50 Forms for advertised services contracts.

The forms prescribed in §§ 1–16.101 of this title and 11–16.101 shall be used in

effecting procurements of nonpersonal services by formal advertising.

§ 11–16.501–51 Forms for negotiated services contracts.

The forms prescribed in §§ 1–16.101 and 1–16.201 of this title and 11–16.201 and 11–16.202 shall be used in effecting procurements of nonpersonal services by negotiation (other than small purchases). See Subpart 11–16.3 of this part concerning forms for use when making small purchases.

Subpart 11–16.8—Miscellaneous Forms

Sections 11–16.850, 11–16.850–1, and 11–16.850–2 are revoked.

§ 11–16.850 [Revoked]

§ 11–16.850–1 [Revoked]

§ 11–16.850–2 [Revoked]

Dated: May 1, 1967.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 67–5191; Filed, May 9, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 13]

EXAMINATION, MEASUREMENT, AND TESTING OF CERTAIN PRODUCTS

Average Brix Values of Natural Unconcentrated Fruit Juices in Trade and Commerce of U.S.

Headnote 3(b) to part 12A, Schedule 1, Tariff Schedules of the United States (19 U.S.C. 1202), provides that "The term 'reconstituted juice' means the product which can be obtained by mixing the imported concentrate with water in such proportion that the product will have a Brix value equal to that found by the Secretary of the Treasury from time to time to be the average Brix value of like natural unconcentrated juice in the trade and commerce of the United States."

The average Brix values so found are published in § 13.19 of the Customs Regulations (19 CFR 13.19).

Notice is given that it is now proposed to review the average Brix values referred to above, especially with respect to citrus fruit juices and other juices which are imported in substantial volume.

Interested parties are invited to submit in writing to the Commissioner of Customs, Washington, D.C. 20226, data, views, and comments with regard to the average Brix values. All submissions should be supported by factual data as to the average Brix value of like unconcentrated juice in the trade and commerce of the United States. To assure consideration, material submitted should be received not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: May 2, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-5218; Filed, May 9, 1967; 8:48 a.m.]

Internal Revenue Service

[26 CFR Parts 1, 301]

RETURN AND PAYMENT OF TAX WITHHELD ON NONRESIDENT ALIENS AND FOREIGN CORPORATIONS AND TAX-FREE COVENANT BONDS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1), and the Procedure and Administration Regulations (26 CFR Part 301), to the amendments of the Internal Revenue Code of 1954 made by sections 103(i) and 105 (f) of the Foreign Investors Tax Act of 1966 (80 Stat. 1554, 1567), such regulations are hereby amended as follows:

PARAGRAPH 1. Section 1.1441–4 is amended by revising paragraph (d)(3) to read as follows:

§ 1.1441–4 Exemptions from withholding.

* * * * *

(d) *Inhabitants of Virgin Islands.* * * *

(3) *Disposition of letter.* The duplicate copy of each letter of notification filed pursuant to subparagraph (2) of this paragraph shall be forwarded with a letter of transmittal to the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225.

* * * * *

PAR. 2. Section 1.1461–2 is amended by revising the heading thereof and paragraphs (a), (b)(1), (c)(1), and (2) (i), and (e). These amended provisions read as follows:

§ 1.1461–2 Return of tax withheld.

(a) *Effective date.* This section shall apply only with respect to payments of income occurring after December 31, 1966.

(b) *Form 1042*—(1) *Filing requirement.* Every withholding agent shall make on or before March 15 an annual return on Form 1042 of the tax required to be withheld under chapter 3 of the Code during the preceding calendar year. Form 1042 is required to be made in respect of a calendar year, even though no tax was required to be withheld under such chapter during such year, if the withholding agent is required by paragraph (c)(1) of this section to make an information return on Form 1042S with respect to any payments made during such year. Form 1042 shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225. The return shall be prepared in duplicate and shall show in summary form the tax required to be withheld under such chapter during the previous calendar year and to be shown on Forms 1000, 1001, and 1042S, and on all special variations of Form 1001 referred to in paragraph (i) of § 1.1461–1. If an adjustment is required on Form 1042 because of repayments of withheld tax pursuant to paragraph (a)(1) of § 1.1461–4, only the aggregate amount of such adjustment shall be shown thereon and no itemized explanation of such aggregate amount shall be required to accompany such form. See paragraph (b) of § 1.1461–4. The duplicate copy of Form 1042 shall be retained by the withholding agent.

* * * * *

(c) *Form 1042S*—(1) *Filing requirement.* Every withholding agent shall make on or before March 15 an annual information return on Form 1042S of all items of income specified in § 1.1441–2 paid during the previous calendar year to nonresident alien individuals, foreign partnerships, or foreign corporations, including such items as consist of (i) amounts upon which tax was required to be withheld under chapter 3 of the Code, (ii) amounts upon which tax would have been required to be withheld under such chapter but for the provisions of any exemption from withholding applicable under the authority of any income tax convention to which the United States is a party, statutory provision, Treasury regulation, or rule of the Commissioner, (iii) amounts in respect of which the tax withheld has, pursuant to such authority, been released or refunded to the payee by the withholding agent, and (iv) amounts (such as interest on certain governmental obligations described in section 103) which do not constitute gross income in whole or in part, to the owner of such amounts. Form 1042S is not required, however, in respect of amounts which do not constitute gross income from sources within the United States (unless such amounts are treated as not being gross income from sources within the United States by authority of paragraph (1), (2), or (3), of section 861(a)), or in respect of amounts required to be shown on Form W–2, Form 1001, or on any special variation of Form 1001 referred to in paragraph (i) of § 1.1461–1, or the substitute

thereof. However, a return under this subparagraph is required on Form 1042S (rather than on Form W–2) in respect of amounts which otherwise would be required to be shown on Form W–2 solely by reason of § 1.6041–2 (relating to return of information as to payments to employees) or § 1.6052–1 (relating to information regarding payments of wages in the form of group-term life insurance). The original and duplicate copies of Form 1042S shall accompany Form 1042 and shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225.

(2) *Information to be furnished.* (i) Form 1042S shall show the name and address of the payee of the income, of the withholding agent, of the agent for the withholding agent, and of the payer of the income if the payer is not the same as the withholding agent. It shall also show the nature of the item of income paid, the gross amount of the item, and, if withholding upon that item is required under chapter 3 of the Code, the rate of tax applicable thereto and the amount of tax withheld. If there has been a release, reimbursement, or refund to the payee of any part of the tax withheld, Form 1042S shall show the amount of tax so released, reimbursed, or refunded.

* * * * *

(e) *Penalties.* For penalties and additions to the tax attaching upon failure to file returns of tax, see sections 6651 and 7203.

* * * * *

PAR. 3. Section 1.1461–3 is deleted and the following new sections are inserted in lieu thereof:

§ 1.1461–3 Payment of withheld tax.

(a) *Payments of tax.* Every withholding agent who, pursuant to chapter 3 of the Code, withholds tax during any calendar quarter beginning after December 31, 1966, shall, to the extent such amounts have not been deposited pursuant to § 1.6302–2 with a Federal Reserve bank or an authorized commercial bank, pay such withheld tax to the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, on or before the last day of the first calendar month following the close of the calendar quarter. Any amounts required to be paid to the Director of International Operations pursuant to this paragraph shall be made with quarterly transmittal Form 4277 prescribed by paragraph (b)(2) of § 1.6302–2, even though the withholding agent has made no deposits pursuant to paragraph (a) of § 1.6302–2 and thus has no validated depositary receipts to accompany that transmittal form.

(b) *Penalties for failure to pay tax.* For penalties and additions to the tax for failure to pay the tax required to be withheld under chapter 3 of the Code, see sections 6653 and 7202.

(c) *Deposits of tax.* For provisions relating to the use of Federal Reserve banks or authorized commercial banks for the deposit of tax required to be withheld under chapter 3 of the Code, see § 1.6302–2.

§ 1.1461–4 Adjustments for overwithholding of tax.

(a) *Repayment of erroneously withheld tax after payment of tax by withholding agent*—(1) *Repayment of tax to payee.* If, in any payment period (as defined in paragraph (c) of this section) occurring in a calendar year, a withholding agent (i) withholds from amounts paid to any person more than the correct amount of tax required to be withheld under chapter 3 of the Code and (ii) makes a payment or deposit of the amount of such overwithholding as provided in § 1.1461–3 or § 1.6302–2, the withholding agent may repay such amount, at any time before filing Form 1042 for such calendar year, to the person from whose income such amount was withheld. If the amount of the overwithholding is repaid to the person entitled to such amount, the withholding agent shall obtain the written receipt of such person in duplicate, showing the date and amount of the repayment. The duplicate copy of such receipt shall be attached to the Form 1042S required by paragraph (c)(1) of § 1.1461–2 in respect of the item of income on which the overwithholding occurred. This subparagraph shall not apply in any case where its application would be contrary to any regulation under an income tax convention to which the United States is a party.

(2) *Reimbursement of payee.* If the withholding agent does not repay the amount of the overwithholding pursuant to subparagraph (1) of this paragraph, the withholding agent may reimburse the person entitled to such amount by applying the amount of the overwithholding against any tax which otherwise would be required under chapter 3 of the Code to be withheld from income paid by the withholding agent to such person before filing Form 1042 for the calendar year in which such overwithholding occurred. For purposes of making a return on Form 1042 and for purposes of making a payment or deposit of the amount withheld, the reduced amount so withheld shall be considered the amount required to be withheld from such income under chapter 3 of the Code.

(b) *Adjustment of tax payments or deposits.* If, pursuant to paragraph (a)(1) of this section, a withholding agent repays a person the amount of tax overwithheld from such person under chapter 3 of the Code during any payment period of the calendar year, the withholding agent may reduce, by the amount so overwithheld, the amount of any payment or deposit of tax required by § 1.1461–3 or paragraph (a) of § 1.6302–2 to be made by the withholding agent for any subsequent payment period occurring before the end of the calendar year following the calendar year of overwithholding. The reduction of a payment or deposit of tax for a payment period occurring in the calendar year following the calendar year of overwithholding shall be made only if the withholding agent files, on his Form 1042 for the calendar year of overwithholding, a claim for credit in accordance with paragraph (b) of § 1.6414–1. The application of this paragraph may be illustrated by the following examples:

Example (1). (a) A is a nonresident alien individual who is a resident of the United Kingdom. In December 1967, domestic corporation M pays a dividend of $100 to A, at which time M Corporation withholds $30 and remits the balance of $70 to A. On February 16, 1968, A advises M Corporation that, pursuant to the income tax convention with the United Kingdom, only $15 tax should have been withheld from the $100 dividend and requests repayment of the $15 which was erroneously withheld. Although M Corporation has already paid the $30 which was withheld to the Director of International Operations as required by § 1.1461–3, such corporation repays A in the amount of $15 and obtains from him a written receipt in duplicate for the amount so repaid.

(b) During 1967 M Corporation makes no other payments upon which tax is required to be withheld under chapter 3 of the Code; accordingly, its return on Form 1042 for such year, which is filed on March 15, 1968, shows total tax withheld of $30, which is reduced by an adjustment of $15 for the amount repaid to A, an adjusted total tax withheld of $15, and $30 previously paid for such year. Pursuant to paragraph (b) of § 1.6414–1, M Corporation claims credit for the overpayment of $15 is shown on the Form 1042 for 1967. Accordingly, it is permitted to reduce by $15 any payment or deposit required by § 1.1461–3 or § 1.6302–2 to be made of tax withheld during 1968. The Form 1042S required to be filed by M Corporation with respect to the dividend of $100 paid to A in 1967 is required to show tax withheld of $30 and tax released of $15; in addition, the duplicate copy of the receipt received from A for the repayment of $15 is required to be attached to such form. The Form 1042S is required to accompany the Form 1042 for 1967 which is filed on March 15, 1968. No additional explanation is required to be filed with the Form 1042 for 1967 in support of the $15 adjustment claimed thereon.

(c) During 1968 M Corporation is required to withhold under chapter 3 of the Code $300, all of such amount being withheld in June of that year. Pursuant to § 1.6302–2, M Corporation deposits on July 15, 1968, the amount of $285, that is, $300 less the $15 for which credit is claimed on the Form 1042 for 1967. On March 15, 1969, M Corporation files its return on Form 1042 for 1968, which shows total tax withheld of $300, $285 previously deposited by M Corporation, and $15 allowable credit.

Example (2). The facts are the same as in example (1) except that paragraph (c) of such example does not apply and that M Corporation is required to deposit on a semimonthly basis the tax withheld under chapter 3 of the Code during the first quarter of 1968. M Corporation withholds tax of $100 between February 15, and February 29, 1968, and complies with the semimonthly deposit requirement of paragraph (a)(2) of § 1.6302–2 by depositing $75 [($100×90 percent) less $15] of the withheld tax by March 5, 1968 (3 banking days after Feb. 29, 1968) and by depositing $10 [($100–$15) less $75] by March 20, 1968 (3 banking days after Mar. 15, 1968).

(c) *Definition.* For purposes of this section the term "payment period" means (1) (i) a calendar month or (ii) a semimonthly period, as the case may be, with respect to which the withholding agent

is required by paragraph (a) of § 1.6302–2 to make a deposit of tax withheld under chapter 3 of the Code, or (2) a calendar quarter with respect to which he is required by § 1.1461–3 to make a payment of such tax.

(d) *Effective date.* This section shall apply to tax required to be withheld after 1966.

PAR. 4. Section 1.1464–1 is amended to read as follows:

§ 1.1464–1 Refunds or credits.

(a) *In general.* The refund or credit under chapter 65 of the Code of an overpayment of tax which has actually been withheld at the source under chapter 3 of the Code shall be made to the taxpayer from whose income the amount of such tax was in fact withheld. To the extent that the overpayment under chapter 3 was not in fact withheld at the source, but was paid, by the withholding agent the refund or credit under chapter 65 of the overpayment shall be made to the withholding agent. Thus, where a debtor corporation assumes liability pursuant to its tax-free covenant for the tax required to be withheld under chapter 3 upon interest and pays the tax in behalf of its bondholder, and it can be shown that the bondholder is not in fact liable for any tax, the overpayment of tax shall be credited or refunded to the withholding agent in accordance with chapter 65 since the tax was not actually deducted and withheld from the interest paid to the bondholder. In further illustration, where a withholding agent who is required by chapter 3 to withhold $300 tax from rents paid to a nonresident alien individual mistakenly withholds $320 and mistakenly pays $350 as internal revenue tax, the amount of $30 shall be credited or refunded to the withholding agent in accordance with chapter 65 and the amount of $20 shall be credited or refunded in accordance with such chapter to the person from whose income such amount has been withheld.

(b) *Tax repaid to payee.* For purposes of this section and § 1.6414–1, any amount of tax withheld under chapter 3 of the Code, which, pursuant to paragraph (a)(1) of § 1.1461–4, is repaid by the withholding agent to the person from whose income such amount was erroneously withheld shall be considered as tax which, within the meaning of sections 1464 and 6414, was not actually withheld by the withholding agent.

PAR. 5. Section 1.1465–1 is amended by revising paragraphs (a) and (b)(3) and by adding a new paragraph (d). These amended and added provisions read as follows:

§ 1.1465–1 General provisions relating to withholding agents.

(a) *Withholding agent defined*—(1) *In general.* For purposes of chapter 3 of the Code, the term "withholding agent" includes every person who pays an item of income specified in § 1.1441–2 to a nonresident alien individual, foreign partnership, or foreign corporation, even though tax is not required by such chapter to be withheld from such item. Thus, for example, for purposes of the return requirements prescribed by § 1.1461–2, the term includes an employer, as defined in § 31.3401(d)–1 of this chapter (Employment Tax Regulations), to the extent such employer pays remuneration for services performed in the United States by a nonresident alien individual and such remuneration is excepted from the term "wages" under paragraph (c) or (e) of § 31.3401(a)(6)–1 of this chapter.

(2) *U.S. obligations.* In the case of interest on obligations of the United States or of any agency or instrumentality thereof the withholding agent shall be—

(i) The Commissioner of the Public Debt, for interest paid by checks issued through the Bureau of the Public Debt.

(ii) The Treasurer of the United States, for all interest paid by him, whether by check or otherwise, and

(iii) Each Federal Reserve bank, for all interest paid by it, whether by check or otherwise.

(b) *Person designated to act for withholding agent.* * * *

(3) If a duly authorized withholding agent has become insolvent or for any other reason fails to make payment of money deposited with it by the debtor corporation to pay tax required to be withheld under chapter 3 of the Code, or of money withheld under such chapter from bondholders, the debtor corporation is not discharged of its liability under such chapter since the withholding agent is merely the agent of the debtor corporation.

* * * * *

(d) *Effective date.* This section shall apply to payments of income made in taxable years of recipients beginning after December 31, 1966.

PAR. 6. Section 1.6011–1 is amended by adding a new paragraph (c) to read as follows:

§ 1.6011–1 General requirement of return, statement, or list.

* * * * *

(c) *Tax withheld on nonresident aliens and foreign corporations.* For requirements respecting the return of the tax required to be withheld under chapter 3 of the Code on nonresident aliens and foreign corporations and tax-free covenant bonds, see § 1.1461–2.

PAR. 7. Section 1.6091–1 is amended by adding a new paragraph (b)(15) to read as follows:

§ 1.6091–1 Place for filing returns or other documents.

* * * * *

(b) *Place for filing certain information returns.* * * *

(15) For the place for filing information returns on Form 1042S with respect to certain amounts paid to nonresident alien individuals, foreign partnerships, or foreign corporations, see paragraph (c) of § 1.1461–2.

PAR. 8. Section 1.6091–3 is amended by adding a new paragraph (g) to read as follows:

§ 1.6091–3 Income tax returns required to be filed with Director of International Operations.

* * * * *

(g) The return by a withholding agent of the income tax required to be withheld at source under chapter 3 of the Code on nonresident aliens and foreign corporations and tax-free covenant bonds, as provided in § 1.1461–2.

PAR. 9. Section 1.6151–1 is amended by revising paragraph (d) to read as follows:

§ 1.6151–1 Time and place for paying tax shown on returns.

* * * * *

(d) *Use of Government depositaries.* (1) For provisions relating to the use of Federal Reserve banks or authorized commercial banks in depositing income and estimated income taxes of certain corporations, see § 1.6302–1.

(2) For provisions relating to the use of such banks for the deposit of taxes required to be withheld under chapter 3 of the Code on nonresident aliens and foreign corporations and tax-free covenant bonds, see § 1.6302–2.

PAR. 10. There is inserted immediately after § 1.6302–1 the following new section:

§ 1.6302–2 Use of Government depositaries for payment of tax withheld on nonresident aliens and foreign corporations.

(a) *Time for making deposits*—(1) *Monthly deposits.* Except as provided in subparagraph (2) of this paragraph, every withholding agent who, pursuant to chapter 3 of the Code, withholds during any calendar month other than the last month of a calendar quarter more than $100 in the aggregate shall deposit such aggregate amount with a Federal Reserve bank within 15 days after the close of such calendar month.

(2) *Semimonthly deposits.* Every withholding agent who, pursuant to chapter 3 of the Code, withholds during any calendar month of a calendar quarter more than $2,500 in the aggregate shall deposit any tax, which is required to be withheld under such chapter during any semimonthly period of the next succeeding calendar quarter, in a Federal Reserve bank within 3 banking days after the close of the semimonthly period during which the amounts to which such withholding relates are paid. For purposes of this subparagraph, the term "semimonthly period" means the first 15 days of a calendar month or a part of a calendar month following the 15th day of such month. A withholding agent will be considered to have complied with the deposit requirements of this subparagraph in respect of any semimonthly period if (i) his deposit for such semimonthly period is made within the time otherwise prescribed, (ii) is not less than 90 percent of the aggregate amount of the tax required to be withheld under chapter 3 of the Code during such semimonthly period, and (iii) if such semimonthly period occurs in a calendar month other

than the last month in a calendar quarter, he deposits, within 3 banking days after the 15th day of the month following such calendar month, the balance of any amount withheld during such calendar month and not previously deposited. In a case where an adjustment in the amount of a deposit for a semimonthly period is allowed pursuant to paragraph (b) of § 1.1461–4, the 90-percent requirement of subdivision (ii) of this subparagraph will be considered met if the deposit for such period is not less than 90 percent of the aggregate amount of tax required to be withheld during such semimonthly period (determined without regard to such adjustment), reduced by the amount of such adjustment. See paragraph (b) of § 1.1461–4 and example (2) thereunder. For determining the amount of tax required to be withheld under chapter 3 of the Code where there has been a reimbursement of overwithheld tax, see paragraph (a)(2) of § 1.1461–4.

(3) *Transitional rules.* Notwithstanding the provisions of § 1.1461–3 and of subparagraph (1) or (2) of this paragraph, the aggregate amount of tax required to be withheld under chapter 3 of the Code by any withholding agent after December 31, 1966, and before June 1, 1967, shall be deposited with a Federal Reserve bank on or before June 15, 1967. For the purpose of paragraph (b)(2) of this section any amount deposited in accordance with the requirement of this subparagraph shall be considered as if it were deposited with respect to amounts withheld during the calendar quarter beginning April 1, 1967.

(4) *Cross reference.* For rules relating to the adjustment of deposits see § 1.1461–4(b) and § 1.6414–1. For rules requiring quarterly payment of any undeposited tax, see § 1.1461–3.

(b) *Depositary receipts*—(1) *Remittance with receipt form.* Any withholding agent required under paragraph (a) of this section to make deposits of tax withheld may make one, or more than one, remittance of the amount required by such paragraph to be deposited for any period. Each remittance shall be accompanied by a Federal Depositary Receipt (Form 450), which shall be prepared in accordance with the instructions applicable thereto. The withholding agent shall forward the remittance, together with the depositary receipt, to a Federal Reserve bank or, at his election, to a commercial bank authorized in accordance with Treasury Department Circular No. 848, 31 CFR Part 213, to accept remittances of tax for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt, the depositary receipt will be returned to the withholding agent. For purposes of this subparagraph Form 450 and Treasury Department Circular No. 848 shall be deemed to apply to the tax required to be withheld under chapter 3 of the Code.

(2) *Quarterly transmission of depositary receipts.* Every withholding agent making deposits pursuant to paragraph (a) of this section shall forward the validated depositary receipts to the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, on or before the last day of the first calendar month following the close of the calendar quarter during which the tax was withheld to which such receipts apply. The depositary receipts shall be forwarded with quarterly transmittal Form 4277, which shall be prepared in accordance with the instructions applicable thereto and shall identify the withholding agent for whose account such transmittal form is made. In order to secure a proper crediting of deposits or payments of tax for the account of a withholding agent against the tax liability of such withholding agent, the identification of the withholding agent on the quarterly transmittal Form 4277 must conform to the identification of the withholding agent on the annual return of tax on Form 1042 required by paragraph (b) of § 1.1461–2.

(3) *Voluntary deposits.* An amount of tax which is not required by paragraph (a) of this section to be deposited may be deposited if the withholding agent so desires. If such a voluntary deposit is made, the withholding agent shall make it in ample time to enable the Federal Reserve bank to return the validated receipt to the withholding agent so that it can be transmitted to the Internal Revenue Service in accordance with subparagraph (2) of this paragraph.

(4) *Separation of deposits by calendar years.* A deposit required by paragraph (a) of this section for any period occurring in one calendar year shall be made separately from any deposit for any period occurring in another calendar year.

(c) *Procurement of depositary receipt form.* Initially, the Federal Depositary Receipt (Form 450) will, so far as possible, be furnished to the withholding agent by the Internal Revenue Service. A withholding agent who is not furnished the proper form should apply to his district director for such form in ample time to have it available for use in making his initial deposit within the time prescribed by paragraph (a) of this section. Thereafter, a blank form will be sent to the withholding agent by the Federal Reserve bank when it returns the validated depositary receipt. A withholding agent may secure additional forms from a Federal Reserve bank by applying for them and advising the bank of his employer identification number. The identification of the withholding agent on each depositary receipt shall conform to the identification of the withholding agent on the return on Form 1042 required by paragraph (b) of § 1.1461–2 and on quarterly transmittal Form 4277 required by paragraph (b)(2) of this section. The address of the withholding agent, as entered on each depositary receipt, shall be the address to which the receipt should be returned following validation by the Federal Reserve bank.

(d) *Penalties for failure to make deposits.* For provisions relating to the penalty for failure to make a deposit within the time prescribed by this section, see § 301.6656–1 of this chapter (Procedure and Administration Regulations).

(e) *Saturday, Sunday, or legal holidays.* For provisions relating to the time for performance of acts where the last day falls on Saturday, Sunday, or a legal holiday, see § 301.7503–1 of this chapter (Procedure and Administration Regulations).

(f) *Employer identification number.* For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Procedure and Administration Regulations). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of such chapter.

(g) *Effective date.* This section shall apply to tax required to be withheld under chapter 3 of the Code after 1966.

PAR. 11. There are inserted immediately after § 1.6411–4 the following new sections:

§ 1.6414 Statutory provisions; income tax withheld.

SEC. 6414. *Income tax withheld.* In the case of an overpayment of tax imposed by chapter 24, or by chapter 3, refund or credit shall be made to the employer or to the withholding agent, as the case may be, only to the extent that the amount of such overpayment was not deducted and withheld by the employer or withholding agent.

§ 1.6414–1 Credit or refund of tax withheld on nonresident aliens and foreign corporations.

(a) *In general.* Any withholding agent who for the calendar year pays more than the correct amount of—

(1) Tax required to be withheld under chapter 3 of the Code, or

(2) Interest, addition to the tax, additional amount, or penalty with respect to such tax,

may file a claim for credit or refund of the overpayment in the manner and subject to the conditions stated in the Procedure and Administration Regulations (Part 301 of this chapter) under section 6402, or may claim credit for the overpayment as provided in paragraph (b) of this section.

(b) *Claim for credit on Form 1042.* The withholding agent may claim credit of an overpayment described in paragraph (a) of this section for any calendar year by showing the amount of overpayment on the return on Form 1042 for such calendar year, which shall constitute a claim for credit under this paragraph. The claim for credit shall be evidenced by a statement on the return setting forth the amount determined as an overpayment and showing such other information as may be required by the instructions relating to the return. The amount so claimed as a credit may be applied, to the extent it has not been applied under paragraph (b) of § 1.1461–4, by the withholding agent to reduce the amount of a payment or deposit of tax required by § 1.1461–3 or paragraph (a) of § 1.6302–2 for any payment period occurring in the calendar year following the calendar year of overwithholding. The amount so claimed as a credit shall also be entered on the annual return on Form 1042 for the calendar year following the calendar year of overwithholding

and shall be applied as a payment on account of the tax shown on such form. If the withholding agent files a claim for credit or refund of the overpayment on Form 843 in accordance with § 301.6402–2 of this chapter (Procedure and Administration Regulations), or a claim for refund of the overpayment on Form 1042 in accordance with § 301.6402–3 of such chapter, he may not claim credit for the overpayment under this paragraph.

(c) *Overpayment of amounts actually withheld.* No credit or refund to the withholding agent shall be allowed for the amount of any overpayment of tax which, after taking into account paragraph (b) of § 1.1464–1, the withholding agent has actually withheld from an item of income under chapter 3 of the Code.

PAR. 12. Section 301.6302–1 is amended to read as follows:

§ 301.6302–1 Mode or time of collection of taxes.

(a) *Employment and excise taxes.* For provisions relating to the mode or time of collection of certain employment and excise taxes and the use of Federal Reserve banks and authorized commercial banks in connection with the payment thereof, see the regulations relating to the particular tax.

(b) *Income taxes.* (1) For provisions relating to the use of Federal Reserve banks or authorized commercial banks in depositing income and estimated income taxes of certain corporations, see § 1.6302–1 of this chapter (Income Tax Regulations).

(2) For provisions relating to the use of Federal Reserve banks or authorized commercial banks in depositing the tax required to be withheld under chapter 3 of the Code on nonresident aliens and foreign corporations and tax-free covenant bonds, see § 1.6302–2 of this chapter.

PAR. 13. Section 301.6414–1 is revised to read as follows:

§ 301.6414–1 Income tax withheld.

(a) For rules relating to the refund or credit of income tax withheld under chapter 3 of the Code on nonresident aliens and foreign corporations and tax-free covenant bonds, see § 1.6414–1 of this chapter (Income Tax Regulations).

(b) For rules relating to the refund or credit of income tax withheld under chapter 24 of the Code from wages, see § 31.6414–1 of this chapter (Employment Tax Regulations).

PAR. 14. Section 301.6501(b) is amended by revising paragraphs (1) and (2) of section 6501(b), by adding a new paragraph (4) to section 6501(b), and by adding a historical note. These amended and added provisions read as follows:

§ 301.6501(b) Statutory provisions; limitations on assessment and collection; time return deemed filed.

SEC. 6501. *Limitations on assessment and collection.* * * *

(b) *Time return deemed filed*—(1) *Early return.* For purposes of this section, a return of tax imposed by this title, except tax imposed by chapter 3, 21, or 24, filed before the last day prescribed by law or by regulations promulgated pursuant to law for the filing thereof, shall be considered as filed on such last day.

(2) *Return of certain employment taxes and tax imposed by chapter 3.* For purposes of this section, if a return of tax imposed by chapter 3, 21, or 24 for any period ending with or within a calendar year is filed before April 15 of the succeeding calendar year, such return shall be considered filed on April 15 of such calendar year.

* * * * *

(4) *Return of excise taxes.* For purposes of this section, the filing of a return for a specified period on which an entry has been made with respect to a tax imposed under a provision of subtitle D (including a return on which an entry has been made showing no liability for such tax for such period) shall constitute the filing of a return of all amounts of such tax which, if properly paid, would be required to be reported on such return for such period.

* * * * *

(Sec. 6501(b) as amended by sec. 810(a), Excise Tax Reduction Act 1965 (79 Stat. 169); sec. 105(f)(3), Foreign Investors Tax Act 1966 (80 Stat. 1568))

PAR. 15. Section 301.6501(b)–1 is amended by revising paragraphs (a) and (b). These amended provisions read as follows:

§ 301.6501(b)–1 Time return deemed filed for purposes of determining limitations.

(a) *Early return.* Any return, other than a return of tax referred to in paragraph (b) of this section, filed before the last day prescribed by law or regulations for the filing thereof (determined without regard to any extension of time for filing) shall be considered as filed on such last day.

(b) *Returns of social security tax and of income tax withholding.* If a return on or after November 13, 1966, of tax imposed by chapter 3 of the Code (relating to withholding of tax on nonresident aliens and foreign corporations and tax-free covenant bonds), or if a return of tax imposed by chapter 21 of the Code (relating to the Federal Insurance Contributions Act) or by chapter 24 of the Code (relating to collection of income tax at source on wages), for any period ending with or within a calendar year is filed before April 15 of the succeeding calendar year, such return shall be deemed filed on April 15 of such succeeding calendar year. For example, if quarterly returns of the tax imposed by chapter 24 of the Code are filed for the four quarters of 1955 on April 30, July 31, and October 31, 1955, and on January 31, 1956, the period of limitation for assessment with respect to the tax required to be reported on such return is measured from April 15, 1956. However, if any of such returns is filed after April 15, 1956, the period of limitation for assessment of the tax required to be reported on that return is measured from the date it is in fact filed.

* * * * *

PAR. 16. Section 301.6513 is amended by revising subsections (b) and (c) of section 6513 and by adding a historical note. These amended and added provisions read as follows:

§ 301.6513 Statutory provisions; time return deemed filed and tax considered paid.

SEC. 6513. *Time return deemed filed and tax considered paid.* * * *

(b) *Prepaid income tax.* For purposes of section 6511 or 6512—

(1) Any tax actually deducted and withheld at the source during any calendar year under chapter 24 shall, in respect of the recipient of the income, be deemed to have been paid by him on the 15th day of the fourth month following the close of his taxable year with respect to which such tax is allowable as a credit under section 31.

(2) Any amount paid as estimated income tax for any taxable year shall be deemed to have been paid on the last day prescribed for filing the return under section 6012 for such taxable year (determined without regard to any extension of time for filing such return).

(3) Any tax withheld at the source under chapter 3 shall, in respect of the recipient of the income, be deemed to have been paid by such recipient on the last day prescribed for filing the return under section 6012 for the taxable year (determined without regard to any extension of time for filing) with respect to which such tax is allowable as a credit under section 1462. For this purpose, any exemption granted under section 6012 from the requirement of filing a return shall be disregarded.

(c) *Return and payment of social security taxes and income tax withholding.* Notwithstanding subsection (a), for purposes of section 6511 with respect to any tax imposed by chapter 3, 21, or 24—

(1) If a return for any period ending with or within a calendar year is filed before April 15 of the succeeding calendar year, such return shall be considered filed on April 15 of such succeeding calendar year; and

(2) If a tax with respect to remuneration or other amount paid during any period ending with or within a calendar year is paid before April 15 of the succeeding calendar year, such tax shall be considered paid on April 15 of such succeeding calendar year.

* * * * *

(Sec. 6513 as amended by sec. 105(f) (1) and (2), Foreign Investors Tax Act 1966 (80 Stat. 1567))

PAR. 17. Section 301.6513–1 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 301.6513–1 Time return deemed filed and tax considered paid.

(a) *Early return or advance payment of tax.* For purposes of section 6511, a return filed before the last day prescribed by law or regulations for the filing thereof shall be considered as filed on such last day. For purposes of section 6511 (b)(2) and (c) and section 6512, payment of any portion of the tax made before the last day prescribed for payment shall be considered made on such last day. An extension of time for filing a return or for paying any tax, or an election to pay any tax in installments, shall not be given any effect in determining under this section the last day prescribed for filing a return or paying any tax.

(b) *Prepaid income tax.* For purposes of section 6511 (relating to limitations on credit or refund) or section 6512 (relating to limitations in case of petition to Tax Court)—

(1) Any tax actually deducted and withheld at the source during any calendar year under chapter 24 of the Code (relating to collection of incomc tax at source on wages) shall, in respect of the recipient of the income, be deemed to have been paid by him on the 15th day of the fourth month following the close of his taxable year with respect to which such tax is allowable as a credit under section 31 (relating to tax withheld on wages),

(2) Any amount paid as estimated income tax for any taxable year shall be deemed to have been paid on the last day prescribed for filing the income tax return under section 6012 for such taxable year (determined without regard to any extension of time for filing such return), and

(3) Any tax withheld at the source on or after November 13, 1966, under chapter 3 of the Code (relating to tax withheld on nonresident aliens and foreign corporations and tax-free covenant bonds) shall, in respect of the recipient of the income, be deemed to have been paid by such recipient on the last day prescribed for filing his income tax return under section 6012 for the taxable year (determined without regard to any extension of time for filing such return) with respect to which such tax is allowable as a credit under section 1462 (relating to withheld tax as credit to recipient of income).

Subparagraph (3) of this paragraph shall apply even though the recipient of the income has been granted under section 6012 and the regulations thereunder an exemption from the requirement of making an income tax return for the taxable year.

(c) *Return and payment of social security taxes and income tax withholding.* Notwithstanding paragraph (a) of this section, if a return (or payment) on or after November 13, 1966, of tax imposed by chapter 3 of the Code (relating to withholding of tax on nonresident aliens and foreign corporations and tax-free covenant bonds), or if a return (or payment) of tax imposed by chapter 21 of the Code (relating to the Federal Insurance Contributions Act) or by chapter 24 of the Code (relating to the collection of income tax at source on wages), for any period ending with or within a calendar year is filed or paid before April 15 of the succeeding calendar year, for purposes of section 6511 (relating to limitations on credit or refund) the return shall be considered filed, or the tax considered paid, on April 15th of such succeeding calendar year.

* * * * *

PAR. 18. Section 301.6656–1 is amended by revising paragraph (a) to read as follows:

§ 301.6656–1 Failure to make deposit of taxes.

(a) *Penalty.* (1) In case of failure by any person required by the Code or regulations prescribed thereunder to deposit any tax in a Government depositary, as is authorized under section 6302(c), within the time prescribed therefor, a penalty shall be imposed on such person unless such failure is shown to the satisfaction of the district director, the Director of International Operations, or the director of the regional service center, as the case may be, to be due to reasonable cause and not to willful neglect. The penalty shall be 1 percent of the amount of the underpayment if the failure is for not more than 1 month, with an additional 1 percent for each additional month or fraction thereof during which failure continues, not to exceed 6 percent in the aggregate. For purposes of this section, the term "underpayment" means the amount of tax required to be deposited less the amount, if any, which was deposited on or before the date prescribed therefor, and the term "month" shall have the same meaning assigned to such term in paragraph (a)(2) of § 301.6651–1.

(2) A taxpayer who wishes to avoid the penalty for failure to deposit must make an affirmative showing of all facts alleged as a reasonable cause in a written statement containing a declaration that it is made under the penalties of perjury, which should be filed with the district director for the district in which the return with respect to the tax is required to be filed, or with the Director of International Operations, as the case may be. If the district director, the Director of International Operations, or the director of the regional service center determines that the delinquency was due to a reasonable cause, and not to willful neglect, the penalty will not be imposed.

* * * * *

[F.R. Doc. 67–5310; Filed, May 9, 1967; 10:43 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Subpart 2244]

OIL SHALE LANDS

Exchanges

Basis and purpose. Notice is hereby given that the Department of the Interior proposes to amend the regulations regarding exchanges of privately owned lands under the Taylor Grazing Act, found at Subpart 2244 of Title 43 of the Code of Federal Regulations, by adding the proposed regulations set forth below.

Interested persons are invited to submit their comments in writing to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, within 30 days of the date of publication in the FEDERAL REGISTER of this notice. Persons wishing to present their views orally are requested to communicate with the Director, Bureau of Land Management.

A new § 2244.1–7 is added, as follows:

§ 2244.1–7 Exchanges of oil shale lands.

(a) *Policy.* Exchanges of public lands containing oil shale deposits may be consummated pursuant to section 8 of the Taylor Grazing Act, 48 Stat. 1272 (1934), as amended, 43 U.S.C. 315g (1964), where such action will promote economic recovery of shale oil and associated minerals and is otherwise in the public interest. Except as otherwisc providcd in this § 2244.1–7 such exchanges will be made pursuant to § 2244.1.

(b) *Criteria.* Exchanges of public lands containing oil shale deposits may be effected under the rcgulations in § 2244.1 only where each of the following requirements are met:

(1) The offered land is oil shale land having similar geologic and physical characteristics and of a value equal to or exceeding the value of the selected public land.

(2) The exchange will result in the consolidation of the offeror's lands so that they are susceptible of being managed as an economic unit for the recovery of shale oil and other mineral products.

(3) Consummation of the exchange will not result in impairment of proper utilization and management by the United States of its lands, including the land it is to receive in the exchange.

(4) The applicant enters into a written agreement with the authorized officer that he will manage and utilize the selected lands and all neighboring oil shale lands owned or controlled by him at any time in such a manner that (i) there is compliance with all applicable Federal and State statutes and regulations relating to control of environmental pollution, and (ii) there is adherence to a coordinated plan of sound conservation practices in the management and use of such lands, including the avoidance of waste.

(c) *Application.* Application must be made in accordance with § 2244.1–2. Upon the filing of an application, and prior to the making or issuing of any classification decision, the authorized officer shall direct publication of a notice of application in a designated newspaper of general circulation in the county or counties in which both the offered and selected lands are situated. The notice, which shall be published once a week for 3 consecutive weeks, shall set forth the legal descriptions of the offered and selected lands, together with such other data as the authorized officer may deem pertinent, and shall provide for a 60-day period from date of the notice during which other private exchange applications may be filed for the selected lands pursuant to section 8 of the Taylor Grazing Act. Where more than one application has becn filed for the selected lands the authorized officer shall take the following additional elements into consideration in determining which, if any, of the exchange offers will best benefit the public interest:

(1) The relative valucs of the offered lands;

(2) The location of the offered lands in relation to the public lands; and

(3) Thc willingness of any of the applicants to enter into a written agreemcnt with the Secretary specifying a time schedule and ratc of investment reasonablc in the circumstances and a plan of mineral opcrations that will permit optimum recovcry of shale oil ond other mineral resources from the sclected tract and all neighboring oil shalc

lands owned or controlled by the applicant.

STEWART L. UDALL,
Secretary of the Interior.

MAY 5, 1967.

[F.R. Doc. 67-5213; Filed, May 9, 1967; 8:47 a.m.]

[43 CFR Part 3170]

OIL SHALE

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that the Department of the Interior proposes to amend the regulations regarding the leasing of oil shale lands, found at Part 3170 of Title 43 of the Code of Federal Regulations, by revoking those regulations and substituting the proposed regulations set forth below.

Interested persons are invited to submit their comments in writing to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, within 30 days of the date of publication in the FEDERAL REGISTER of this notice. Persons wishing to present their views orally are requested to communicate with the Director, Bureau of Land Management.

Part 3170 is amended to read as follows:

PART 3170—OIL SHALE

Subpart 3170—Oil Shale; General

Sec.
3170.0–1 Purpose.
3170.0–3 Authority.
3170.0–5 Definition of term "Oil Shale".
3170.1 Designation of available lands.

Subpart 3171—Applications for Leases

3171.1 Qualifications of applicants.
3171.2 Form and contents of applications.
3171.3 Considerations to be used in evaluating applications.
3171.4 Time for filing.

Subpart 3172—Miscellaneous Provisions

3172.1 Form of lease.
3172.2 Term of lease.
3172.3 Acreage designations and limitations.
3172.4 Rentals.
3172.5 Royalties.
3172.6 Termination of lease.
3172.7 Lease bond.
3172.9 Other provisions.
3172.10 Antitrust consultation.

Subpart 3170—Oil Shale; General

§ 3170.0–1 Purpose.

The regulations of this part govern the availability for leasing of a limited acreage of oil shale lands under the jurisdiction of the Department of the Interior. The objectives are to:

(a) Foster improved technology for the mining and recovery of shale oil and other mineral components of oil shale;

(b) Encourage competition in development and use of oil shale and related mineral resources and develop a basis for subsequent competitive leasing of Federal oil shale lands;

(c) Encourage participation by companies not favorably situated with respect to access to reserves of the minerals present in oil shale;

(d) Prevent speculation and windfall profits;

(e) Provide reasonable revenues to the Federal and State Governments;

under mining operation and production practices that are consistent with good conservation management of overall resources in the region.

§ 3170.0–3 Authority.

The regulations of this part are issued pursuant to the Mineral Leasing Act of February 25, 1920 (41 Stat. 445), as amended, (30 U.S.C. 181–287).

§ 3170.0–5 Definition of term "Oil Shale."

As used in this part, the term "oil shale" means sedimentary rock containing organic matter which yields substantial amounts of oil or gaseous products by destructive distillation. The term includes all the minerals which are components of the rock, but does not include:

(a) Deposits of minerals which may be interbedded in the sedimentary rock series and which the Secretary determines can be mined (1) without removal of significant amounts of organic matter and (2) without significant damage to oil shale beds; and

(b) Deposits subject to lease as oil and gas, asphaltic minerals, or coal.

§ 3170.1 Designation of available lands.

The Secretary will from time to time publish notices in the FEDERAL REGISTER designating areas of oil shale bearing lands and deposits for the conduct of particular types of mining, extraction, or processing activities which will be made available for leases for research and development and for subsequent commercial operations in accordance with the regulations of this part. Areas will be selected with a view to encouraging research on a variety of mining and processing methods under a variety of conditions of mineral depths, composition, thicknesses, and qualities, and taking into consideration sound principles of conservation and environmental protection. A total of no more than 30,000 acres of oil shale bearing lands will be designated under this part. Oil shale bearing lands, the surface of which is under the administrative jurisdiction of a Federal agency other than the Department of the Interior, will not be designated under this part.

Subpart 3171—Applications for Leases

§ 3171.1 Qualifications of applicants.

(a) Leases may be issued to:

(1) Citizens of the United States;

(2) Associations of such citizens;

(3) Corporations organized under the laws of the United States, or any State or Territory thereof;

(4) Municipalities.

(b) The term "associations" includes partnerships, syndicates, groups, pools, joint ventures, and other unincorporated organizations.

§ 3171.2 Form and contents of applications.

(a) No form of application is prescribed.

(b) Applications should be in writing and filed in triplicate in the Office of the Director, Bureau of Land Management, Interior Building, Washington, D.C. 20240, notwithstanding the provisions of § 3001.0–6 of this chapter.

(c) The application should provide:

(1) The complete name(s) and address(es) of the applicant(s).

(2) The qualifications of applicant(s) to hold a lease under the Act.

(3) A description of the land for which a lease is desired.

(4) A detailed statement of any direct or indirect interest which the applicant then has in any lease issued or applications pending under this part, including ownership interests in any holder of a lease issued under this part.

(5) If the applicant is a corporation, the name and address of each stockholder of record holding more than 10 percent of the corporation's stock.

(6) If the applicant is an association, the name and address of each member who has an interest of more than 10 percent in the association.

(7) A statement of the applicant's interests in nonfederally owned oil shale lands and the reasons why the applicant needs federally leased land for the proposed research and development. The statement should include a description of the location and acreage of such lands, and the best available information on the depth, quantity, composition, quality and thickness of mineral deposits present in such land.

(8) A detailed statement of the applicant's financial capability to conduct the proposed research and development.

(9) A detailed statement of the applicant's technical capability to conduct the proposed research and development.

(10) A description of the applicant's plan of research and development during the research term, specifying:

(i) The goals of the research plan;

(ii) The nature, location, and cost of plants and equipment to be utilized;

(iii) The number of key persons to be employed and their qualifications;

(iv) The schedule of expenditures;

(v) The mining and processing techniques to be studied;

(vi) The possible adverse effects on the environment and the measures to be taken to avoid or minimize such effects;

(vii) The acreage required for the research;

(viii) The depth, quantity, composition, quality, and thickness of shale deposits required for the research;

(ix) The quantity of water required and the expected source;

(x) The measures to be taken to prevent waste of the mineral resources of the leased land.

(11) A description of the reserves the applicant then owns or controls of oil and other minerals of the kind believed to be present in the lands applied for.

(12) With respect to the commercial operation sought to be developed if the research plan is successful:

(i) The general nature of the commercial operation, the commodity(ies) or product(s) expected to be produced, and the approximate service life and capacity of the plant to be constructed.

(ii) The expected annual unit and dollar value of production of each mineral product to be produced. If the proposed commercial operation does not include extraction of component mineral products from the oil shale, a description of the prospective market.

(iii) The expected capital and annual operating costs.

(iv) The quantity of water required and the expected source.

(v) The expected hazards to the environment and the measures proposed to avoid or minimize them.

(vi) The quantity of land and the depth, quantity, composition, quality and thickness of mineral deposits required.

§ 3171.3 Considerations to be used in evaluating applications.

After consultation with appropriate Federal, State, and local agencies, evaluation of the research and development proposals will be made on the basis of the following considerations:

(a) Selection of proposals showing greatest promise of:

(1) Ascertaining the commercial feasibility of a variety of mining and processing methods, under a variety of conditions;

(2) Enhancing opportunities for maximizing multiple mineral recovery;

(3) Enhancing the competitive opportunities of smaller companies;

(4) Limiting any potential hazards to the environment;

(5) Limiting any potential hazards to human safety.

(b) The financial and technical capabilities of the applicant to conduct the proposed research and development, and the projected commercial operation.

(c) The pace at which the research and development is proposed to be conducted.

(d) The applicant's need for leased lands to conduct the proposed research and development, and the projected commercial operation.

(e) The effects on competition of the proposed research and development and the projected commercial operation.

(f) The applicant's need for reserves of the minerals proposed to be produced under his proposal.

§ 3171.4 Time for filing.

No application will be accepted if filed later than 5 years from the date of publication of the regulations of this part in the FEDERAL REGISTER. (The exact date will be inserted when the final regulations are published.)

Subpart 3172—Miscellaneous Provisions

§ 3172.1 Form of lease.

No form of lease is prescribed.

§ 3172.2 Term of lease.

(a) *Research term.* The research term of any lease issued under the regulations of this part shall be designated by the Secretary, but in no event may exceed 10 years.

(b) *Commercial production term.* The Secretary will extend the term of such lease upon completion of the research term to permit commercial production for so long as mineral products are produced from oil shale in paying quantities from deposits on the land, if he has determined that:

(1) The lessee conducted research activity during the research term substantially in accordance with the plan submitted in his application, or any modification thereof which was approved by the Secretary.

(2) The lessee has, in the course of the research term, developed a mining and processing method, which:

(i) Is commercially feasible;

(ii) Provides for optimum recovery of minerals to be produced;

(iii) Can comply with requirements determined by the Secretary to be necessary to prevent or minimize pollution of air and water, scenic or esthetic damage to surface resources, to fish and wildlife, and hazards to human safety.

(3) The lessee has complied with all the terms of the lease.

§ 3172.3 Acreage designations and limitations.

(a) No lease issued hereunder may exceed 5,120 acres.

(b) Upon the issuance of any lease hereunder the Secretary shall designate the part of the leased lands upon which the lessee will be permitted to conduct operations during the research term.

(c) At the time for the grant of any extension of the term of lease as provided in § 3172.2(b), the Secretary will determine the quantity of mineral deposits needed for commercial production, allowing reasonable reserves. The term will be extended only with respect to the area which contains the quantity of mineral deposits so determined.

(d) No person, association or corporation (including a municipality) may take, hold, own or control an interest in more than the total maximum acreage of land included in any lease hereunder, except insofar as natural persons are permitted to hold greater interests under 30 U.S.C. 184(e), by virtue of their 10 percent or lesser interests in corporations or associations holding leases hereunder.

§ 3172.4 Rentals.

Leases shall provide for the payment, in advance, of an annual rental of 50 cents for each acre or fraction thereof.

§ 3172.5 Royalties.

(a) Leases shall provide for the payment of royalties on production during their commercial production terms.

(b) The royalty rate on production shall be 3 percent on the gross value, at the point of shipment to market, of the mineral products from the oil shale, except as provided in paragraphs (c) and (d) of this section. Such royalties shall be due and payable monthly on the last day of the calendar month next following the calendar month in which produced.

(c) If the total annual royalty payment on production as computed in accordance with paragraph (b) of this section is less than the payment would be if computed in accordance with paragraph (d) of this section, then the lessee shall pay, by March 1 of the succeeding year, an additional amount equal to the difference between the royalty paid and the royalty as computed in accordance with paragraph (d) of this section.

(d) The annual net income royalty rate shall be a percentage of net income from the production of mineral products from oil shale to the point of shipment to market. The net annual income royalty rate is:

Ten percent of that part of the net income which is no more than 10 percent of investment.

Thirty percent of that part of the net income which exceeds 10 percent and is no more than 20 percent of investment.

Fifty percent of that part of the net income which is more than 20 percent of investment.

As used in this section, "net income" means taxable income, computed without allowance for royalty and depletion. "Investment" means the original cost less depreciation of capital assets used in the aforesaid production and processing of oil shale. The term "investment" does not include oil shale obtained pursuant to a lease issued under this part.

(e) Lease royalties shall be subject to readjustment at 20-year periods succeeding the issuance of the lease. Lessees will be notified of the proposed readjustment of royalties or notified that no readjustment is to be made. Unless the lessee shall file either a notice of objection and offer to negotiate the proposed readjustment of royalties, or file a relinquishment of the lease within 30 days after receipt of the notice, he will be deemed to have agreed to such readjusted royalties.

(f) The Secretary will, prior to any readjustment under paragraph (e) of this section which would reduce the rate of royalty on any lease, publish a notice of intention to make such reduction in the FEDERAL REGISTER, inviting written comments by interested persons, to be filed within 60 days of the issuance of the notice. The Secretary will not readjust such royalties prior to the expiration of such 60-day period.

(g) Leases shall provide for the payment of royalties during their research terms, on minerals and mineral products sold by the lessee. The royalty rates shall be the same as those applicable during the commercial term.

§ 3172.6 Termination of lease.

Each lease issued hereunder shall terminate at the end of its research term unless, prior thereto, the Secretary has authorized the commencement of the commercial production term.

§ 3172.7 Lease bond.

A bond of not less than $100,000, conditioned on performance of the obligations imposed by the lease, the Act, and the regulations of this part will be required prior to the issuance of an oil shale lease. The right is reserved at any time before or after the issuance of the lease to require an increase of the amount of the bond in any case where the Secretary deems it proper to do so.

§ 3172.9 Other provisions.

(a) *Protection of the environment and human safety.* The lease will contain such provisions as the Secretary deems necessary to prevent or minimize pollution of air and water, scenic or esthetic damage, damage to surface resources, and to fish and wildlife and hazards to human safety.

(b) *Prevention of damage to other mineral resources.* The lease will contain such provisions as the Secretary determines necessary to protect other mineral resources which may be involved.

(c) *Diligence in pursuit of plan of research.* The lease will require that the lessee pursue diligently both the plan of research upon which his lease was issued and operations during the commercial production phase.

(d) *Disclosure of information developed during the research term.* (1) The lease will contain provisions requiring the lessee:

(i) To submit annual progress reports during the research period, in sufficient detail to disclose fully all work accomplished and results achieved.

(ii) To submit, within 120 days after completion of all work under the research plan, a final report summarizing the state of the art and covering conclusions and recommendations derived therefrom. The report shall include a complete and detailed disclosure of all materials, processes, and equipment involved, including all the technical and financial data needed to enable any qualified person to carry out the work performed under the lease. Where appropriate, the recommendations shall include proposals for further improvements which would advance the future state of the art based on knowledge acquired in the performance of the work under the lease.

(iii) To make such other reports and supply such information regarding the progress of the research as the Secretary may specify from time to time.

(iv) To permit access, by persons designated by the Secretary, to the leased premises, all facilities thereon, all other facilities in which any part of the research is conducted, and all books and records which directly relate to the plan of research being conducted.

(2) The lease will provide that no report required under the lease may be copyrighted and the lessee, without additional compensation, therein grants to the Secretary the full right to publish, reproduce and use, and to have others do so, for any purpose without limitations, the reports and any information obtained by the Secretary under this part. The Secretary will promptly publish the reports received and make the other information he has obtained available to the public.

(3) The lease will require that the lessee agree not to publish, or to make available to others besides representatives of the Secretary, the results of the research work under the lease or any information concerning the same, without prior approval in writing from the Secretary.

(e) *Patents.* The lease will contain provisions that the United States will acquire title to all inventions made in the course of or under the research term of the lease, and requiring the lessee to issue licenses at reasonable royalty rates, with respect to such patents as he may own, which are necessary to permit others to practice inventions made in the course of or under the research term of the lease, except that the lease may contain provisions granting greater patent rights to the lessee, in such cases where a proper showing of exceptional circumstances is made, in accordance with the Statement of Government Patent Policy issued by President Kennedy on October 10, 1963, 28 F.R. 10943.

(f) *Assignments and relinquishments.* The lease will contain provisions governing assignments and relinquishments.

(g) *Cancellation of leases.* Upon failure of a lessee to comply with the provisions of the Mineral Leasing Act, or of the regulations issued thereunder, or of the lease, and continuation of such default for 30 days after service of written notice thereof by the Secretary, the Secretary may institute judicial proceedings for the cancellation of the lease as provided in section 31 of the Act. Failure to give notice with respect to any particular cause of forfeiture shall not be deemed a waiver and shall not prevent the cancellation and forfeiture of the lease for any other cause of forfeiture, or for the same cause occurring at another time.

(h) *Additional provisions.* The lease will contain such additional provisions as the Secretary deems appropriate.

§ 3172.10 Antitrust consultation.

Prior to the issuance of a lease, the Secretary will forward a copy to the Attorney General, requesting his advice as to whether the issuance of the lease would be consistent with the objectives of the Federal antitrust laws.

STEWART L. UDALL,
Secretary of the Interior.

MAY 5, 1967.

[F.R. Doc. 67-5214; Filed, May 9, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 907]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Handling

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, to the rules and regulations (7 CFR 907.100 et seq.; Subpart—Rules and Regulations) of the Navel Orange Administrative Committee, currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of said rules and regulations was proposed by the Navel Orange Administrative Committee established under the said marketing agreement and order as the agency to administer the terms and provisions thereof. The proposed amendments would (1) equalize for all prorate districts the basis for computation of adjustment of prorate bases; and (2) require submission of records to the committee by handlers regarding the quantity of oranges harvested from groves under their control.

The proposed amendments are as follows:

§ 907.110 [Amended]

1. Amend the provisions of § 907.110 *Prorate base and allotments* as follows:

(a) In paragraph (d), delete that portion of the second sentence which precedes the proviso and insert in lieu thereof the following: "The quantity so determined shall be deducted during a period of 4 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

(b) In paragraph (e)(1), delete that portion which precedes the proviso and insert in lieu thereof the following: "The prorate bases of handlers shall be adjusted to correct errors, omissions, or inaccuracies, as provided in this part, during a period of 4 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

2. Add a new section reading as follows:

§ 907.142 Other reports.

Each handler shall make available to the committee's field department representative upon request a record of the quantity of oranges which has been harvested from all groves or portions thereof under such handler's control.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection

at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 4, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-5195; Filed, May 9, 1967; 8:46 a.m.]

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Handling

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, to the rules and regulations (7 CFR 908.100 et seq.; Subpart—Rules and Regulations) of the Valencia Orange Administrative Committee, currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment of said rules and regulations was proposed by the Valencia Orange Administrative Committee established under the said marketing agreement and order as the agency to administer the terms and provisions thereof. The proposed amendments would (1) equalize for all prorate districts the basis for computation of adjustment of prorate bases; and (2) require submission of records to the committee by handlers regarding the quantity of oranges harvested from groves under their control.

The proposed amendments are as follows:

§ 908.110 [Amended]

1. Amend the provisions of § 908.110 *Prorate base and allotments* as follows:

(a) In paragraph (d), delete that portion of the second sentence which precedes the proviso and insert in lieu thereof the following: "The quantity so determined shall be deducted during a period of 4 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

(b) In paragraph (e)(1), delete that portion which precedes the proviso and insert in lieu thereof the following: "The prorate bases of handlers shall be adjusted to correct errors, omissions, or inaccuracies, as provided in this part, during a period of 4 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

2. Add a new section reading as follows:

§ 908.142 Other reports.

Each handler shall make available to the committee's field department representative upon request a record of the quantity of oranges which has been harvested from all groves or portions thereof under such handler's control.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 4, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-5196; Filed, May 9, 1967; 8:46 a.m.]

[7 CFR Part 926]

[Docket No. AO 135-A6]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Proposed Handling; Notice of Hearing With Respect to Amendment to Marketing Agreement, and Order, as Amended

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the American Legion Hall, 320 North Washington Street, Lodi, Calif., at 10 a.m., local time, Thursday, June 1, 1967, with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of Tokay grapes grown in San Joaquin County, Calif. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments to the amended marketing agreement and order were proposed by the Industry Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Add to § 926.17 a final sentence to read as follows:

§ 926.17 Premium quality grapes.

* * * The committee, with the approval of the Secretary, shall prescribe rules, regulations, and safeguards as it may deem necessary to assure that grapes marketed as Premium Quality grapes meet the prescribed requirements for such grapes."

2. Add to § 926.46 *Assessments* a final sentence to read as follows:

§ 926.46 Assessments.

* * * In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current season's shipments, the Industry Committee may borrow money for such purposes."

3. Amend § 926.47 *Handler accounts* to read as follows:

§ 926.47 Handler accounts.

(a) If at the end of a season, the assessments collected are in excess of expenses incurred, the Industry Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately one season's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part, and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following season or be paid such refund. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) The Industry Committee may, subject to the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collection of any handler's pro rata share of expenses.

4. Amend § 926.49 *Research* to read as follows:

§ 926.49 Research.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Tokay grapes. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 926.46.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of grapes in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken or continued pursuant to this section in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendation as to funds to be obtained pursuant to § 926.46;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

5. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Fruit Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from the Sacramento Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, 650 Capitol Mall, Room 8518, Sacramento, Calif. 95814.

Dated: May 4, 1967.

S. R. SMITH,
Administrator.

[F.R. Doc. 67-5197; Filed, May 9, 1967; 8:46 a.m.]

[7 CFR Parts 1106, 1126, 1132]

[Docket Nos. AO 210-A24, AO 231-A31, AO 262-A15]

MILK IN OKLAHOMA METROPOLITAN, NORTH TEXAS, AND TEXAS PANHANDLE MARKETING AREAS

Notice of Joint Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Capitol Room, Trade Winds Motor Hotel, 3115 Lincoln, Oklahoma City, Okla., beginning at 9 a.m., local time, on May 15, 1967, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Oklahoma Metropolitan, North Texas, and Texas Panhandle marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Industry Supply-Demand Study Group on behalf of North Texas Producers Association, Central Oklahoma Milk Producers Association, Pure Milk Producers Association of Eastern Oklahoma, Foremost Dairies, The Southland Corp., and The Carnation Co.:

Proposal No. 1. 1. Delete § 1126.51(a) (1) through (6) of Order No. 126 and § 1106.51(a) (1), (2), and (3) of Order No. 106, and substitute therefor the following; and amend Order No. 132 to include a supply-demand adjustor identical with those of Order Nos. 106 and 126:

(a) (1) Determine for the most recent 12-month period the total pounds of producer milk and Grade A bulk milk physically received from other Federal order plants (not requesting Class II utilization) by handlers regulated under Parts 1104, 1106, 1120, 1126, 1127, 1128, 1129, 1130, and 1132 of this chapter regulating the handling of milk in the Red River Valley; Oklahoma Metropolitan; Lubbock-Plainview, Tex.; North Texas; San Antonio, Tex.; Central West Texas; Austin-Waco, Tex.; Corpus Christi, Tex.; and Texas Panhandle marketing areas. Adjust the Grade A receipts of bulk milk from other Federal orders to remove intermarket transfers between the markets included herein. In combining the receipts of producer milk of supply plants regulated by the Austin-Waco and Corpus Christi orders, include receipts equal only to the volume of milk shipped to plants regulated by any of the Federal orders included in this supply-demand computation.

(2) Determine for the most recent 12-month period the total pounds of Class I utilization at all plants regulated under Parts 1104, 1106, 1120, 1126, 1127, 1128, 1129, 1130, and 1132 of this chapter regulating the handling of milk in the Red River Valley; Oklahoma Metropolitan; Lubbock-Plainview, Tex.; North Texas; San Antonio, Tex.; Central West Texas; Austin-Waco, Tex.; Corpus Christi, Tex.; and Texas Panhandle marketing areas. Adjust such Class I utilization by excluding interhandler transfers and any intermarket transfers between the markets included in this computation that would result in the same milk being accounted for the second time as Class I milk; and exclude from the Class I utilization of any supply plant regulated by the Austin-Waco or Corpus Christi Federal orders that volume of Class I milk which did not physically move to plants regulated by any of the Federal orders included in this supply-demand computation.

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph, multiply by 100 and round to the nearest full percent. The resulting percentage shall be known as the "current supply-demand ratio".

(4) For each percentage that the current supply-demand ratio is less than 75, the Class I price shall be reduced 4 cents per hundredweight, and for each percentage that the current supply-demand ratio is greater than 75, the Class I price shall be increased 4 cents per hundredweight: *Provided*, That after the effective date of this provision no change in the Class I price will occur until the price adjustment for the current month exceeds the previous price adjustment computed pursuant to this paragraph by at least plus or minus 16 cents per hundredweight, and such adjustment shall remain in effect for a minimum of 3 consecutive months. In no event shall the maximum plus or minus supply-demand adjustment exceed 48 cents per hundredweight.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from either of the Market Administrators, Richard E. Arnold, Post Office Box 4568, Tulsa, Okla. 74114, or Byford W. Bain, Post Office Box 35225, Airlawn Station, Dallas, Tex. 75235, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on May 8, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-5237; Filed, May 9, 1967; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208]

[Docket No. 18516]

MILITARY BACKHAUL CHARTERS

Notice of Proposed Rule Making

MAY 4, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Parts 207 and 208 of the Economic Regulations (14 CFR Parts 207, 208), to exempt from the limitations of Part 207 applicable to off-route charters performed by certificated route carriers, commercial charters performed in overseas or foreign air transportation on the reverse leg of a one-way military charter in the opposite direction, and to include a blanket exemption under Part 208 authorizing supplemental carriers to engage in similar operations. The principal features of the proposed

rules are set forth in the attached explanatory statement and the proposed amendments are set forth in the attached proposed rules. The amendments are proposed under the authority of sections 204(a), 401(e)(6), and 416(b) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371; 72 Stat. 771, 49 U.S.C. 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matters in communications received on or before June 9, 1967, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 207 of the Board's Economic Regulations presently provides an annual volume limitation on "off-route" charters performed by certificated route carriers of 2 percent of their "base revenue plane miles" [1] performed in the preceding calendar year.[2] In addition § 207.7a provides frequency/regularity restrictions on the performance of such services. Exempted from these restrictions are charters performed for the Department of Defense.[3] Similarly the supplemental carriers are authorized to engage in unrestricted military charters pursuant to the provisions of their certificates.[4] Thus, the Board has generally authorized certificated carriers [5] to engage in military charters without limitation.

The current regulations do not, however, relieve these carriers of the restrictions otherwise applicable for civilian charters carried as a backhaul for one-way military charters. Thus, these carriers may fill the empty legs of a one-way military charter with commercial revenue traffic only if the carriage of such traffic is authorized by their certificates, or, in the case of the route carriers, if such carriage would be within the limitations on "off-route" charters contained in Part 207. In view of the present urgent needs of the Department of Defense for airlift capacity, and in accordance with our policy of affording the military "a maximum of flexibility in meeting its needs so as to be able to maintain the best possible national defense posture," [6] the Board has tentatively concluded that it should amend its regulations in order to provide unrestricted authority for the carriage in overseas or foreign air transportation of commercial charter traffic on the reverse legs of one-way military charters. Accordingly, it is proposed to amend the definition of "off-route" in § 207.1 to exempt from the restrictions in that part any charter performed in overseas or foreign air transportation on the reverse leg of a one-way military charter in the opposite direction. In addition it is proposed to amend Part 208 so as to add a new section 208.150 which would provide a blanket exemption granting similar authority to the supplemental carriers.

The present restrictions, which may prevent a carrier from obtaining commercial charter traffic for long-haul ferry legs of one-way military charters, constitute an economic waste which will inevitably be reflected in higher minimum rates for military charters, and may tend to discourage the availability of airlift capacity to the Department of Defense. The Board has traditionally included in its computation of minimum rates for one-way MAC charters a reduction based on the experience of the carriers in filling the ferry legs with revenue traffic.[7] To the extent that carriers are restricted from attempting to secure such traffic, the minimum rates will necessarily be higher than would otherwise be necessary. Moreover, to the extent that the present restrictions prevent certain carriers from obtaining commercial backhaul charters, these carriers will be subject to a disadvantage in participating in military contracts, vis a vis those carriers whose certificates specifically authorize the carriage of commercial traffic in that area, or whose base revenue plane mileage, upon which the Part 207 volume limitation is computed, is so large as to negate any meaningful volume restriction. In view of the fact that the minimum one-way military rates reflect backhaul revenues based on average industry experience, those carriers who are subject to such a disadvantage in securing backhaul revenue may be induced to seek more lucrative means for utilization of available capacity, and the military may be deprived of vitally needed airlift capacity which otherwise might be available.[8] In sum, the grant of unlimited commercial backhaul authority will be consistent with the Board's policy of permitting unlimited authority for the performance of military charters, will enable more economical operations of one-way MAC contracts, and will enable all carriers to secure such contracts on an equal basis, thereby encouraging the maximum availability of vitally needed military airlift capacity in the present emergency.

In proposing that Part 208 should be amended to provide a blanket exemption authorizing supplemental carriers to engage in commercial backhaul charters, we have carefully considered the circumstances here present which warrant the use of our exemption power under section 416(b). Considering the present certificate authority of the supplemental carriers to engage in unlimited military charter operations, the backhaul authority which we are proposing represents a comparatively limited supplement to their presently authorized military operations. Moreover, there are here present unusual circumstances affecting the operations of these carriers arising from the urgent requirements of the Department of Defense for airlift capacity, and the necessity that the supplemental carriers be authorized to engage in such backhaul operations in order to participate in military charters on an equal basis with the certificated route carriers.[9] Time would not permit the completion of lengthy certificate amendment proceedings as a means of meeting the current military airlift requirements, and in view of the uncertainties of military requirements in the future, the institution of such a proceeding would not be warranted. Under these circumstances it is our view that to require these carriers to participate in a certificate amendment proceeding would constitute an undue burden upon them, wholly unwarranted by the nature of the authority proposed herein, and would not be in the public interest. Accordingly, the Board tentatively finds that enforcement of the provisions of section 401 to the extent that the supplemental carriers would otherwise be precluded from engaging in commercial backhaul charters as proposed, would be an undue burden upon them by

[1] "Base Revenue Plane Miles" is defined as "revenue mileage operated by an air carrier in scheduled services, extra sections, and on-route charter trips or special services." § 207.1.

[2] Sections 207.5, 207.6. All-cargo carriers are permitted to perform unlimited "off-route" cargo charters within their designated areas of operation.

[3] Section 207.1 defines the term "off-route" as "any charter except those performed for the Department of Defense which is not on-route."

[4] Supplemental carriers do not come under the statutory off-route charter authorization in section 401(e)(6) of the Act, and accordingly Part 207 is inapplicable to their operations.

[5] With the exception of Alaskan air carriers who are subject to the special provisions of Part 292.

[6] See ER-419, Sept. 18, 1964.

[7] See, ER-432, Mar. 17, 1965; ER-456, Mar. 29, 1966; EDR-113, Mar. 15, 1967.

[8] Alternatively, if the Board did not take into account backhaul revenues in setting minimum rates for one-way military contracts, those carriers who were not affected by the present restrictions might obtain windfall profits from their one-way military contracts, and the military would be subjected to unwarranted costs.

[9] In this connection we note that one of the primary bases for the supplemental legislation and certification of the supplemental carriers was their significant contribution to the national defense in peace and war, and the ability of these carriers to provide a valuable adjunct to military airlift capacity in times of national emergency. Military contracts presently constitute a substantial part of the operations of these carriers, and the unimpaired continuation of such operations is vital to the national defense and to the carriers' economic health.

reason of the limited extent of and unusual circumstances affecting their operations, and would not be in the public interest.

Proposed rules. The Civil Aeronautics Board proposes to amend Part 207 (14 CFR Part 207) and Part 208 (14 CFR Part 208) of its Economic Regulations, as follows:

1. Amend the definition of "off-route" in § 207.1 to read as follows:

"Off-route" shall refer to any charter which is not on-route, except (1) charters performed for the Department of Defense, and (2) charters performed in overseas or foreign air transportation on the reverse leg of a charter performed in the opposite direction under a contract with the Department of Defense calling for one-way service.

2. Amend the table of contents of Part 208, to add a new Subpart B1, and a new § 208.150 thereunder, to read as follows:

Subpart B1—Provisions Relating to Military Backhaul Charters

208.150 Military backhaul exemption.

3. Add a new Subpart B1 to Part 208, with a new § 208.150 thereunder, to read as follows:

Subpart B1—Provisions Relating to Military Backhaul Charters

§ 208.150 Military backhaul exemption.

Subject to the provisions of this part, Part 295, and all other applicable rules, regulations, conditions, or requirements, supplemental air carriers are hereby exempted from the provisions of section 401 of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to engage in overseas or foreign "supplemental air transportation" and "transatlantic supplemental air transportation" on the reverse leg of a charter performed in the opposite direction under a contract with the Department of Defense calling for one-way service.

[F.R. Doc. 67-5207; Filed, May 9, 1967; 8:47 a.m.]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1605]

GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION

Observance of the Sabbath and Other Religious Holidays

The Equal Employment Opportunity Commission is considering amending Part 1605 of its regulations, Guidelines on Discrimination Because of Religion, issued pursuant to section 713(b) of the Civil Rights Act of 1964, 42 U.S.C. 2000e-12(b). The proposed amendment would delete § 1605.1 and substitute the following revised § 1605.1:

§ 1605.1 Observance of the Sabbath and other religious holidays.

(a) Several complaints filed with the Commission have raised the question whether it is discrimination on account of religion to discharge or refuse to hire employees who regularly observe Friday evening and Saturday, or some other day of the week, as the Sabbath or who observe certain special religious holidays during the year and, as a consequence, do not work on such days.

(b) The Commission believes that the duty not to discriminate on religious grounds, required by section 703(a)(1) of the Civil Rights Act of 1964, includes an obligation on the part of the employer to make reasonable accommodation to the religious needs of employees and prospective employees where such an accommodation can be made without undue hardship on the conduct of the employer's business. Such undue hardship, for example, may exist where the employee's needed work cannot be performed by another employee of substantially similar qualifications during the period of absence of the Sabbath observer.

(c) Because of the particularly sensitive nature of discharging or refusing to hire and employee or applicant on account of his religious beliefs, the employer has the burden of proving that an undue hardship renders the required accommodation to the religious needs of the employee unreasonable.

(d) The Commission will review each case on an individual basis in an effort to seek an equitable application of these guidelines to the variety of situations which arise due to the varied religious practices of the American people.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same in duplicate, not later than 30 days after publication hereof in the FEDERAL REGISTER, with the Employment Opportunity Commission, Room 1234, 1800 G Street NW., Washington, D.C. 20506.

Signed at Washington, D.C., this 5th day of May 1967.

STEPHEN N. SHULMAN,
Chairman.

[F.R. Doc. 67-5222; Filed, May 9, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17338]

INDICATING INSTRUMENTS AND AUTOMATIC LOGGING

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of §§ 73.39, 73.320 and 73.688 of the Commission's rules and regulations pertaining to indicating instruments and automatic logging, Docket No. 17338, RM-954, RM-1044.

1. Comments in this proceeding are now due May 8, 1967, and reply comments are due on June 8, 1967. A petition, filed April 28, 1967, by Storer Broadcasting Co., requests that these due dates be extended to June 8, 1967, for comments, and to July 8, 1967, for reply comments. Petitioner states that its engineering department is of the view that the present due dates for comments do not provide sufficient time to permit the gathering of information necessary to the preparation of meaningful comments and that the additional month requested will be required.

2. Upon considering this request and the proposed rule changes under consideration in this proceeding, we are of the view that the additional time sought is not unreasonable under the circumstances and is warranted.

3. *Accordingly, it is ordered,* That the petition of Storer Broadcasting Company for extension of time is granted; that the time for filing comments herein is extended from May 8, 1967, to June 8, 1967; and that the time for filing reply comments is extended from June 8, 1967, to July 8, 1967.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: May 1, 1967.

Released: May 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5219; Filed, May 9, 1967; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Proposal To Review Definition of Size Standard for Construction

Notice is hereby given that the Administrator of the Small Business Administration proposes to review the adequacy of the definition of a small business for the purpose of bidding on Government construction contracts presently contained in § 121.3-8 of the Small Business Size Standards Regulation, 32 F.R. 6175.

Subsection 121.3-8(a) of the Regulation provides:

(a) *Construction.* Any concern bidding on a contract for work which is classified in Division C, Contract Construction of the Standard Industrial Classification Manual, as

amended, prepared and published by the Bureau of the Budget, Executive Office of the President, is:

1. Small if its average annual receipts for its preceding 3 fiscal years do not exceed $7.5 million.

2. Small if it is bidding on a contract for dredging and its average annual receipts for its preceding 3 fiscal years do not exceed $5 million.

Division C, Contract Construction of the Standard Industrial Classification Manual, as amended, prepared by the Bureau of the Budget, Executive Office of the President, includes the following:

MAJOR GROUP 15. BUILDING CONSTRUCTION—GENERAL CONTRACTORS

1511 General Building Contractors.

MAJOR GROUP 16. CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION—GENERAL CONTRACTORS

1611 Highway and Street Construction, Except Elevated Highways.
1621 Heavy Construction, Except Highway and Street Construction.

MAJOR GROUP 17. CONSTRUCTION—SPECIAL TRADE CONTRACTORS

1711 Plumbing, Heating (Except Electric), and Air Conditioning.
1721 Painting, Paper Hanging, and Decorating.
1731 Electrical Work.
1741 Masonry, Stone Setting, and Other Stonework.
1742 Plastering and Lathing.
1743 Terrazzo, Tile, Marble, and Mozaic Work.
1751 Carpentering.
1752 Floor Laying and Other Floorwork, Not Elsewhere Classified.
1761 Roofing and Sheet Metal Work.
1771 Concrete Work.
1781 Water Well Drilling.
1791 Structural Steel Erection.
1792 Ornamental Metal Work.
1793 Glass and Glazing Work.
1794 Excavating and Foundation Work.
1795 Wrecking and Demolition Work.
1796 Installation or Erection of Building Equipment, Not Elsewhere Classified.
1799 Special Trade Contractors, Not Elsewhere Classified.

It is proposed to review the construction size standards on the basis of the most recent data available. Interested persons are invited to file written statements or comments concerning this matter with the Small Business Administration within 30 days after publication of this notice in the FEDERAL REGISTER.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, Attention: Size Standards Staff.

Dated: May 1, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-5217; Filed, May 9, 1967; 8:48 a.m.]

Notices

POST OFFICE DEPARTMENT

UNIFORM QUALITY CONTROL PROGRAM

Newly Designed Uniform Items

The following is an excerpt from a notice which appeared in the Postal Bulletin of April 27, 1967:

The Post Office Uniform Quality Control Office, U.S. Army Natick Laboratories has developed and designed new uniform items for:

1. Male letter carriers, messengers, and letter box mechanics.
2. Male elevator operator and elevator starter.
3. Male guard and watchman.
4. Female elevator operator and elevator starter.
5. Female guard.

Specifications for these newly designed items have been issued to the uniform industry. Requirements covering these items and the effective dates for wear and reimbursement are specified below:

1. *Male letter carriers, messengers, and letter box mechanics.* Only authorized and specified uniform fabrics in color Post Office Blue 5000 shall be used in the manufacture of items A through E.

A. Jacket—Specifications PODUQC—No. 28: The color of the sleeve braid shall be P.O. Maroon 5004.

B. Trousers—Specification PODUQC—No. 30: There shall be reinforcing patches and flat P.O. Maroon 5004 braid at sides of these trousers.

C. Caps—Specification PODUQC—No. 33: This cap is made in accordance to the specification must conform to Post Office Department Bulletin No. 22, Item 2a as follows:

1. Cover—P.O. Blue 5000, uniform fabric.
2. Chinstrap—P.O. Maroon 5004 braided cable rayon cord.
3. Braid—P.O. Blue 5011, flat rayon braid.
4. Two (2) Badge Eyelets—Set horizontally 2⅛ inches apart in bevel of cap at front approximately 1 inch above top of band.

D. The braid on the helmet and fur cap will be Maroon 5004.

1. Braid on helmets and fur cap for Motor Vehicle employees will be ultramarine blue cable 65010.

E. Surcoat—Specification PODUQC—No. 29: The color of the sleeve braid shall be P.O. Maroon 5004.

F. Sweater—Specification PODUQC—No. 34: Type I—Lightweight, Type II—Heavyweight.

G. Belt—Specification PODUQC—No. 32: Black leather, Type II, 1¼ inches minimum.

As previously authorized, the shirts are P.O. Blue 5001 and ties are P.O. Maroon 5004.

H. *Effective dates.* Effective July 1, 1967, items meeting the above specifications are authorized for wear. Reimbursement is authorized for purchases made on and after July 1, 1967, for items manufactured in accordance with the above specifications.

Until February 28, 1968, male letter carriers, special delivery messengers, and letter box mechanics, may continue to purchase and be reimbursed for uniform items which conform to the specifications in effect prior to issuance of new specifications. Reimbursement shall be made for uniform items purchased after February 28, 1968, only if they are manufactured in conformity with the new specifications. Uniform items which conform to the prior specifications may continue to be worn until no longer serviceable.

II. *Male guard and watchman.* Only authorized and specified uniform fabrics in color P.O. Blue 5000 shall be used in the manufacture of items A through C.

A. Coat—Specification PODUQC—No. 35: There shall be no sleeve braid on this coat.

B. Trousers—Specification PODUQC—No. 30: There shall be no braid or reinforcing patches on these trousers.

C. Surcoat—Specification PODUQC—No. 29: There shall be no sleeve braid on the surcoat.

D. Cap—Specification PODUQC—No. 33: Cap for guard and watchman is different and must be manufactured as required and conforming to Post Office Department Bulletin No. 22, Items 2c and 2d as follows:

Cap for guard craft.

1. Cover—P.O. Blue 5003 (navy blue), 14 ounce, wool, serge.
2. Chinstrap—Black extruded vinyl strap for regular personnel.
3. Braid—P.O. Blue 5011, flat rayon braid.
4. One (1) Round Badge Eyelet—Set centered 1¼ inches above top of band in bevel of cap at front.

Cap for watchman craft.

1. Cover—P.O. White 5010, simulated leather grain vinyl coated fabric.
2. Chinstrap—P.O. Red 5008, extruded vinyl strap.
3. Braid—Ultramarine Blue No. 65010, flat rayon braid.
4. One (1) Round Badge Eyelet—Set centered 1¼ inches above top of band in bevel of cap at front.

E. Shirt—These shirts shall be manufactured in the same color (P.O. Blue 5001), fabrics and specifications worn by all uniformed categories.

F. Tie—Specification PODUQC—No. 7: Only the Four-in-Hand necktie is authorized. The color shall be P.O. Maroon 5004.

III. *Male elevator starter and elevator operator.* Only authorized and specified uniform fabrics in color P.O. Blue 5000 shall be used in the manufacture of Items A through C.

A. Cost—Specification PODUQC—No. 35: There shall be no sleeve braid on this coat.

B. Trousers—Specification PODUQC—No. 30: There shall be no braid or reinforcing patches on these trousers.

C. Cap—Specification PODUQC—No. 33: This cap made in accordance with the specification must conform to Post Office Department Bulletin No. 22, Item 2e as follows:

1. Cover—P.O. Blue 5000, uniform fabric.
2. Chinstrap—P.O. Maroon 5004, extruded vinyl strap.
3. Braid—P.O. Maroon 5004, flat rayon braid.
4. One (1) Round Badge Eyelet—Set centered 1¼ inches above top of band in bevel of cap at front.

D. Shirt—These shirts shall be manufacture in the same color (P.O. Blue 5001), fabrics and specifications worn by all uniformed categories.

E. Ties—Specification PODUQC—No. 7: Only the Four-in-Hand necktie is authorized. The color shall be P.O. Maroon 5004.

IV. a. *Female guards and the winter uniform items for female elevator operator and elevator starter.* Only authorized and specified uniform fabrics in color P.O. Blue 5000 shall be used in the manufacture of Items A and B.

A. Coat—Specification PODUQC—No. 14: There shall be no braid on this coat.

B. Skirt—Specification PODUQC—No. 14: There shall be no back pocket on this skirt.

C. Blouse—Specification PODUQC—No. 13: These shall be manufactured in the same color (P.O. Blue 5001) and fabrics worn by all uniformed categories.

D. Necktab—Specification PODUQC—No. 16: The color of the necktab shall be P.O. Maroon 5004.

E. Cap. To be announced for female guard. Cap not authorized for wear by female elevator personnel.

IV. b. *Summer uniform for female elevator operator and starter.* The same summer dresses as presently approved remain in effect.

V. *Insignia for shirts, jackets, coats, surcoats.* A. Color shall be white letter, border, and figures on a maroon background for all categories except motor vehicle personnel.

B. Sleeve insignia.

1. Post Office Department embroidered circular insignia with horse in forward motion: Worn centered at shoulder or left sleeve 1½ inches from shoulder seam.

2. Arc Tab: The arc tab listed below is worn above and abutting the circular insignia by the craft personnel in particular category:

Letter Carrier.
Special Delivery.
Letter Box Mechanic.
Elevator Operator.
Elevator Starter.
Guard.
Watchman.

3. Reverse Arc Tab: The arc tab listed below is worn under and abutting the circular insignia by the personnel in the particular category:

Maintenance Service.
Mail Handlers.

Employees must wear the correct arc tab designating their craft.

VI. *Effective dates.* Effective July 1, 1967, for personnel covered by paragraphs II, III, and IV items manufactured in accordance with the above specifications are authorized for wear. Reimbursement is authorized for purchases made on and after July 1, 1967. Until December 31, 1967, employees may continue to purchase and be reimbursed for uniform items which conform to the specifications in effect prior to issuance of these new specifications. On and after January 1, 1968, reimbursement shall be made for uniform items purchased after December 31, 1967, only if they are manufactured in conformity with the new specifications and color.

VII. *Wearout period.* For personnel covered by paragraphs II, III, and IV uniform items which conform to the prior specifications may continue to be worn until no longer serviceable.

VIII. *Quality control provisions.* Employees are reminded that reimbursement is authorized only for garments meeting specifications. Manufacturers whose garments meet the requirements are certified and given a certificate number. This number must be on a label that is required to be attached to each item.

IX. *Female letter carrier and female special delivery messenger.* A. The Post Office Depart-

ment Uniform Quality Control Office, U.S. Army Natick Laboratories, has issued to the uniform industry the following announcement in Post Office Department Bulletin No. 27 dated 30 March 1967:

Application of braid on Women's Letter Carrier and Special Delivery Messenger uniform items.

Coat—An approved flat nylon sleeve braid shall be sewn around each sleeve 3 inches from finished bottom with ends properly aligned in seam. Color shall be P.O. Maroon 5004.

Slacks—Slacks shall have an approved flat nylon braid extending the full length of the outseam and shall be caught in the joining of the outseam so that one-fourth inch of the width is visible on the outside. Color shall be P.O. Maroon 5004.

No braid is authorized for skirts.

B. *Effective dates.* All female Letter Carrier and female Messenger coats and slacks with or without braid meeting the specification requirements and containing a Quality Control certificate number are authorized for reimbursement effective immediately. On and after February 28, 1968 only coats and slacks with braid are authorized for reimbursement.

X. *Unchanged items.* The following items are unchanged:

A. Rainwear.
B. Rain cap covers.
C. Galoshes and rubbers.
D. Gloves.
E. Parka-type hoods.
F. Mesh caps.
G. Helmets and fur cap (with correct color braid).

(5 U.S.C. 301, 31 U.S.C. 686, 39 U.S.C. 501, 3116)

TIMOTHY J. MAY,
General Counsel.

MAY 4, 1967.

[F.R. Doc. 67-5190; Filed, May 9, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 822]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, Department of the Interior has filed an application, Serial No. Arizona 822, for a withdrawal of the lands described below from all forms of entry or disposition including the mining laws but not mineral leasing laws, subject to existing valid rights. The lands involved, concurrent with the proposed use of the applicant, will continue to be administered for multiple resource purposes to the best interest of the public.

The applicant desires the lands for Charleston Dam and Reservoir, recreation area, and relocation of facilities within the San Pedro-Santa Cruz Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 21 S., R. 21 E.,
Sec. 1, lots 1, 2, 3, and 4, excluding Mineral Patents 6386, 8967, and 8968;
Sec. 3, lots 6 and 7, and SW¼;
Sec. 4, lot 1 and SE¼NE¼, E½SW¼NE¼, NE¼SE¼, and E½NW¼SE¼;
Sec. 9, E½NE¼, E½W½NE¼, N½NE¼SE¼, and SE¼NE¼SE¼;
Sec. 10, N½, SE¼, N½SW¼, N½SE¼SW¼, and SE¼SE¼SW¼;
Sec. 12, lots 1 and 2, and SE¼NW¼ and N½SE¼.
T. 21 S., R. 22 E.,
Sec. 6, lots 3, 4, 5, 6, 7, 8, and 9, and SE¼SW¼;
Sec. 7, lots 1 and 2, N½NE¼, SW¼NE¼, E½NW¼, and NE¼SW¼.

The areas described within the project aggregate approximately 1,989.47 acres.

Dated: May 3, 1967.

FRED J. WEILER,
State Director.

[F.R. Doc. 67-5215; Filed, May 9, 1967; 8:48 a.m.]

[I-1172]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 3, 1967.

The Department of Agriculture has filed an application, Serial No. I-1172, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as an administrative site in the Payette National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

FAYETTE NATIONAL FOREST

Krassel Administrative Site (Addition)

T. 19 N., R. 6 E.,
Sec. 21, E½SW¼NE¼, and NE¼NW¼SE¼.

The area described aggregates 30 acres in Valley County.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 67-5186; Filed, May 9, 1967; 8:45 a.m.]

[OR1630]

OREGON

Notice of Proposed Classification of Public Lands for Multiple Use Management

MAY 2, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below, together with any lands therein that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

3. The public lands proposed for classification are located within the following described area and are shown on map designated "Oregon 1630, 2411.2:36-01: April 1967," on file in the Lakeview District Office, Bureau of Land Management, Lakeview, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. The description of the area is as follows:

WILLAMETTE MERIDIAN, OREGON

LAKE COUNTY

T. 23 S., R. 15 E.,
Secs. 33, 34.

T. 23 S., R. 16 E.,
Secs. 1, 2, secs. 11 to 14 inclusive, secs. 23 to 27 inclusive, secs. 34, 35, 36.
T. 23 S., R. 17 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 18 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 19 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 21 E.,
Secs. 7, 18, 19, secs. 26 to 36 inclusive.
T. 23 S., R. 23 E.,
Secs. 21 to 28 inclusive, secs. 33 to 36 inclusive.
T. 24 S., R. 13 E.,
Secs. 35, 36.
T. 24 S., R. 14 E.,
Secs. 1, 2, secs. 10 to 16 inclusive, secs. 20 to 36 inclusive.
T. 24 S., R. 15 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 16 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 17 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 18 E.,
Secs. 1 to 30 inclusive, secs. 35, 36.
T. 24 S., R. 19 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 21 E.,
Secs. 3 to 10 inclusive, secs. 15 to 36 inclusive.
T. 24 S., R. 22 E.,
Secs. 30, 31.
T. 24 S., R. 23 E.,
Secs. 1 to 4 inclusive, secs. 9 to 16 inclusive, secs. 21 to 28 inclusive, secs. 33 to 36 inclusive.
T. 25 S., R. 13 E.,
Secs. 1, 2, 3, secs. 9 to 17 inclusive, secs. 20 to 29 inclusive, secs. 32 to 36 inclusive.
T. 25 S., R. 14 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 15 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 16 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 17 E.,
Secs. 2 to 10 inclusive, W½W½ sec. 11, W½W½ sec. 14, secs. 15 to 36 inclusive.
T. 25 S., R. 18 E.,
Secs. 1, 12, 13, W½ sec. 19, W½ sec. 30, NW¼ sec. 31.
T. 25 S., R. 19 E.,
Secs. 1 to 18 inclusive, secs. 21 to 26 inclusive, secs. 34 to 36 inclusive.
T. 25 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 26 S., R. 13 E.,
Secs. 1 to 4 inclusive, secs. 9 to 16 inclusive, secs. 21 to 28 inclusive, secs. 33 to 36 inclusive.
T. 26 S., R. 14 E.,
Secs. 1 to 36 inclusive.
T. 26 S., R. 15 E.,
Secs. 1 to 20 inclusive, secs. 29 to 32 inclusive.
T. 26 S., R. 16 E.,
Secs. 1 to 14 inclusive, secs. 23 to 25 inclusive, sec. 36.
T. 26 S., R. 17 E.,
Secs. 1 to 24 inclusive, secs. 27 to 31 inclusive.
T. 26 S., R. 18 E.,
Secs. 6, 7, 8, 17, 18, 19, 20, 21, 27, 28, 29, 30, 33, 34, 35.
T. 26 S., R. 19 E.,
Secs. 1, 2, 3, secs. 7 to 28 inclusive, secs. 34, 35, 36.
T. 26 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 26 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 26 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 26 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 27 S., R. 13 E.,
Secs. 1 to 4 inclusive, secs. 9 to 16 inclusive, secs. 21 to 27 inclusive, secs. 33 to 36 inclusive.
T. 27 S., R. 14 E.,
Secs. 1 to 36 inclusive.
T. 27 S., R. 15 E.,
Secs. 4 to 10 inclusive, secs. 14 to 23 inclusive, secs. 26 to 36 inclusive.
T. 27 S., R. 17 E.,
S½S½ sec. 25, S½SE¼ sec. 26, E½ sec. 35, sec. 36.
T. 27 S., R. 18 E.,
N½ sec. 3, N½ sec. 4, S½S½ sec. 22, secs. 23 to 29 inclusive, S½S½ sec. 30, secs. 31 to 36 inclusive.
T. 27 S., R. 19 E.,
Secs. 1, 2, 3, 10, 11, 12, 13, 14, secs. 23 to 26 inclusive, W½SW¼ sec. 30, secs. 31, 35, 36.
T. 27 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 27 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 27 S., 22 E.,
Secs. 1 to 36 inclusive.
T. 27 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 13 E.,
Secs. 1 to 17 inclusive, secs. 20 to 36 inclusive.
T. 28 S., R. 14 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 15 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 16 E.,
Secs. 6, 7, 8, 12, 13, 14, E½SE¼ sec. 15, secs. 17 to 36 inclusive.
T. 28 S., R. 17 E.,
Secs. 1 to 5 inclusive, S½ sec. 6, secs. 7 to 36 inclusive.
T. 28 S., R. 18 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 19 E.,
Sec. 1, E½ sec. 2, W½, W½SE¼ sec. 4, secs. 5 to 8 inclusive, W½, W½E½, SE¼SE¼ sec. 9, secs. 10 to 36 inclusive.
T. 28 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 12 E.,
Sec. 1.
T. 29 S., R. 13 E.,
Secs. 1 to 18 inclusive.
T. 29 S., R. 14 E.,
Secs. 1 to 18 inclusive.
T. 29 S., R. 15 E.,
Secs. 1 to 18 inclusive, secs. 21 to 28 inclusive.
T. 29 S., R. 16 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 17 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 18 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 19 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R. 16 E.,
Secs. 2, 11, 14.
T. 30 S., R 17 E.,
Secs. 1 to 5 inclusive, secs. 8 to 16 inclusive, secs. 21 to 28 inclusive, secs. 34, 35, 36.
T. 30 S., R. 18 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R 19 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R 21 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R 23 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 16 E.,
Sec. 3.
T. 31 S., R. 17 E.,
Secs 1, 2, 3, secs. 7 to 36 inclusive.
T. 31 S., R. 18 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 19 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 17 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 18 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 19 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 17 E.,
Secs. 1 to 6 inclusive, secs. 8 to 17 inclusive, secs. 23, 24.
T. 33 S., R. 18 E.,
Secs. 1 to 29 inclusive, secs. 32 to 36 inclusive.
T. 33 S., R. 19 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 25 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 26 E.,
Secs. 1 to 35 inclusive.
T. 33 S., R. 27 E.,
Secs. 4 to 8 inclusive, secs. 17 to 19 inclusive.
T. 34 S., R. 18 E.,
Secs. 1 to 4 inclusive.
T. 34 S., R. 19 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 25 E.,
Secs. 1 to 36 inclusive.

T. 34 S., R. 26 E.,
Secs. 3 to 10 inclusive, secs. 16 to 20 inclusive, secs. 30, 31.
T. 34 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 19 E.,
Secs. 1 to 6 inclusive, secs. 8 to 17 inclusive, secs. 20 to 27 inclusive, secs. 34, 35, 36.
T. 35 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 25 E.,
Secs. 1 to 10 inclusive, secs. 17 to 20 inclusive, secs. 29 to 32 inclusive.
T. 35 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 36 S., R. 20 E.,
Secs. 1 to 18 inclusive.
T. 36 S., R. 21 E.,
Secs. 1 to 18 inclusive.
T. 36 S., R. 22 E.,
Secs. 1 to 18 inclusive, secs. 21 to 28 inclusive, secs. 33 to 36 inclusive.
T. 36 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 36 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 36 S., R. 28 E.,
Secs. 1, 2, 3, 4, secs. 10 to 15 inclusive, secs. 22 to 27 inclusive, secs. 34 to 36 inclusive.
T. 37 S., R. 22 E.,
Secs. 1 to 4 inclusive, secs. 9 to 16 inclusive, secs. 21 to 27 inclusive, secs. 35, 36.
T. 37 S., R. 23 E.,
Secs. 1, 4, 6, 10, 12, 14, 18, 20, secs. 22 to 36 inclusive.
T. 37 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 37 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 22 E.,
Secs. 1, 2, secs. 11 to 15 inclusive, secs. 21 to 29 inclusive, secs. 32 to 36 inclusive.
T. 38 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 25 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 26 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 27 S.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 22 E.,
Secs. 1, 2, 3, 4, secs. 9 to 16 inclusive, secs. 22 to 27 inclusive, secs. 34 to 36 inclusive.
T. 39 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 25 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 26 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 27 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 22 E.,
Secs. 1 to 5 inclusive, secs. 8 to 17 inclusive, secs 20 to 26 inclusive, secs. 28, 35, 36.
T. 40 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 25 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 26 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 27 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 41 S., R. 22 E.,
Secs. 1, 12, 13, 24.
T. 41 S., R. 23 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 24 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 25 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 26 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 27 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 28 E.,
Secs. 1 to 24 inclusive.

The public lands in the area described aggregate approximately 2,404,000 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Lakeview District Manager, Bureau of Land Management, Post Office Box 429, Lakeview, Oreg. 97630.

5. A public hearing on the proposed classification will be held on June 15, 1967, at 10 a.m. at the Lake County Courthouse, Lakeview, Oreg.

JAMES F. DOYLE,
State Director.

[F.R. Doc. 67-5185; Filed, May 9, 1967; 8:45 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Sale

The notice (F.R. Doc. 3330) published in the FEDERAL REGISTER of March 25, 1967 (32 F.R. 4545) announcing a sale of oil and gas leases for areas of the Outer Continental Shelf offshore the State of Louisiana to be held on June 13, 1967, is amended and clarified as follows:

1. That portion of the regulations in 43 CFR 3382.5 requiring the successful bidder to execute the lease, pay the first year's rental, pay the balance of the bonus bid, and file a bond as required in 43 CFR 3384.1, within 30 days from his receipt of the lease forms, is suspended for the purposes of this sale only. In lieu thereof each successful bidder in this sale shall be allowed but 15 days to complete the requirements of this portion of the cited regulation.

2. All drilling permits which may later be approved under leases issued pursuant to the sale which are subject to the exclusive jurisdiction and control of the United States will contain provisions for the protection of fishing operations and aquatic values.

3. The time of the sale on June 13, 1967, and the time prior to which, or within which, bids would be received on that date, is designated in the sale notice as being "c.s.t.". Notice is hereby given that the time so designated is the accelerated "central standard time" (commonly referred to as "central daylight saving time") established by the Uniform Time Act of 1966 (80 Stat. 107, 15 U.S.C. secs. 260, et seq.): *Provided, however,* That should the State of Louisiana, by law enacted prior to June 13, 1967, exempt the entire State from such advancement of time, in accordance with the provisions and conditions of said Uniform Time Act of 1966, then the time designated in said notice of lease sale shall be the regular "central standard time" established by State law so enacted.

4. Leases issued pursuant to the notice of March 25, 1967 (32 F.R. 4545), for lands which are on the date of issuance thereof, or adjudicated to be on any date hereafter, subject to the exclusive jurisdiction and control of the United States will be subject to all rules and regulations which the Secretary of the Interior is authorized to prescribe and administer under the Outer Continental Shelf Lands Act (43 U.S.C. secs. 1331–1343) including rules and regulations for the prevention of waste and for conservation of the natural resources of the Outer Continental Shelf. The protection of correlative rights therein will be prescribed and administered by the Secretary of the Interior effective as of the effective date of such rules and regulations. In the event a cooperative agreement is concluded between the Secretary and the conservation agency of the State of Louisiana with respect to enforcement of conservation laws, rules and regulations pursuant to section 5 of the Act, the lessee will be given notice thereof by publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

MAY 5, 1967.

[F.R. Doc. 67-5216; Filed, May 9, 1967; 8:48 a.m.]

Bureau of Reclamation

BLACK HILLS NATIONAL FOREST, S. DAK.

Order of Transfer of Administrative Jurisdiction of Land

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 213), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over the following described lands, which lie within the exterior boundaries of the Black Hills National Forest, S. Dak., and which were acquired by the Bureau of Reclamation in the development of Deerfield Reservoir, Rapid Valley Project, S. Dak., and Pactola Reservoir, Rapid Valley Unit, Missouri River Basin Project, S. Dak., is hereby transferred to the Secretary of Agriculture for recreational and other National Forest Service System purposes:

DEERFIELD RESERVOIR, RAPID VALLEY PROJECT

BLACK HILLS MERIDIAN, SOUTH DAKOTA

Fee Lands

T. 1 N., R. 2 E.,
Sec. 25, HES 230.

T. 1 N., R. 3 E.,
Sec. 19, SE¼SE¼;
Sec. 20, NE¼NW¼SW¼, S½SW¼;
Sec. 29, lot 1, NE¼NW¼;
Sec. 30, lots 1, 2, 3, 5, 15 MS 1249, MS 1420 excluding lot 4;
Containing 625.5 acres.

Easement for Road

A strip of land sixty (60) feet in width, situated in the northwest quarter of the southwest quarter (NW¼SW¼) of sec. sixteen (16), T. one (1) N., R. three (3) E., Black Hills Principal Meridian, containing one and four-tenths (1.4) acres, and whose centerline location is more particularly described as follows:

Beginning at a point on the south line of the northwest quarter of the southwest quarter (NW¼SW¼) of sec. sixteen (16), T. one (1) N. R. three (3) E., Black Hills Principal Meridian, from whence the southwest corner of said sec. sixteen (16) bears south thirty-seven degrees, fifty-eight minutes, thirty-seven seconds, west (S. 37°58'37" W.) a distance of one thousand six hundred seventy-four (1,674) feet; thence north sixteen degrees east (N. 16° E.) a distance of eighty-six and six-tenths (86.6) feet to a point of curvature; thence along the arc of curve to the left having a radius of five hundred seventy-two and nine-tenths (572.9) feet a distance of one hundred fifty-seven and five-tenths (157.5) feet to a point of tangency; thence north fifteen minutes east (N. 15' E.) a distance of one hundred thirty-five and four-tenths (135.4) feet to a point of curvature; thence along the arc of a curve to the left having a radius of two hundred eighty-six and fifty-three hundredths (286.53) feet a distance of one hundred nineteen and four-tenths (119.4) feet to a point of tangency; thence north twenty-three degrees, thirty-eight minutes, west (N. 23°38' W.) a distance of one hundred fifty-six and two-tenths (156.2) feet to a point of curvature; thence along the arc of a curve to the right having a radius of two hundred thirty-eight and eighty-six hundredths (238.86) feet a distance of one hundred eighty-nine and five-tenths (189.5) feet to a point of tangency; thence north twenty-one degrees, forty-eight minutes, east (N. 21°48' E.) a distance of one hundred fifty-four (154) feet to intersection with the southwest right-of-way line of the present Hill City road, containing 1.4 acres.

PACTOLA RESERVOIR, RAPID VALLEY UNIT, MISSOURI RIVER BASIN PROJECT

BLACK HILLS MERIDIAN, SOUTH DAKOTA

Fee Lands

T. 1 N., R. 5 E.
Sec. 2, lot 7;
Sec. 3, lot 10;
HES 106, 598, 599, and MC 891.
T. 2 N., R. 5 E.,
Sec. 31, lot 13;
MS 2040 except the W½SE¼SE¼SE¼ of sec. 31;
Town of Silver City:
Blocks A, B, C, D, E;
Block 8, lots 1, 2, 3, 4, 5, 6, 31, 32;
Block 9, all except lots 1, 2, 17, 18;
Block 10, lots 6 to 16, inclusive, 29, 30, 31, 32;
Block 12, lots 4, 5, 12, 13, 14, 15, 27, 28, 29, 30;
Blocks 19, 20;
Continuing 652.11 acres.

Pursuant to said section (c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest lands: *Provided,* That all lands and waters within the Deerfield and Pactola Reservior Areas needed or used for the operation of the projects for other Reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER.

Dated: May 1, 1967.

FLOYD E. DOMINY,
Commissioner of Reclamation.

[F.R. Doc. 67-5181; Filed, May 9, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Notice of Receipt of Application for Construction Permit and Facility License

The Omaha Public Power District, 1623 Harney Street, Omaha, Nebr., has filed an application, pursuant to section 104b of the Atomic Energy Act of 1954, as amended, dated April 18, 1967, for licenses to construct and operate a pressurized water nuclear reactor designed for initial operation at 1420 thermal megawatts with a net electrical output of approximately 481 megawatts.

The proposed reactor, designated by the applicant as the Fort Calhoun Station, Unit No. 1, is to be located at the applicant's 382-acre site in Washington County, Nebr., on the southwest bank of the Missouri River, about 19 miles northwest of Omaha, Nebr.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 3d day of May 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 67-5188; Filed, May 9, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18127]

CENTRAL AIRLINES CHICAGO ENTRY CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on June 27, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

For information concerning the issues involved and other details regarding this proceeding, interested persons are referred to the Prehearing Conference Report served on March 14, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 5, 1967.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 67-5200; Filed, May 9, 1967; 8:46 a.m.]

[Docket No. 17914]

DENVER-GRAND JUNCTION-LAS VEGAS SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 11, 1967, at 10 a.m., local time, in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., May 3, 1967.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 67-5201; Filed, May 9, 1967; 8:46 a.m.]

[Docket No. 18365; Order E-25109]

MARTY'S FLYING SERVICE

Order To Show Cause Regarding Establishment of Final Service Rate for Transportation of Mail

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1967.

Martin J. McLaughlin doing business as Marty's Flying Service (Marty's), an air taxi operator providing air transportation under the provisions of Part 298 of the Board's Economic Regulations, by petition filed April 3, 1967, has requested the Board to establish a final service mail rate of 17 cents per mile for single engine aircraft and 23.5 cents per mile for twin engine aircraft for the transportation of mail by aircraft between (a) Panama City, Tallahassee, and Orlando, Fla., and (b) Pensacola, Tallahassee, and Jacksonville, Fla.

In its petition requesting establishment of this final service mail rate, Marty's states that the proposed rates will cover the fully allocated costs of the services proposed. In its answer, the Post Office Department supports the application of Marty's, stating that it believes the proposed rates represent a fair and reasonable compensation for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith. The Post Office answer also states that the services proposed by Marty's will eliminate presently existing schedule deficiencies in the market and that the schedules to be provided and the terms and conditions set forth in the petition will properly satisfy the postal requirements.

By Order E–25108, dated May 5, 1967, Marty's was granted an exemption from section 401 of the Federal Aviation Act of 1958 and Part 298 of the Board's Economic Regulations to permit it to provide the proposed air transportation of mail. Since no mail rate is presently in effect for this carrier, it is necessary to fix and determine the fair and reasonable rate of compensation to be paid to Marty's by the Postmaster General for the air transportation of mail.

The Board, therefore, finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Marty's Flying Service by the Postmaster General for the transportation of all classes of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition and other matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Martin J. McLaughlin doing business as Marty's Flying Service pursuant to section 406 of the Federal Aviation Act of 1958 for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between (a) Panama City, Tallahassee, and Orlando, Fla., and (b) Pensacola, Tallahassee, and Jacksonville, Fla., shall be 17 cents per aircraft mile for single engine aircraft and 23.5 cents per aircraft mile for twin engine aircraft.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302: *It is ordered,* That:

1. All interested persons and particularly Marty's Flying Service and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine and publish the final rate specified above as the fair and reasonable rate of compensation to be paid to Marty's Flying Service, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Marty's Flying Service, and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67–5202; Filed, May 9, 1967; 8:47 a.m.]

[Docket No. 17161]

NORDAIR LTEE—NORDAIR, LTD.

Notice of Prehearing Conference

Application for a permit for charter foreign air transportation with regard to passengers and cargo for a term of 5 years between any point or points in Canada and any point or points in the United States, including its territories and possessions, subject to Part 214 of the Civil Aeronautics Board regulations.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 6, 1967, at 10 a.m., e.d.s.t., in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., May 5, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67–5203; Filed, May 9, 1967; 8:47 a.m.]

[Docket No. 16766, etc.]

NORTH CENTRAL AIRLINES, INC.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to begin on July 18, 1967, at 10 a.m. (local time), at the Commission chambers in the city hall at Ninth Street and Dakota Avenue, Sioux Falls, S. Dak.

For fuller information, interested persons are referred to the prehearing conference report served April 17, 1967, and other material contained in the docket of this proceeding on file with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 4, 1967.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 67–5204; Filed, May 9, 1967; 8:47 a.m.]

[Docket No. 18174]

SOCIEDAD AERONAUTICA DE MEDELLIN CONSOLIDADA, S.A. (SAM)

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is postponed to be held on June 20, 1967, at 10 a.m. (local time) in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., May 3, 1967.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 67–5205; Filed, May 9, 1967; 8:47 a.m.]

[Docket No. 18500]

SWISSAIR, SWISS AIR TRANSPORT CO., LTD.

Notice of Hearing

Application for amendment of its foreign air carrier permit for authority to offer stopover privileges to passengers carried between Europe and Chicago in either direction, such authorization to terminate September 15, 1967.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on May 10, 1967, at 10 a.m., e.d.s.t., in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Chief Examiner Francis W. Brown.

Dated at Washington, D.C., May 5, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67–5206; Filed, May 9, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17401–17404]

MIAMI BROADCASTING CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Miami Broadcasting Corp., Miami, Fla., Docket No. 17401, File No. BPH–4910; Requests: 107.5 mc, No. 298; 100 kw (H&V); 313.3 ft.; W.B.B.J., Inc., Miami, Fla., Docket No. 17402, File No. BPH–5465; Requests: 107.5 mc, No. 298; 100 kw (H&V); 274 ft.; Mission East Co., Miami, Fla., Docket No. 17403, File No. BPH–5481; Requests: 107.5 mc, No. 298; 100 kw (H&V); 343 ft.; Edward Winton, Silva M. Feldman, David Ginsburg, Norma Fine, and Al Lapin, Jr.,

doing business as WSKP Broadcasters, Miami, Fla., Docket No. 17404, File No. BPH-5661; Requests: 107.5 mc, No. 298; 100 kw (H&V); 749 ft.; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above captioned and described applications for construction permits which are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

2. Since it has not been determined that the antennas proposed by Miami Broadcasting Corp. and W.B.B.J., Inc., would not constitute a menace to air navigation, issues regarding this matter is required.

3. Consideration of the programing proposals is required because of the substantial and material difference between the proposals in the amount of AM programing to be duplicated. WSKP Broadcasters proposes 50 percent duplicated programing, while the other three applicants propose independent operation. Therefore, evidence regarding duplicated programing will be admissible under the standard comparative issue.

4. Except as indicated below, each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Miami Broadcasting Corp. would constitute a menace to air navigation.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by W.B.B.J., Inc., would constitute a menace to air navigation.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permit should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 28, 1967.

Released: May 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5220; Filed, May 9, 1967; 8:48 a.m.]

[Docket No. 17186; FCC 67-526]

VESTAL VIDEO, INC. AND EASTERN MICROWAVE, INC.

Memorandum Opinion and Order Instituting Investigation

In the matter of Vestal Video, Inc., Vestal, N.Y. 13850, Complainant; versus Eastern Microwave, Inc., Syracuse, N.Y. 13203, Defendant; Docket No. 17186.

1. On February 6, 1967, Vestal Video, Inc., a community antenna television operator, filed an amended formal complaint against the above-named defendant in which complainant challenges the lawfulness of certain charges for point-to-point microwave relay service furnished by defendant to complainant for the purpose of relaying television program material. (See, section 208 of the Communications Act of 1934).

2. The specific charges complained of are currently published in defendant's Tariff FCC No. 3 at First Revised Page 14, as follows:

> Channels for monochrome and/or color television transmission service are furnished to each subscriber at the following charges:
>
> First channel—$450 per month.
> Second channel—$300 per month.

3. The $450 and $300 rates quoted above are increased rates which were established by revisions to defendant's Tariff FCC No. 3 filed on September 23, 1966, and which became effective on January 1, 1967. Prior to January 1, 1967, the rates were $300 for the first channel and $200 for the second channel.

4. Complainant alleges, in substance, that, in February 1965, it ordered two channels from defendant for a total price of $500 a month; that this increase, 2 years after initial service was inaugurated, is unfair, unreasonable, and exorbitant; and that if complainant had known that it would cost $750 a month it might not have ordered the service. Complainant requests monetary damages from defendant in the amount of $250 for each month that it has paid since January 1, 1967, and for each month that it will pay in the future for the two channels it obtains from defendant.

5. On March 9, 1967, defendant filed its answer to the complaint accompanied by a motion to dismiss in which defendant alleges, in substance, that the allegations in the complaint that the rates are unfair, unreasonable, and exorbitant are conclusions that are unsupported by any facts shown in the complaint; that the fact that complainant might not have ordered the service if it had known of a rate increase 2 years in the future is not sufficient to constitute a legal basis for the complaint; that complainant apparently contends that common carriers should never be permitted to raise rates; and that the rate increases of January 1, 1967, were just and reasonable on their face.

6. Our review of defendant's tariff schedules that were in effect at the time complainant ordered service in February 1965 reveals that defendant offered service only on a contract basis; that the contract period was stated to be for 3 years at the monthly charges shown in the tariff; and that the tariffs then in effect provided that, if service was terminated before expiration of the 3-year contract period, the customer was obligated to pay the entire "contract charge," reduced proportionately for each month of use.

7. We believe that the complaint fairly raises questions as to the justness and reasonableness of the increases in monthly charges to the complainant prior to the expiration of the 3-year contract period of service ordered by complainant. At the time defendant filed these increases with the Commission, the only showing made in support therefor was a statement in the tariff transmittal letter that "the new rates are prompted by increased operation and equipment costs associated with Eastern Microwave's system." We do not regard this showing as complying with Part 61 of our rules which requires all carriers upon the filing of increased charges, to show "the facts upon which the carrier relies in justification thereof." (47 CFR 61.33) No facts were submitted with respect to the alleged increased operation and equipment costs.

8. In the light of the complaint filed herein, we have reexamined the presently effective tariff (FCC No. 3) of defendant in its entirety and it appears from our review that there are provisions therein other than those referred to above that are questionable. There are, for example, provisions for the collection of charges that are not stated in dollars and cents in apparent violation of section 203 of the Act and our rules (see § 61.55(h) of our rules and our decision in A.T. & T. and Western Union Private Line Cases, 34 F.C.C. 217; 363-368 (1963)). These, and other interrelated tariff provisions present substantive questions as to whether the presently effective tariff is lawful within the meaning of sections 201(b), 202(a), and 203 of the Communications Act of 1934.

9. For the foregoing reasons, we conclude that we should institute an investi-

gation into the lawfulness of the presently effective tariff schedules of defendant that will enable us to resolve not only the issues raised by the complaint but also questions as to the lawfulness of all of the provisions in such tariff schedules.

10. *Accordingly, it is ordered,* That pursuant to the provisions of sections 201–209 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of Tariff FCC No. 3 of Eastern Microwave, Inc., and any amendments, cancellations, or reissues thereof;

11. *It is further ordered,* That the scope of the investigation shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariff are or will be unjust and unreasonable within the meaning of section 201(b) of the Act or unduly preferential or discriminatory within the meaning of section 202(a) of the Act;

(2) Whether the aforesaid tariff conforms to the requirements of section 203 of the Act and Part 61 of our rules;

(3) If any of such charges, classifications, practices, and regulations are found to be unlawful, whether the Commission, pursuant to section 205 of the Act, should prescribe charges, classifications, practices, and regulations for the services governed by the tariffs, and, if so, what should be prescribed;

(4) Whether the increased charges collected by defendant from complainant under the aforementioned revised tariff schedules that became effective January 1, 1967, are lawful within the meaning of sections 201(b) and 202(a) of the Act and the amount of damages, if any, that the complainant may be entitled to as a result of the collection of such increased charges;

12. *It is further ordered,* That defendant's motion to dismiss is denied without prejudice;

13. *It is further ordered,* That a copy of this memorandum opinion and order shall be served upon the complainant and defendant;

14. *It is further ordered,* That a hearing examiner shall be designated to preside in the proceedings ordered herein, who shall prepare an initial decision on all of the issues herein as provided in § 1.267 of the Commission's rules.

Adopted: May 3, 1967.

Released: May 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5221; Filed, May 9, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

HANSEATIC SCHIFFAHRTS-GESELLSCHAFT M.B.H. & CO. ET AL.

Application for Certificate of Financial Responsibility

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 C.F.R. 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation:

Hanseatic Schiffahrts-Gesellschaft m.b.H. & Co.
Deutsche Atlantik Schiffahrts-Gesellschaft m.b. H. & Co. (Hanseatic Line, Inc.) (German Atlantic Line, GAL).
Wisconsin & Michigan Steamship Co.
Council on International Educational Exchange, Inc. (Council on Student Travel).

Dated: May 5, 1967.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 67-5208; Filed, May 9, 1967; 8:47 a.m.]

CANADIAN PACIFIC RAILWAY CO. ET AL.

Issuance of Certificate of Financial Responsibility

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR part 540) that a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation has been issued to the following (all effective May 5, 1967):

Canadian Pacific Railway Co. (Canadian Pacific), Certificate No. P–39.
Atlantic Far East Lines, Inc. (Orient Overseas Line), Certificate No. P–40.
Mitsui-O.S.K. Lines, Ltd., Certificate No. P–41.

Dated: May 5, 1967.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 67-5209; Filed, May 9, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-181 etc.]

EAST TENNESSEE NATURAL GAS CO. ET AL.

Order Consolidating Applications for Hearing and Denying Request for Temporary Certificate

MAY 2, 1967.

East Tennessee Natural Gas Co., Kentucky-Tennessee Natural Gas Co., The Mayor and Aldermen of the town of Algood, Tenn., Applicant, East Tennessee Natural Gas Co., Respondent, Docket Nos. CP67–181 and CP67–221, CP67–270, CP67–206.

By application filed February 6, 1967, under section 7(c) of the Natural Gas Act, East Tennessee Natural Gas Co. (East Tennessee) seeks a certificate of public convenience and necessity authorizing the construction and operation of facilities adequate to increase East Tennessee's system capacity by approximately 28,000 Mcf/d in order to meet estimated requirements for the 1967–68 heating season and thereafter.

At the time East Tennessee's application was filed, we had pending before us the application filed January 23, 1967, by The Mayor and Aldermen of the town of Algood, Tenn. (Algood), under section 7(a) of the Natural Gas Act requesting an order directing East Tennessee to interconnect its facilities with and sell natural gas to Algood in lieu of Algood's present gas supply from the city of Cookeville. In response to Algood's application, Respondent, East Tennessee, stated that its present capacity is insufficient to meet Algood's request on a long-term basis, but that upon authorization of East Tennessee's requests in Docket No. CP67–221 such capacity would be available.

On March 21, 1967, Kentucky-Tennessee Natural Gas Co. (Kentucky-Tennessee) filed an application pursuant to section 7(c) of the Natural Gas Act to sell volumes of natural gas to Cumberland Valley Pipe Line Co., such volumes to be purchased by Kentucky-Tennessee from East Tennessee. East Tennessee's application in Docket No. CP67–221 includes a request to sell natural gas volumes to Kentucky-Tennessee.

Since the applications of Algood in Docket No. CP67–206 and Kentucky-Tennessee in Docket No. CP67–270 are dependent upon our disposition of East Tennessee's application in Docket No. CP67–221, these applications will be consolidated for hearing and disposition. The Presiding Examiner shall fix the dates for holding a prehearing conference, the commencement of hearing and for the service of testimony.

By application filed December 23, 1966, East Tennessee requested temporary authorization until November 1, 1967, to provide additional firm service of approximately 9,000 Mcf/d of natural gas to four resale and three direct sale customers. The issuance of such temporary authorization under section 7(c) of the Natural Gas Act would be appropriate only to assure maintenance of adequate service during an emergency period. East Tennessee's application in Docket No. CP67–181, however, shows no evidence of emergency at present or until November 1, 1967, and we will accordingly deny East Tennessee's application for a temporary certificate. Nevertheless, East Tennessee will be afforded full opportunity in Docket No. CP67–221 to establish its need to increase firm service to the

customers involved in Docket No. CP67–181.

The Commission finds:

(1) Disposition of the above-entitled dockets are dependent upon the Commission's disposition of East Tennessee's application in Docket No. CP67–221, and the dockets accordingly should be consolidated for hearing and disposition.

(2) East Tennessee has not shown in Docket No. CP67–181 an emergency within the meaning of section 7(c) of the Natural Gas Act, and its request for a temporary certificate of public convenience and necessity accordingly should be denied.

The Commission orders:

(A) The above-entitled dockets are consolidated for hearing and disposition.

(B) The request of East Tennessee in Docket No. CP67–181 for a temporary certificate of public convenience and necessity is denied.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–5210; Filed, May 9, 1967; 8:47 a.m.]

[Docket No. CP63–80]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Petition to Amend

MAY 1, 1967.

Take notice that on April 21, 1967, Midwestern Gas Transmission Co. (Petitioner), Post Office Box 774, Chicago, Ill. 60690, filed in Docket No. CP63–80 a petition to amend the order issued by the Commission January 25, 1963, as amended June 2, 1965, by authorizing the construction and operation of certain additional natural gas facilities and the rendering of natural gas storage service, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the abovementioned order, as amended, Petitioner was authorized to construct and operate certain natural gas facilities for the purpose of evaluating certain natural gas storage reservoirs.

Petitioner hereby seeks authorization to construct and operate the following facilities incident to rendering storage service from the abovementioned natural gas storage reservoirs:

(1) Drill, complete and connect to the gathering system 13 additional injection-withdrawal wells,

(2) Drill and complete three observation wells,

(3) Re-enter two dry holes and complete as observation wells,

(4) Convert four observation wells to injection-withdrawal wells and connect to the gathering system,

(5) Recomplete, or perforate additional section, or plug back seven injection-withdrawal wells,

(6) Install an additional 660 horsepower compressor, a separator, and a storage tank at the Elbridge Compressor Station,

(7) Install gas sweetening units at both the Elbridge and State Line Compressor Stations,

(8) Install additional Glycol Dehydration facilities at both the Elbridge and State Line Compressor Stations, and

(9) Inject an additional 3,588,000 Mcf of base gas.

Petitioner also seeks authorization to provide storage service for Northern Illinois Gas Co. (Illinois) and Northern Indiana Public Service Co. (Indiana) from the above mentioned natural gas storage fields. Petitioner states that Illinois desires to purchase storage service from it with a daily storage quantity of 15,333 Mcf of natural gas and a winter storage quantity 1,149,975 Mcf of natural gas and that Indiana desires to purchase storage service from it with a daily storage quantity of 30,667 Mcf of natural gas and a winter storage quantity of 2,300,025 Mcf of natural gas. Petitioner proposes to commence service to these customers on November 1, 1967. Petitioner proposes to render such service under a new rate schedule to be designated as Rate Schedule SS–1, attached to the Petition to Amend as a part of Exhibit Z–7.

Petitioner estimates that the total cost of the facilities, both completed to date and proposed, will be $10,111,015. Petitioner states that the cost of the facilities proposed will necessitate no additional financing and will be covered from cash on hand, temporary cash investments and cash generated from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 29, 1967.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–5211; Filed, May 9, 1967; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

MANUFACTURERS AND TRADERS TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Manufacturers and Traders Trust Co. for approval of merger with The Bank of Perry.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Manufacturers and Traders Trust Co., Buffalo, N.Y., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Bank of Perry, Perry, N.Y., under the charter and title of Manufacturers and Traders Trust Co. As an incident to the merger, the sole office of The Bank of Perry would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger.

It is hereby ordered, for the reasons set forth in the Board's statement [1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this Order or (b) later than 3 months after the date of this order.

Dated at Washington, D.C., this 1st day of May, 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67–5179; Filed, May 9, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812–2103]

MASSACHUSETTS INVESTORS TRUST

Notice of Filing of Application for Order Exempting From Sale by Open-End Company

MAY 4, 1967.

Notice is hereby given that Massachusetts Investors Trust ("Applicant"), 200 Berkeley Street, Boston, Mass., a Massachusetts common law trust registered under the Investment Company Act of 1940, 15 U.S.C. sec. 80a–1, et seq., ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for the assets of E. Salz & Son, Inc. ("Salz"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Salz, a California corporation, is a personal holding company all of whose

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[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York. Dissenting statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Shepardson, Mitchell, Maisel, and Brimmer. Voting against this action: Governor Robertson. Absent and not voting: Governor Daane.

outstanding stock is owned by six individuals, two trusts and one estate and is excepted from the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Applicant and Salz substantially all of the cash and securities owned by Salz, with a value of approximately $2,605,864 as of November 30, 1966, will be transferred to Applicant in exchange for shares of beneficial interest in Applicant.

The number of shares of beneficial interest of Applicant to be issued to Salz is to be determined by dividing the aggregate market value (with certain adjustments set forth in the application) of the assets of Salz to be transferred to Applicant by the net asset value per share of Applicant, both to be determined as of the valuation time, as defined in the agreement. If the valuation under the agreement had taken place on November 30, 1966, Salz would have received 161,761 of Applicant's shares. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act.

When received by Salz, the shares of Applicant are to be distributed to the stockholders of Salz on the liquidation of Salz. Applicant has been advised by the management of Salz that the stockholders of Salz do not have any present intention of redeeming or otherwise transferring the shares of Applicant to be received on such liquidation except to the extent that the estate of a deceased shareholder may find it necessary to redeem shares for the purpose of paying Federal and State estate and inheritance taxes.

There is no connection between Applicant and Salz and no officer or shareholder of Salz is an affiliated person of Applicant. The agreement was negotiated at arm's length by the two companies. The management of Applicant approved the agreement as being beneficial to its shareholders, taking all relevant considerations into account including, among others, the fact that the resulting increase in assets will tend to reduce per share expenses.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any transaction from any provision or provisions of the Act or of any rule or regulation thercunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 25, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant, at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–5182; Filed, May 9, 1967; 8:45 a.m.]

[70–4486]

BLACKSTONE VALLEY ELECTRIC CO.

Notice of Proposed Issue and Sale of First Mortgage and Collateral Trust Bonds at Competitive Bidding

MAY 4, 1967.

Notice is hereby given that Blackstone Valley Electric Co. ("Blackstone"), 55 High Street, Pawtucket, R.I. 02860, a public-utility subsidiary company of Eastern Utilities Associates ("EUA"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(b), 12(c), and 12(f) of the Act and Rules 42(b)(2) and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Blackstone proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $7 million principal amount of First Mortgage and Collateral Trust Bonds ("New Bonds"), ------ percent series due June 1, 1997. The interest rate (which shall be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) for the New Bonds will be determined by the competitive bidding. The New Bonds will be issued under a Mortgage and Deed of Trust, dated November 1, 1943 ("Mortgage"), between Blackstone and State Street Bank and Trust Co., trustee, as heretofore supplemented and as to be further supplemented by a third supplemental indenture to be dated June 1, 1967.

The net proceeds from the sale of the New Bonds will be used to prepay, in part or in whole without premium, Blackstone's short-term notes to banks and/or to EUA, which were issued to provide funds for the purchase of securities of Montaup Electric Co., another EUA public-utility subsidiary company, and for construction.

Fees and expenses relating to the proposed transaction are estimated at $45,000, including legal fees and expenses of $10,000 and accountant's fees of $2,500. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, are estimated at $5,300.

It is stated that the Public Utility Administrator of the State of Rhode Island, the State Commission of the State in which Blackstone is organized and doing business, has jurisdiction over the proposed issue and sale of New Bonds and the retirement by Blackstone of short-term notes to banks and/or to EUA. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 2, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–5183; Filed, May 9, 1967; 8:45 a.m.]

[24 FW–1345]

EVANS PETROLEUM CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 4, 1967.

I. Evans Petroleum Corp., Stillwater, Okla., incorporated under the laws of the State of Oklahoma on December 12, 1963, filed with the Commission on September 8, 1964, a notification on Form 1–A and an offering circular relating to an offering of 350,000 shares of its 5-cent par value common stock at a price of 25 cents per share for an aggregate offering of $87,500 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The offering commenced on March 12, 1965. The offering circular was dated as of February 15, 1965. The issuer filed on January 20, 1967, a Form 2–A report dated January 15, 1967, which stated that 126,700 shares had been sold for $29,675 and that the offering was continuing with respect to the 223,300 shares remaining to be sold. The issuer also filed on January 20, 1967, an amended offering circular pursuant to the requirements of Rule 256(e) of Regulation A, for the purpose of continuing the offering for the 223,300 shares remaining unsold.

II. The Commission has reason to believe from information reported to it by its staff that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer offered and sold certain of its securities without using an offering circular containing the information required by Schedule I of Form 1–A in violation of Rules 256(a) (1) and (2).

2. The issuer used an offering circular in connection with the offer and sale of certain of its securities which did not meet the requirements of Rule 256(e).

B. The notification and offering circular, dated February 15, 1965, and as amended on January 15, 1967, pursuant to Rule 256(e), contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The statement in the offering circular that the issuer will not pay any salaries to its officers and directors until the company's ventures are successful and the company is on a paying basis.

2. The statement in the offering circular under the caption "Officers and Directors and Promoters" that the issuer would not effect any transactions with officers, directors, and promoters except those disclosed in the offering circular.

3. The failure to disclose adequately and accurately the intention of the issuer to negotiate for and obtain other oil or gas land or leases which would involve a large expenditure of corporate funds.

4. The offering circular is false and misleading in implying that the issuer will develop its Noble and Lincoln properties with the proceeds of the offering.

5. The failure to disclose adequately and accurately that neither of the two oil wells in which issuer has an interest has produced enough oil to date to cover operating costs.

6. The failure to disclose adequately and accurately that neither of issuer's oil well operations has demonstrated that it can be reasonably expected to produce any oil at a profit which would preclude either well being assigned any proven commercially recoverable oil reserves.

7. The failure to disclose adequately and accurately that issuer's oil wells cannot reasonably be expected to produce enough oil to return issuer's investment therein over and above operating costs.

8. The failure to disclose adequately and accurately in connection with the geological report, contained in the offering circular, relating to the Noble County Oil Lease that the new well recommended by the geologist to be drilled thereon is no more favorably located geologically than the first well drilled on said lease and that there is no basis to anticipate that it would be more productive than the first well drilled by the issuer on said lease.

9. The failure to disclose accurately and adequately that the geological conclusions concerning the Hallett project as contained in the offering circular are questionable in view of the relatively important number of dry holes drilled in the immediate vicinity of the proposed location; the omission of the results obtained in some five other holes drilled on the lease; the failure to indicate whether the 309.56 barrels of oil produced during the 26-day test were produced at a relatively even rate or at greatly varying rates; the very high percentage of water in the fluid produced; the selection of a 25-foot contour interval for the Inola formation; and, the failure to include an isopach map of the Bartlesville formation as well as structural contours on the top of the Bartlesville.

10. The failure to disclose that a substantial amount of water has been produced from the White Oil Lease.

C. The offering has been and will continue to be made in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–5184; Filed, May 9, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 5, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41014—*Coal cinders from Erwinville, La.* Filed by Southwestern Freight Bureau, agent (No. B–8983), for interested rail carriers. Rates on cinders, viz: coal, shale, or slate, in carloads, from Erwinville, La., to points in southern territory, also Evansville, New Albany, Vaughn, Ind., and Cincinnati, Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 142 to Southwestern Freight Bureau, agent, tariff ICC 4565.

FSA No. 41015—*Brick and related articles to Gardner, La.* Filed by Southwestern Freight Bureau, agent (No. B–8975), for interested rail carriers. Rates on brick and related articles, in carloads, as described in the application, from points in Texas, to Gardner, La.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 10 to Southwestern Freight Bureau, agent, tariff ICC 4698.

FSA No. 41016—*Brick and related articles from Goose Lake and Joliet, Ill.* Filed by Southwestern Freight Bureau, agent (No. B–8976), for interested rail carriers. Rates on brick and related articles, in carloads, as described in the application, from Goose Lake and Joliet, Ill., to points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas.

Grounds for relief—Market competition.

Tariff—Supplement 10 to Southwestern Freight Bureau, agent, tariff ICC 4698.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5223; Filed, May 9, 1967; 8:48 a.m.]

ORGANIZATION

Operations Boards

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of May 1967.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of law being under consideration, with a view to (1) reflecting the transfer of the Commission's safety functions to the Department of Transportation, and (2) reassigning the remaining functions of the Railroad Safety and Service Board to a new Railroad Service Board under the recently reconstituted Bureau of Operations and Compliance, renamed the Bureau of Operations:

It is ordered, That the Organization Minutes of the Interstate Commerce Commission relating to the Organization of Division and Boards and Assignment of work, issue of July 27, 1965, as amended (30 F.R. 11189, 12559, and 13302; 31 F.R. 242, 4762, 9529, 12693, 13099, and 14025; and 32 F.R. 431), be further amended as follows:

1. Item 7.7, entitled Railroad Safety and Service Board, is redesignated as Item 7.8(c) and is amended as provided below. Item 7.7 is vacated and reserved.

2. Item 7.8 is amended as follows: The title is changed to "Operations Boards"; Item 7.8(b) is deleted; Item 7.8(c) is redesignated as Item 7.8(b); Item 7.8 (d) is deleted; a new Item 7.8(c) is added: Items 7.8 (e) and (f) are amended and redesignated as Items 7.8 (d) and (e) respectively. As amended Item 7.8 reads as follows:

7.8 *Operations Boards.*

(a) Insurance Board:

* * * * *

(b) Motor Carrier Leasing Board:

Section 204 (e) and (f) and section 204(a)(6) so far as they relate to the lease and interchange of vehicles by motor carriers, and the lease and interchange regulations (49 CFR Part 307), except, in each case, matters which involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(c) Railroad Service Board:

Proceedings relating to car-service and emergency directions with respect thereto, including suspension of any or all rules, regulations, or practices, promulgation of just and reasonable directions without regard to ownership to best promote the service in the interest of the public and the commerce of the people, require joint and common use of terminals, including main line track or tracks for reasonable distances outside such terminals, and promulgate directions for preference or priority in transportation, embargoes, or movement of traffic under permits, except controversies between carriers as to compensation, under provisions of section 1 (15) and (16) which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(d) Any matter referred to an Operations Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(e) Any Operations Board may certify to an appropriate division any matter which in the Board's judgment should be passed on by that division, or the Commission, and the appropriate division may recall any matter from an Operations Board.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5224; Filed, May 9, 1967; 8:48 a.m.]

[Notice 445]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 5, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 989 (Deviation No. 1), IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans. 67654, filed April 24, 1967. Carrier's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the Kansas City, Kansas-Missouri commercial zone, over Interstate Highway 70 to junction Kansas Highway 18, west over Kansas Highway 18 to junction Kansas Highway 15, thence north over Kansas Highway 15 to Clay Center, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Francis, Kans., over U.S. Highway 36 to Smith Center, Kans., thence over U.S. Highway 281 to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Mo., (2) from Norton, Kans., over U.S. Highway 383 to junction U.S. Highway 24, thence over U.S. Highway 24 to Goodland, Kans., (3) from Wheeler, Kans., over Kansas Highway 27 to Goodland, Kans., (4) from Concordia, Kans., over unnumbered highways to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Kans., (5) from Kansas City, Mo., over the above specified routes to Smith Center, Kans., (6) from Clay Center, Kans., over U.S. Highway 24 to Kansas City, Mo., (7) from Clay Center, Kans., over Kansas Highway 15 to junction Kansas Highway 15W thence over Kansas Highway 15W to Washington, Kans., thence over U.S. Highway 36 to Norton, Kans., and (8) from Clay Center, Kans., over Kansas Highway 15 to junction Kansas Highway 9, thence over Kansas Highway 9 to Concordia, Kans., thence over Kansas Highway 28 to Jewell, Kans., and return over the same routes.

No. MC 989 (Deviation No. 2), IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans. 67654, filed April 24, 1967. Carrier's representative: N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Clyde Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 80 to Lexington, Nebr., thence south over U.S. Highway 283 to Norton, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Omaha, Nebr., over U.S. Highway 6 to junction unnumbered highway, thence over unnumbered highway via Mascot, Nebr., to Oxford, Nebr., thence over Nebraska Highway 46 to junction Nebraska Highway 89, thence over Nebraska Highway 89 via Beaver City, Nebr., to junction U.S. Highway 83, thence over U.S. Highway 83 to Oberlin, Kans. (also from Beaver City over U.S. Highway 283 to Norton, Kans., thence over U.S. Highway 36 to Oberlin, Kans.) and thence over U.S. Highway 36 to St. Francis, Kans., and return over the same route.

No. MC 989 (Deviation No. 3), IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans. 67654, filed April 24, 1967. Carrier's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From the Kansas City,

Kansas-Missouri commercial zone over Interstate Highway 70 to junction Kansas Highway 25, thence over Kansas Highway 25 to Colby, Kans., and (2) from the Kansas City, Kansas-Missouri commercial zone, over Interstate Highway 70 to Goodland, Kans., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Francis, Kans., over U.S. Highway 36 to Smith Center, Kans., thence over U.S. Highway 281 to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Mo., (2) from Norton, Kans., over U.S. Highway 383 to junction U.S. Highway 24, thence over U.S. Highway 24 to Goodland, Kans., (3) from Wheeler, Kans., over Kansas Highway 27 to Goodland, Kans., (4) from Concordia, Kans., over unnumbered highways to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Kans., thence over city streets to Kansas City, Mo., (5) from Kansas City, Mo., over the above-specified routes to Smith Center, Kans., (6) from Clay Center, Kans., over Kansas Highway 15 to junction Kansas Highway 15W, thence over Kansas Highway 15W to Washington, Kans., thence over U.S. Highway 36 to Norton, Kans., (7) from Clay Center, Kans., over U.S. Highway 24 to Kansas City, Mo., and (8) from Clay Center, Kans., over Kansas Highway 15 to junction Kansas Highway 9, thence over Kansas Highway 9 to Concordia, Kans., thence over Kansas Highway 28 to Jewell, Kans., and return over the same routes.

No. MC 989 (Deviation No. 4), IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans. 67654, filed April 24, 1967. Carrier's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the Kansas City, Kans.-Mo. commercial zone over Interstate Highway 70 to junction U.S. Highway 81, thence north over U.S. Highway 81 to junction U.S. Highway 24, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From St. Francis, Kans., over U.S. Highway 36 to Smith Center, Kans., thence over U.S. Highway 281 to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Mo., (2) from Norton, Kans., over U.S. Highway 383 to junction U.S. Highway 24, thence over U.S. Highway 24 to Goodland, Kans., (3) from Wheeler, Kans., over Kansas Highway 27 to Goodland, Kans., (4) from Concordia, Kans., over unnumbered highways to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Mo., (5) from Kansas City, Mo., over the above-specified routes to Smith Center, Kans., (6) from Clay Center, Kans., over Kansas Highway 15 to junction Kansas Highway 15W, thence over Kansas Highway 15W to Washington, Kans., thence over U.S. Highway 36 to Norton, Kans., (7) from Clay Center, Kans., over Kansas Highway 15 to junction Kansas Highway 9, thence over Kansas Highway 9 to Concordia, Kans., thence over Kansas Highway 28 to Jewell, Kans., and (8) from Clay Center, Kans., over U.S. Highway 24 to Kansas City, Mo., and return over the same routes.

No. MC 38170 (Deviation No. 2), WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, Mich. 48146, filed April 24, 1967. Carrier's representative: Whilhelmina Boersma, same address as above. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over Interstate Highway 75 to junction Michigan Highway 151, thence over Michigan Highway 151 to junction U.S. Highway 23, thence over U.S. Highway 23 to Flint, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) Toledo, Ohio, over U.S. Highway 25 to Detroit, Mich., thence over U.S. Highway 10 to Flint, Mich., (2) from Toledo, Ohio, over U.S. Highway 24 to junction U.S. Highway 25, thence over U.S. Highway 25 to Detroit, Mich., thence over U.S. Highway 10 to Flint, Mich., and (3) from Toledo, Ohio, over Alternate U.S. Highway 24 to Detroit, Mich., thence over U.S. Highway 10, to Flint, Mich., and return over the same routes.

No. MC 68572 (Deviation No. 1), WAHOO TRANSFER, INC., 108 East Fourth, Post Office Box 26, Wahoo, Nebr. 68066, filed April 24, 1967. Carrier's representatives Charles J. Kimball, 301 NSEA Building, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. 68501. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Omaha, Nebr., over Interstate Highway 80 to Lincoln, Nebr., and (2) from Omaha, Nebr., over U.S. Highway 275 to Fremont, Nebr., and return over the same routes, for operating convenience only. The notice indicates the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Lincoln, Nebr., over U.S. Highway 77 to Fremont, Nebr. (also from Lincoln over unnumbered highway via Davey, Nebr., to junction U.S. Highway 77, thence over U.S. Highway 77 to Fremont), and (2) from Wahoo, Nebr., over Alternate U.S. Highway 30 to Omaha, Nebr. (also from Wahoo over Alternate U.S. Highway 30 to junction Nebraska Highway 38, thence over Nebraska Highway 38 to Omaha), and return over the same routes.

No. MC 73262 (Deviation No. 3), MERCHANTS FREIGHT SYSTEM, INC., 1401 North 13th Street, Terre Haute, Ind. 47808, filed April 24, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Chicago, Ill., and St. Louis, Mo., over Interstate Highway 55, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 66 to junction Alternate U.S. Highway 67, thence over Alternate U.S. Highway 67 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, Mo., and return over the same route.

No. MC 109265 (Deviation No. 7), W. L. Mead, Inc., Post Office Box 31, Norwalk, Ohio 44857, filed April 25, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Ohio Highway 440 and Interstate Highway 70 approximately 2 miles east of Brownsville, Ohio, over Interstate Highway 70 (U.S. Highway 40) to junction Ohio Highway 440 approximately 1 mile west of Kirkersville, Ohio, and return over the same route, for operating convenience only. The notice indicated that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Zanesville, Ohio, over U.S. Highway 40 to junction Ohio Highway 440 (formerly U.S. Highway 40), thence over Ohio Highway 440 to Jacksontown, Ohio, thence over Ohio Highway 13 to Newark, Ohio, thence over Ohio Highway 16 to Columbus, Ohio, and (2) from Jacksontown, Ohio, over Ohio Highway 440 to junction U.S. Highway 40 at or near Kirkersville, Ohio, thence over U.S. Highway 40 to junction U.S. Highway 33 in Columbus, Ohio, and return over the same routes.

No. MC 109265 (Deviation No. 8), W. L. MEAD, INC., Post Office Box 31, Norwalk, Ohio 44857, filed April 25, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Springfield, Ohio, and Dayton, Ohio, over Ohio Highway 4, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Zanesville, Ohio, over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 to Jacksontown, Ohio, thence over Ohio Highway 13 to Newark, Ohio, thence over Ohio Highway 16 to Columbus, Ohio, thence over U.S. Highway 40 via West Jefferson to Springfield, Ohio, thence over unnumbered highway (formerly Ohio Highway 4), via Enon, Ohio, to junction Ohio Highway 444 (formerly Ohio Highway 4), near Fairborn, Ohio, thence over Ohio Highway 444 to junction unnumbered highway (formerly Ohio Highway 4), thence over unnumbered highway via Riverside, to Dayton, Ohio, and return over the same route.

No. MC 1515 (Deviation No. 377) (Cancels Deviation No. 310), GREYHOUND LINES, INC. (Western Division), Greyhound Building, Market and Fremont Streets, San Francisco, Calif.

94106, filed April 25, 1967. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Business Route U.S. Highway 97 and Interstate Highway 82 (North Yakima Junction), over Interstate Highway 82 to Yakima, Wash., (2) from Yakima, Wash., over Interstate Highway 82 to junction unnumbered highway (South Union Gap Junction), thence over unnumbered highway to junction U.S. Highway 410 (Parker Junction), (3) from Yakima, Wash., over Interstate Highway 82 to Union Gap, Wash., (4) from junction Business Route U.S. Highway 97 and Interstate Highway 82 (North Yakima Junction), over Interstate Highway 82 to junction unnumbered highway (South Union Gap Junction), thence over unnumbered highway to junction U.S. Highway 410 (Parker Junction), and (5) from junction Business Route U.S. Highway 97, U.S. Highway 410, and Interstate Highway 82 (Union Gap Junction), over Interstate Highway 82 to junction unnumbered highway (South Union Gap Junction), thence over unnumbered highway to junction U.S. Highway 410 (Parker Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) from Ellensburg, Wash., over U.S. Highway 97 to junction Interstate Highway 82 (North Selah Road Junction), thence over Interstate Highway 82 to junction Business Route U.S. Highway 97 (North Yakima Junction), thence over Business Route U.S. Highway 97 to Yakima, Wash., and (2) from Yakima, Wash., over Business Route U.S. Highway 97 to junction U.S. Highway 410 (Union Gap Junction), thence over U.S. Highway 410 to junction unnumbered highway (West Pasco Junction), thence over unnumbered highway to Pasco, Wash., and return over the same routes.

No. MC 1515 (Deviation No. 378), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio, 44113, filed April 26, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Interchange No. 50 of the New York State Thruway (east of Buffalo, N.Y.), over Interstate Highway 290 to junction Interstate Highway 190, thence over Interstate Highway 190 (Buffalo-Niagara section of the New York State Thruway), to Niagara Falls, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Batavia, N.Y., over New York Highway 5 via Buffalo, N.Y., to Athol Springs, N.Y., (2) from Suffern, N.Y. (Interchange No. 15) over the New York State Thruway to Buffalo, N.Y. (Interchange No. 50), (3) from Buffalo, N.Y., over access streets to Interchange No. 50, and (4) from Buffalo, N.Y., over New York Highway 384 to junction New York Highway 324 near Kenmore, N.Y., thence over New York Highway 324 to junction New York Highway 384 near Niagara Falls, N.Y., thence over New York Highway 384 to Niagara Falls, N.Y., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5225; Filed, May 9, 1967; 8:49 a.m.]

[Notice 1059]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 5, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 64932 (Sub-No. 436) filed April 21, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in hopper type vehicles, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: May 18, 1967, at Room 401, Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 103880 (Sub-No. 385), filed April 28, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: May 18, 1967, at Room 401, Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 110988 (Sub-No. 236), filed April 28, 1967. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: May 18, 1967, at Room 401, Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 115651 (Sub-No. 16), filed April 20, 1967. Applicant: KANEY TRANSPORTATION, INC., Rural Route No. 4, Post Office Box 12, Freeport, Ill. 61032. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Common control may be involved.

HEARING: May 18, 1967, at Room 401, Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 107107 (Sub-No. 313) (Republication), filed July 13, 1964 published FEDERAL REGISTER issue of July 29, 1964, and republished this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Miami, Fla. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. By application filed July 13, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of foods, food ingredients, food materials, and related advertising and promotional material, between points in Georgia, on the one hand, and on the other, points in Alabama, Mississippi, and Louisiana, except bananas from New Orleans, La., and Mobile, Ala. A report of the Commission, Operating Rights Review Board Number 1, decided April 20, 1967, and served April 26, 1967, as amended, finds that present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, in vehicles equipped with mechanical refrigeration, of (1) *candy, confectionery, and related advertising and promotional materials*, from New Orleans, La., to points in Florida and Georgia; (2) (a) *prepared food*

spreads, nuts, and related advertising and promotional materials, from Davie, Fla., to points in Georgia and Alabama, and (b) *foods, food ingredients, and food materials* (except frozen foods, fresh and cured meats, dairy products, and citrus products not canned), and *related advertising and promotional material,* from Zephyrhills, Fla., to points in Georgia and Alabama; (3) *canned citrus products,* from Orlando, Fla., to points in Georgia; (4) *foods, food ingredients, food materials, and related advertising and promotional material,* from Doraville, Ga., to points in Florida, Alabama, Mississippi, and Louisiana.

(5) *Candy, confectionery, and related advertising and promotional material,* from Tucker and Augusta, Ga., to points in Florida, Alabama, Mississippi, and Louisiana: *Provided,* That the authority herein granted and that now held by applicant to the extent that may duplicate, shall not be construed as conferring more than one operating right and shall not be severable by sale or otherwise from applicant's present authority; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107107 (Sub-No. 314) (Republication), filed July 13, 1964, published FEDERAL REGISTER issue of July 29, 1964, and republished this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Miami, Fla. Applicant's representative: Donald D. Stern, 630 City National Bank Building, Omaha, Nebr. By application filed July 13, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of foods, food ingredients, food materials, and related advertising and promotional materials, (1) between points in Florida, and (2) between points in Florida, on the one hand, and, on the other, points in Georgia, except (a) candy and confectionery from Atlanta, Ga., and points in its commercial zone to points in Florida, (b) meats, meat products and meat byproducts and dairy products from Jacksonville, Miami, Orlando, Tampa, and West Palm Beach, Fla., to points in Florida, and (c) candy and confectionery between points in Florida. A report of the Commission, Operating Rights Review Board Number 1, decidcd April 20, 1967, and served April 26, 1967, as amended, finds that present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, in vehicles equipped with mechanical refrigeration, of (1) *candy, confectionery, and related advertising and promotional materials,* from New Orleans, La., to points in Florida and Georgia; (2) (a) *prepared food spreads, nuts, and related advertising and promotional materials,* from Davie, Fla., to points in Georgia and Alabama, and

(b) *Foods, food ingredients, and food materials* (except frozen foods, fresh and cured meats, dairy products, and citrus products not canned), and *related advertising and promotional material,* from Zephyrhills, Fla., to points in Georgia and Alabama; (3) *canned citrus products,* from Orlando, Fla., to points in Georgia; (4) *foods, food ingredients, food materials, and related advertising and promotional material,* from Doraville, Ga., to points in Florida, Alabama, Mississippi, and Louisiana; and (5) *candy, confcctionery, and related advertising and promotional material,* from Tucker and Augusta, Ga., to points in Florida, Alabama, Mississippi, and Louisiana: *Provided,* That the authority herein granted and that now held by applicant to the extent that may duplicate, shall not be construed as conferring more than one operating right and shall not be severable by sale or otherwise from applicant's present authority; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have rclied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119531 (Sub-No. 53) (Republication), filed February 4, 1966, published FEDERAL REGISTER, issue of March 3, 1966, and republished this issue. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, Suite 3600, 33 North La Salle Street, Chicago, Ill. 60602. In the above-specified proceeding the examiner recommended the issuance to applicant a certificate of public convenience and necessity authorizing the operations described below, but employed the origin description "from the plantsite and warehouse site of Hunt Foods and Industries, Inc., and its subsidiaries located at Toledo, Ohio, and its commercial zone." A decisions and order of the Commission, Operating Rights Review Board Number 1, dated April 26, 1967, and served May 3, 1967, as amended, finds operations by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *canned or preserved foodstuffs, cooking oil, shortening, and matches* (except commodities in bulk, in tank vehicles), from Toledo, Ohio, to Altoona, Pa., and points in Indiana, Ohio, Kentucky (except points east of Kentucky Highway 7), and points in Pennsylvania on and west of U.S. Highway 219, restricted to the transportation of shipments originating at the plantsite and warehouse facilities of Hunt Foods & Industries, Inc., and further restricted against tacking with any other presently held authority; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126320 (Sub-No. 2) (Republication), filed December 19, 1966, published FEDERAL REGISTER issue of January 12, 1967, and republished this issue. Applicant: HAROLD V. DETTINBURN, doing business as DETTINBURN TRUCKING, Petersburg, W. Va. 26747. Applicant's representative: D. L. Bennett, 213 First National Bank Building, Wheeling, W. Va. 26003. By application filed December 19, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of coal, in truckloads, from a coal mine at or near Cheat Bridge, W. Va., to Clearbrook, Va. An order of the Commission, Operating Rights Board No. 1, dated April 24, 1967, and served May 3, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *coal,* from Cheat Bridge, W. Va., to Clearbrook, Va.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice

of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128611 (Republication), filed September 26, 1966, published FEDERAL REGISTER issue of October 13, 1966, and republished this issue. Applicant: ROBERT K. JAIN, doing business as JAIN TRUCKING SERVICE, La Salle Street, Eau Claire, Wis. 54701. Applicant's representative: Robert G. Evans, 204 East Grand Avenue, Eau Claire, Wis. 54701. By application filed September 26, 1966, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes, of general commodities, except commodities in bulk, having a prior or subsequent rail movement by the Soo Line Railroad Co., between Eau Claire and points within 2 miles thereof, on the one hand, and, on the other, Chippewa Falls, Wis., and points within 2 miles thereof, under a continuing contract with the Soo Line Railroad Co. A report of the Commission, Operating Rights Review Board Number 2, decided April 26, 1967, and served May 2, 1967, as amended, finds the proposed service to be that of a *common carrier* by motor vehicle and that public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Eau Claire and Chippewa Falls, Wis., over U.S. Highway 53, serving no intermediate points, subject to the following conditions:

(1) The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, rail service of the Soo Line Railroad Co., hereinafter called the railroad, (2) applicant shall not serve, or interchange traffic with the railroad at any point not a station on the rail line of the railroad, (3) shipments transported by applicant shall be limited to those which he receives from or delivers to the railroad under a through bill of lading covering, in addition to movement by applicant, a prior or subsequent movement by rail, (4) all contractual arrangements between applicant and the railroad shall be reported to the Commission and shall be subject to revision, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties, and (5) such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, rail service; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128660 (Republication), filed October 18, 1966, published FEDERAL REGISTER issue of November 3, 1966, and republished this issue. Applicant: G. C. HAUSSER, doing business as HAUSSER CARTING COMPANY, R.F.D., Gowanda, N.Y. 14070. Applicant's representative: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. By application filed October 18, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of paper and paper products; wood and wood products, faced with metal or otherwise; cabinets; doors; cement asbestos products, faced with wood, metal, or otherwise; plastic products, faced with metal or otherwise; aluminum and aluminum products, faced with metals or otherwise; and materials, supplies, machinery, and equipment used in the manufacture of paper, wood, plastic, aluminum, and cement asbestos products, faced with metal or otherwise (except commodities in bulk and those which, by reason of size or weight, require the use of special equipment, between the points indicated below. A corrected order of the Commission, Operating Rights Board No. 1, dated March 30, 1967, and served May 1, 1967, as amended, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *paper and paper products*, (2) *wood and wood products*, (3) *cabinets*, (4) *doors*, (5) *cement asbestos products*, (6) *plastic products*, (7) *aluminum and aluminum products*, (8) *products of* (a) *wood and metal combined*, (b) *wood and cement asbestos combined*, (c) *plastic and metal combined*, (d) *cement asbestos and metal combined*, (e) *aluminum and other metals combined*, and (f) *plastic and wood combined*, and

(9) *Materials, supplies, machinery, and equipment* used in the manufacture of the commodities set forth in (1) through (8) above (except, in 1 through (9) above, such commodities in bulk and those which by reason of size or weight, require the use of special equipment), between the plantsite of the United States Plywood Corp., at Cattaraugus, N.Y., on the one hand, and, on the other, points in Alabama, California, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; under a continuing contract with the United States Plywood Corp., of Cattaraugus, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 40557 (Notice of Filing of Petition for Waiver of Rule 1.101(e) of the General Rules of Practice and for Reopening, Reconsideration, and Modification of Certification), filed April 13, 1967. Petitioner: HAUFF BROS., INC., New York, N.Y. Petitioner's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Petitioner states that it hold certificate No. 40557 to transport: *Forest products*, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and New York, within 60 miles of New York, N.Y. Petitioner states that it has been transporting timber, lumber, and lumber products including woodgutters, doors, trim, mouldings, wallboard, plywood, shingles, sash, lath, and shelving since prior to June 1, 1935, and continuous to date. By the instant petition, petitioner requests the Commission reopen this "grandfather" application and modify its certificate to include lumber and lumber products, or in the alternative, to set this petition for a hearing at a date and place to be fixed by the Commission, and to grant it such other and further relief as may be just and equitable. Any person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 58152 (Sub-No. 17), filed April 24, 1967. Applicant: OGDEN & MOFFETT COMPANY, a corporation, 3565 24th Street, Port Huron, Mich. 48060. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to convert the following Certificate of Registration issued pursuant to common carrier certificate No. C-48, by the Michigan Public Service Commission to the Hub Cartage Co., to a certificate of public convenience and necessity, transporting: Commodities generally, (1) between Pontiac and Detroit, Mich., over U.S. Highway 10, (2) between Chrysler Tank Arsenal and Detroit, Mich., over Michigan Highway 53, (3) between Chrysler Tank Arsenal and junction U.S. Highway 10 and 12 Mile Road, from Chrysler Tank Arsenal over Van Dyke to junction 12 Mile Road, thence over 12 Mile Road to junction U.S. Highway 10, (4) between the Hudson Navy Yard Arsenal and Detroit, Mich., over Mound Road, (5) between the junction of Mound Road and 12 Mile Road and the junction of Mound Road and 8 Mile Road, over Mound Road.

(6) Between the Hudson Navy Yard Arsenal and junction U.S. Highway 10 and 8 Mile Road, from Hudson Navy Yard Arsenal over Mound Road to junction 8 Mile Road, thence over 8 Mile Road to junction U.S. Highway 10, (7) between the junction of 9 Mile Road and Van Dyke and the junction of 9 Mile Road and Mound Road over 9 Mile Road, (8) between the junction of 8 Mile Road and Mound Road and the junction of 8 Mile Road and Van Dyke over 8 Mile Road, (9) between River Rouge, Ecorse, Wyandotte, Trenton, Sibley, and Detroit over Wayne County Road 379, (10) between Zug Island and Detroit, from Zug Island over unnumbered Wayne County Road to junction Wayne County Road 379, thence over Wayne County Road 379 to Detroit, (11) between Grosse Pointe and Detroit, over Wayne County Road 347, (12) between Dearborn and Detroit, over U.S. Highway 112, (13) between Melvindale and Detroit, over Michigan Highway 17, (14) between Lincoln Park and Detroit, over Wayne County Road 381, (15) between East Detroit and Detroit, Mich., over U.S. Highway 25, (16) serving the plantsite of the Chrysler Corp. located on Michigan Highway 53 between 16 and 17 Mile Roads as an off-route point in connection with presently authorized regular route operations, (17) serving the plant of the Ford Motor Co. located on Michigan Highway 53 between 22 and 23 Mile Roads as an off-route point in connection with presently authorized regular route operations, (18) serving the site of the McLouth Steel Co. plant at Gibralter and the plant of the McLouth Steel Co. located at or near Trenton in connection with presently authorized regular route operations.

(19) Service to and from all points in Warren Township, Sterling Township, Macomb County, and Troy Township, Oakland County, as off-route points in connection with presently authorized regular route operations, (20) serving the site of the Lincoln Division, Ford Motor Co. plant located at or near Novi and to the site of the Ford Motor Co. (Parts and Equipment Division) plant located at or near Rawsonville as off-route points in connection with regular routes, (21) commercial zone authority at regular route points as described in D-4317, and (22) serving the site of the Kelsey-Hayes Co. plant, Romulus Township, as an off-route point in connection with authorized regular route operations. NOTE: This application is a matter directly related to Docket MC-F-9736, published in the FEDERAL REGISTER issue May 3, 1967. The present application seeks conversion of the Hub Cartage Co., rights under Docket No. MC-109450 Sub-5, as set forth in the above Nos. (1) through (22). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9740. Authority sought for purchase by GARDNER CARTAGE COMPANY, 2662 East 69th Street, Cleveland, Ohio 44104, of the operating rights and property of BAYNES EQUIPMENT, INC., 136 Logan Street, Bedford, Ohio, and for acquisition by JOSEPH C. GARDNER, JOSEPH E. GARDNER, FRED G. GARDNER, and JOSEPH F. KELLY, all also of Cleveland, Ohio, of control of such rights and property through the purchase. Applicants' attorney: Bernard S. Goldfarb, 1625 The Illuminating Building, Cleveland, Ohio 44113. Operating rights sought to be transferred: *Precast concrete panels, slabs, beams, girders, columns,* and *materials and accessories* incidental to the installation thereof, as a *contract carrier*, over irregular routes, from the plantsite of George Rackle & Sons Co., located at Garfield Heights, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, Virginia, and West Virginia, Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the George Rackle & Sons Co., of Garfield Heights, Ohio. Vendee is authorized to temporarily operate under section 210a (a) in Ohio, Michigan, Indiana, Kentucky, New York, Pennsylvania, and West Virginia; and permanent authority was granted in part, pursuant to order of Operating Board No. 1, dated March 9, 1967, effective March 9, 1967, in MC-126727 Sub-No. 2. No permit yet has been issued. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9741. Authority sought for purchase by HOUFF TRANSFER, INCORPORATED, Post Office Box 91, Weyers Cave, Va., of a portion of the operating rights of ELLIOTT BROTHERS TRUCKING COMPANY, INC., Post Office Box 719, Easton, Md., and for acquisition by CLETUS E. HOUFF, also of Weyers Cave, Va., of control of such rights through the purchase. Applicants' attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *General commodities*, except class A and B explosives, other than small arms ammunition, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey on and south of New Jersey Highway 40 extending from Camden, N.J., through Marlton, Red Lion, and Four Mile, N.J., thence east along New Jersey Highway S40 to Manahawkin, N.J., but not including Camden. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, Virginia, West Virginia, New York, Delaware, Alabama, Georgia, Florida, Kentucky, Louisiana, Illinois, Indiana, New Jersey, North Carolina, Ohio, South Carolina, Tennessee, Massachusetts, Mississippi, Rhode Island, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9742. Authority sought for control and merger by CARTWRIGHT, INC., 4250 24th Avenue West, Seattle, Wash. 98199, of the operating rights and property of CARTWRIGHT VAN LINES, INC., 4411 East 119th Street, Grandview, Mo., and for acquisition by WILLIAM F. CARTWRIGHT, JR., also of Seattle, Wash., of control of such rights and property through the transaction. Applicants' attorney: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo., 64106. Operating rights sought to be controlled and merged: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between Bloomington, Ill., and points within 25 miles of Bloomington, on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Massachusetts, Connecticut, Delaware, Maryland, Virginia, and the District of Columbia, between certain specified points in Oklahoma, on the one hand, and, on the other, points in Arkansas, and those in Texas on and north of U.S. Highway 80, between points in Missouri, Kansas, Illinois, Iowa, Arkansas, Oklahoma, Colorado, Indiana, and Tennessee, and those in Nebraska on and east of U.S. Highway 81, between Harlan, Iowa, and points within 15 miles of Harlan, on the one hand, and, on the

other, points in Illinois, Minnesota, Missouri, Nebraska, and South Dakota, between points in Jefferson County, Ohio, on the one hand, and, on the other, points in Pennsylvania and West Virginia, between points in Kansas and Missouri, on the one hand, and, on the other, points in Mississippi, between points in Cowley County, Kans., on the one hand, and, on the other, points in Oklahoma and Texas, between Harlan, Ky., and points within 5 miles thereof, on the one hand, and, on the other, points in Indiana, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and the Lower Peninsula of Michigan, between points in Harlan County, Ky., on the one hand, and, on the other, points in Alabama and Georgia, between points in Harlan County, Ky. (except points within 5 miles of, and including Harlan, Ky.), on the one hand, and, on the other, points in Indiana, North Carolina, Ohio, Tennessee, Virginia, West Virginia and the Lower Peninsula of Michigan, between Detroit, Tex., and points in Texas within 200 miles of Detroit, on the one hand, and, on the other, points in Oklahoma, between points in Florida, on the one hand, and, on the other, certain specified points in Georgia, between Valdosta, Ga., on the one hand, and, on the other, points in Alabama, North Carolina, and South Carolina, between points in Cherokee County, Tex., on the one hand, and, on the other, points in Louisiana and Mississippi, between points in Canadian County, Okla., on the one hand, and, on the other, points in New Mexico, between certain specified points in Alabama, on the one hand, and, on the other, points in Georgia, Mississippi, and Tennessee.

Household goods as defined by the Commission, and *emigrant movables* (except those embraced above), between Newton, Kans., and points within 15 miles thereof, on the one hand, and, on the other, points in Colorado, Nebraska, Missouri, and Oklahoma; *Emigrant movables,* between Harlan, Iowa, and points within 15 miles of Harlan, on the one hand, and, on the other, points in Illinois, Minnesota, Missouri, Nebraska, and South Dakota; and *Household goods,* between Birmingham, Ala., and points in Alabama within 100 miles of Birmingham, not including Montgomery, Ala., on the one hand, and, on the other, points in Alabama, Georgia, Tennessee, North Carolina, Mississippi, Florida, Louisiana, and Arkansas, and between certain specified counties in Nebraska, on the one hand, and, on the other, points in Wyoming and Colorado. CARTWRIGHT, INC., is authorized to operate as a *common carrier* in Washington, Oregon, California, Idaho, Montana, Utah, Hawaii, Colorado, Wyoming, Illinois, Arizona, Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9744. Authority sought for purchase by RED ARROW FREIGHT LINES, INC., 3901 Seguin Road, San Antonio, Tex. 78206, of a portion of the operating rights and certain property of GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, Tex., and for acquisition by RED ARROW SECURITIES, and, in turn by LAURENCE WINGERTER, both also of San Antonio, Tex., of control of such rights and property through the purchase. Applicants' attorney: Leroy Hallman, First National Bank Building, Dallas, Tex. 75202. Operating rights sought to be transferred: *General commodities,* except livestock, and except dangerous explosives, liquid commodities in bulk, articles of unusual value, and household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, as a *common carrier,* over irregular routes, from Galveston, Tex., to Houston, Tex., from Houston to points in Texas on and east of a line beginning at the boundary of the United States and Mexico near Del Rio, Tex., and extending along U.S. Highway 277 to Abilene, and thence along U.S. Highway 83 to the Texas-Oklahoma State line; *wool* and *mohair,* from points in the above-described Texas territory to Houston and Galveston, Tex.; *cotton and cotton linters,* from points in the above-described Texas territory to Houston, Tex.; *bags, bagging, and ties,* from Houston, Tex., to Amarillo, Tex.; from Galveston, Tex., to points in the above-described Texas territory; *general commodities,* except those of unusual value, livestock, classes A and B explosives, liquid commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, from Galveston, Tex., to points in the Houston, Tex., commercial zone as defined by the Commission, except La Porte, Tex., from points in the Houston, Tex., commercial zone as defined by the Commission, except La Porte, Tex., to points in Texas on and east of a line beginning at the boundary of the United States and Mexico, near Del Rio, Tex., and extending along U.S. Highway 277 to Abilene, Tex., and thence along U.S. Highway 83 to the Texas-Oklahoma State line; *canned goods,* from Friendswood, Tex., to Houston, Tex.; and *sugar,* from Sugar Land, Tex., to Houston, Tex. Vendee is authorized to operate as a *common carrier* in Texas. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC–F–9743. Authority sought for control by THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, 1531 Stout Street, Denver, Colo. 80217, of the operating rights of SAN JUAN TOURS, INC., doing business as GLENWOOD-ASPEN STAGES, INC., El Pomar Building, Broadmoor, Post Office Box 2378, Colorado Springs, Colo. 80901, and for acquisition by G. B. AYDELOTT, JOHN AYER, JR., both also of Denver, Colo., and JOHN EVANS, First National Bank Building, Denver, Colo., of control of SAN JUAN TOURS, INC., doing business as GLENWOOD-ASPEN STAGES, INC., through the acquisition by THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY. Applicants' attorneys: Royce D. Sickler and Warren D. Braucher, both of Post Office Box 5482, Denver, Colo. 80217. Operating rights sought to be controlled: Passengers and their baggage and express and newspapers, in the same vehicle with passengers, as a common carrier, over regular routes, between Glenwood Springs, Colo., and Aspen, Colo., over Colorado Highway 82, serving all intermediate points. NOTE: This authority was granted pursuant to order dated January 24, 1967, in MC–128450, by Operating Rights Board No. 1, and the issuance of a certificate of public convenience and necessity in accordance with said order is pending approval of this control application under the provisions of section 5(2) of the Act. THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY holds no authority from this Commission. However, it is affiliated with (1) RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221, which is authorized to operate as a *common carrier* in Colorado, New Mexico, and Utah; (2) LARSON TRANSPORTATION COMPANY, 1400 West 52d Avenue, Denver, Colo. 80221, which is authorized to operated as a *common carrier* in Colorado; (3) BROWNING FREIGHT LINES, INC., 244 South Fourth West Street, Salt Lake City, Utah 84101, which is authorized to operate as a *common carrier* in Utah, and Idaho; and (4) SITES SILVER WHEEL FREIGHTLINES, INC., 1321 South East Water Street, Portland, Oreg. 97214, which is authorized to operate as a *common carrier* in Oregon, and Washington. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–5226; Filed, May 9, 1967; 8:49 a.m.]

[Notice 1061]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 5, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding.

All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 30844 (Sub-No. 237), filed May 1, 1967. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commerical, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts,* and *articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Estherville, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont.

HEARING: May 25, 1967, at Room 401, Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Examiner Charles J. Murphy.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5227; Filed, May 9, 1967; 8:49 a.m.]

[Notice 380]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 5, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 28956 (Sub-No. 11 TA), filed May 2, 1967. Applicant: G. P. RYALS, doing business as RYALS TRUCK SERVICE, Post Office Box 634, Albany, Oreg. 97321. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer solutions,* from points in Clark County, Wash., to points in Oregon, for 180 days. Supporting shipper: Shell Chemical Co., 1008 West Sixth Street, Los Angeles, Calif. 90054. Send protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 52579 (Sub-No. 70 TA), filed May 3, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Aaron Hoffman (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Fairview, N.J., on the one hand, and, on the other, Gordo and Moundville, Ala., for 150 days. Supporting shipper: Princess Ann Girl Coat, Inc., 520 Eighth Avenue, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y.

No. MC 7228 (Sub-No. 33 TA), filed May 2, 1967. Applicant: HOME TRANSFER & STORAGE CO., a corporation, 1906 Southeast 10th Avenue, Portland, Oreg. 97214. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Prosser, Kennewick, Walla Walla, Sunnyside, Yakima, Chehalis, Moses Lake, Quincy, Tacoma, and Seattle, Wash., and Weston, Pendleton, and Milton-Freewater, Oreg., to Portland, Oreg., for storage in transit and subsequent outbound movement to points in California, Arizona, and Nevada, for 180 days. Supporting shipper: North Pacific Canners & Packers, Inc., 5200 Southeast McLoughlin Boulevard, Portland, Oreg. 97202. Send protests to: S. F. Martin, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 102567 (Sub-No. 120 TA), filed May 3, 1967. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials,* in bulk, and *anhydrous ammonia,* from Luling, La., to points in Alabama and Mississippi, and Mariana, Fla., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindberg Boulevard, St. Louis, Mo. 63166, Wallace R. Reed, Transportation Analyst. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 107515 (Sub-No. 572 TA), filed May 2, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Bundlach (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by packinghouses,* sections A and C, appendix I, 61 MCC 209 and 766, from Little Rock, Ark. to Atlanta and Augusta, Ga.; Birmingham, Ala.; Jacksonville, Miami, and Tampa, Fla.; Charlotte, Greensboro, and Kinston, N.C.; and Columbia, S.C., for 180 days. Supporting shipper: C. Finkbeiner, Inc., Post Office Box 1007, Little Rock, Ark. Send protests to: District Supervisor William L. Scroggs, Interstate Commerce Commission, Bureau of Operations, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 110525 (Sub-No. 828 TA), filed May 2, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petrolatum,* in bulk, in tank vehicles, from Paulsboro, N.J., to Huntington, W. Va., for 180 days. Supporting shippers: Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017. Send protests to: District Supervisor Peter R. Guman, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, 2d and Chestnut, Philadelphia, Pa. 19106.

No. MC 114019 (Sub-No. 172 TA), filed May 2, 1967. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Philip N. Bratta (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular

routes, transporting: *Prepared foodstuffs,* from Dover, Del., to points in Illinois, Indiana, Kansas, Kentucky, Ohio, Michigan, Minnesota, and Missouri, for 180 days. Supporting shipper: General Foods Corp., 250 North Street, White Plains, N.Y. 10602. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 117184 (Sub-No. 5 TA) (Correction), filed April 14, 1967. Published FEDERAL REGISTER issue of April 26, 1967, and republished as corrected this issue. Applicant: APEX TRUCKING CO., INC., 330 West 42d Street, New York, N.Y. 10036. Applicant's representative: William Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Uncrated duplicating, copying, and reproducing machines and accessories, components, and equipment* used in the operation and maintenance of such machines, between Rockleigh, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester, Dutchess, Putnam, Rockland, Orange, Ulster, Sullivan, Nassau, and Suffolk Counties, N.Y., for 150 days. NOTE: The purpose of this republication is to show that the above commodities are uncrated, which was inadvertently omitted from previous publication. Supporting shipper: Xerox Corp., J. D. Cruickshank, Assistant General Traffic Manager, Rochester, N.Y. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 120383 (Sub-No. 2 TA), filed May 2, 1967. Applicant: DRUCAS MOVING & STORAGE SERVICE, INC., 1029 Twiggs Street, Tampa, Fla. 33602. Applicant's representative: Joseph F. Mullins, Jr., 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission (a) between points in Florida, (b) between points in Florida, on the one hand, and, on the other, the ports of New Orleans, La., and Savannah, Ga., restricted to shipments having a prior or subsequent movement in foreign commerce beyond said ports in containers, for 180 days. Supporting shippers: Northwest Consolidators, Post Office Box 3583, Terminal Annex, Seattle, Wash. 98124, Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119, Imperial Household Shipping Co., Inc. 2809 Columbia Street, Torrance, Calif., Routed Thru-Pac, Inc., 350 Broadway, New York, N.Y., and Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 120800 (Sub-No. 7 TA), filed May 2, 1967. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Applicant's representative: Paul Esacove (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Helium,* liquified and/or gaseous, in bulk, in specially designed trailers, from the Alamo Chemical Co. and Gardner Cryogenic Corp. helium plant commonly referred to as Greenwood Facility located in Morton County, Kans., approximately 25 miles northwest of Elkhart, Kans., to Glendale and San Diego, Calif., for 150 days. Supporting shipper: Gardner Cryogenics Corp., 2136 City Line Road, Lehigh Valley Industrial Park, Bethlehem, Pa. 18017. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 124078 (Sub No. 274 TA), filed May 2, 1967. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard Prevette (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Soybean meal,* from Fostoria, Ohio, and Decatur, Ind., to points in that part of Michigan bounded by a line beginning at the Michigan-Indiana State line extending north along U.S. Highway 31 to Ludington, thence along U.S. Highway 10 to Bay City, thence along Michigan Highway 25 to the Michigan-Ohio State line, thence along the Michigan-Ohio State line to the Michigan-Indiana State line to the point of beginning, for 150 days. Supporting shipper: Farm Bureau Services, Inc., 4000 North Grand River Avenue, Post Office Box 960, Lansing, Mich. 48904 (John Youngs, Manager, Transportation Department Wholesale Division). Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124621 (Sub-No. 2 TA), filed May 3, 1967. Applicant: CLEMENT RISBERG, doing business as RISBERG TRUCK SERVICE, 2339 Southeast Grand Avenue, Portland, Oreg. 97214. Applicant's representative: John G. McLaughlin, Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between Portland, Oreg., and Vancouver, Wash., for 150 days. Supporting shipper: Fred Meyer, Inc., 3800 Southeast 22d Avenue, Portland, Oreg. 97242. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 125844 (Sub-No. 8 TA), filed May 3, 1967. Applicant: BIO-MED-HU, INC., 8603 Preston Highway, Louisville, Ky. 40219. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Human placentas,* from points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming, to Pearl River, N.Y., for 180 days. Supporting shipper: D. H. Benoit, Division Traffic Manager, Lederle Laboratories, Pearl River, N.Y. 10965. Send protests to: Wayne L. Merillatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 127353 (Sub-No. 3 TA), filed May 3, 1967. Applicant: PRESTON FEED & SEED LIMITED, Rural Route No. 2, Preston, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Grain and grain products, and feed ingredients,* in bulk, in vehicles equipped with auger unloading equipment, under a continuing contract with Maple Leaf Mills Ltd., between the ports of entry located on the United States-Canadian boundary, at or near Port Huron, Mich., and Detroit, Mich., on the one hand, and, on the other, points in the States of Michigan, Illinois, Indiana, and Ohio, for 180 days. Supporting shipper: Maple Leaf Mills Ltd., Post Office Box 370, Station A, Toronto 1, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 121 Ellicott Street, Room 324, Buffalo, N.Y. 14203.

No. MC 128633 (Sub-No. 2 TA), filed May 2, 1967. Applicant: LAUREL HILL TRUCKING COMPANY, a corporation, 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), under contract with Trans World Airlines, between Dover, Del.; McGuire Air Force Base, N.J.; Albany, N.Y.; Boston, Mass.; Newark, N.J.; LaGuardia Airport, N.Y.; Kennedy International Airport, N.Y.; Charleston, S.C.; Norfolk, Va.; Washington, D.C.; Philadelphia International Airport, Pa.; Friendship International Airport, Baltimore, Md.; Dulles International Airport, Va.; Hartford, Conn.; Bridgeport, Conn.; New Haven, Conn.; St. Louis, Mo.; and Harrisburg, Pa. Restricted to shipments having a prior or subsequent movement by aircraft, for 180 days. Supporting shipper: Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016. Send protests to: District Supervisor Walter J. Grossmann, Interstate Commerce Commission, Bureau of Opera-

tions, 1060 Broad Street, Room 363, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5228; Filed, May 9, 1967; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 5, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 2709, filed April 19, 1967. Applicant: BLUEBONNET EXPRESS, INC., 5009 Rusk, Houston, Tex. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Certificate of public convenience and necessity sought to operate a freight service as follows: (A) *Basic request:* (1) Amend applicant's authority to transport *general commodities* under old Certificate 2817 to revise the route and general commodities description between Houston and Yoakum so that said certificate will read as follows: "General commodities over the following routes: U.S. Highway 90A via Stafford between Houston and junction of U.S. Highway 90A and U.S. Highway 59; U.S. Highway 59 between Houston, Rosenberg, and Victoria; U.S. Highway 87 between Victoria and Cuero; U.S. Highways 183 and 77A between Cuero and Yoakum, serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds from one consignor at one location to one consignee at one location on any 1 day."

(2) Amend applicant's authority to transport general commodities under old Certificate 2910 to revise the route and general commodities description so that said certificate will read as follows: "General commodities over the following routes: State Highway 35 between Houston and Angleton via Alvin; State Highway 288 between Houston and Freeport; State Highway 36 between Freeport and West Columbia; State Highway 35 between Angleton, West Columbia, Bay City, Palacios, and Port Lavaca, serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds from one consignor at one location to one consignee at one location on any one day." (3) Amend applicant's authority to transport general commodities under its original Certificate 2709 to revise the route and commodities description between Houston and Bryan so that said certificate will read as follows:

"General commodities over the following routes: U.S. Highway 290 between Houston and Brenham; State Highway 90 between Brenham and Navasota; State Highway 6 between Hempstead, Navasota, and Bryan serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds from one consignor at one location to one consignee at one location on any 1 day." (4) Amend applicant's Certificate 2709 to add authority to transport *general commodities* over the following routes:

"U.S. Highway 90 between Houston and Flatonia; State Highway 95 between Flatonia, Shiner, and Yoakum; U.S. Highway 90A between Shiner and Hallettsville; U.S. Highway 77 between Hallettsville and Schulenburg; U.S. Highway 90A between Houston and Hallettsville; U.S. Highway 77A between Hallettsville and Yoakum; State Highway 72 and U.S. Highway 87 between Cuero and Kenedy; State Highway 239 between Kenedy and Goliad; U.S. Highway 59 between Goliad and Victoria; State Highway 71 between Columbus and Austin, restricted against transportation from Austin to Bastrop; State Highways 159 and 237 and U.S. Highway 290 between La Grange and Brenham via Oldenburg and Burton; over State Highway 36 between Brenham and Caldwell; State Highway 21 between Caldwell and Bryan; State Highway 6 between Bryan and Hearne; U.S. Highway 59 between Houston and Nacogdoches; State Highway 185 between Victoria and Port O'Connor; State Highways 238 and 316 between Seadrift and Port Lavaca; State Highways 35 and 172 between Port Lavaca and Ganada serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds from one consignor at one location to one consignee at one location on any one day." (B) *Alternative request:* (1) Amend applicant's authority to transport general commodities under old Certificate 2817 to eliminate the present rate restriction and revise the route and commodity description between Houston and Yoakum so that said certificate will read as follows:

"General commodities in cartons, packages, articles, and parcels limited to individual shipments not to exceed eighty (80) pounds each in weight over the following routes: U.S. Highway 90A via Stafford between Houston and junction of U.S. Highway 90A and U.S. Highway 59; U.S. Highway 59 between Houston, Rosenberg, and Victoria; U.S. Highway 87 between Victoria and Cuero; U.S. Highways 183 and 77A between Cuero and Yoakum serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with any other carriers." (2) Amend applicant's authority to transport general commodities under old Certificate 2910 to eliminate the present rate restriction and revise the route and commodity descriptions between Houston and Palacios so that said certificate will read as follows: *"General commodities* in cartons, packages, articles, and parcels limited to individual shipments not to exceed eighty (80) pounds each in weight over the following routes: State Highway 35 between Houston and Angleton via Alvin; State Highway 288 between Houston and Freeport; State Highway 36 between Freeport and West Columbia; State Highway 35 between Angleton, West Columbia, Bay City and Palacios serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers.

(3) Amend applicant's authority to transport general commodities under its original Certificate 2709 to eliminate the present rate restriction and revise the route and commodity descriptions be-

tween Houston and Bryan so that said certificate will read as follows: *"General commodities* in cartons, packages, articles, and parcels limited to individual shipments not to exceed eighty (80) pounds each in weight over the following routes: U.S. Highway 290 between Houston and Brenham; State Highway 90 between Brenham and Navasota; State Highway 6 between Hempstead, Navasota, and Bryan serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers." It is to be understood from the foregoing that applicant intends to coordinate operations over all routes and all segments of the routes hereinabove described in paragraph (A) "Basic Request" and paragraph (B) "Alternative Request" for which it may receive authority from this Commission. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Railroad Commission of Texas, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC–3932 (Sub-3), filed April 20, 1967. Applicant: MEADOR'S MOTOR LINES, INC., Bolivar, Tenn. Applicant's representative: Edward G. Grogan, Suite 2020, First National Bank Building, Memphis, Tenn. Certificate of public convenience and necessity sought to operate as a freight service as follows: Transportation of general commodities, except household goods, explosives, commodities requiring special equipment, and commodities in bulk, serving Scotts Hill and Decaturville, Tenn., in connection with all present routes. Both intrastate and interstate authority sought.

HEARING: Friday, July 7, 1967, 9:30 a.m., Commission's Court Room, C–1–110 Cordell Hull Building, Nashville, Tenn. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC–4479 Sub-4, filed April 25, 1967. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., 1910 University Avenue, Knoxville, Tenn. Applicant's representative: Clarence Evans, 710 Third National Bank Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general property, except used household goods, liquid commodities in bulk, fly ash, dry cement, and dry fertilizer in bulk, and dry acids and dry chemicals in bulk, (1) between Knoxville and Bristol, Tenn., via U.S. Highway 11W serving all intermediate points, (2) between Knoxville and Bristol Tenn., via U.S. Highway 11E serving all intermediate points, (3) between Sevierville and Greeneville, Tenn., via U.S. Highway 411, (4) between Johnson City and Elizabethton, Tenn., via U.S. Highway 321, (5) between Johnson City and Erwin, Tenn., via U.S. Highway 23, (6) between Knoxville and Newport, Tenn., via Interstate Highway 40, restricted against service at any intermediate point, (7) between Knoxville and Bristol, Tenn., via Interstate Highway 81, using segments of Interstate Highway 81 as they become available, and using such access routes between U.S. Highways 11E and 11W as they may be necessary to make use of segments of Interstate Highway 81, but without providing service at any points in addition to points along the routes set out in (1) through (6) above, (8) between Knoxville and Newport via Dandridge over U.S. Highway 70, serving all intermediate points, (9) from the junction of Tennessee Highway 107 and U.S. Highway 411 at or near Tusculum over Tennessee Highway 107 to its junction with Tennessee Highway 81, thence via Tennessee Highway 81 to Erwin, and return over the same route. With all of the foregoing routes to be used in conjunction with all of the applicant's other operating authority, and with each other. Both intrastate and interstate authority sought.

HEARING: Andrew Johnson Hotel, Ball Room A, Knoxville, Tenn., Monday, June 19, 1967, at 1:30 p.m., e.s.t. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT–8636 filed March 16, 1967. Applicant: WILLIAM C. CARD, doing business as CARD TRUCKING, 16 East Elizabeth Street, Skaneateles, N.Y. 13152. Applicant's representative: Edward W. Lavery, 24 Jordan Street, Skaneateles, N.Y. 13152. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* as defined in 16 NYCRR 800.1: (A) Over regular routes: Between Syracuse and Skaneateles as follows: (1) Via N.Y. 175 and U.S. 20, serving the intermediate points of Marcellus, Onondaga Hill, and Card's Corners. (2) Via N.Y. 5 and Jordan Street Road, serving the intermediate points of Camillus, Elbridge, Skaneateles Falls, and Fairmount. (3) Via New Seneca Turnpike, Howlett Hill Road, Split Rock Road, and Onondaga Boulevard, serving the intermediate points of Split Rock, Howlett Hill, Marcellus, and Taunton. (B) over irregular routes: Between all points in the town of Skaneateles and the city of Syracuse. Both intrastate and interstate authority is sought.

HEARING: To be hereafter fixed. Request for procedural information, including the time for filing protests, concerning this application, should be addressed to the Public Service Commission, 55 Elk Street, Albany, N.Y. 12225, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–5229; Filed, May 9, 1967; 8:49 a.m.]

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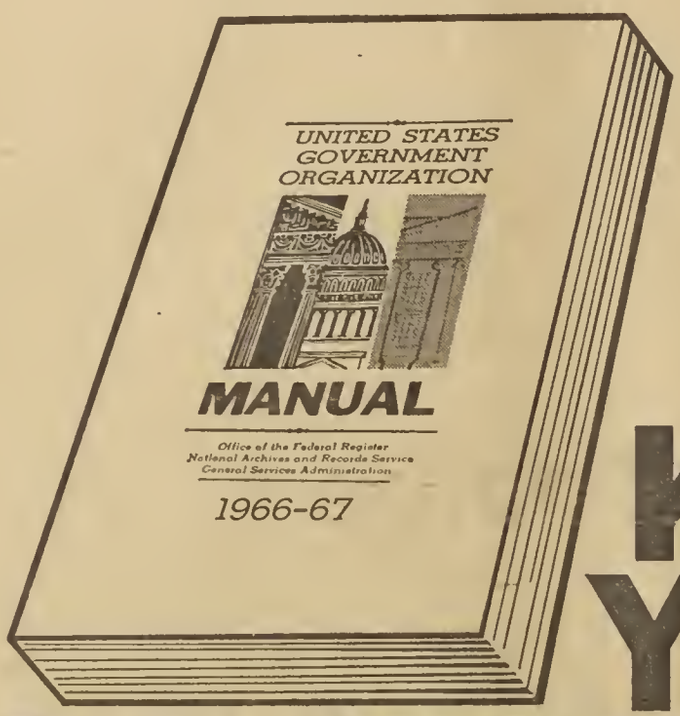
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Geological Survey
Interagency Textile Administrative Committee
Interior Department
Interstate Commerce Commission
Land Management Bureau
National Bureau of Standards
National Transportation Safety Board
Securities and Exchange Commission
Small Business Administration
Social Security Administration
Veterans Administration

Detailed list of Contents appears inside.





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CODE OF FEDERAL REGULATIONS

(As of January 1, 1967)

Title 3—The President, 1966 Compilation $1.00

Title 9—Animals and Animal Products
(Revised) $1.25

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Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 7]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

APPLICATION

The regulations issued by the Commodity Credit Corporation, published in 30 F.R. 6907, 9260, 9877, 14915, 31 F.R. 10514, 12514, and 32 F.R. 3688, which contain eligibility requirements for cooperative marketing associations to obtain price support, are hereby amended as set forth below.

Section 1425.3 is amended to provide for approval of cooperative marketing associations on a continuing basis and to state explicitly that trade secrets and commercial or financial information submitted by an applicant shall be kept confidential and shall not be released except for purposes CCC determines necessary to the operation of the price support program. Associations which are approved, and associations conditionally approved which have satisfied the conditions of approval, will not be required to submit annual applications for approval. Such associations shall submit information showing changes in organizational structure, operations and other material specified below for consideration by the Executive Vice President, CCC. An approval of an association shall continue in effect until information received or obtained by CCC discloses that the association no longer complies with the standards set forth in § 1425.3. Section 1425.3 is amended to read as follows:

§ 1425.3 Application.

(a) *Initial approval.* An association which is required to be approved under this subpart in order to be eligible for price support and which desires such approval shall submit an application for a determination of eligibility with respect to each of the commodities listed herein for which approval is sought. An application form and related questionnaire and copies of the regulations appearing in this subpart may be obtained from the Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. Inquiries relating to such documents should also be addressed to the Farmer Programs Division. The association shall forward its application and required information to the State ASC Committee of the State where the association's principal office is located. Applications with respect to each of the commodities listed herein and supporting material shall be submitted on or before the applicable date listed below of the calendar year in which the association requests approval to participate in the price support program for commodities marketed thereafter, or by such later date as the Executive Vice President, CCC, may authorize to alleviate hardship.

Commodity	*Date*
Cotton	Aug. 1
Dry edible beans	do.
Honey	July 1
Rice	Aug. 1
Soybeans	Sept. 1
Tung oil	Aug. 1

If price support program regulations for a commodity not listed above require an association to obtain approval under this subpart to be eligible for price support, the latest date for filing an application for approval with respect to such commodity shall be specified in such program regulations. Information submitted in connection with an application relative to trade secrets or financial or commercial operations or dealing with the financial condition of an applicant association shall be kept confidential by the officers and employees of CCC and the Department of Agriculture and shall not be released except to the extent CCC determines such action is necessary for the conduct of the price support program.

(b) *Approved associations.* An association which is approved to participate in a price support program with respect to the 1966 or any subsequent crop of a commodity and an association conditionally approved to participate in such program which has satisfied the conditions of approval (such an association is referred to hereafter in this section as an "approved association") shall be considered as approved to participate in the price support programs for such commodity until its approval is terminated by the Executive Vice President, CCC, or his designee. An approved association shall annually furnish any information as to changes in its articles of incorporation or association, bylaws, resolutions or other documents, or information relating to its method of operation, on which its approval is based with respect to §§ 1425.4, 1425.5, 1425.7, 1425.8(b), 1425.9, 1425.12, 1425.13, 1425,14 and 1425.15. An approved association shall annually furnish the financial statements and other information necessary to determine its compliance with § 1425.6. An approved association shall annually furnish the material and documents required to determine compliance with §§ 1425.8(c), 1425.11, 1425.16, 1425.17, and 1425.18 or furnish certifications and statements required by such sections which provide that the association will comply therewith so long as it is approved under this subpart or until the approved association gives CCC written notice of its voluntary withdrawal from further participation in the price support program for which it was approved. Information submitted in connection with transactions described in paragraphs (b) and (c) of § 1425.8 shall be accompanied by explanations establishing that such transactions have not or will not operate to the detriment of members of the association. The documents and information required by this paragraph (b) shall be furnished annually to the State ASC Committee of the State where the approved association's principal office is located by the date specified in paragraph (a) of this section for the commodity for which the association has been approved or if no date is specified therein, on the latest date for filing an application for approval specified in the price support program regulations applicable to such commodity. An approved association shall also furnish such additional information as may be requested at any time in connection with its approval under this subpart. Failure to furnish required or requested information within the time specified shall be a basis for termination of approval except that the Executive Vice President, CCC, may extend the time for filing, or excuse late filing, to alleviate hardship. An approved association whose approval is terminated shall be reinstated on submission, within 90 days of the date of the notice of termination of approval, of satisfactory information showing that the association complies with the provisions of this subpart which served as a basis for the termination of approval.

(Secs. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 103, 401, 63 Stat. 1051 as amended; secs. 301, 401, 63 Stat. 1053, secs. 203, 301, 401, 63 Stat. 1054, sec. 302, 72 Stat. 988, 15 U.S.C. 714 b and c, 7 U.S.C. 1421, 1444, 1446d, 1447)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 5, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-5294; Filed, May 10, 1967; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8015; Amdt. 39–416]

PART 39—AIRWORTHINESS DIRECTIVES

Allison-Aero Products Models A6441FN–606, A6441FN–606A Propellers

Amendment 39–376 (32 F.R. 4529), AD 67–9–1, as amended by Amendment 39–378 (32 F.R. 4577), requires repetitive checks of the propeller pitch lock on Allison-Aero Products Models A6441FN–606 and A6441FN–606A propellers installed on Convair Models 340/440 airplanes modified in accordance with STC SA 4–1100 and Lockheed Model 188 series airplanes. After issuing AD 67–9–1, as amended, based on the results of the propeller pitch lock checks as required by this AD, the FAA determined that the pitch lock system on the propellers checked was operative. Therefore, the need for AD 67–9–1, as amended, is obviated.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by rescinding Amendment 39–376 (32 F.R. 4529), AD 67–9–1, as amended by Amendment 39–378 (32 F.R. 4577).

This amendment becomes effective May 11, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Kansas City, Mo., on May 4, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67–5283; Filed, May 10, 1967; 8:49 a.m.]

[Docket No. 8015; Amdt. 39–417]

PART 39—AIRWORTHINESS DIRECTIVES

Allison-Aero Products Models A6441FN–606, A6441FN–606A Propellers

Amendment 39–400 (32 F.R. 5921), AD 67–12–1, required daily inspection, or replacement where necessary, of Allison-Aero Products Models A6441FN–606 and A6441FN–606A propellers in which were installed fixed splines Part No. 6522974, Serial No. 1367 and up. Subsequently, the FAA determined that fixed splines bearing Part Nos. 6523110 and 6509978 were also subject to failure which could result in propeller overspeeds. Therefore, Amendment 39–414 was issued to amend AD 67–12–1 to include these part numbers among those fixed splines requiring inspection.

It has now been determined that fixed splines bearing Part Nos. 6523110 and 6509978 must be removed from service as well as fixed splines bearing Part No. 6522974, Serial No. 1367 and up, which do not meet required core hardness test specifications.

In order to clarify current requirements and express them in one AD, this AD is being adopted and will supersede Amendments 39–400 and 39–414 while generally incorporating their requirements herein.

Since a situation exists that requires immediate adoption of this Amendment, it is found that notice and public procedure thereon are impracticable and good cause exists for making this Amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD:

ALLISON-AERO PRODUCTS. Applies to Models A6441FN–606 and A6441FN–606A propellers installed on Allison-Convair Model 340/440 airplanes modified in accordance with STC SA 4–1100 or Lockheed Model L–188 series airplanes.

Compliance required as indicated.

(a) On or before July 1, 1967, unless already accomplished, on each propeller in which is installed a fixed spline Part No. 6522974, Serial No. 1367 and up, or Part Nos. 6523110 and 6509978, accomplish the following:

(1) Remove from service all fixed splines Part Nos. 6523110 and 6509978.

(2) Remove from service any Part No. 6522974, Serial No. 1367 and up, fixed spline which does not meet the specification requirements for core hardness. (Reference: Allison Commercial Service Letter 189, Page 7, titled "Fixed Spline," Paragraph B.4.c.)

(b) Within the next 10 hours' time in service, unless already accomplished, each propeller in which is installed a fixed spline Part Nos. 6523110, or 6509978, or Part No. 6522974, with Serial No. 1367 and up, must be inspected and marked as required by Allison telegram THO–641W–LOD, dated April 7, 1967, as modified by Allison telegram THO–662W–LOD, dated April 10, 1967. Thereafter, repetitive daily inspections are required as specified in those telegrams.

(c) If, during the daily inspection, it is determined that a propeller blade is beyond tolerance as set forth in those telegrams, the propeller shall be removed from service and be—

(1) Retained by the operator, with immediate notification to the Chief, Engineering and Manufacturing Branch, FAA Central Region, pending further instructions by him; or

(2) Returned to an approved overhaul base and the Chief, Engineering and Manufacturing Branch, FAA Central Region, notified immediately.

(d) The daily inspection required by this AD may be discontinued when the fixed splines identified in Paragraph (a)(1) have been removed from service and replaced by airworthy fixed splines, or when the fixed splines identified in Paragraph (a)(2) have been inspected for core hardness and determined to meet specifications or have been replaced by airworthy fixed splines.

This supersedes Amendment 39–400 (32 F.R. 5921), AD 67–12–1, as amended by Amendment 39–414.

This amendment becomes effective May 11, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Kansas City, Mo., on May 4, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67–5284; Filed May 10, 1967; 8:49 a.m.]

[Airspace Docket No. 67–WE–19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71, Federal Aviation Regulations, is to amend the Eugene, Oreg., control zone description. The current description of this control zone excludes that airspace within a 1-mile radius of the T-Bird Airpark, Oreg. (latitude 44°03'15" N., longitude 123°11'00" W.), located approximately 4.5 miles south southeast of Mahlon-Sweet Field. As the T-Bird Airpark has been permanently closed, the Eugene, Oreg., control zone description should be amended as follows:

In § 71.171 (32 F.R. 2092) the Eugene, Oreg., control zone is amended by deleting all after "* * * 8 miles north of the VORTAC * * *".

Since this change is minor and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on May 2, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67–5263; Filed, May 10, 1967; 8:47 a.m.]

[Airspace Docket No. 67–SW–7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On February 28, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3365) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Brownsville, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule

making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., July 20, 1967, as herein set forth.

1. In § 71.171 (32 F.R. 2079) the Brownsville, Tex., control zone is amended to read:

BROWNSVILLE, TEX.

That airspace within a 5-mile radius of Rio Grande Valley International Airport (latitude 25°54'25" N., longitude 97°25'25" W.), and within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 5-mile radius zone to 8 miles east of the VORTAC, excluding the portion outside the United States.

2. In § 71.181 (32 F.R. 2162) the Brownsville, Tex., transition area is amended by deleting "* * * within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 7-mile radius area to 8 miles east of the VORTAC, and within 2 miles each side of the 344° bearing from latitude 25°56'50" N., longitude 97°26'15" W., extending from the 7-mile radius area to 8 miles north of latitude 25°56'50" N., longitude 97°26'15" W., * * *."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on May 2, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-5264; Filed, May 10, 1967; 8:47 a.m.]

[Airspace Docket No. 65-SW-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

On May 13, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 6588) stating that the Federal Aviation Agency proposed to designate the Silver City, N. Mex., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Soaring Society of America, Inc., objected to the proposal stating that sufficient justification does not exist for the establishment of a control zone. Current standards, however, prescribe that a control zone be established to provide protection for instrument procedures during the hours that required communication and weather services are provided.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth.

1. In § 71.171 (32 F.R. 2071) the Silver City, N. Mex., control zone is designated as follows:

SILVER CITY, N. MEX.

That airspace within a 5-mile radius of Silver City-Grant County Airport (latitude 32°38'22" N., longitude 108°09'22" W.); within 2 miles each side of the Silver City VOR 141° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

2. In § 71.181 (32 F.R. 2148) the Silver City, N. Mex., transition area is designated as follows:

SILVER CITY, N. MEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Silver City-Grant County Airport (latitude 32°38'22" N., longitude 108°09'22" W.); and within 5 miles southwest and 8 miles northeast of the Silver City VOR 141° radial, extending from the VOR to 12 miles southeast; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 32°19'00" N., longitude 107°59'00" W.; to latitude 32°35'00" N., longitude 108°37'00" W.; to latitude 33°02'00" N., longitude 107°42'00" W.; to latitude 32°25'00" N., longitude 107°50'00" W.; to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on May 2, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-5266; Filed, May 10, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SO-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway Segments

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke alternate airway segments associated with VOR Federal airway Nos. 35, 37, and 259.

The Federal Aviation Administration's latest peak-day airway Traffic Survey shows no aircraft movements for V-35 east alternate segment between Asheville, N.C., and Holston Mountain, N.C.; also no aircraft movements for V-259 east alternate segment between Fort Mill, S.C., and Holston Mountain; and four aircraft movements for V-37 west alternate segment between Fort Mill and Pulaski, Va. Therefore, it appears that these alternate airway segments are unjustified for a continued assignment of airspace. Accordingly, action is taken herein to revoke these alternate airway segments.

Since this action will lessen the burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows:

a. In V-35 "including a 12 AGL east alternate via INT Asheville 022° and Holston Mountain 146° radials and also a 12 AGL west alternate" is deleted and "including a 12 AGL west alternate" is substituted therefor.

b. In V-37 ", including a 12 AGL west alternate via Hickory, N.C." is deleted.

c. In V-259 everything after "12 AGL Holston Mountain, Tenn." is deleted.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 3, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-5268; Filed, May 10, 1967; 8:47 a.m.]

[Airspace Docket No. 66-PC-6]

PART 73—SPECIAL USE AIRSPACE

Designation and Alteration of Restricted Areas

On February 21, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3104) stating that the Federal Aviation Agency was considering amendments to Part 73 of the Federal Aviation Regulations that would establish a new restricted area and alter an existing restricted area at the Barking Sands Pacific Missile Range Facility in the State of Hawaii.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

Sky Tours Hawaii, Honolulu, Hawaii, objected to the proposed action and stated that severe financial hardship could result from the closing off of their established route structure between 4:30 p.m. and 7 p.m. daily. Sky Tours Hawaii, whose daily aerial sightseeing tours presently fly through the existing R-3101, state that the Barking Sands control tower is normally closed after 4:30 p.m. and all day Saturday and Sunday. They agree that their past operations have not been adversely affected, since they have been able to transit R-3101 at their request almost without exception. Their main concern is that the large increase in hazardous operations as predicted by the Navy, may eventually result in the area being closed to Sky Tours operations much of the time.

A review of the joint use procedures to be used in managing the new and altered restricted areas indicates that every effort will be made to release all or parts of the restricted airspace for public transit when hazardous activities are not being conducted. To assist nonparticipating pilots in obtaining authorization to transit these areas, the Barking Sands control tower will be in operation at any time when R-3120 or any part of R-3101 is active.

The FAA has determined that there is a valid military requirement for the designation and alteration of these restricted areas and that the joint use procedures

will minimize the inconvenience to other airspace users.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

In § 73.31 (32 F.R. 2308, 5769) the Bonham, Hawaii Restricted Area R–3101 is altered and the PMRFAC Five, Hawaii Restricted Area R–3120 is designated as follows:

1.

R–3101 PMRFAC FOUR, HAWAII

SUBAREA A

Boundaries: Beginning at latitude 22°13'-00'' N., longitude 159°42'00'' W.; thence to latitude 22°09'45'' N., longitude 159°42'00'' W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36'' N., longitude 159°46'20'' W.; thence to latitude 22°04'25'' N., longitude 159°46'06'' W.; thence to latitude 22°03'55'' N., longitude 159°46'29'' W.; thence to latitude 22°01'45'' N., longitude 159°46'53'' W.; thence to latitude 22°01'07'' N., longitude 159°46'20'' W.; thence to latitude 22°00'55'' N., longitude 159°45'-53'' W.; thence to latitude 21°59'52'' N., longitude 159°45'14'' W.; thence to latitude 21°59'35'' N., longitude 159°45'55'' W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25'' N., longitude 159°43'35'' W.; thence to latitude 21°58'30'' N., longitude 159°48'55'' W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.

Designated altitudes: Surface to 5,000 feet MSL.

Time of designation: Continuous.

Controlling agency: FAA, Lihue Flight Service Station.

Using agency: Commander, Pacific Missile Range (COMPMR).

SUBAREA B

Boundaries: Beginning at latitude 22°09'-45'' N., longitude 159°42'00'' W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36'' N., longitude 159°46'20'' W.; thence to latitude 22°04'25'' N., longitude 159°46'06'' W.; thence to latitude 22°03'55'' N., longitude 159°46'29'' W.; thence to latitude 22°01'45'' N., longitude 159°46'53'' W.; thence to latitude 22°01'07'' N., longitude 159°46'20'' W.; thence to latitude 22°00'55'' N., longitude 159°45'53'' W.; thence to latitude 21°59'52'' N., longitude 159°45'14'' W.; thence to latitude 21°59'35'' N., longitude 159°45'55'' W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25'' N., longitude 159°43'35'' W.; thence to latitude 21°58'20'' N., longitude 159°42'00'' W.; thence to point of beginning.

Designated altitudes: 1,200 feet above ground to 5,000 feet MSL.

Time of designation: Continuous.

Controlling agency: FAA, Lihue Flight Service Station.

Using agency: Commander, Pacific Missile Range (COMPMR).

SUBAREA C

Boundaries: Beginning at latitude 22°13'-00'' N., longitude 159°42'00'' W.; thence to latitude 22°09'45'' N., longitude 159°42'00'' W.; thence counterclockwise along the shore line of Kauai to latitude 22°04'36'' N., longitude 159°46'20'' W.; thence to latitude 22°-04'25'' N., longitude 159°46'06'' W.; thence to latitude 22°03'55'' N., longitude 159°46'-29'' W.; thence to latitude 22°01'45'' N., longitude 159°46'53'' W.; thence to latitude 22°01'07'' N., longitude 159°46'20'' W.; thence to latitude 22°00'55'' N., longitude 159°45'53'' W.; thence to latitude 21°59'52'' N., longitude 159°45'14'' W.; thence to latitude 21°59'35'' N., longitude 159°45'55'' W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25'' N., longitude 159°43'35'' W.; thence to latitude 21°-58'30'' N., longitude 159°48'55'' W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.

Designated altitudes: 5,000 feet MSL to unlimited.

Time of designation: Continuous.

Controlling agency: FAA, Honolulu ARTC Center.

Using agency: Commander, Pacific Missile Range (COMPMR).

SUBAREA D

Boundaries: Beginning at latitude 22°-09'45'' N., longitude 159°42'00'' W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36'' N., longitude 159°46'20'' W.; thence to latitude 22°04'25'' N., longitude 159°46'06'' W.; thence to latitude 22°03'55'' N., longitude 159°46'29'' W.; thence to latitude 22°01'45'' N., longitude 159°46'53'' W.; thence to latitude 22°01'07'' N., longitude 159°46'20'' W.; thence to latitude 22°00'55'' N., longitude 159°45'53'' W.; thence to latitude 21°59'52'' N., longitude 159°45'14'' W.; thence to latitude 21°59'35'' N., longitude 159°45'55'' W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25'' N., longitude 159°43'35'' W.; thence to latitude 21°58'20'' N., longitude 159°42'00'' W.; thence to point of beginning.

Designated altitudes: 5,000 feet MSL to unlimited.

Time of designation: Continuous.

Controlling agency: FAA, Honolulu ARTC Center.

Using agency: Commander, Pacific Missile Range (COMPMR).

2.

R–3120 PMRFAC FIVE, HAWAII

Boundaries: Beginning at latitude 21°58'-30'' N., longitude 159°48'55'' W.; thence to latitude 21°58'25'' N., longitude 159°43'35'' W.; thence to latitude 21°58'20'' N., longitude 159°42'00'' W.; thence to latitude 21°-54'45'' N., longitude 159°42'00'' W.; thence clockwise along a line 3 nautical miles from the shoreline of the Island of Kauai to point of beginning.

Designated altitudes: Surface to 5,000 feet MSL, except 1,200 feet above ground to 5,000 feet MSL in the portion overlying land area.

Time of designation: Continuous.

Controlling agency: FAA, Lihue Flight Service Station.

Using agency: Commander, Pacific Missile Range (COMPMR).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 4, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67–5265; Filed, May 10, 1967; 8:47 a.m.]

[Airspace Docket No. 66–WE–68]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration and Revocation of Jet Routes

On March 4, 1967, there were published in the FEDERAL REGISTER (32 F.R. 3740) amendments to Part 75 of the Federal Aviation Regulations which realigned certain Jet Routes in the vicinity of The Dalles, Oreg., to become effective May 25, 1967.

On April 14, 1967, an alteration to the amendments contained in Airspace Docket No. 66–WE–68 was published in the FEDERAL REGISTER (32 F.R. 5988) which postponed the effective date of Airspace Docket No. 66–WE–68 until August 17, 1967.

It has now been determined that Airspace Docket No. 66–WE–68 may now be made effective 0001 e.s.t., June 22, 1967. In addition, the segment of Jet Route No. 16 altered in Airspace Docket No. 66–WE–68 may be aligned direct between Portland, Oreg., and Pendleton, Oreg., as the ceiling of Restricted Area R–5701 has been lowered to FL 230. The realignment of J–16 direct will facilitate the movement of traffic along this route and will reduce the route mileage. The Administrator has therefore determined that in the efficient utilization of airspace, notice and public procedure on this amendment is unnecessary.

In consideration of the foregoing, effective immediately, Airspace Docket No. 66–WE–68 is amended as follows:

a. "effective 0001 e.s.t., August 17, 1967," is deleted and "effective 0001 e.s.t., June 22, 1967," is substituted therefor.

b. Item No. 2 is amended to read:

2. In Jet Route No. 16 everything before "Whitehall, Mont." is deleted and "From Portland, Oreg., via Pendleton, Oreg.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 4, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5267; Filed, May 10, 1967; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965–____)

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

BAD DEBTS, CHARITY, AND COURTESY ALLOWANCES

Correction

In F.R. Doc. 67–3435, appearing at page 5258 of the issue for Wednesday, March 29, 1967, in the first sentence of § 405.420(d), the words "are not be be borne" should read "are not to be borne".

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Mailing of Important Drug Information

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 701(a), 705(b), 52 Stat. 1055, 1058; 21 U.S.C. 371(a), 375(b)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Part 3 is amended by adding thereto the following new section:

§ 3.501 Mailing of important information about drugs.

Manufacturers and distributors of drugs and the Food and Drug Administration occasionally are required to mail important information about drugs to physicians and others responsible for patient care. In the public interest, such mail should be distinctive in appearance so that it will be promptly recognized and read. The Food and Drug Administration will make such mailings in accordance with the specifications set forth in this section. Manufacturers and distributors of drugs are asked to make such mailings as prescribed by this section and not to use the distinctive envelopes for ordinary mail.

(a) Use first class mail and No. 10 white envelopes.

(b) The name and address of the agency or the drug manufacturer or distributor is to appear in the upper left corner of the envelope.

(c) The following statements are to appear in the far left third of the envelope front in the type and size indicated and in reverse printing centered in a rectangle 3 inches wide and 2¼ inches high in the color indicated:

(1) When the information concerns a significant hazard to health, the statement:

IMPORTANT
DRUG
WARNING

The statement shall be in three lines, all capitals, and centered. "Important" shall be in 36 point Gothic Bold type. "Drug" and "Warning" shall be in 36 point Gothic Condensed type. The rectangle shall be red.

(2) When the information concerns important changes in drug package labeling, the statement:

IMPORTANT
PRESCRIBING
INFORMATION

The statement shall be in three lines, all capitals, and centered. "Important" shall be in 36 point Gothic Bold type. "Prescribing" and "Information" shall be in 36 point Gothic Condensed type. The rectangle shall be blue.

(3) When the information concerns a correction of prescription drug advertising or labeling, the statement:

IMPORTANT
CORRECTION
OF DRUG
INFORMATION

The statement shall be in four lines, all capitals, and centered. "Important" shall be in 36 point Gothic Bold type. "Correction," "Of Drug," and "Information" shall be in 36 point Gothic Condensed type. The rectangle shall be brown.

(Secs. 701(a), 705(b), 52 Stat. 1055, 1058; 21 U.S.C. 371(a), 375(b))

Dated: May 3, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-5276; Filed, May 10, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Amprolium

Correction

In F.R. Doc. 67-5060, appearing at page 6970 of the issue for Saturday, May 6, 1967, in the third column of Table 1 of § 121.262(c), the last entry should read "Amprolium" instead of "do".

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 67-25]

PART 82—BOUNDARY LINES OF INLAND WATERS

San Pedro Bay, Pacific Coast

1. On January 21, 1967, a notice was published in the FEDERAL REGISTER (32 F.R. 722) proposing to revise the demarcation line between the Inland Rules and the International Rules in San Pedro Bay so that under normal conditions vessels entering or departing and passing between the jetties will cross this line at right angles. Interested persons were invited to file written comments about this proposal. None were received. I hereby accept the proposed amendment as published in the FEDERAL REGISTER on January 21, 1967.

2. Accordingly, pursuant to the authority vested in me as Commandant, U.S. Coast Guard, by section 2 of the act of Feb. 14, 1903, as amended (33 U.S.C. 151), section 632 of Title 14, U.S. Code, and subsection 6(b)(1) of the Department of Transportation Act, and the delegation of authority in Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a)(2), 32 F.R. 5606), the following amendments in this document are prescribed and shall be effective on and after 30 days after the date of publication of this document in the FEDERAL REGISTER.

3. The authority note for Part 82 is amended to read as follows:

AUTHORITY: The provisions of this Part 82 issued under sec. 2, 28 Stat. 672, as amended; 33 U.S.C. 151. Department of Transportation Order 1100.1, dated March 31, 1967, 49 CFR 1.4(a)(2), 32 F.R. 5606.

4. Section 82.145 is amended to read as follows:

PACIFIC COAST

§ 82.145 San Pedro Bay.

A line drawn from Los Angeles Harbor Light through the axis of the Middle Breakwater to the easternmost extremity of the Long Beach Breakwater; thence to Anaheim Bay West Jetty Light 5; thence to Anaheim Bay East Jetty Light 6.

Dated: May 3, 1967.

[SEAL] P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 67-5261; Filed, May 10, 1967; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Miscellaneous Amendments

1. In § 2.1, paragraph (b) is amended to read as follows:

§ 2.1 Delegation of authority to employees to issue subpenas, etc.

* * * * *

(b) Designated positions: Director, Investigation and Security Service; Associate Director, Investigation and Security Service; Assistant Director, Investigation Division; heads of regional offices and centers having insurance activities, regional office activities, or both.

* * * * *

2. In § 2.3, paragraph (b) is amended to read as follows:

§ 2.3 Delegation of authority to order paid advertising for community placement homes.

* * * * *

(b) Authority to order such advertising is hereby delegated to the Chief Medical Director and heads of Veterans Administration hospitals, domiciliaries, outpatient clinics, and regional offices with outpatient clinics pursuant to 5 U.S.C. 302(b)(2).

3. Section 2.4 is revised to read as follows:

§ 2.4 Delegation of authority to order paid advertising for use in recruitment.

Paid advertisements may be used in recruitment for competitive and excepted service positions. Such advertisements,

for positions other than physicians, dentists, and nurses in the Department of Medicine and Surgery, will be used only to the extent authorized by Civil Service Commission instructions. Authority to order such advertising is hereby delegated to heads of each department and the Assistant Administrator for Personnel; to the deputies to such officials and to such other officials as are authorized to act for either; and to field station heads, pursuant to 5 U.S.C. 302(b)(2). The authority delegated to field station heads is subject to such administrative controls as may be imposed by their departments.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective date of approval.

Approved: May 5, 1967.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 67-5275; Filed, May 10, 1967; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 253]

PART 103—CARRIER AGREEMENTS RELATING TO RATES, FARES, ETC.

Notice of Issuance of Examiner's Recommended Report and Order

Notice of independent action-regulations governing the giving of public notice of tariff publication proposals by individual carriers where publication is to be effected by a rate conference.

The above-entitled document, published on page 6451 of the FEDERAL REGISTER of April 26, 1967, as F.R. Doc. 67-4606, was inadvertently placed in the Rules and Regulations section of that issue. The document should have been published in the Proposed Rule Making section.

Under the Commission's Modified Procedure, the amendment to Part 103 proposed in this document will become effective by operation of law on May 18, 1967. Notice of effectiveness of the proposed amendment will be published in the FEDERAL REGISTER. However, if the Commission stays or postpones the effective date, or exceptions are timely filed, appropriate notice will likewise be published in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary,
Interstate Commerce Commission.

[F.R. Doc. 67-5288; Filed, May 10, 1967; 9:02 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

SAFETY REGULATIONS

Change in locations necessary for filing reports and having communications directed, changes in forms designations, and changes in organization designations.

These amendments are issued pursuant to the authority delegated in 49 CFR Part 1, and in accordance with the provisions of section 12(a) of the Department of Transportation Act, P.L. 89-670 (80 Stat. 931).

These amendments concern only the locations necessary for the filing of reports, the direction of communications, changes in designations of forms, and changes in organizational designations required by the Motor Carrier Safety Regulations; and is an agency procedure and therefore, pursuant to the requirements of 5 U.S.C. 553, (80 Stat. 383), for good cause it is found that notice of proposed rulemaking and 30-day effective date requirement are unnecessary.

Accordingly, Title 49 CFR, §§ 290.40; 291.2(e); 291.10; 293.91; 294.3 (a), (b); 294.5; 294.7; 294.8; 294.9; 294.10; 294.11; 295.8 (a), (j), (m), (n), (o), (s), (t); 295.9; 295.13; 296.5 (a), (b), (c) and (d) (1) and (3), formerly §§ 190.40; 191.2 (e); 191.10; 193.91; 194.3 (a), (b); 194.5; 194.7; 194.8; 194.9; 194.10; 194.11; 195.8 (a), (j), (l), (m), (n), (o), (s), (t); 195.9; 195.13; 196.5 (a), (b), (c), and (d), be and they are hereby amended to read as follows:

PART 290—GENERAL

§ 290.40 Accident and hours of service reports.

Where filed. Motor carriers shall file reports required by §§ 294.5, 294.7, and 295.9 of this subchapter by serving or mailing by first-class mail to the Regional Safety Officer, Bureau of Motor Carrier Safety, Federal Highway Administration, for the region in which such carrier has his or its principal place of business as shown in the following table:

Region No.	Territory Included	Location of Regional Office
1	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. That part of Canada east of the Richellen, St. Lawrence, and St. Maurice Rivers to La Toque on the north and thence a straight line due north to the Canadian border; and east of Highways 19 and 8 from Port Burwell to Goderich, thence a straight line running north through Tobermory and Sudbury and thence due north to the Canadian border.	New York, N.Y. 10013.
2	Delaware, District of Columbia, Maryland, Ohio, Pennsylvania, Virginia, and West Virginia.	Columbus, Ohio 43215.
3	Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.	Atlanta, Ga. 30309.
4	Illinois, Indiana, Kentucky, Michigan, and Wisconsin. That part of Canada on the west of Highways 19 and 8 from Port Burwell to Goderich, thence a straight line running north through Tobermory and Sudbury and thence due north to the Canadian border; and on the east of Highway 11 from Nipigon to Macdiarmid and thence a straight line due north to the Canadian border.	Chicago, Ill. 60604.
5	Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. That part of Canada west of Highway 11 from Nipigon to Macdiarmid and thence a straight line due north to the Canadian border; and on and east of Highway 6 from Regway to Melfort and thence a straight line due north to the Canadian border.	Kansas City, Mo. 64106.
6	Arkansas, Louisiana, Oklahoma, and Texas. All Mexican States except the State of Chihuahua, Baja California, and Sonora, Mexico.	Ft. Worth, Tex. 76102.
7	Arizona, California, and Nevada. Baja California and Sonora, Mexico.	San Francisco, Calif. 94102.
8	Idaho, Montana, Oregon, Washington and Alaska. That part of Canada west of Highway 6 from Regway to Melfort and thence a straight line due north to the Canadian border, and all of the Provinces of Alberta and British Columbia.	Portland, Oreg. 97204.
9	Colorado, New Mexico, Utah, and Wyoming. State of Chihuahua, Mexico.	Denver, Colo. 80202.

PART 291—QUALIFICATIONS OF DRIVERS

§ 291.2 Minimum requirements.

* * * * *

(e) Any person failing to meet the requirements of paragraph (a)(1) or (a)(3) of this section may be permitted to drive a vehicle, other than a vehicle transporting passengers, or a vehicle transporting explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specifically marked or placarded under the Explosives and Other Dangerous Articles Regulations (49 CFR 177.823) or when operating without cargo under conditions which require the vehicle to be so marked or placarded under the said regulations, if the Director, Bureau of Motor Carrier Safety, finds that a waiver may be granted consistent with safety and the public interest, and grants such a waiver, on the basis of an application meeting all of the following requirements:

(1) The application must be submitted jointly by a person seeking relief to permit him to drive and by a carrier wishing to employ such person as a driver, who both agree to fulfilling all conditions of the waiver;

(2) The application must be accompanied by reports of medical examinations satisfactory to the Director, Bureau of Motor Carrier Safety, and recommendations by at least two medical examiners, at least one of whom shall have been selected and compensated by the carrier. Such reports and recommendations must indicate the opinions of the medical examiners as to the ability of the driver to safely operate a commercial vehicle of the type to be driven by him.

(3) The application shall contain a description, satisfactory to the Director, Bureau of Motor Carrier Safety, of the type, size, and special equipment (if any) of the vehicle or vehicles to be driven, the general area and type of roads to be traversed, the distances and time periods contemplated, the nature of the commodities to be transported and the method of loading and securing them, and the experience (if any) of the applicant in driving vehicles of the type to be driven by him.

(4) The application shall specify agreement by both the person and the carrier that the carrier will file promptly with the Director, Bureau of Motor Carrier Safety, such periodic reports as are required and that such reports will contain complete and truthful information as to the extent of the person's driving activity, any accidents in which he may be involved, and any arrests, suspensions, or convictions in which the person is involved.

* * * * *

(5) The applicants shall agree that the waiver shall authorize driving in interstate commercial service for the applicant carrier only, that any arrests or convictions for violations of laws or ordinances, and any revocation or suspension of driving privileges will be reported to the Director, Bureau of Motor Carrier Safety, immediately on occurrence.

(6) The waiver shall not exceed 2 years and will be renewable, upon submission of a new application, if approved by the Director, Bureau of Motor Carrier Safety.

(7) The waiver may be suspended at any time at the discretion of the Director, Bureau of Motor Carrier Safety, and may be canceled by it after the applicant has been given reasonable opportunity to show cause, if any, why such cancellation should not be made.

* * * * *

§ 291.10 Certificate of physical examination.

If a physical examination is required by § 291.8 or § 291.9 (formerly § 191.8 or § 191.9) every motor carrier shall have in its files at its principal place of business for every driver employed or used by it a legible certificate of a licensed doctor of medicine or osteopathy based on a physical examination as required by §§ 291.9 and 291.9 or a legible photographically reproduced copy thereof: *Provided, however,* That as to visual acuity, form field of vision, and ability to distinguish colors specified in § 291.2 (b) examination and certification may be made by a licensed optometrist; provided further that a motor carrier may upon written request to and upon receiving consent from the Director, Bureau of Motor Carrier Safety, Federal Highway Administration, Washington, D.C. 20591, retain such certificates at such regional or terminal offices as are proposed by the carrier and approved by the Director. Every driver, if a physical examination is required with respect to him by §§ 291.8 and 291.9, shall have in his possession while on duty, such a certificate, or a photographically reproduced copy thereof covering himself.

PART 293—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

§ 293.91 Buses, aisle seats prohibited.

No bus, except buses having a seating capacity of eight or less persons, shall be equipped with aisle seats unless such seats are so designed and installed as to automatically fold and leave a clear aisle when they are unoccupied. No bus shall be operated if any seat therein is not securely fastened to the vehicle: *Provided, however,* That this section shall not apply with respect to any bus while engaged exclusively in the transportation of agricultural workers in charter transportation if such bus carries not to exceed eight passengers on temporary folding seats located in the center aisle of the bus; *And provided further,* That if such temporary seats are used, the carrier at the end of each month in which such transportation is provided, shall promptly file a report with the Director, Bureau of Motor Carrier Safety, Federal Highway Administration, Washington, D.C. 20591, containing the following information: (a) Number of bus trips during the month involving the use of such temporary seats; (b) Aggregate passenger miles of such trips; (c) Details concerning any injuries sustained by persons riding on the temporary seats; (d) Details of injuries sustained by others in same bus not riding the temporary seats.

PART 294—RECORDING AND REPORTING OF ACCIDENTS

§ 294.3 Accident Register.

(a) Every motor carrier shall have in its files at its principal place of business—or at such regional office or offices as the Director, Bureau of Motor Carrier Safety, upon application by the motor carrier, may approve—a register, maintained currently and containing at least the following items of information with respect to each recordable accident.

* * * * *

(b) A copy of each report of a recordable accident made to the Bureau of Motor Carrier Safety, Federal Highway Administration, to any State or local regulatory agency, or to any insurance company, shall be filed with the Accident Register and shall be arranged in accordance with an orderly plan which is coordinated with the entries on the Accident Register.

* * * * *

§ 294.5 Filing of accident reports of Forms MCS 50–B (formerly BMC 50–B) and MCS 50–T.

The original and one copy of each accident report on Forms MCS 50–B and MCS 50–T, prepared in compliance with this section, shall be filed by the motor carrier as soon as possible, and in every instance within 15 days after occurrence of the accident, with the Regional Safety Officer, Bureau of Motor Carrier Safety, Federal Highway Administration, listed in § 290.40 of this subchapter for the region in which the motor carrier has his or its principal place of business: *Provided,* That motor carriers may continue to use forms BMC 50–B and BMC 50–T prescribed by the Interstate Commerce Commission until further order.

§ 294.7 Immediate notice of fatal accidents.

Whenever a reportable accident results in the death of any person at the time of the accident or within 24 hours thereafter, the motor carrier, whether domiciled in the United States or elsewhere, shall immediately transmit notice of such accident by telegraph or telephone to the proper Regional Safety Officer as indicated in § 294.5. Such notices shall include the following information: The date, time, and exact location of the accident; the number of persons killed and the number injured; and the name and address of the motor carrier.

§ 294.8 Deaths occurring before filing report.

In addition to the requirements of § 294.7, every death shall be reported on Form MCS 50–B or Form MCS 50–T whether it occurs at the time of the accident or subsequently if such deaths occur prior to the filing of said accident report form.

§ 294.9 Notice of death after filing report.

Whenever any accident results in the death of any person after the motor carrier has filed his or its report of the accident on Form MCS 50–B or Form MCS 50–T, notice of such death shall be given in writing, as soon as possible after such death becomes known to the motor carrier, to the proper Regional Safety Officer as indicated in § 294.5. Such notice shall include the following information: The date and location of the accident; the name and age of the deceased; and the name and address of the motor carrier.

§ 294.10 Carrier to assist in investigation.

Every motor carrier shall make available to the duly authorized representative or representatives of the Federal Highway Administration all records and information which in any way pertain to any reportable accident, and shall afford all reasonable assistance in the investigation of any such accident.

§ 294.11 Supplies of accident report Forms MCS 50–B and MCS 50–T.

For the purpose of compliance with the regulations in this part, every common and contract motor carrier shall keep on hand an adequate supply of Form MCS 50–B and/or Form MCS 50–T to enable prompt reporting of accidents.[1]

[1] Supplies of these forms may be obtained from the Bureau of Motor Carrier Safety, Federal Highway Administration, Washington, D.C. 20591; from any Regional Safety Officer, or the Superintendent of Documents, Washington, D.C. 20502.

PART 295—HOURS OF SERVICE OF DRIVERS

§ 295.8 Driver's daily log.

(a) Except as provided in paragraph (t) of this section, every motor carrier shall require that a driver's daily log, Form MCS–59 set forth below, shall be made in duplicate by every driver used by him or it and every driver who operates a motor vehicle shall make such a log. Failure to make logs, failure to make required entries therein, falsification of entries, or failure to preserve logs shall make both the driver and the carrier liable to prosecution. Driver's logs shall be prepared and retained in accordance with the provisions of paragraphs (b) through (s) of this section.

* * * * *

(j) Time base to be used: The log shall be prepared, maintained, and submitted, using the time standard in effect at the driver's home terminal, for a 24-hour calendar day beginning at midnight: *Provided, however,* That if written notification is given by a carrier to the Regional Safety Officer of the Bureau of Motor Carrier Safety for the region in which the carrier's principal office is located, drivers of any named terminal or terminals of the carrier may prepare logs for a 24-hour period beginning at noon of 1 day and ending at noon of the next succeeding day. For drivers preparing logs on a noon-to-noon basis, the term 7 or 8 consecutive days means the period of 7 or 8 consecutive days beginning at 12:01 p.m., on any day.

* * * * *

(l) Line 2, Sleeper berth: A continuous line shall be drawn between the appropriate time markers to record the period or periods of time off duty resting in a sleeper berth, as defined in § 295.2(g).

(m) Line 3, Driving: A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on-duty driving a motor vehicle, as defined in § 295.2(b).

(n) Line 4, On-duty not driving: A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on-duty not driving specified in § 295.2(a) (1), (2), (4), (5), (6), (7), (8), or any other time on-duty but not driving as defined by §§ 295.2(a) and 295.7.

(o) Remarks: The appropriate time marker and the name of the city, town, or village, with State abbreviation, or place at or near which each change of duty occurs, shall be recorded, such as the place of reporting for work, starting to drive, on-duty not driving, and where released from work. Explain the reason resulting in hours exceeding those permitted by § 295.3. Show the transportation performed each day be entering a shipping document number of numbers, or name of a shipper and commodity.

* * * * *

(s) Preservation of driver's log: Daily logs for each calendar month may be retained at the driver's home terminal until the 20th day of the succeeding calendar month and shall then be forwarded to the carrier's principal place of business where they shall be retained for 12 months from date of receipt: *Provided, however,* That a motor carrier may upon written request to and upon receiving consent from the Director, Bureau of Motor Carrier Safety, forward and retain such logs at such regional or terminal offices as are proposed by the carrier and approved by the Director. The driver shall retain a copy of each daily log for 30 days which shall be in his possession while on duty.

(t) Driver's log, when not required. The requirements of this section shall not apply: (1) To any regularly employed driver who drives wholly within a radius of 50 miles of the garage or terminal at which he reports for work: *Provided,* That the motor carrier employing such driver maintains and retains for period of 1 year accurate and true records showing the total number of hours the driver is on duty per day and the time at which the driver reports for and is released from duty each day; or (2) to drivers of motor vehicles having not more than 2 axles and whose gross weight, as defined in § 290.10, does not exceed 10,000 pounds, unless such vehicle is used to transport passengers or explosives or other dangerous articles of such type and in quantity as to require the vehicle to be specifically marked or placarded under the Explosives and Other Dangerous Articles Regulations, § 177.823 of this chapter, or when operated without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations.

* * * * *

§ 295.9 Monthly reports.

(a) Every motor carrier, other than a private carrier of property, shall file on Form MCS 60 a monthly report of every instance during the calendar month covered thereby in which a driver employed or used by it has been required or permitted to be on duty, or to drive or operate a motor vehicle in excess of the hours prescribed by § 295.3.

(b) Form MCS 60 shall be prepared in triplicate, shall be signed by the motor carrier or his or its agent, and the original and one copy thereof shall be filed by mailing or otherwise with the Regional Safety Officer, Bureau of Motor Carrier Safety, Federal Highway Administration, for the region in which his or its principal place of business is located not later than the 15th day of the month next following the calendar month for which such report is made. One copy of each such report shall be retained in the files of the motor carrier for a period of 3 years.

(c) Motor carriers having their principal places of business outside the borders of the United States shall file the reports referred to in the preceding paragraphs, Form MCS 60, with the Regional Safety Officer of the Bureau of Motor Carrier Safety, as shown in § 290.40 of this subchapter, not later than the 15th day of the month next following the calendar month for which such report is made. One copy of each such report shall be retained in the files of the motor carrier for a period of 3 years: *Provided,* That motor carriers may continue to use Form BMC 60, prescribed by the Interstate Commerce Commission until further order.

§ 295.13 Drivers declared "Out of Service".

Every field safety specialist, safety supervisor, mechanical engineer, regional safety officer, or safety inspector of the Bureau of Motor Carrier Safety, Federal Highway Administration, is authorized to notify and declare "Out of Service" with the prescribed Form MCS–65, any driver whom he finds at the time and place of examination to have been on duty or to have driven or operated immediately prior to such examination, longer than the maximum period permitted by § 295.3, § 295.10, or § 295.11. No motor carrier shall permit or require a driver who has been notified and declared "Out of Service" to drive or operate nor shall any such driver drive or operate, any motor vehicle unless and until such time as he has met the requirements of the specified sections.

PART 296—INSPECTION AND MAINTENANCE

§ 296.5 Commission inspection of motor vehicles in operation.

(a) *Personnel authorized to perform inspections.* Every field safety specialist, mechanical engineer, safety supervisor, regional safety officer, and safety inspector employed in the Bureau of Motor Carrier Safety, Federal Highway Administration, is authorized, and hereby ordered, to enter upon and perform inspections of motor carriers' vehicles in operation.

(b) *Prescribed inspection report.* Form MCS–63, Driver-Equipment Compliance Check shall be used to record findings from motor vehicles selected for final inspection by authorized employees.

(c) *Motor vehicles declared "out of service."* (1) Authorized employees shall declare and mark "out of service" any motor vehicle which by reason of its mechanical condition or loading is so imminently hazardous to operate as to be likely to cause an accident or a breakdown. Form MCS–64, formerly BMC–64, "Out of Service Vehicle" sticker, shall be used to mark vehicles "out of service."

* * * * *

(d) *Motor Carrier's disposition of Form MCS–63.* (1) The driver of any motor vehicle receiving a Form MCS–63 shall deliver such MCS–63 to the motor carrier operating the vehicle upon his arrival at the next terminal or facility of the motor carrier, if such arrival occurs within twenty-four (24) hours. If the driver does not arrive at a terminal or facility of the motor carrier operating the vehicle within twenty-four (24) hours he shall immediately mail the Form MCS–63 to the motor carrier: *Provided, however,* That for operating convenience, motor carriers may designate any shop, terminal, facility or person to which it

may instruct its drivers to deliver or forward Form MCS–63: *Provided further, however,* That it shall be the sole responsibility of the motor carrier that Form MCS–63 are returned to the Federal Highway Administration, in accordance with the terms prescribed thereon and in subparagraphs (2) and (3) of this paragraph. A driver, if himself a motor carrier, shall return Form MCS–63 to the Federal Highway Administration, in accordance with the terms prescribed thereon and in subparagraphs (2) and (3) of this paragraph.

(2) Motor carriers shall carefully examine Forms MCS–63. Any and all violations or mechanical defects noted thereon shall be corrected. To the extent drivers are shown not to be in compliance with the Motor Carrier Safety Regulations, appropriate corrective action shall be taken by the motor carrier.

(3) Motor carriers shall complete the "Motor Carrier Certification of Action Taken" on Form MCS–63 in accordance with the terms prescribed thereon. Motor carriers shall return Forms MCS–63 to the Regional Safety Officer of the Bureau of Motor Carrier Safety at the address indicated upon Form MCS–63 within fifteen (15) days following the date of the vehicle inspection.

This order is effective May 9, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67–5285; Filed, May 10, 1967; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Charles Sheldon Antelope Range, Nev.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

CHARLES SHELDON ANTELOPE RANGE

Sport fishing on the Charles Sheldon Antelope Range, Nev., is permitted only on the area designated by signs as open to fishing. This area, comprising 600 acres, is delineated on a map available at the refuge headquarters, Sheldon-Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, Oreg. 97630, and from the office of the Regional Dircctor, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) Open season:

a. Dufurrena Ponds Nos. 18, 19 and 20—June 1 through October 31, 1967.

b. Remainder of fishing area open year around.

(2) Boats without motors may be used for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 1, 1967.

[F.R. Doc. 67–5253; Filed, May 10, 1967; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 201—ELECTRICITY

High Frequency and Microwave Regions; Calibration Services

Under the provisions of 15 U.S.C. 275 (a) and 277, Part 201—Electricity—is amended as provided herein. The amendment, effective upon publication in the FEDERAL REGISTER, announces new calibration services.

HIGH FREQUENCY REGION

1. Two new sections are added as follows:

§ 201.870 Coaxial phase shifters, precision air- or dielectric-filled line.

(a) Phase shifters are calibrated by insertion into a 50-ohm coaxial line. A VSWR of any reasonable magnitude for the phase shifter is acceptable; the measurement uncertainty will be adjusted to the VSWR relation.

(b) The phase shifter must be fitted with Type N or TNC connectors or precision-type connectors.

Item	Description	Fee
201.870a	Measurement of phase angle shift by insertion of a coaxial phase shifter (precision air- or dielectric-filled line) in coaxial line, at 30 MHz.	(*)
201.870z	Special calibrations not covered by the above schedule.	(*)

*As fixed prices have not been established for these services, charges will be made for actual costs incurred. Upon request, estimates will be furnished for specific tasks which should provide a close approximation of actual costs.

§ 201.871 Coaxial phase shifters, variable type.

(a) Phase shifters are calibrated by insertion into a 50-ohm coaxial line. A VSWR of any reasonable magnitude for the phase shifter is acceptable; the measurement uncertainty will be adjusted to the VSWR relation.

(b) Measurements will be performed at any specified phase angle(s).

(c) Phase shifters should have a repeatability of setting better than 0.1 degree.

(d) The phase shifter must be fitted with Type N or TNC connectors or precision-type connectors.

Item	Description	Fee
201.871a	Measurement of phase angle shift at initial setting by insertion of variable-type coaxial phase shifter in coaxial line, at 30 MHz.	(*)
201.871b	Measurement of phase angle shift at each setting additional to the initial setting as for 201.871a.	(*)
201.871z	Special calibrations not covered by the above schedule.	(*)

*[Same footnote.]

MICROWAVE REGION

2. Section 201.910 is amended by adding calibration services as follows:

§ 201.910 Waveguide bolometer units and bolometer-coupler units, continuous wave, low-level power.

* * * * *

Item	Description	Fee
. . .	. . .	. . .
201.910a–6	Measurement of effective efficiency of bolometer unit at a single frequency of the following waveguide size terminated with standard waveguide connector:	
. . .	WR42 (18.0–26.5 GHz) . . .	. . . (*)
201.910b–6	Measurement of calibration factor of bolometer unit at a single frequency of the following waveguide size terminated with standard waveguide connector:	
. . .	WR42 (18.0–26.5 GHz) . . .	. . . (*)
201.910c–6	Measurement of calibration factor of bolometer-coupler unit at a single frequency of the following waveguide size terminated with standard waveguide connectors:	
. . .	WR42 (18.0–26.5 GHz) . . .	. . . (*)

*[Same footnote]

A. V. ASTIN,
Director.

[F.R. Doc. 67–5239; Filed, May 10, 1967; 8:45 a.m.]

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart C—Standards of Certified Chemical Composition

SPECIAL NUCLEAR MATERIALS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER.

The amendment revises § 230.7–21 *Special nuclear materials,* to renew and change the price of standard reference material 949a, and renumber the material.

The following amends Title 15 CFR Part 230 by revising § 230.7–21 *Special nuclear materials* to read:

§ 230.7–21 Special nuclear materials.

* * * * *

Sample No.	Kind	Certified for plutonium content	Unit	Price
949b----	Plutonium metal-	99.99%	Pu 0.5g	$88.00

* * * * *

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: April 25, 1967.

A. V. ASTIN,
Director.

[F.R. Doc. 67–5240; Filed, May 10, 1967; 8:45 a.m.]

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

RADIOACTIVITY STANDARDS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER.

The amendment revises § 230.8–5 to add standard reference material 4221.

The following amends Title 15 CFR Part 230 by revising § 230.8–5 *Radioactivity standards* to read:

§ 230.8–5 Radioactivity standards.

* * * * *

(b) * * *

(3) *Beta, gamma and electron capture solution standards.* * * *

Sample No.	Radionuclide	Calibration radiation	Approximate activity or emission rate at time of calibration (month, year)	Approximate weight of solution	Price
4221------	Mercury-197---------	X-ray----------	Issued periodically, please write for details.	5 g----------	$50.00.
* * *	* * *	* * *	* * *	* * *	* * *

* * * * *

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: May 1, 1967.

A. V. ASTIN,
Director.

[F.R. Doc. 67–5241; Filed, May 10, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1090, 1101]

[Docket Nos. AO 266–A9, AO 195–A16]

MILK IN CHATTANOOGA AND KNOXVILLE, TENN., MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn West, 1315 Kirby Road, Paper Mill Road-Bearden Exist on Interstate 40, Knoxville, Tenn., beginning at 10 a.m., local time, on May 24, 1967, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Chattanooga and Knoxville, Tenn., marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relates to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Chattanooga Area Milk Producers Association:

Proposal No. 1. In § 1090.51, delete paragraph (b) and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

Proposal No. 2. Amend §§ 1090.27(k) and 1090.51(a) (3) and (4) so as to provide for the announcement on or before the 6th day of each month the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price and the Class II butterfat differential, both for the preceding month.

Proposed by Knoxville Milk Producers Association:

Proposal No. 3. In § 1101.51, delete paragraph (b) and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

Proposal No. 4. Amend §§ 1101.22(j) and 1101.51(a) (3) and (4) so as to provide for the announcement on or before the 6th day of each month the Class I milk price and the Class I butterfat differential, both for the current month.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 5. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, 5916 Brainerd Road, Post Office Box 8085, Chattanooga, Tenn. 37411, or Post Office Box 10508, 218 Kingston-Forest Building, 4711 Old Kingston Pike SW., Knoxville, Tenn. 37919, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on May 5, 1967.

S. R. SMITH,
Administrator.

[F.R. Doc. 67–5273; Filed, May 10, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67–CE–41]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. Redesignate V–161 from Grand Rapids, Minn., 15 miles 1,200 feet AGL, 59 miles, 3,000 feet MSL, 1,200 feet AGL to International Falls, Minn.

2. Redesignate V–129 west alternate from Hibbing, Minn., 24 miles, 1,200 feet AGL, 3,000 feet MSL INT Hibbing 325° True (320° Mag.) and International Falls, Minn., 182° True (176° Mag.) radials, 25 miles, 3,000 feet MSL, 1,200 feet AGL International Falls.

3. Designate a 1,200 feet AGL N alternate to V–430 from Grand Rapids, via Hibbing to Duluth, Minn., excluding the airspace between the main and this alternate.

Realigned V–161 would provide a route from Minneapolis, Minn., to International Falls that would bypass the Duluth terminal area. V–129 west alternate would be realigned for acronautical chart legibility. The north alternate to V–430 would merely renumber the present segment of V–161 from Grand Rapids to Hibbing and would be continued to Duluth for continuity in the airway description.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 4, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5270; Filed, May 10, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–WE–21]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a 1,200 feet AGL north alternate to VOR Federal airway No. 4 from the intersection of Yakima, Wash., 129° True (108° Mag.) and Pasco, Wash., 276° True (255° Mag.) radials to Pendleton, Oreg., via Pasco, excluding the airspace between the main and this north alternate and excluding the airspace within R–6715. This action would provide controlled airspace for scheduled air carrier aircraft operating between Yakima and Pasco, simplify flight planning and reduce the airway mileage between these cities.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention:

Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 4, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-5271; Filed, May 10, 1967; 8:48 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67-SO-21]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations which would designate a new Restricted Area R-2917, De Funiak Springs, Fla. This new area would lie completely within the present confines of Restricted Area R-2914, Valparaiso, Fla.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration has been requested by the Department of the Air Force to designate restricted airspace within the currently established Restricted Area R-2914, but separate and distinct therefrom. This new restricted area would contain a radiation hazard that will exist when a new FPS-85 radar facility commences operation. Air Force computations indicate that exposure to the radio frequency radiation within 5,000 feet of this radar facility could damage human tissue, ignite petroleum products or activate electro explosive devices associated with munitions. The airspace involved is currently joint use restricted airspace, but the Air Force has requested a separate designation of this area on a non-joint-use basis. The designation of this new restricted area would result in modification of R-2914 to exclude the new area.

If this proposal is adopted, a restricted area would be designated as follows:

R-2917 DE FUNIAK SPRINGS, FLA.

Boundaries. The circumference of a circle with a 1¼-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W.

Designated altitude. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Using agency. Commander, Air Proving Ground, Eglin AFB, Fla.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 4, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-5272; Filed, May 10, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 378]

[Docket No. 18487; SPDR-8]

INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS AND TOUR OPERATORS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 67-4992, appearing at page 6847 of the issue for Thursday, May 4, 1967, the heading for § 378.18 should read as follows:

§ 378.18 Procedure applicable to periods on or after January 1, 1969.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 103]

[Ex Parte No. 253]

GENERAL AGREEMENTS RELATING TO RATES, FARES, ETC.

Notice of Issuance of Examiner's Recommended Report and Order

CROSS REFERENCE: For redesignation of Section to Proposed Rule Making Section, see Title 49, Chapter I, Part 103, *supra*.

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

PRESERVED QUAIL EGGS

Importation Directly From Taiwan (Formosa); Available Certification by Government of Republic of China

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodity:

Quail eggs, preserved.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-5287; Filed, May 10, 1967; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing Plat of Survey

MAY 4, 1967.

1. Plat of survey of the land described below will be officially filed in the Fairbanks District and Land Office, Fairbanks, Alaska, effective 10 a.m., June 3, 1967.

FAIRBANKS MERIDIAN

T. 1 S., R. 2 E. (Group 49),
Sec. 16, All;
Sec. 21, All;
Sec. 24, All.

The areas described above aggregate 1,919.32 acres.

2. The area surveyed is all level bottom land, covered with a general heavy growth of spruce, birch, aspen, and scattered tamarack. There are numerous sloughs winding back and forth and cross the section lines in several places. The land is generally covered with a heavy growth of tundra and the soil is sandy clay and gravel.

3. The N½ of sec. 21 and secs. 26 and 28 of the lands affected by this notice have been selected by the State of Alaska in accordance with and subject to the limitations and requirements of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339) and the regulations in 43 CFR 222.9-1(a) and 43 CFR Part 1840. The S½ of sec. 21 is within a Military Purpose Withdrawal, PLO 733.

4. Inquiries concerning the lands should be addressed to the Manager, Fairbanks District and Land Office, Post Office Box 1150, Fairbanks, Alaska 99701.

ROBERT C. KRUMM,
Manager,
Fairbanks District and Land Office.

[F.R. Doc. 67-5256; Filed, May 10, 1967; 8:46 a.m.]

[Serial No. Colorado 1018]

COLORADO

Notice of Classification of Public Lands for Multiple Use Management

MAY 1, 1967.

Paragraph 1 of the Notice of Classification of Public Lands for Multiple Use Management, appearing as F.R. Doc. 67-4325, in the issue for Thursday, April 20, 1967, at pages 6215-6217 is hereby amended as follows:

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below together with any lands therein that may become public lands in the future are hereby classified for multiple use management. Publication of this notice (a) segregates all the public lands in the described area only from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) further segregates the lands described in paragraph 3 of this notice from the operation of the general mining laws (30 U.S.C. 21) * * *.

The remainder of paragraph 1 is unchanged.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-5255; Filed, May 10, 1967; 8:46 a.m.]

[New Mexico 2074]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 5, 1967.

The Forest Service, U.S. Department of Agriculture, has filed an application, New Mexico 2074, for the withdrawal of lands described below, from location and entry under the mining laws. The applicant desires the lands for a roadside recreation zone, a picnic area and a campground.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

New Mexico State Highway No. 10 Recreation Zone

A strip of land 1,320 feet on each side of the centerline of State Highway No. 10, through the following legal subdivisions:

T. 9 N., R. 5 E.,
Sec. 1, S½SW¼NE¼, S½S½NW¼, N½SW¼, N½S½SW¼, W½NE¼SE¼, W½SE¼, and SE¼SE¼;
Sec. 2, lot 4, S½N½, and N½S½;
Sec. 3, E½ of lot 4 and E½SE¼NE¼.
T. 9 N., R. 6 E.,
Sec. 7, lot 2, NW¼SE¼, and SE¼SE¼;
Sec. 18, E½SE¼, E½E½W½SE¼, and NW¼NW¼SE¼;
Sec. 19, NE¼NE¼, E½NW¼NE¼, N½SE¼NE¼, and N½SE¼SE¼NE¼;
Sec. 20, NW¼NW¼.
T. 10 N., R. 5 E.,
Sec. 26, lots 5, 6, 11, 12, 14, and 19;
Sec. 34, lots 8, 9, and 16;
Sec. 35, lots 3, 4, 5, 6, 12, and 13.

Oak Flat Picnic Area

T. 9 N., R. 6 E.,
Sec. 17, N½SE¼, and N½SE¼SE¼.

Sandia Campground

T. 10 N., R. 6 E.,
Sec. 22, NE¼, N½NW¼, SW¼SW¼, E½SW¼, and N½SE¼.

The areas described aggregate 2,166.60 acres.

W. J. EGAN,
Acting Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 67-5257; Filed, May 10, 1967; 8:46 a.m.]

[OR1565]

OREGON

Notice of Proposed Classification of Public Lands for Multiple Use Management

MAY 5, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below, together with any lands therein that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

3. The lands proposed to be classified are located within the following described area and are shown on a map designated "Oregon 1565, 2411.2:36–03:May 1967," on file in the Vale District Office, Bureau of Land Management, Vale, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. The description of the area is as follows:

WILLAMETTE MERIDIAN, OREGON

GRANT COUNTY

T. 17 S., R. 36 E.,
Secs. 1, 2, secs. 11 to 24 inclusive, and secs. 23 to 36 inclusive.

MALHEUR COUNTY

T. 13 S., R. 41 E.,
Secs. 13, 24, 25, and 36.
T. 13 S., R. 42 E.,
Secs. 17 to 21 inclusive, and secs. 26 to 32 inclusive.
T. 14 S., R. 41 E.,
Sec. 1.
T. 14 S., R. 42 E.,
Secs. 5 and 6.
T. 15 S., R. 41 E.,
Secs. 24, 25, and 36.
T. 15 S., R. 42 E.,
Secs. 28 to 33 inclusive.
T. 15 S., R. 43 E.,
Secs. 23, 24, and 25.
T. 15 S., R. 44 E.,
Secs. 1 to 4 inclusive, secs. 8 to 29 inclusive, and secs. 32 to 36 inclusive.
T. 15 S., R. 45 E.,
Secs. 5 to 10 inclusive, secs. 15 to 22 inclusive, and secs. 27 to 34 inclusive.
T. 16 S., R. 37 E.,
Secs. 20 to 36 inclusive.
T. 16 S., R. 38 E.,
Secs. 26 to 35 inclusive.
T. 16 S., R. 41 E.,
Secs. 22 to 29 inclusive, and secs. 32 to 36 inclusive.
T. 16 S., R. 42 E.,
Secs. 4 to 9 inclusive, and secs. 16 to 36 inclusive.
T. 16 S., R. 43 E.,
Secs. 19, 20, 21, and secs. 28 to 32 inclusive.
T. 16 S., R. 44 E.,
Secs. 1, 2, secs. 11 to 14 inclusive, and sec. 24.
T. 16 S., R. 45 E.,
Secs. 1 to 36 inclusive.
T. 16 S., R. 46 E.,
Secs. 6, 7, and 18.
T. 17 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 17 S., R. 38 E.,
Secs. 1 to 36 inclusive.
T. 17 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 17 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 17 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 17 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 17 S., R. 43 E.,
Secs. 6 to 36 inclusive.
T. 17 S., R. 44 E.,
Secs. 19, 30, and 31.
T. 17 S., R. 45 E.,
Secs. 2 to 11 inclusive, secs. 15 to 30 inclusive, and secs. 32 to 36 inclusive.
T. 18 S., R. 37 E.,
Secs. 2 to 15 inclusive, secs. 17 to 23 inclusive, secs. 25 to 27 inclusive, and secs. 30 to 35 inclusive.
T. 18 S., R. 38 E.,
Secs. 1 to 36 inclusive.
T. 18 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 18 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 18 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 18 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 18 S., R. 43 E.,
Secs. 4 to 10 inclusive, secs. 14 to 23 inclusive, and secs. 28 to 32 inclusive.
T. 18 S., R. 44 E.,
Sec. 6.
T. 18 S., R. 45 E.,
Secs. 2, 3, 4, secs. 26, 27, 28, 32, 33, and 34.
T. 19 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 19 S., R. 38 E.,
Secs. 1 to 36 inclusive.
T. 19 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 19 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 19 S., R. 41 E.,
Secs. 1 to 35 inclusive.
T. 19 S., R. 42 E.,
Secs. 1, 2, 3, 6, 7, 10, 12, 15, 18, 19, 20, 22, and 30.
T. 19 S., R. 43 E.,
Secs. 4 to 9 inclusive, secs. 15, 16, 17, secs. 20 to 29 inclusive, and secs. 31 to 36 inclusive.
T. 19 S., R. 44 E.,
Secs. 13, 19, 22, 24, 25, 27, 28, and secs. 30 to 34 inclusive.
T. 19 S., R. 45 E.,
Secs. 2 to 36 inclusive.
T. 19 S., R. 46 E.,
Secs. 17 to 20 inclusive, and secs. 29 to 32 inclusive.
T. 20 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 20 S., R. 38 E.,
Secs. 1 to 36 inclusive.
T. 20 S., R. 39 E.,
Secs. 1 to 14 inclusive, secs. 17 to 21 inclusive, and secs. 28 to 35 inclusive.
T. 20 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 20 S., R. 41 E.,
Secs. 1 to 11 inclusive, and secs. 14 to 36 inclusive.
T. 20 S., R. 42 E.,
Secs. 1, 2, 3, 8, and secs. 10 to 36 inclusive.
T. 20 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 20 S., R. 44 E.,
Secs. 1 to 35 inclusive.
T. 20 S., R. 45 E.,
Secs. 1 to 12 inclusive, secs. 15 to 22 inclusive, and secs. 26 to 35 inclusive.
T. 20 S., R. 46 E.,
Sec. 6.
T. 21 S., R. 37 E.,
Secs. 1 to 12 inclusive, and secs. 26 to 35 inclusive.
T. 21 S., R. 38 E.,
Secs. 1 to 5 inclusive, secs. 8 to 15 inclusive, secs. 21 to 28 inclusive, and secs. 32 to 36 inclusive.
T. 21 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 21 S., R. 40 E.,
Secs 1 to 36 inclusive.
T. 21 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 21 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 21 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 21 S., R. 44 E.,
Secs. 1 to 36 inclusive.
T. 21 S., R. 45 E.,
Secs. 2 to 10 inclusive, and secs. 14 to 36 inclusive.
T. 21 S., R. 46 E.,
Secs. 19 to 22 inclusive, and secs. 27 to 33 inclusive.
T. 22 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 22 S., R. 38 E.,
Secs. 1 to 36 inclusive.
T. 22 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 22 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 22 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 22 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 22 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 22 S., R. 44 E.,
Secs. 1 to 36 inclusive.
T. 22 S., R. 45 E.,
Secs. 1 to 36 inclusive.
T. 22 S., R. 46 E.,
Secs. 4 to 9 inclusive, secs. 16 to 22 inclusive, and secs. 27 to 34 inclusive.
T. 23 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 38 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 41 E.,
Secs. 1 to 7 inclusive, secs. 12, 13, 18, 19, 24, 25, 26, 30, 31, 35, and 36.
T. 23 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 44 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 45 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 46 E.,
Secs. 2 to 11 inclusive, and secs. 13 to 36 inclusive.

T. 23 S., R. 47 E.,
Secs. 19, 30, and 31.
T. 24 S., R. 37 E.,
Secs. 1 to 30 inclusive, and secs. 32 to 35 inclusive.
T. 24 S., R. 38 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 41 E.,
Secs. 1, 2, 6, 7, 11, 12, 13, 14, and secs. 18 to 36 inclusive.
T. 24 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 44 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 45 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 46 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 47 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 25 S., R. 37 E.,
Secs. 1 to 4 inclusive, secs. 10 to 14 inclusive, and sec. 24.
Secs. 1 to 36 inclusive.
T. 25 S., R. 38 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 42 E.,
Secs. 1 to 31 inclusive, and Sec. 36.
T. 25 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 44 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 45 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 46 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 47 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 26 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 26 S., R. 38 E.,
Secs. 1 to 14 inclusive, secs. 18, 19, 20, 24, and secs. 28 to 34 inclusive.
T. 26 S., R. 39 E.,
Secs. 1 to 12 inclusive, secs. 16 to 21 inclusive, and secs. 28 to 33 inclusive.
T. 26 S., R. 40 E.,
Secs. 1 to 17 inclusive, secs. 21 to 27 inclusive, and secs. 32 to 36 inclusive.
T. 26 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 26 S., R. 42 E.,
Secs. 1, 6, 7, 8, 12, secs. 17 to 20 inclusive, sec. 25, secs. 29 to 32 inclusive, and sec. 36.
T. 26 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 26 S., R. 44 E.,
Secs. 1 to 35 inclusive.
T. 26 S., R. 45 E.,
Secs. 1 to 27 inclusive, secs. 34, 35, and 36.
T. 26 S., R. 46 E.,
Secs. 1 to 36 inclusive.
T. 26 S., R. 47 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 27 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 27 S., R. 38 E.,
Secs. 1 to 22 inclusive, and secs. 28 to 32 inclusive.
T. 27 S., R. 39 E.,
Secs. 4 to 10 inclusive, secs. 13, 14, secs. 23 to 28 inclusive, and secs. 31 to 36 inclusive.
T. 27 S., R. 40 E.,
Secs. 1 to 3 inclusive, and secs. 10 to 36 inclusive.
T. 27 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 27 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 27 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 27 S., R. 44 E.,
Secs. 2 to 36 inclusive.
T. 27 S., R. 45 E.,
Secs. 1 to 3 inclusive, secs. 10 to 15 inclusive, and secs. 18 to 36 inclusive.
T. 27 S., R. 46 E.,
Secs. 1 to 36 inclusive.
T. 27 S., R. 47 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 28 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 38 E.,
Secs. 1, 2, and secs. 5 to 36 inclusive.
T. 28 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 44 E.,
Secs. 1 to 6 inclusive, secs. 11 to 14 inclusive, and secs. 18 to 36 inclusive.
T. 28 S., R. 45 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 46 E.,
Secs. 1 to 12 inclusive, secs. 25, 26, and secs. 31 to 36 inclusive.
T. 28 S., R. 47 E.,
Secs. 6, 7, 30, and 31.
T. 29 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 38 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 44 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 45 E.,
Secs. 1 to 34 inclusive.
T. 29 S., R. 46 E.,
Secs. 1 to 14 inclusive, secs. 17 to 20 inclusive, secs. 23 to 26 inclusive, and sec. 30.
T. 29 S., R. 47 E.,
Secs. 6, 7, 18, 19, and 30.
T. 30 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R. 38 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R. 40½ E.,
Secs. 12, 13, 24, 25, and 36.
T. 30 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R. 42 E.,
Secs. 1 to 12 inclusive, secs. 17 to 20 inclusive, and secs. 29 to 32 inclusive.
T. 30 S., R. 43 E.,
Secs. 1 to 11 inclusive.
T. 30 S., R. 44 E.,
Sec. 6, and secs. 33 to 36 inclusive.
T. 30 S., R. 45 E.,
Secs. 13, 14, secs. 22 to 28 inclusive, and secs. 31 to 36 inclusive.
T. 30 S., R. 46 E.,
Secs. 18 to 35 inclusive.
T. 30½ S., R. 37 E.,
Secs. 31 to 36 inclusive.
T. 30½ S., R. 38 E.,
T. 30½ S., R. 38 E.,
T. 30½ S., R. 39 E.,
Secs. 31 to 36 inclusive.
T. 30½ S., R. 40 E.,
Secs. 31 to 36 inclusive.
T. 31 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 38 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 40 E.,
Secs. 1 to 34 inclusive.
T. 31 S., R. 41 E.,
Secs. 1 to 8 inclusive, and sec. 18.
T. 31 S., R. 42 E.,
Secs. 5, 6, 13, 14, 15, and secs. 20 to 36 inclusive.
T. 31 S., R. 43 E.,
Secs. 8 to 36 inclusive.
T. 31 S., R. 44 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 45 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 46 E.,
Secs. 2 to 11 inclusive, secs. 15 to 21 inclusive, and secs. 25 to 36 inclusive.
T. 31 S., R. 47 E.,
Secs. 30 and 31.
T. 31½ S., R. 37 E.,
Secs. 31 to 36 inclusive.
T. 31½ S., R. 38 E.,
Secs. 31 to 36 inclusive.
T. 32 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 38 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 40 E.,
Secs. 3 to 11 inclusive, secs. 15 to 22 inclusive, and secs. 27 to 34 inclusive.
T. 32 S., R. 41 E.,
Secs. 12 to 15 inclusive, secs. 21 to 28 inclusive, and secs. 32 to 36 inclusive.
T. 32 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 44 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 45 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 46 E.,
Secs. 1 to 30 inclusive, and secs. 34, 35, and 36.
T. 33 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 38 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 40 E.,
Secs. 3 to 10 inclusive, and secs. 13 to 36 inclusive.
T. 33 S., R. 40½ E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 33 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 44 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 45 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 46 E.,
Secs. 1 to 3 inclusive, and secs. 10 to 36 inclusive.
T. 33½ S., R. 39 E.,
Secs. 31 to 36 inclusive.
T. 33½ S., R. 40 E.,
Secs. 31 to 36 inclusive.
T. 34 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 38 E.,
Secs. 1 to 36 inclusive.

T. 34 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 44 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 45 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 46 E.,
Secs. 5 to 8 inclusive, secs. 17 to 21 inclusive, and secs. 28 to 33 inclusive.
T. 35 S., R. 37 E.,
Secs. 5 to 8 inclusive, secs. 17, 18 19, 23, 24, 25, 26, and secs. 32 to 36 inclusive.
T. 35 S., R. 38 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 44 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 45 E.,
Secs. 1 to 13 inclusive, secs. 17 to 20 inclusive, sec. 24, and secs. 29 to 32 inclusive.
T. 35 S., R. 46 E.,
Secs. 4 to 30 inclusive, and secs. 32 to 36 inclusive.
T. 36 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 36 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 36 S., R. 41 E.,
Secs. 13 to 36 inclusive.
T. 36 S., R. 42 E.,
Secs. 13 to 36 inclusive.
T. 36 S., R. 43 E.,
Secs. 13 to 36 inclusive.
T. 36 S., R. 44 E.,
Secs. 7 to 36 inclusive.
T. 36 S., R. 45 E.,
Secs. 7 to 36 inclusive.
T. 36 S., R. 46 E.,
Secs. 7 to 36 inclusive.
T. 36 S., R. 47 E.,
Secs. 7, 8, and secs. 14 to 36 inclusive.
T. 36 S., R. 48 E.,
Secs. 9 to 15 inclusive, and secs. 19 to 36 inclusive.
T. 36 S., R. 49 E.,
Secs. 7, 18, 19, 30, and 31.
T. 37 S., R. 37 E.,
Secs. 1 to 36 inclusive.
T. 37 S., R. 40 E.,
Secs. 13 to 36 inclusive.
T. 37 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 37 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 37 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 37 S., R. 44 E.,
Secs. 1 to 36 inclusive.
T. 37 S., R. 45 E.,
Secs. 1 to 36 inclusive.
T. 37 S., R. 46 E.,
Secs. 1 to 36 inclusive.
T. 37 S., R. 47 E.,
Secs. 1 to 36 inclusive.
T. 37 S., R. 48 E.,
Secs. 1 to 36 inclusive.
T. 37 S., R. 49 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 38 S., R. 39 E.,
Secs. 13 to 36 inclusive.
T. 38 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 41 E.,
Secs. 1 to 15 inclusive, secs. 17 to 31 inclusive, and secs. 33 to 35 inclusive.
T. 38 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 44 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 45 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 46 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 47 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 48 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 49 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 39 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 44 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 45 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 46 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 47 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 48 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 49 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 40 S., R. 39 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 40 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 41 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 42 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 43 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 44 E.,
Secs. 1 to 25 inclusive, and sec. 30.
T. 40 S., R. 45 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 46 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 47 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 48 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 49 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 41 S., R. 39 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 40 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 41 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 42 E.,
Sec. 1, secs. 5 to 8 inclusive, sec. 12, and secs. 17 to 20 inclusive.
T. 41 S., R. 43 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 45 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 46 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 47 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 48 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 49 E.,
Secs. 6, 7, 18, and 19.

The public lands in the areas described aggregate approximately 4,531,700 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 365 A Street West, Post Office Box 220, Vale, Oreg. 97918.

5. A public hearing on the proposed classification will be held on June 15, 1967, at 2 p.m., the Vale Grange Hall, Longfellow Street South, Vale, Oreg.

GARTH H. RUDD,
Acting State Director.

[F.R. Doc. 67-5254; Filed, May 10, 1967; 8:46 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Sale; Correction

APRIL 28, 1967.

In F.R. Doc. 67-3330, appearing at page 4545 of the issue for Saturday, March 25, 1967, the following changes should be made under the listing of Tract La. 1885: The description of tract should read "Portion more than 3 miles seaward.²" instead of "All" and the acreage should read "4,994.52" instead of "4,999.96."

JOHN O. CROW,
Acting Director,
Bureau of Land Management.

Approved: May 5, 1967.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 67-5258; Filed, May 10, 1967; 8:46 a.m.]

Geological Survey

CALIFORNIA AND CERTAIN OTHER STATES

Definitions of Known Geologic Structures of Producing Oil and Gas Fields

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown:

Name of Field, Effective Date, Acreage

(5) CALIFORNIA

Kern Front (revision), Nov. 12, 1966 — 6,520
Rio Vista (revision), June 4, 1946 — 36,080

(6) COLORADO

South Douglas Creek (revision), Feb. 6, 1965 — 2,493
Wolf Creek, Oct. 14, 1966 — 6,066

(26) MONTANA

Tiger Ridge, Feb. 9, 1967 — 10,141

(31) NEW MEXICO

Chaveroo (revision), Oct. 7, 1966 — 16,361
Indian Basin (revision), May 12, 1966 — 50,141
Morton, Aug. 2, 1966 — 1,394

(44) UTAH

Bitter Creek (revision), Oct. 26, 1966	88,425
Uteland Butte, Oct. 4, 1966	2,459

(50) WYOMING

Half Moon (revision), Mar. 7, 1967	1,389
Moxa, Jan. 27, 1967	1,440
Mush Creek-Skull Creek (revision), Nov. 18, 1966	27,055
North Skull Creek (revision), Mar. 3, 1967	2,320
Savery (consolidation and revision), Jan. 18, 1967	3,800
South Baggs-Pole Gulch (revision includes land in Colorado), May 30, 1966	8,952
Wamsutter (revision), Sept. 16, 1965	4,729
West Side Canal (includes lands in Colorado), Nov. 29, 1966	4,194

ARTHUR A. BAKER,
Acting Director.

MAY 5, 1967.

[F.R. Doc. 67-5277; Filed, May 10, 1967; 8:48 a.m.]

Office of the Secretary

JOHN W. HIERONYMUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 11, 1967.

Dated: April 11, 1967.

JOHN W. HIERONYMUS.

[F.R. Doc. 67-5259; Filed, May 10, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1966-CROP LOAN COTTON

Notice of Acquisition by CCC

All outstanding loans on cotton under Commodity Credit Corporation's 1966 Cotton Loan Program mature on July 31, 1967, unless Commodity Credit Corporation makes demand for payment at an earlier date. Notice is hereby given that if the borrower or a purchaser of his equity does not redeem the cotton securing any such outstanding loan before the close of business on July 31, 1967, and if Commodity Credit Corporation has not made demand for payment at an earlier date, Commodity Credit Corporation will, pursuant to the provisions of the loan agreement covering such loan, acquire title to such cotton at the close of business on July 31, 1967, and title thereto shall, without a sale thereof, vest in Commodity Credit Corporation at such time. As provided in the loan agreement, Commodity Credit Corporation will not pay for any market value which such cotton may have in excess of the loan value of the cotton plus applicable charges and interest. If the warehouse receipts representing any such cotton are sent to a local bank at the request of the producer or a purchaser of his equity, the loan value of the cotton, plus charges and interest, must be paid at the local bank not later than the close of business on July 31, 1967. Any repayment made by mail must be received by Commodity Credit Corporation or by the local bank not later than the close of business on July 31, 1967.

Notwithstanding the foregoing provisions, Commodity Credit Corporation does not elect to acquire any cotton on which there is a basis for a claim against the borrower under the terms of the loan agreement, and in all such cases title to the cotton shall not so vest in Commodity Credit Corporation.

Signed at Washington, D.C., on May 8, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-5295; Filed, May 10, 1967; 8:50 a.m.]

Consumer and Marketing Service

PEORIA AVE SALE BARN ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

ARIZONA

Peoria Ave Sale Barn, Glendale, March 22, 1967.

MISSISSIPPI

Southeast Mississippi Livestock Farmers Association, Hattiesburg, March 14, 1967.

TENNESSEE

Tennessee Producers Livestock Marketing Ass'n., Woodbury, April 25, 1967.

TEXAS

Amarillo Horse Auction, Amarillo, April 22, 1967.

Grapevine Auction Company, Grapevine, April 17, 1967.

Done at Washington, D.C., this 8th day of May 1967.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 67-5296; Filed, May 10, 1967; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 67-29]

DISTRICT COMMANDERS

Delegation of Authority Regarding Anchorage Regulations

In order to permit the proper exercise of responsibilities under functions transferred from the Corps of Engineers by Public Law 89-670 and delegated to the Commandant by 49 CFR 1.4, each District Commander is hereby authorized to:

1. Exercise the authority heretofore exercised by the District Engineer, Corps of Engineers, under Part 202 of Title 33, Code of Federal Regulations, insofar as such authority pertains to the geographical limits of his district.

2. Assess penalties in accordance with Subpart 2.50 of Chapter I, Title 46, Code of Federal Regulations, for violations of any anchorage regulations issued under statutory authority containing penalty provisions.

Dated: May 4, 1967.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 67-5262; Filed, May 10, 1967; 8:47 a.m.]

National Transportation Safety Board

ORDERS, DETERMINATIONS, RULES, REGULATIONS PERMITS, CONTRACTS, CERTIFICATES, LICENSES, DOCUMENTS, AGREEMENTS, DELEGATIONS, AND PRIVILEGES

Notice of Continuation

Effective April 1, 1967, the Department of Transportation Act, Public Law 89-670, 80 Stat. 931 (hereinafter referred to as the Act), establishes within the Department of Transportation the National Transportation Safety Board (NTSB). Under section 6(d) of said Act, there is transferred to the Secretary of Transportation all functions, powers, and duties of the Civil Aeronautics Board and of the Chairman, members, officers, and offices, thereof, under Title VI (72 Stat. 775, 49 U.S.C. 1421, et seq.) and Title VII (72 Stat. 781, 49 U.S.C. 1441, et seq.) of the Federal Aviation Act of 1958, as amended, with the proviso that such functions, powers, and duties shall be exercised by the National Transportation Safety Board, independent of the Secretary and the other officers and offices of the Department of Transportation. Section 5 of said Act authorizes the NTSB to exercise the same functions, powers, and duties previously exercised by the Civil Aeronautics Board in connection with aircraft accident investigations and review of air safety enforcement proceedings. Section 12 of said Act continues in effect the rules, regulations and procedures promulgated

by the Civil Aeronautics Board, with respect to the functions of the Civil Aeronautics Board which are transferred to the NTSB.

The following functions, powers, and duties shall be exercised by the National Transportation Safety Board and the authority of the Civil Aeronautics Board to exercise same shall terminate, effective April 1, 1967:

(1) Authority to investigate aircraft accidents, determine cause or probable cause of such accidents, and report the facts, conditions, and circumstances relating to such accidents.

(2) Review on appeal the suspension, amendment, modification, revocation, or denial of any certificate issued pursuant to Title VI of the Federal Aviation Act of 1958, as amended.

All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, documents, agreements, delegations, and privileges relating to the functions, powers, and duties transferred by the Department of Transportation Act to the National Transportation Safety Board are hereby adopted and affirmed and shall continue in effect according to their terms until modified, terminated, superseded, or repealed by appropriate authority.

1. *Regulations pursuant to Title VI of the Federal Aviation Act.* All the provisions of Part 301, Rules of Practice in Air Safety Proceedings (14 CFR Part 301).

2. *Regulations pursuant to Title VII of the Federal Aviation Act.* All the provisions of the following:

(a) Part 303, Rules of Procedure in Aircraft Accident Investigation Hearings (14 CFR Part 303).

(b) Part 311, Disclosure of Aircraft Accident Investigation Information (14 CFR Part 311).

(c) Part 320, Rules pertaining to aircraft accidents, in-flight hazards, overdue aircraft, and safety investigations (14 CFR Part 320).

All forms and stationery authorized for use, immediately prior to the effective date of the Act, relating to the functions, powers, and duties transferred by the Act to the National Transportation Safety Board, are hereby adopted by the Board and may be used to conduct the official business of the Board until the present supply has been exhausted. Any such form or stationery which is intended for use by or with the public shall be appropriately revised where required to reflect the establishment of the Board in the Department of Transportation. Existing forms and stationery will not be used and new supplies will be promptly procured in each case where the necessary revision would exceed the utility of the form or stationery.

All future communications on any matters covered by this notice, which were formerly addressed to the Civil Aeronautics Board, should be directed to the National Transportation Safety Board, 1825 Connecticut Avenue NW., Washington, D.C. 20591.

With respect to Parts 301, 303, 311, and 320, all communications and pleadings formerly filed with the Docket Section of the Civil Aeronautics Board should be filed with the Docket Section of the NTSB. Similarly, all communications formerly addressed to the General Counsel or Associate General Counsel, Rules and Rates Division of the Civil Aeronautics Board should be addressed to the General Counsel of the National Transportation Safety Board. And all communications, reports, etc., which were formerly directed to the Director, Bureau of Safety of the Civil Aeronautics Board, should be directed to the Director, Bureau of Aviation Safety, National Transportation Safety Board.

This order is effective April 1, 1967.

JOSEPH J. O'CONNELL, Jr.,
Chairman, National Transportation Safety Board.

[F.R. Doc. 67-5293; Filed, May 10, 1967; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 613]

MICHIGAN

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Clinton, County, in the State of Michigan;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about April 21, 1967.

OFFICE

Small Business Administration Regional Office, 1249 Washington Boulevard, Detroit, Mich. 48226.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1967.

Dated: May 5, 1967.

ROBERT C. MOOT,
Acting Administrator.

[F.R. Doc. 67-5260; Filed, May 10, 1967; 8:47 a.m.]

CIVIL SERVICE COMMISSION

NURSES, STATE OF CALIFORNIA

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and E.O. 11073, the Civil Service Commission has increased the minimum rates and rate ranges for the following positions in California: Nurse, GS-610-4 through 9; Public Health Nurse, GS-615-4 through 9; and Postal Field Service Nurse, PFS-610-5 through 7. The revised rate ranges for General Schedule nurse positions are:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$5,736	$5,896	$6,056	$6,216	$6,376	$6,536	$6,696	$6,856	$7,016	$7,176
GS-5	6,387	6,563	6,739	6,915	7,091	7,267	7,443	7,619	7,795	7,971
GS-6	7,055	7,253	7,451	7,649	7,847	8,045	8,243	8,441	8,639	8,837
GS-7	7,516	7,729	7,942	8,155	8,368	8,581	8,794	9,007	9,220	9,433
GS-8	8,008	8,243	8,478	8,713	8,948	9,183	9,418	9,653	9,888	10,123
GS-9	8,479	8,740	9,001	9,262	9,523	9,784	10,045	10,306	10,567	10,828

[1] Corresponding statutory rates: GS-4—Seventh; GS-5—Seventh; GS-6—Seventh; GS-7—Sixth; GS-8—Fifth; GS-9—Fourth.

The rate ranges for Postal Field Service nurses are:

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-5	$6,843	$7,034	$7,225	$7,416	$7,607	$7,798	$7,989	$8,180	$8,371	$8,562	$8,753	$8,944
PFS-6	7,128	7,331	7,534	7,737	7,940	8,143	8,346	8,549	8,752	8,955	9,158	9,361
PFS-7	7,417	7,635	7,853	8,071	8,289	8,507	8,725	8,943	9,161	9,379	9,597	-------

[1] Corresponding statutory rates: PFS-5—Seventh; PFS-6—Sixth; PFS-7—Fifth.

Geographic coverage is the State of California.

The effective date will be the first day of the first pay period beginning on or after May 6, 1967.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation

at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335 or 39 U.S.C. 3552.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-5238; Filed, May 10, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

PORTS OF SEARSPORT AND PORTLAND, MAINE

Approval of Port-Wide Exemption

Fred G. Gignoux, Inc., has filed an application for a port-wide exemption pursuant to § 510.22(a) of Federal Maritime Commission General Order 4, Amendment 9 (46 CFR 510.22(a)). The applicant is a licensed independent ocean freight forwarder and also acts as a steamship agent at the ports of Searsport and Portland, Maine.

Section 510.22(a) of General Order 4 prohibits a licensee from collecting compensation if it requests the carrier or its agent to perform any of the forwarding services. This section further provides for an exemption from this prohibition to licensee/agents in the port of loading upon application therefor and upon a finding by the Commission that an adequate supply of forwarding services is not being held out by nonagent licensees domiciled at the port of loading.

Applicant alleges that an adequate supply of forwarding services is not being held out by nonagent licensees at the ports of Searsport and Portland, Maine, and that exemptions are justified on this basis. The application indicates that all licensed ocean freight forwarders domiciled at the port of Portland, Maine, are also steamship agents, and in the port of Searsport, Maine, there are no licensed freight forwarders at all. The Commission has published notice of the application in the FEDERAL REGISTER and has received no adverse comments. In addition, notice of the application was sent to the other freight forwarders operating at these ports and they were requested to state, not later than March 30, 1967, any objections to granting the application; no objections were raised.

We find that port-wide exemptions are justified in this case because it appears that an adequate supply of forwarding services is not being held out by nonagent licensees.

Therefore, it is ordered, That port-wide exemptions as authorized by § 510.22(a), General Order 4, Amendment 9 are granted for the ports of Searsport and Portland, Maine.

It is further ordered, That these port-wide exemptions shall remain in effect until otherwise ordered by the Commission.

It is further ordered, That this order be published in the FEDERAL REGISTER and served on the applicant.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5281; Filed, May 10, 1967; 8:49 a.m.]

PORT EVERGLADES, FLA.

Approval of Port-Wide Exemption

Port Everglades Terminal Co., Inc., filed an application for a port-wide exemption pursuant to § 510.22(a) of Federal Maritime Commission General Order 4, Amendment 9 (46 CFR 510.22(a)). The applicant is a licensed independent ocean freight forwarder and also acts as a steamship agent at Port Everglades, Fla.

Section 510.22(a) of General Order 4 prohibits a licensee from collecting compensation if it requests the carrier or its agent to perform any of the forwarding services. This section further provides for an exemption from this prohibition to licensee/agents in the port of loading upon application therefor and upon a finding by the Commission that an adequate supply of forwarding services is not being held out by nonagent licensees domiciled at the port of loading.

Applicant alleges that an adequate supply of forwarding services is not being held out by nonagent licensees at Port Everglades, Fla., and that an exemption is justified on this basis. The application indicates that all licensed ocean freight forwarders domiciled at Port Everglades are also steamship agents. The Commission has published notice of the application in the FEDERAL REGISTER and has received no adverse comments. In addition, notice of the application was sent to the other ocean freight forwarders operating at Port Everglades and they were requested to state, not later than March 30, 1967, any objections to granting the application; no objections were raised.

We find that a port-wide exemption is justified in this case because it appears that an adequate supply of forwarding services is not being held out by nonagent licensees.

Therefore, it is ordered, That a port-wide exemption as authorized by § 510.22(a), General Order 4, Amendment 9 is granted for Port Everglades, Fla.

It is further ordered, That this port-wide exemption shall remain in effect until otherwise ordered by the Commission.

It is further ordered, That this order be published in the FEDERAL REGISTER and served on the applicant.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5282; Filed, May 10, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI67-377]

ASHLAND OIL & REFINING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

MAY 3, 1967.

On April 3, 1967, Ashland Oil & Refining Co. (Operator), et al., (Ashland)[1] tendered for filing a proposed change in their rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated March 30, 1967.[2]
Purchaser and producing area: Cities Service Gas Co. (Hugoton Field, Grant, Haskell, and Seward Counties, Kans.).
Rate schedule designation: Supplement No. 13 to Ashland's FPC Gas Rate Schedule No. 111.
Effective date: May 4, 1967.[3]
Amount of annual increase: $960,800.[4]
Effective rate: 13.75 cents per MCF.[5,6]
Proposed rate: 16.7525 cents per MCF.[4,5,7]
Pressure base: 14.65 p.s.i.a.

Ashland request that their proposed rate increase be permitted to become effective as of June 23, 1966, or, if the proposed rate is suspended, that the 5-month suspension period be computed from such date. Ashland proposes that the tax increase portion of the proposed increase be made effective upon expiration of the statutory notice. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Ashland's rate filing and such request is denied.

Ashland submits a redetermined rate increase from 13.75 cents to 16.7525 cents per Mcf, inclusive of a 1.75 cents gathering charge paid by the buyer. The increased rate also includes a 0.0025 cents partial tax reimbursement for the Kansas State Board of Health assessment, which became effective on January 1, 1967. The increase amounts to $960,800

[1] Address is: Post Office Box 18695, Oklahoma City, Okla. 73118.

[2] Includes Agreement dated Nov. 21, 1966, whereby parties submitted the determination of price to arbitration and a letter dated Mar. 29, 1967, from the Arbitrator announcing his decision of 15.0 cents base price for the period June 23, 1966 to June 22, 1971.

[3] The stated effective date is the first day after expiration of the statutory notice.

[4] Includes 0.0025 cent amounting to $800 annually for partial reimbursement of assessment levied by Kansas State Board of Health on Jan. 1, 1967.

[5] Includes 1.75 cents gathering charge paid by buyer. Price also is subject to a downward B.t.u. adjustment.

[6] Rate in effect subject to refund in Docket No. RI61-469.

[7] Redetermined rate increase.

annually. The sale is to Cities Service Gas Co. (Cities) from the Hugoton Field, Grant, Haskell, and Seward Counties, Kans. Ashland's proposed rate exceeds the area increased rate ceiling of 11.0 cents per Mcf as announced in the Commission's statement of general policy No. 61–1, as amended, and should be suspended as hereinafter ordered.

The contract dated March 12, 1948, as amended, provides that the price during the 5-year period beginning June 23, 1966, should be as agreed upon by buyer and seller. The contract further provides that in the event the parties fail to agree upon a price prior to four months before the end of each 5-year pricing period, the determination of such price shall be by arbitration. Ashland and Cities submitted the determination of price for the present 5-year period to arbitration under the terms of a submission agreement dated November 21, 1966, 5 months after the increase became contractually due. Such agreement provided for the 1.75 cents gathering charge paid by Cities to Ashland would be in addition to the price awarded by arbitrator. The arbitrator established a price of 15.0 cents for the 5-year period beginning June 23, 1966, by letter dated March 29, 1967. The contract provides that in the event the price is not determined on or before the contractual effective date, the new price shall be applied retroactively to such date.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 13 to Ashland's FPC Gas Rate Schedule No. 111 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shal be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 13 to Ashland's FPC Gas Rate Schedule No. 111.

(B) Pending such hearing and decision thereon, Supplement No. 13 to Ashland's FPC Gas Rate Schedule No. 111 is hereby suspended and the use thereof deferred until October 5, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 21, 1967.

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–5245; Filed, May 10, 1967; 8:45 a.m.]

[Docket Nos. AR64–1 etc.]

HUGOTON-ANADARKO AND TEXAS GULF COAST AREA RATE PROCEEDINGS

Order Updating Appendixes to the Order Instituting Area Rate Proceedings; Correction

MAY 3, 1967.

Area rate proceeding (Hugoton-Anadarko Area), Docket No. AR64–1, etc.; area rate proceeding (Texas Gulf Coast Area), Docket No. AR64–2, etc., of July 17, 1964.

Appendix D, (Supplement), page 6, under the heading "The following additional rate proceedings etc.":

1. Delete Docket No. RI62–89 (Pan American Petroleum Corp.).

Appendix D, (Supplement), page 6, under the heading "Delete the following section 4(e) proceedings":

1. Insert Docket No. G–19884 (Realitos Oil Co.) in lieu of G–19887.

2. Insert Docket No. G–19889 (Sinclair Oil and Gas Co.) in lieu of G–19887.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–5246; Filed, May 10, 1967; 8:45 a.m.]

[Docket Nos. AR61–2, etc.]

SOUTHERN LOUISIANA AREA RATE PROCEEDING ET AL.

Notice Setting Place, Allotting Time to Participants, and Fixing Order of Presentation for Oral Argument

MAY 2, 1967.

In the order issued by the Commission on January 6, 1967, oral argument in the above entitled proceeding was scheduled to commence at 10 a.m., e.d.s.t., on May 15, 1967 and to conclude on May 16, 1967. The oral argument will take place in the Ceremonial Courtroom, Courtroom No. 20, 6th floor, U.S. Courthouse, Constitution Avenue and John Marshall Place NW., Washington, D.C.

Pursuant to the order, requests for time allotments have been filed. The times allotted to the respective participants and the order of presentation of their ofal arguments will be, as follows:

Amerada Petroleum Corp. et al. (Amerada Group)	3 hours
Associated Gas Distributors	1¾ hours
The California Co	15 minutes
Shell Oil Co	15 minutes
Sun Oil Co	15 minutes
The Superior Oil Co	15 minutes
Bradco Properties, Inc., et al	10 minutes
Hunt Oil Co. et al	20 minutes
F. A. Callery, Inc. and Perry R. Bass (Operator), et al	15 minutes
Pipeline Group	15 minutes
Atlantic Seaboard Corp. et al	10 minutes
Independent Petroleum Association of America	10 minutes
Municipal Gas Distributors	30 minutes
Philadelphia Electric Co	10 minutes
State of Louisiana	10 minutes
New York Public Service Commission	20 minutes
Federal Power Commission Staff	1¾ hours

If any of the parties intend to use visual aids (other than exhibits admitted in evidence in the proceeding) in connection with their oral argument, copies of such materials should be served upon all parties participating in the oral argument on or before May 8, 1967, together with a statement of the sources upon which the materials to be used are based.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–5247; Filed, May 10, 1967; 8:45 a.m.]

[Docket Nos. CS67–26 etc.]

JAMES O. FOX, JR., ET AL.

Findings and Order

MAY 4, 1967.

James O. Fox, Jr. (Operator) et al., Docket No. CS67–26; Barbara B. McCombs et al., Docket No. CS67–56; Bernerd A. Ray (Operator) et al., Docket No. CS67–57.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, canceling FPC gas rate schedules, terminating certificates, and canceling docket designation.

On August 15, 1966, James O. Fox, Jr., filed in Docket No. CS67–26,[1] on March 22, 1967, Barbara B. McCombs filed in Docket No. CS67–56, and on March 22, 1967, Bernerd A. Ray filed in Docket No. CS67–57 applications pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for small producer certificates of public convenience and necessity authorizing the sale for resale and delivery of natural gas from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications.

Applicants are presently authorized to sell natural gas in interstate commerce subject to the jurisdiction of the Commission from the Permian Basin area; therefore, the small producer certificates issued herein shall be effective on the date of this order.

In accordance with the principles set forth in the order issued February 6, 1967, in Rodman & Late, et al., Docket No.

[1] Commissioner Carver not participating.

[1] Additional information supplied by Applicant in Docket No. CS67–26 on Mar. 20, 1967, in the form of a new certificate application was erroneously assigned Docket No. CS67–55 which docket number will be cancelled herein.

CS66–48, et al., Applicants herein pending judicial review of Opinion No. 468, 34 FPC 159, will be permitted to file for above-ceiling rates. However, before collecting an above-ceiling rate each Applicant will be required to file a notice of change in rate, together with any amendments thereto, relating to such sale. Any such notice of change in rate will be subject to suspension pursuant to section 4(e) of the Natural Gas Act.

The certificates heretofore issued to Applicants for sales from the Permian Basin area will be terminated and the related rate schedules will be canceled.

After due notice no petition to intervene, notice of intervention, or protest to the granting of the applications has been received.

At a hearing held on April 27, 1967, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicants are engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and each is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Applicants are independent producers of natural gas who are not affiliated with natural gas pipeline companies and have not made jurisdictional sales during the preceding calendar year exceeding 10,000,000 Mcf of natural gas.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants for sales from the Permian Basin area should be terminated and the related rate schedules should be canceled.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Applicants from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission, and particularly,

(a) The subject certificates shall be applicable only to all future "small producer sales," as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, from the Permian Basin area;

(b) Sales shall not be at rates in excess of those set forth in § 157.40(b)(1) of the regulations under the Natural Gas Act; however, Applicants may file notices of changes in rate for any contractually authorized rates in excess of the ceiling rates, which increased rates shall be subject to suspension pursuant to section 4(e) of the Natural Gas Act and subsequently may be rejected as of the date of filing, as provided by the order granting relief issued February 6, 1967, in Docket No. CS66–48 et al.;

(c) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms and conditions of this order is observed, the small producer certificates will still be effective as to those sales already included thereunder.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The certificates issued herein shall be effective on the date of this order.

(F) The certificates heretofore issued to Applicants for sales from the Permian Basin area are terminated and the related rate schedules are canceled.[1a]

(G) The issuance of a certificate in Docket No. CS67–26 and termination of the certificate heretofore issued in Docket No. G–19414 shall not be construed as to relieve Applicant therein from any refund obligation required by Opinion No. 468 or any subsequent order issued in Docket No. AR61–1, et al.

(H) Docket designation CS67–55 is canceled.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–5248; Filed, May 10, 1967; 8:45 a.m.]

[Docket No. RI67–375]

MOBIL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

MAY 3, 1967.

On April 3, 1967, Mobil Oil Corp. (Mobil)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated March 31, 1967.

Purchaser and producing area: Arkansas Louisiana Gas Co. (South Cement Field, Caddo County, Okla. (Oklahoma "Other" Area)).

Rate schedule designation: Supplement No. 5 to Mobil's FPC Gas Rate Schedule No. 393.

Effective date: May 4, 1967.[2]
Amount of annual increase: $146.
Effective rate: 11.0 cents per Mcf.[3]
Proposed rate: 13.0 cents per Mcf.[3 4]
Pressure base: 14.65 p.s.i.a.

Mobil requests that its proposed rate increase be permitted to become effective on May 2, 1967. Good cause has not

[1a]

Small producer certificate Docket No.	Terminated certificate Docket No.	Canceled FPC gas rate schedule
CS67–26	G–19414	1
CS67–56	G–9074	1
CS67–57	G–7998	1
	CI63–1031	2

[1] Address is: Post Office Box 2444, Houston, Tex. 77001.

[2] The stated effective date is the first day after expiration of the statutory notice.

[3] Subject to a downward B.t.u. adjustment.

[4] Two-step periodic rate increase.

been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Mobil's rate filing and such request is denied.

Mobil's proposed increased rate and charge exceeds the area price level for increased rate in Oklahoma "Other" Area as announced in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 5 to Mobil's FPC Gas Rate Schedule No. 393 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Mobil's FPC Gas Rate Schedule No. 393.

(B) Pending such hearing and decision thereon, Supplement No. 5 to Mobil's FPC Gas Rate Schedule No. 393 is hereby suspended and the use thereof deferred until October 4, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 21, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–5249; Filed, May 10, 1967; 8:46 a.m.]

[Docket No. CP67–309]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 3, 1967.

Take notice that on April 24, 1967, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP67–309 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 9.61 miles of 16-inch loop on the 12-inch line serving the Pensacola area, all in Escambia County, Fla. Applicant states that the facilities described will loop a portion of its facilities now serving the Pensacola, Fla., area and will be used primarily to meet the increasing requirements of its existing customers in the area.

Applicant estimates the total cost of the proposed construction at approximately $850,700, said cost to be financed out of current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 1, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–5250; Filed, May 10, 1967; 8:46 a.m.]

[Docket No. CP67–310]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 3, 1967.

Take notice that on April 24, 1967, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP67–310 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, leasing and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate and lease and operate the following facilities for the sale of natural gas to Louisiana Forest Products Corp. (Forest), East Baton Rouge Parish, La.:

(1) Approximately 6.0 miles of 12-inch pipeline and 4.0 miles of 6-inch pipeline from its Scotland Compressor Station to a point of connection with the 2.75 miles of 6-inch pipeline proposed to be constructed by Forest and leased to Applicant, said line terminating at Forest's plantsite, and,

(2) A sales meter station at said plantsite, all in East Baton Rouge Parish, La.

Applicant also proposes to construct a connection with a check meter station between the 30-inch Napoleonville-Kosciusko Line and the 18-inch Baton Rouge-New Orleans Line at their intersection in Ascension Parish, La.

Applicant estimates the third year requirements of Forest at approximately 3,500,000 Mcf of natural gas.

Applicant estimates the total cost of the proposed facilities at approximately $854,474, said cost to be financed from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 1, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–5251; Filed, May 10, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

BT NEW YORK CORP.

Order Denying Application Under Bank Holding Company Act

In the matter of the application of BT New York Corp., Suffern, N.Y., for approval of acquisition of 80 percent or more of the voting shares of Liberty National Bank and Trust Co., Buffalo, N.Y.

There has come before the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), an application by BT New York Corp., Suffern, N.Y., for the Board's prior approval of the acquisition of 80 percent or more of the outstanding voting shares of Liberty National Bank and Trust Co., Buffalo, N.Y.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval.

As discussed in the Statement accompanying this order, the New York State Banking Board advised this Board of its action, following a recommendation of the New York State Superintendent of Banks, approving an application relating to the same transaction pursuant to the New York Banking Law.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 3, 1966 (31 F.R. 15205), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement [1] of this date, that said application be and hereby is denied.

Dated at Washington, D.C., this 4th day of May 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-5252; Filed, May 10, 1967; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry and Withdrawal From Warehouse for Consumption

MAY 5, 1967.

On March 31, 1967, the U.S. Government in furtherance of the objectives of, and under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) relating to nonparticipants, established restraints on imports of certain cotton textiles and cotton textile products produced or manufactured in Malaysia. The directive from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs concerning this restraint was published in the FEDERAL REGISTER on April 13, 1967 (32 F.R. 5968). The 12-month period of restraint referred to in that directive for Categories 19, parts of 26, part of 31, 34, and 60, was the period beginning on December 28, 1966, and extending through December 27, 1967. The period applicable to those categories should have been stated as that beginning on December 27, 1966, and extending through December 26, 1967.

There is published below a letter from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, amending the directive of March 31, 1967, to provide that the applicable 12-month period for Categories 19, parts of 26, part of 31, 34, and 60 be advanced by 1 day to be that beginning on December 27, 1966, and extending through December 26, 1967. Cotton textiles and cotton textile products in the above categories or parts thereof, produced or manufactured in Malaysia and exported to the United States prior to December 27, 1966, are not subject to the directive of March 31, 1967, as amended.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230,
MAY 8, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: The purpose of this directive is to amend the directive of March 31, 1967, concerning certain cotton textiles and cotton textile products produced or manufactured in Malaysia.

Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and effective as soon as possible, the above directive of March 31, 1967 is amended by changing footnote [3] which concerns Categories 19, 26 (duck only), 31 (T.S.U.S.A. No. 366.2740 only), 34, and 60, to read: "The 12-month period applicable to these categories shall be that beginning on December 27, 1966 and extending through December 26, 1967."

In accordance with this amendment, the reference to December 28, 1966 in the second paragraph of the above directive is amended to read: "December 27, 1966 • • •".

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-5242; Filed, May 10, 1967; 8:45 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER LONG-TERM ARRANGEMENT REGARDING INTERNATIONAL TRADE IN COTTON TEXTILES

Extension of Long-Term Arrangement; Announcement of ITAC Actions and Action of GATT Cotton Textiles Committee

MAY 5, 1967.

The purpose of this notice is to announce certain actions taken by the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, and to announce the agreed extension of that Arrangement. This information is also published in Department of Commerce Press Release G 67-109 of April 28, 1967.

This information supplements that contained in earlier Department of Commerce press releases, the most recent of which was G 67-5 of January 5, 1967.

1. *Extension of LTA.* The GATT Cotton Textiles Committee during a meeting held in Geneva on April 3, 1967, agreed to extend the Long-Term Arrangement on International Trade in Cotton Textiles for a 3-year period beginning October 1, 1967. The Protocol, accomplishing this extension, is expected to be opened for signature in the near future.

2. *Bilateral agreements.—India.* On March 30, 1967 notes were exchanged in New Delhi which continued for the period April 1-30, 1967 existing arrangements under the United States-Indian bilateral cotton textile agreement signed in Washington April 15, 1964, as amended.

Israel. On January 27, 1967 notes were exchanged in Washington constituting a new 4-year comprehensive bilateral agreement between the United States and Israel beginning October 1, 1966. (See Department of State Press Release No. 20 for details.)

Poland. On March 15, 1967 notes were exchanged in Washington constituting a new 3-year comprehensive bilateral cotton textile agreement between the United States and Poland beginning March 1, 1967. (See Department of State Press Release No. 58 for details.)

Portugal. On March 23, 1967 notes were exchanged in Lisbon constituting a new 4-year comprehensive bilateral

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York. Concurring Statement of Governor Mitchell also filed as part of the original document and available upon request.

[2] Voting for this action: Unanimous, with all members present. Governor Sherrill was not a member of the Board on the date of the Board's decision.

cotton textile agreement between the United States and Portugal beginning January 1, 1967. (See Department of State Press Release No. 64 for details.)

3. *Article 3 actions.—Malaysia.* The Commissioner of Customs was instructed on April 1, 1967 to limit imports of cotton textiles in certain categories exported from Malaysia during the period specified in the following levels:

Category	Period covered	Level [1]
45 (dress shirts)	8-30-66 to 8-29-67	57,692 doz.
19 (other cd. printcloth).	12-27-66 to 12-26-67	2,250,000 sq. yds.
26 (duck only)	12-27-66 to 12-26-67	1,500,000 sq. yds.
31 (shop towels only).	12-27-66 to 12-26-67	3,150,000 pcs.
34 (carded bedsheets).	12-27-66 to 12-26-67	266,000 pcs.
60 (pajamas and nightwear).	12-27-66 to 12-26-67	23,400 doz.

[1] Levels shown are net quantities after deduction from the 12-month levels for entries of goods exported from Malaysia from beginning of restraint period to Feb. 1, 1967.

In addition, consultations were requested on February 23, 1967 with the Government of Malaysia under Articles 6(c) and 3 of the LTA over trade in Category 46 (sport shirts), and on March 21, 1967 with regard to Categories 15 (carded poplin and broadcloth), 50 (men's and boys' trousers, slacks, and shorts), and 51 (women's, girls', and infants' trousers, slacks, and shorts).

4. *Bilateral consultations.* Bilateral consultations were continued with Mexico during the period covered by this release and were held with India. The United States is also consulting with Hong Kong about shipments of certain blended fabrics.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 67-5243; Filed, May 10, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2108]

INDUSTRIES EXCHANGE FUND, INC.

Notice of Filing of Application for Order Exempting Transaction Between Affiliated Persons

MAY 5, 1967.

Notice is hereby given that Industries Exchange Fund, Inc. (the "Fund"), 717 Travis Street, Houston, Tex. 77002, a Texas corporation registered as an open-end diversified investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") requesting an order of the Commission exempting from the provisions of section 17(a) the proposed issuance of shares of common stock of the Fund to Clive Runnells ("Runnells") in exchange for 1,032 shares of common stock of Addressograph Multigraph Corp. ("Addressograph") presently owned by him. All interested persons are referred to the application which is on file with the Commission for a statement of applicant's representations, which are summarized below.

Runnells is the president and a director of the Fund and is also a director of Funds, Inc., the investment adviser of the Fund. He is therefore an affiliate of the Fund as well as an affiliated person of an affiliate of the Fund, within the meaning of section 2(a)(3) of the Act. Section 17(a), as here pertinent, makes it unlawful for Runnells to sell the Addressograph stock to the Fund unless the Commission grants an exemption from the provisions of section 17(a) after finding the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the Fund and with the general purposes of the Act.

The Fund is offering its shares in exchange for securities of companies which are either listed in the prospectus or are otherwise acceptable to the Fund. In the opinion of counsel the exchange will be tax-free to depositors and accordingly is intended principally for the benefit of stockholders with a low tax basis in the securities to be transferred to the Fund. The minimum acceptable deposit consists of securities with an aggregate market value of at least $10,000 on the date of the deposit. Depositors will receive one share of common stock of the Fund for each $20 market value of securities deposited, valued as of the close of business on the day preceding the exchange date, after deducting an exchange fee. The exchange will be consummated only if the aggregate market value of the securities on deposit is $10 million or more at the exchange date.

Pursuant to the prospectus, Runnells has deposited with the Custodian 1,032 shares of common stock of Addressograph with a current market value of approximately $51,600 and a Federal tax basis of $6,646. The common stock of Addressograph is actively traded on the New York Stock Exchange.

Subject to the right of Runnells to withdraw the deposit in whole or in part and of the Fund to reject such shares in whole or in part before the exchange date, the Fund proposes to accept the deposit upon consummation of the exchange and to issue to Runnells in exchange therefor shares of the common stock of the Fund on the basis set forth in the prospectus.

Notice is further given that any interested person may, not later than May 19, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-5278; Filed, May 10, 1967; 8:48 a.m.]

[File Nos. 24B-1452, 24B-1403]

M. M. HUBBARD ASSOCIATES, INC.

Order Temporarily Suspending Exemptions, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 4, 1967.

I. M. M. Hubbard Associates, Inc., 151 Franklin Street, Newton, Mass., a Massachusetts corporation located at 151 Franklin Street, Newton, Mass., filed with the Commission on April 16, 1965, a notification and offering circular relating to a proposed offering of 500 shares of its $1 par value common stock at $600 a share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder. In a Form 2-A report filed on June 9, 1966, dated June 1, 1966, issuer stated that 400 shares had been sold for $240,000 and that since the company did not need the additional capital, the 100 unsold shares would be withdrawn. On March 16, 1967, issuer filed a second notification and offering circular relating to a proposed offering of an undetermined number of shares of its newly capitalized 10 cents par value common stock for an undesignated price per share for an aggregate offering not to exceed $120,000. Under each notification the securities were to be offered and sold by the officers and directors of the company without compensation.

On the basis of information reported to it by its staff, the Commission has reason to believe that:

A. The offering circular, in the first notification, dated November 10, 1965, and the offering circular filed on March 16, 1967, in the second notification, omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they

were made, not misleading in the following respects:

1. The failure to disclose the fact that the basic principle to be utilized by the issuer in constructing its proposed color television receiver, i.e., three separate cathode ray tubes, one for each primary color, is not new or novel.

2. The failure to disclose that while such principle was utilized in color television receivers many years ago (in the 1950's), it was superseded by the currently used single tube employing three electronic "guns".

3. The failure to disclose the technical and economic reasons why the color television receiver currently used superseded the three-tube principle formerly used.

B. The offering circular filed March 16, 1967, omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in the following respects:

1. The failure to disclose accurately and adequately the stage of development of the initial prototype and to disclose accurately and adequately the development problems being encountered on the prototype as well as any steps being taken to overcome such problems.

2. The failure to disclose accurately and adequately who will do the actual development work on the prototype.

3. The failure to disclose accurately and adequately that the company has no plant or facilities other than the residence of Mr. Hubbard.

4. The failure to disclose accurately and adequately that the actual work on the prototype has been subcontracted.

5. The failure to disclose the identities of those persons who may be deemed promoters and affiliates within the meaning of Rule 251 and any benefits to be derived by such persons as a result of the issuer's development of a prototype receiver.

6. The failure to disclose accurately and adequately the uses to be made of the proceeds of the offering.

7. The failure to disclose the substance of the information reflected in the foregoing items in an introductory statement in the offering circular which would accurately and adequately inform investors of the risks involved in the purchase of the issuer's securities.

C. Item 2(b) of the notifications omit to state material facts by failing to indicate those persons who may be deemed affiliates within the meaning of Rule 251.

D. The use of the definitive offering circular filed with the first notification has operated, and the use of the offering circular filed with the second notification would operate, as a fraud and deceit upon the purchasers of the issuer's securities in violation of section 17(a) of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemptions of the issuer under the subject Regulation A notifications be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the issuer's exemptions under the subject notifications be, and they hereby are, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5279; Filed, May 10, 1967; 8:48 a.m.]

NYLO-THANE PLASTICS CORP.

Order Suspending Trading

MAY 5, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nylo-Thane Plastics Corp., Farmingdale, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 8, 1967, through May 17, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5280; Filed, May 10, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1060]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 5, 1967.

The following applications are governed by Special Rule 1.247 [1] of the Commission's General Rules of Practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 629 (Sub-25), filed ——— 24, 1967. Applicant: HELM'S EXPRESS, INC., Post Office Box 268, Pittsburgh, Pa. 15230. Applicant's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors and neutral spirits*, in bulk, in tank vehicles and in containers, from New York, N.Y., Baltimore, Md., Philadelphia, Pa., Boston, Mass., and Elizabeth, N.J., to Lawrenceburg, Ind., Alladin, Pa., and Cincinnati, Ohio. Note: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 1641 (Sub-No. 77), filed April 24, 1967. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. 68327. Applicant's representative: R. B. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, acids and chemicals, petroleum oil* (used in fungicides, herbicides, or pesticides), including but not restricted to, anhydrous ammonia, fertilizer solutions, insecticides, fungicides, aqua ammonia, methanol, urea, and urea products, in bulk from the Gulf Oil Corp.'s River Terminal at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. Note: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 1936 (Sub-No. 25), filed April 21, 1967. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Ellwood City, Pa., as an off-route point in connection with applicant's regular route operations between Pittsburgh, Pa., and Mansfield, Ohio. Note: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 2202 (Sub-No. 315), filed April 25, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, also Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between junction U.S. Highway 23 and Ohio Highway 199 near Fostoria, Ohio, and junction U.S. Highway 20 and Ohio Highway 199; from junction U.S. Highway 23 and Ohio Highway 199 over Ohio Highway 199 to junction U.S. Highway 20 and return over the same route as an alternate route for operating convenience only, serving no intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2202 (Sub-No. 316), filed April 25, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Mass. Avenue NW., Washington, D.C., and Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between junction U.S. Highways 11 and 211 and Warrenton, Va., over U.S. Highway 211, serving no intermediate points, as an alternate route, and serving Warrenton for purpose of joinder only. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2392 (Sub-No. 59), filed April 25, 1967. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, 7722 F Street, Omaha, Nebr. 68114. Applicant's representative: Leonard A. Jaskiewicz, Madison Building, 1155 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials; acids and chemicals; petroleum oil (used in fungicides, herbicides, or pesticides); including but not restricted to, anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products*, in bulk, from the Gulf Oil Corp.'s River Terminal at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 10761 (Sub-No. 207) (Correction), filed March 7, 1967, published in the Federal Register issues of March 23, 1967, and April 27, 1967, corrected and republished as corrected, this issue. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representatives: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004, and L. G. Naidow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving the plant site of Art Metal, Inc., located in the Town of Busti, Chautauqua County, N.Y., as an off-route point in connection with present authority in MC 10761 (Sub-No. 1). Note: The purpose of this republication is to delete the tacking information. If a hearing is deemed necessary, applicant requests it be held at Jamestown or Buffalo, N.Y.

No. MC 18088 (Sub-No. 45), filed April 24, 1967. Applicant: FLOYD AND BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the plant site of Moore-Handley, Inc., located at or near Pelham, Ala., on the one hand, and, on the other, points in Alabama, Tennessee, Kentucky, North Carolina, South Carolina, Georgia, and Florida, restricted against tacking with any other authority held by applicant. Note: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 19622 (Sub-No. 5), filed April 20, 1967. Applicant: A. FOURNIER'S EXPRESS, INC., 466 West Spring Street, Windsor Locks, Conn. 06096. Applicant's representative: Arthur M. Marshall & David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Bradley International Airport, Windsor Locks, Conn., LaGuardia and John F. Kennedy International Airports, New York, N.Y., and Newark Airport, Newark, N.J., on the one hand, and, on the other, (a) points in that part of Connecticut north and west of a line beginning at Ocean Beach, thence in an easterly direction along the Connecticut shore to the southernmost point of the Pawacatuck River at the Connecticut-Rhode Island State line, thence in a northerly direction along the Connecticut-Rhode Island State line to the junction with Connecticut Highway 165 at or near Beach Pond, (b) Points in that part of Massachusetts on and west of U.S. Highway 202, excluding points in Connecticut and Massachusetts within 50 miles of Windsor Locks, Conn., in connection with (a) and (b) above; (2) between Bradley International Airport, Windsor Locks, Conn., on the one hand, and, on the other, Logan International Airport, Boston, Mass. Restriction: The service sought hereinabove is restricted to the transportation of shipments having an immediately prior or subsequent movement by air. Note: If a hearing is

deemed necessary, applicant requests it be held at Springfield, Mass., or Hartford, Conn.

No. MC 21170 (Sub-No. 254), filed April 21, 1967. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, except hides and liquid commoditites in bulk, from Beardstown, Ill., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, restricted to traffic originating at the plantsite and storage facilities utilized by Oscar Mayer & Co., at or near Beardstown, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 22195 (Sub-No. 128), filed April 24, 1967. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer material*, (2) *acids and chemicals*, and (3) *petroleum oil* (used in fungicides, herbicides or pesticides); including but not restricted to, anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products, from the plantsite and storage facilities of Gulf Oil Corp. located at or near Blair, Nebr., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 23976 (Sub-No. 20), filed April 24, 1967. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., 5940 North Basin Avenue, Portland, Oreg. 97217. Applicant's representative: John G. McLaughlin, 624 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Firefighting equipment and supplies*, between points in Deschutes County, Oreg., on the one hand, and, on the other, points in Washington, Oregon, Idaho, and those in and north of Lassen, Shasta, Trinity, and Humboldt Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 25798 (Sub-No. 149), filed April 20, 1947. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen nutria meat*, from points in Louisiana to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri Nebraska, Oklahoma, North Dakota, South Dakota, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Tampa, Fla.

No. MC 29566 (Sub-No. 126), filed April 24, 1967. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite of the Oscar Mayer & Co., Inc., located at Beardstown, Ill., to points in Iowa, Kansas, Nebraska, and Missouri (except those points in Missouri presently authorized in applicants certificate MC 29566), restricted to shipments originating at said plantsite and destined to points in the States named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 29886 (Sub-No. 233), filed April 17, 1967. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles* (except passenger automobiles), and *chassis*, in initial and secondary movements, in driveaway service, and (2) *bodies, cabs, and parts thereof, and accessories*, for such vehicles when moving in connection therewith, (a) from ports of entry on the international boundary line between Canada and the United States in Maine, New Hampshire, Vermont, New York, Michigan, Minnesota, North Dakota, Montana, Idaho, and Washington, to points in the United States (except Alaska and Hawaii), and (b) from ports of entry on the international boundary line between Canada and the United States in Alaska to points in Alaska, restricted in all instances to the transportation of traffic moving from Canadian plantsites of Pacific Car & Foundry Co., or its subsidiaries and divisions including Peterbilt Motors Co., and Sicard, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., Seattle, Wash., or Washington, D.C.

No. MC 42487 (Sub-No. 671), filed April 24, 1967. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Vernon S. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning compound, liquid*, in bulk, in tank vehicles, from Long Beach, Calif., to Toledo, Ohio, and (2) *xylenol*, in bulk, in tank vehicles, from Santa Fe Springs, Calif., to Toledo, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 42487 (Sub-No. 672), filed April 24, 1967. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Vernon S. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalts; that is, paving, liquid, emulsified, and industrial, and residual fuels*, in bulk, in tank vehicles, from points in Jackson County, Oreg., to points in Modoc, Siskiyou, Del Norte, Humboldt, Trinity, and Shasta Counties, Calif., and *contaminated or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Portland, Oreg.

No. MC 42537 (Sub-No. 40), filed April 24, 1967. Applicant: CASSENS TRANSPORT COMPANY, a corporation, Post Office Box 468, Edwardsville, Ill. 62025, also 1 West State Street, Hamel, Ill. 62046. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks and busses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except trailers) in secondary movements in truckaway service, when such vehicles have originated at Chrysler Corp. plants and have a prior movement by rail or motor carrier, from Venice, Ill., to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or St. Louis, Mo.

No. MC 52460 (Sub-No. 86), filed April 27, 1967. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, Okla. 74107. Applicant's representative: Louis I. Dailey, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Beaumont, Tex., to points in Louisiana, restricted to traffic originating at the plantsite and facilities of Mobile Oil Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Oklahoma City or Tulsa, Okla.

No. MC 52917 (Sub-No. 59), filed April 17, 1967. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore, Md. 21217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, and *related advertising matter, display racks, and premiums*, from Philadelphia, Pa., to Washington, D.C., and Baltimore and Beltsville, Md. NOTE: Applicant states it intends to tack the proposed authority at Baltimore, Md., or Washington, D.C., with other presently

held authorized authority serving points in Maryland, New York, Pennsylvania, Virginia, Delaware, New Jersey, West Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., Washington, D.C., or Baltimore, Md.

No. MC 73165 (Sub-No. 234) (Amendment), filed April 17, 1967, published in the FEDERAL REGISTER issue of May 4, 1967, amended and republished as amended, this issue. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, stoppers, and tops for glass containers*, between New Orleans, La., and points in Alabama, Arkansas, Florida, Georgia, Mississippi, Tennessee, and Texas. NOTE: The purpose of this republication is to broaden the authority sought by changing the route description. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 84993 (Sub-No. 4), filed April 26, 1967. Applicant: PERILLO'S EXPRESS, INC., 33 Marion Avenue, New Providence, N.J. 07974. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ingredients*, used in the manufacture and coloring of plastic granules, in containers, and (2) *supplies*, used in the manufacture and coloring of plastic granules between New Castle, Del., and Berkeley Heights, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 87720 (Sub-No. 63), filed April 20, 1967. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl resins*, in bulk, in stainless steel vehicles and in bags, from Pottstown, Pa., to points in Hamilton Township, N.J. NOTE: Applicant states that the above proposed operations are restricted to services to be performed under contract with American Biltrite Rubber Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 177), filed April 24, 1967. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Poweshiek County, Iowa, Marathon County, Wis., and Vance County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 697), filed April 17, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Jewell County, Kans., to points in Alabama, Arizona, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee (except Memphis), Utah, Vermont, Virginia, Washington, and West Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Omaha, Nebr., Chicago, Ill., or Washington, D.C.

No. MC 95612 (Sub-No. 6), filed April 24, 1967. Applicant: M. W. LEAHY CO., INC., Littleton, Mass. 01460. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete products*, from Littleton, Mass., to points in Connecticut and New York, under a continuing contract with San-Vel Concrete Corp., Littleton, Mass. NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 100666 (Sub-No. 98), filed April 24, 1967. Applicant: MELTON TRUCK LINES, INC., Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and material* used in the installation of fencing, from Houston, Tex., to points in Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Missouri, Kansas, Nebraska, Colorado, New Mexico, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 100666 (Sub-No. 99), filed April 20, 1967. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber*, from Pineland, Tex., to points in Oklahoma, Kansas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, Kentucky, North Carolina, South Carolina, Illinois, and Indiana. NOTE: Applicant states no evidence will be introduced to show need for tacking. However, it does not desire to be restricted against tacking. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., Dallas, Tex., or Oklahoma City, Okla.

No. MC 102616 (Sub-No. 817), filed April 20, 1967. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17405. Applicant's representative: Samuel E. Smith (same adddress as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid toluene di isocyanate*, in bulk, in tank vehicles, from Moundsville, W. Va., and points within 5 miles thereof, to points in Connecticut and Massachusetts, restricted to traffic originating at the origin point named and destined to the territory named herein. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 102616 (Sub-No. 818), filed April 20, 1967. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17405. Applicant's representative: Samuel E. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Falling Rock, W. Va., to Hopewell, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103654 (Sub-No. 127), filed April 19, 1967. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street., St. Paul 16, Minn. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Savage, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, Upper Peninsula of Michigan, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103993 (Sub-No. 277), filed April 27, 1967. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46515. Applicant's representative: John E. Lesow, 3737 North Meridian Avenue, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable grain dryers*, transported on their own wheeled undercarriages, equipped with a hitchball connector, from points in Ford County, Ill., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106674 (Sub-No. 61), filed April 21, 1967. Applicant: SCHILLI MOTOR LINES, INC., 230 St. Clair Avenue, East St. Louis, Ill. 62201. Applicant's

representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sugar* in packages, and (2) *sugar* in packages in mixed shipments with packaged food items including *condiments, dressings, spices, or sauces*, used in seasoning or flavoring from Evansville, Ind., and Louisville, Ky., to (a) points in Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, Jefferson, St. Francois, Ste. Genevieve, Madison, Perry, Cape Girardeau, Bollinger, Wayne, Butler, Stoddard, Scott, and New Madrid Counties, Mo., and St. Louis, Mo., (b) points in and south of Adams, Brown, Schuyler, Fulton, Peoria, Woodford, Livingston, Ford, and Iroquois Counties, Ill., (c) points in and south of Newton, Jasper, White, Cass, Miami, Wabash, Huntington, and Allen Counties, Ind., (d) points in, south and west of Van Wert, Allen, Hardin, Logan, Champaign, Clark, Greene, Clinton, Highland, and Brown Counties, Ohio, and (e) points in and west of Mason, Fleming, Bath, Clark, Madison, Rockcastle, Laurel, Clay, Knox, and Whitley Counties, Ky. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 106760 (Sub-No. 75) (Correction), filed April 11, 1967, published in the FEDERAL REGISTER issue of April 27, 1967, corrected and republished as corrected, this issue. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43614. Applicant's representative: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building components, pipe or duct and fittings unihousing panels, and pipe or duct and fittings and insulating material combined; building sheet metal work, iron or steel baseboard radiation units, radiators or vents, pipes or tubing with metal fins, hardware, doors, aluminum moulding, cabinet or shelves, air cleaners or coolers and humidifiers, and wall facings*, from Holland, and Westerville, Ohio, to points in New York, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Texas, Oklahoma, Kansas, Nebraska, Colorado, and New Mexico. NOTE: The purpose of this republication is to add the name of the applicant's representative. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 107012 (Sub-No. 68), filed April 24, 1967. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New industrial, institutional, technical, and laboratory furniture*, uncrated, from Crystal Springs, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 717), filed April 21, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, dry, from the plantsite of Colonial Sand and Stone Co., Inc., located at or near Newark, N.J., to New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 718), filed April 24, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasticizers*, in bulk, in tank vehicles, from the plantsites of the Allied Chemical Corp. at or near Toledo, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 532) (Amendment), filed February 20, 1967, published FEDERAL REGISTER issue of March 9, 1967, amended April 25, 1967 and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and acids*, from Port Edwards, Wis., and points within 5 miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Ohio, and Wisconsin. NOTE: Applicant states it intends to tack at Tri-City Regional Port Complex, Madison County, Ill., with its presently held authority in MC 107496, Sub 340, wherein it is authorized to conduct operations in Arkansas. Common control may be involved. NOTE: The purpose of this republication is to add "and points within 5 miles thereof" to the origin point of Port Edwards, Wis. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 107515 (Sub-No. 569), filed April 24, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Little Rock, Ark., to points in Alabama, Georgia, Florida, Louisiana, Mississippi, Kentucky, Tennessee, North Carolina, and South Carolina. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 107515 (Sub-No. 570), filed April 24, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Quincy, Ill., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee, NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 108068 (Sub-No. 62), filed April 26, 1967. Applicant: U.S.A.C. TRANSPORT, INC., 25200 West Six Mile Road, Detroit, Mich. 48240. Applicant's representative: Anthony N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require the use of special equipment or special handling, and *related parts, equipment, materials, and supplies*, when their transportation is incidental to the transportation of commodities which because of size or weight, require special handling or the use of special equipment, between points in Washington, Oregon, California, Idaho, Utah, Nevada, Wyoming, and Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., and Portland, Oreg.

No. MC 108207 (Sub-No. 220), filed April 25, 1967. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, frozen, from Parchman, Miss., to Berkeley, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or San Francisco, Calif.

No. MC 109435 (Sub-No. 46), filed April 24, 1967. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., 116 North Allied Road, Post Office Drawer J, Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plantsite of Oklahoma Cement Co. at or near Pryor, Okla., to points in Texas. NOTE: If a hearing is

deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 109632 (Sub-No. 24), filed April 24, 1967. Applicant: LOPEZ TRUCKING, INC., 131 Linden Street, Waltham, Mass. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections and when transported in connection with such buildings, *component parts thereof, and equipment and materials*, incidental to the erection and completion of such buildings, from Dedham and Boston, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, Ohio, and Michigan. NOTE: Applicant states that tacking could take place in the Boston area, wherein applicant presently holds authority to transport building materials between points in the Boston area and points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, portions of New York, Pennsylvania, Delaware, Maryland, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 110420 (Sub-No. 542), filed April 24, 1967. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Perlite*, in bulk, from Chicago, Ill., to points in Illinois, Iowa, Indiana, Michigan, Ohio, and Wisconsin; and (2) *perlite and vermiculite*, in bulk, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Minnesota, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 111069 (Sub-No. 44), filed April 20, 1967. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131, also State Highway 131, Clarksville, Ind. Applicant's representative: Rudy Yessin, Post Office Box 457, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, prepared foods* in vehicles equipped with mechanical refrigeration, from the plantsite of the Davis-Cleaver Co., at Quincy, Ill., to points in Indiana, Ohio, Georgia, and Florida, under contract with Stouffer Foods Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 111936 (Sub-No. 11), filed April 20, 1967. Applicant: MURROW'S TRANSFER, INCORPORATED, 708 West Fairfield Road, Post Office Box 4095, High Point, N.C. 27263. Applicant's representative: H. R. Gillespie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Tell City and Huntingburg, Ind., and Owensboro, Ky., to points in Tennessee, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tell City, Ind., Owensboro or Louisville, Ky.

No. 112014 (Sub-No. 7), filed April 17, 1967. Applicant: SKAGIT VALLEY TRUCKING CO., INC., Post Office Box 400, Mount Vernon, Wash. Applicant's representative: Dick E. Jones, 1765 6th Avenue South, Seattle, Wash. 98134. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (1) between Mount Vernon, Bellingham, and Blaine, Wash., over Interstate Highway 5, serving all intermediate points, and the off-route points of Ferndale and Neptune Beach, Wash., on Washington Highway 540, and (2) between Bellingham and Lynden, Wash., over U.S. Highway 99A, serving all intermediate points. NOTE: Applicant states the authority sought herein is restricted against transportation in foreign commerce through the port of entry located at Blaine, Wash. If a hearing is deemed necessary, applicant requests it be held at Bellingham, Mount Vernon or Seattle, Wash.

No. MC 112113 (Sub-No. 9), filed April 24, 1967. Applicant: GYPSUM HAULAGE, INC., 2301 South Newkirk Street, Baltimore, Md. 21224. Applicant's representative: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, articles of unusual value, household goods, as defined by the Commission, and liquid commodities in bulk), between points in the United States located in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, restricted to transportation to and from the plants and distribution facilities of, and under continuing contract or contracts with, the National Gypsum Co. of Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 112925 (Sub-No. 1), filed April 25, 1967. Applicant: RALPH A SKELTON, doing business as SKELTON DELIVERY & TRUCKING CO.. 371 McGuire Place, Perth Amboy, N.J. 08862. Applicant's representative: Maxwell A. Howell, 1511 K Street NW., Suite 1120, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores and mail-order houses, from Maywood and Elizabeth, N.J., to points in Richmond County (Staten Island), N.Y., and *returned commodities* on return, under contract with Sears Roebuck & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 113106 (Sub-No. 24), filed April 21, 1967. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, Md. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Urea (feed grade)* in bags, when moving in mixed shipments of *urea (fertilizer grade)* in bags, from North Claymont, Del., to points in Pennsylvania; (2) *urea*, in bags, from North Claymont, Del., to points in New York, and (3) *urea*, in bags, from North Claymont, Del., to points in Pennsylvania (except that service at points in Pennsylvania will be limited to shipments partially unloaded with the remainder destined to points in New York). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 135), filed April 24, 1967. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., located at Beardstown, Ill., to points in Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia, restricted to traffic originating at the described plantsite and destined to points in the States named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113622 (Sub-No. 9), filed April 21, 1967. Applicant: SAMPSON HAULING CORP., Pavilion, N.Y. Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Front end loaders (tractor shovels) and parts and components thereof*, from Batavia, N.Y., to points in the Buffalo, N.Y., commercial zone as defined by the Commission, and with local operations in said commercial zone under the exemption provided by section 203(b)(8) of the Interstate Commerce Act. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 113624 (Sub-No. 36), filed April 24, 1967. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials; acids and chemicals; petroleum oil (used in fungicides, herbicides or pesticides); including but not restricted to, anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products;* in bulk, from the Gulf Oil Corp.'s River Terminal, at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. NOTE: Applicant states there is tacking possibility in connection with Subs 17 and 24 at Cheyenne, Wyo., in order to serve points in Wisconsin and Indiana. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Chicago, Ill., or Denver, Colo.

No. MC 113646 (Sub-No. 6), filed April 24, 1967. Applicant: JEFFERSON TRUCKING COMPANY, a corporation, Box 17, National City, Mich. 48748. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except A and B explosives, articles of unusual value, household goods as defined by the Commission and liquid commodities in bulk, between points in the United States located in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana. NOTE: Applicant states that the above proposed operations will be restricted to transportation to and from the plants and distribution facilities of, and under a continuing contract with the National Gypsum Co., Buffalo, N.Y. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Detroit, Mich., Chicago, Ill., or Buffalo, N.Y.

No. MC 114045 (Sub-No. 274) (Amendment), filed April 13, 1967, published in the FEDERAL REGISTER issues of April 27, 1967, and May 4, 1967, amended May 1, 1967, and republished as amended this issue. Applicant: TRANS-COLD EXPRESS, INC., Finley and Belt Line Road 75240, Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen carnivorous animal feedstuffs*, unfit for human consumption (except in bulk in tank vehicles), from points in Alabama, Georgia, Mississippi, Tennessee, North Carolina, South Carolina, Tampa, and Alachua, Fla., to Golden Meadow, and New Orleans, La. NOTE: The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114106 (Sub-No. 54), filed April 20, 1967. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, Post Office Box 573, Lexington, N.C. 27992. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry polyvinyl alcohol*, in bulk, from Charleston and North Charleston, S.C., to points in Alabama, Georgia, North Carolina, South Carolina, and Virginia. NOTE: Applicant holds contract carrier authority in MC 115176 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbia, S.C.

No. MC 114239 (Sub-No. 19), filed April 24, 1967. Applicant: FARRIS TRUCK LINE, a corporation, Faucett, Mo. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials* in bulk, in bags and/or in mixed shipments of bulk and bags, and (2) *pesticides and herbicides* in containers, between the plantsite of W. R. Grace & Co., at or near Atlas, Mo., on the one hand, and, on the other, points in Oklahoma, Kansas, Texas, Nebraska, Iowa, Arkansas, Kentucky, Tennessee, and Illinois, under contract with W. R. Grace & Co. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114301 (Sub-No. 47), filed April 21, 1967. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea (fertilizer grade)*, in bags, and in bulk, and in tank or hopper type vehicles, when moving in mixed shipments with urea (feed grade), from North Claymont, Del., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114334 (Sub-No. 8), filed April 21, 1967. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3265 Tulane Road, Memphis, Tenn. Applicant's representative: Dale Woodall, Suite 900, Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between Alton, Ill., and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone on the one hand, and, on the other, points in Tennessee, Mississippi, Alabama, Georgia, Louisiana, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114364 (Sub-No. 138), filed April 24, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Colorado and New Mexico to points in Arkansas and Missouri. NOTE: Applicant indicates tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 115162 (Sub-No. 146), filed April 27, 1967. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Suite 2025–2028, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, from Pensacola, Fla., to points in Mississippi and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pensacola, Fla., Mobile or Birmingham, Ala.

No. MC 115669 (Sub-No. 73), filed April 26, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, acids, chemicals, and petroleum oil* (used in fungicides, herbicides, or pesticides), including but not restricted to, anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products, in bulk, from the Gulf Oil Corp.'s River Terminal, located at or near Blair, Nebr., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115841 (Sub-No. 308), filed April 24, 1967. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from points in Georgia and South Carolina, to Allentown, Pa., and Boston, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 116273 (Sub-No. 92), filed April 21, 1967. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk,

in tank vehicles, from Muskegon, Mich., and points within 5 miles thereof, to points in Iowa, Missouri, Kansas, Nebraska, and Minnesota, except St. Paul. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 117765 (Sub-No. 60), filed April 21, 1967. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern Street, Oklahoma City, Okla. 73111. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, and materials and supplies* used for installation thereof, from the plantsite of the U.S. Gypsum Co. at Southard, Okla., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118989 (Sub-No. 13), filed April 27, 1967. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53221. Applicant's representative: Richard H. Heilprin, Post Office Box 941, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and incidental parts*, between Ligonier, Ind., on the one hand, and, on the other, points in Illinois. NOTE: Applicant states that he could tack at any common point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119493 (Sub-No. 32), filed April 27, 1967. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials, urea, and pesticides*, between points in Akansas, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, and (2) *building roofing and insulation materials, cement and asbestos products*, from points in Illinois and Missouri, to points in Arkansas, Oklahoma, Kansas, Missouri, and Kentucky, on and west of Highway 31E. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119908 (Sub-No. 3), filed April 19, 1967. Applicant: WESTERN LINES, INC., Post Office Box 1145, 3523 N. McCarthy, Houston, Tex. 77001. Applicant's representative: Clarence D. Todd, 1825 Jefferson Place, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel articles and such materials as are used or useful on highway construction projects* (except cement, rock, sand, and gravel), from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Arkansas, Louisiana, Oklahoma, New Mexico, and Texas. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 110814, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it to be held at Houston or Dallas, Tex.

No. MC 121186 (Sub-No. 2), filed April 19, 1967. Applicant: NEPECO CORPORATION, Post Office Box 68, Byron, Wyo. 82435. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crude oil*, between points within the counties of Park, Hot Springs, Fremont, Big Horn, and Washakie, Wyo., and (2) *machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, productions, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, except in connection with main pipelines, between points within the counties of Park, Hot Springs, Fremont, Big Horn, and Washakie, Wyo., and from and to points within said counties to and from points in the State of Wyoming, all shipments either to originate or terminate within said counties. NOTE: Applicant states the purpose of this application is to convert its Certificate of Registration under MC-121186 Sub-1, to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Cheyenne or Casper, Wyo.

No. MC 123639 (Sub-No. 100), filed April 24, 1967. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities, in bulk, in tank vehicles), from the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans., to points in Colorado, Illinois, Indiana, Iowa, Michigan, Nebraska, Nevada, Ohio, Utah, and Wisconsin, restricted to the transportation of traffic originating at the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Denver, Colo.

No. MC 123789 (Sub-No. 3), filed April 20, 1967. Applicant: G. T. McGOVERN TRUCKING CO., INC., 1000 Dean Street, Brooklyn, N.Y. 11238. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chinaware, glassware, flatware, and woodenware*, between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, the shipper's warehouse located at South Hackensack, N.J., under contract with Noritake Co., Inc., New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 124004 (Sub-No. 9), filed April 24, 1967. Applicant: RICHARD DAHN, INC., West Mountain Road, Sparta, N.J. 07871. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump vehicles, from points in Nassau and Suffolk Counties, N.Y., to points in Fairfield, New Haven, Middlesex, Hartford, and Litchfield Counties, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 124111 (Sub-No. 14), filed April 20, 1967. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, Ohio 44870. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, cocoanut oil, vegetable oil, vegetable oil fatty acids, cooking oil, shortening, stearine, stearate, mayonnaise, and related advertising matter* when moving in mixed shipments with the specified commodities (except commodities in bulk in tank vehicles), from Columbus, Ohio, to points in Michigan, New York, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, New Jersey, Maryland, Massachusetts, Connecticut, Maine, Delaware, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 124692 (Sub-No. 34), filed April 17, 1967. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Granite City, Ill., and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, to points to Iowa, Minnesota, North Dakota, South Dakota, Montana, Wyoming, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 124796 (Sub-No. 30), filed April 27, 1967. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson, Los Angeles, Calif. 90022. Applicant's representative: J. Max

Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buffing, polishing, cleaning, scouring and washing compounds; solvents, starch, sponges, and advertising materials* moving with the described commodities, from (a) points in Los Angeles County and Emeryville, Calif., to points in Texas, Louisiana, and Mississippi and *empty containers* on return, and (b) Dallas, Tex., to points in Louisiana and Mississippi, restricted to transit traffic having a prior movement from points in Los Angeles County or Emeryville, Calif.; (2) *buffing, polishing, cleaning, scouring and washing compounds; solvents, starch, germicides, sponges and toilet preparations; and advertising materials* moving with the described commodities, from (a) Chicago and Carpentersville, Ill., to points in Georgia, Alabama, and Mississippi, and *empty containers* on return (b) Atlanta, Ga., to points in Alabama and Mississippi, restricted to transit traffic having a prior movement from Chicago or Carpentersville, Ill.; (3) return of *outdated, refused, or rejected shipments* of the commodities described in part (1) from points in Texas, Louisiana and Mississippi to points in Los Angeles County and Emeryville, Calif., and of the commodities described in part (2) from points in Georgia, Alabama, Mississippi, California, Oregon, Washington, Arizona, Idaho, Nevada, New Mexico, and Utah to Chicago, and Carpentersville, Ill., under contract with Alberto Culver Co., Melrose Park, Ill. NOTE: Applicant states it presently holds authority to handle all the commodities described in part (2) from Chicago and Carpentersville, Ill., to points in California, Oregon, Washington, Arizona, Idaho, Nevada, New Mexico, and Utah. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125533 (Sub-No. 5), filed April 17, 1967. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, Ohio 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit, pipe and attachments, parts, and fittings* thereof, from the plantsite of the Orangeburg Manufacturing Co., division of the Flintkote Co., in Rootstown Township, Portage County, Ohio, to points in North Carolina and South Carolina. NOTE: Applicant holds contract authority in MC-102982 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 125708 (Sub-No. 73), filed April 20, 1967. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving and roofing materials*, from points in Illinois and the St. Louis, Mo., commercial zone, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Washington, D.C.

No. MC 126276 (Sub-No. 6), filed April 24, 1967. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. Applicant's representative: Robert H. Levey, 29 South La Salle, Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caps and tops for bottles and jars and glass containers*, (1) from the plantsite of Ball Bros. Co., Inc., at or near Leithton, Ill., to points in Iowa, Nebraska, Missouri, Kansas, Oklahoma, and *empty pallets* on return and (2) from the plantsite of Ball Bros. Co., Inc., at Okmulgee, Okla., to points in Arkansas, Texas, Iowa, Nebraska, Kansas, and Missouri, and *empty pallets* on return, under contract with Ball Bros. Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127211 (Sub-No. 2), filed April 18, 1967. Applicant: UNITED MOVING AND STORAGE, INC., OF DAYTON, 1728 Troy Street, Dayton, Ohio 45404. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Allen, Auglaize, Adams, Brown, Butler, Clermont, Champaign, Clinton, Clark, Darke, Fayette, Greene, Hamilton, Hardin, Highland, Logan, Montgomery, Madison, Miami, Mercer, Marion, Pike, Preble, Pickaway, Ross, Shelby, Scioto, Union, Van Wert, and Warren Counties, Ohio, restricted to (1) shipments moving on through bills of lading for a forwarder operating under section 402 (b)(2) exemption, (2) to shipments having an immediately prior or subsequent line-haul movement by rail, motor, water, or air, and, (3) to providing a local service for a forwarder of used household goods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 128389 (Sub-No. 3), filed April 21, 1967. Applicant: DOUGLAS R. LEWIS, JR., doing business as LEWIS TRANSPORTATION CO., Stone Road, Sudbury, Mass. Applicant's representative: George C. O'Brien, 33 Broad Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Expanded shale*, in bulk, in dump vehicles, from Plainville, Mass., to points in New Jersey and New York, under contract with Masslite, Inc., Plainville, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 128815 (Sub-No. 2), filed April 21, 1967. Applicant: CLARKE'S TRUCKING COMPANY, a corporation, 1623 Juniper Street, Junction City, Oreg. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Benton, Lane, and Linn Counties, Oreg., to Portland and Newport, Oreg., and Vancouver and Camas, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128992 (Sub-No. 1), filed April 20, 1967. Applicant: J. C. SMITH & SONS, INC., 1205 Michigan Avenue, St. Louis, Mich. 48880. Applicant's representative: J. David Sullivan, 209 West Superior Street, Post Office Box 408, Alma, Mich. 48801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel pipe, plain galvanized, or asphalt coated, and fittings, and accessories with flatbed trailers with chains and stakes, tie downs*, between Alma, Mich., and points in Ohio, north of U.S. Highway 36, under contract with Armco Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 129030 (Sub-No. 2), filed April 28, 1967. Applicant: LEO MORFELD, Waverly, Mo. 64096. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *fertilizer* in bags, in bulk, and mixed shipments of bags in bulk, from Lawrence and Olathe, Kans., to Alma, Waverly, and Malta Bend, Mo., and (2) *feed*, in bags, in bulk, and in mixed shipments of bags and bulk, from Kansas City and Muncie, Kans., to Alma, Waverly, and Malta Bend, Mo., under contract with Alma Farmers' Co-op Association. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 129035, filed April 19, 1967. Applicant: OAKLEY TRANSFER & STORAGE COMPANY, INC., 4115 Edith Boulevard NE., Albuquerque, N. Mex. 87107. Applicant's representative: J. E. Gallegos, 215 Lincoln Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized household goods*, weighing 1,000 pounds or less, between Albuquerque Sunport in Albuquerque, N. Mex., and points in Bernalillo, Sandoval, McKinley, Valencia, Socorro, Torrance, Guadalupe, San Miguel, Santa Fe, Los Alamos, Taos, and Rio Arriba Counties, N. Mex., restricted to traffic having a prior or subsequent transportation by an air carrier. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 129039, filed April 18, 1967. Applicant: JACOBY TRANSPORT SYSTEM, INC., 2200 Richmond Street, Philadelphia, Pa. 19125. Applicant's representative: Paul Ribner, 400 Penn Square

Building, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream* in packages and cartons, from the plantsites of Dolly Madison Industries, Inc. (Foods Division), in Philadelphia, Pa., to points in Virginia, Delaware, New Jersey, Pennsylvania, Connecticut, and New York, and *materials and food products* used in the manufacture of ice cream and *cartons* used in packaging ice cream, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129040, filed April 24, 1967. Applicant: SEWELL R. SPEAR, doing business as S. R. SPEAR TRUCKING, 11421 South Main Road, Rockford, Ill. 61102. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Interstate Commerce Commission, commodities in bulk, and those requiring special equipment), between Rockford, Ill., on the one hand, and, on the other, points in Stephenson, Winnebago, Boone, Ogle, and Lee Counties, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129043, filed April 21, 1967. Applicant: S. J. KINDRED, doing business as BOND TRANSFER & STORAGE COMPANY, 1206 Gardner Boulevard, Columbus, Miss. 39701. Applicant's representative: H. K. Van Every, Post Office Box 761, Columbus, Miss. 39701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated household goods*, in providing an origin pickup and packing, containerization and warehousing, and destination unpacking and delivery services, when moving on through bills of lading of an exempt freight forwarder, between points on and above U.S. Highway 80 in Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson or Columbus, Miss.

No. MC 129045, filed April 24, 1967. Applicant: ELMER MONTGOMERY AND ELMER MONTGOMERY, JR., a partnership, doing business as MONTGOMERY AND MONTGOMERY, Route 3, Box 158A, Muskogee, Okla. 74401. Applicant's representative: Russell Ruby, 409 Commercial National Building, Muskogee, Okla. 74401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper, paper boxes, and paper containers*, from Sand Springs, Okla., to points in Kansas, including Parsons, Chanute, Coffeyville, Independence, Neosha, and nearby points, under contract with Hoener Waldorf Corp., Sand Springs, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 129047, filed April 24, 1967. Applicant: JOHN SHERMAN AND CHARLES CLARK, a partnership, doing business as SHERMAN & CLARK, Howard, S. Dak. Applicant's representative: Theordore Mead Bailey, Jr., 509 South Dakota Avenue, Sioux Falls, S. Dak. 57102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed made of mineral mixtures in packages and in bulk, and insecticides when moved with and a part of package shipments of animal and poultry feeds and advertising materials*, (1) from Malvern, Iowa, and Omaha, Nebr., to Howard, S. Dak.; and (2) from Howard, S. Dak., to points in North Dakota. NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 102542, and Sub-2, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Sioux City, Iowa, or Sioux Falls, S. Dak.

No. MC 129049, filed April 24, 1967. Applicant: HAUL-AWAY, INC., Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, travel trailers, and camping trailers*, in initial movements, between Santa Fe Springs, Calif. and points in Shelby County, Ohio, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii, under contract with Airstream, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio, or Los Angeles, Calif.

No. MC 129050, filed April 20, 1967. Applicant: FAYETTEVILLE MOVING & STORAGE, INC., 3715 Ramsey Street, Post Office Box 3574, Fayetteville, N.C. 28301. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in the State of North Carolina, restricted to (1) shipments moving on through bills of lading for a forwarder operating under section 402(b)(2) exemption, (2) to shipments having an immediately prior or subsequent line-haul movement by rail, motor, water, or air, and (3) to providing a local service for a forwarder of used household goods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fayetteville, N.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 29854 (Sub-No. 30) (Correction), filed March 28, 1967, published FEDERAL REGISTER issue of April 20, 1967, and republished as corrected, this issue. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, N.J. 07306. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers (1) between junction Palisade Avenue with Paterson Plank Road, located on the Jersey City-Union City, N.J., boundary line, and the Lincoln Industrial Park area in Secaucus, N.J.: From junction Palisade Avenue with Paterson Plank Road, over Paterson Plank Road to junction Secaucus Road, thence over Secaucus Road to Secaucus, thence over Secaucus Road to Frozen Food Plaza, thence over Frozen Food Plaza to the northerly terminus thereof; and return over the same route, serving all intermediate points in Secaucus, and (2) between junction Pleasant Avenue ramp with Interstate Highway 495 (elevated highway to Lincoln Tunnel) in Weehawken, N.J., and junction County Avenue with Secaucus Road in Secaucus, N.J., a point on route (1) above: From junction Pleasant Avenue ramp with Interstate Highway 495, over Interstate Highway 495 to New Jersey Highway 3, thence over New Jersey Highway 3 to Paterson Plank Road in Secaucus, thence over Paterson Plank Road to County Avenue, thence over County Avenue to junction Secaucus Road; and return over the same route, serving intermediate points in Secaucus south of junction County Avenue with Peterson Lane. NOTE: Applicant states it proposes to tack the authority here sought with its existing authority in Docket MC–29854 and sub numbers thereto and to tack routes (1) and (2). Applicant further states that no duplicataion of authority is here sought. The purpose of this republication is to show regular routes in lieu of irregular routes, as previously published. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 123153 (Sub-No. 2) (Correction), filed March 8, 1967, published FEDERAL REGISTER issue of March 23, 1967, under MC 123480 (Sub-No. 2), corrected FEDERAL REGISTER issue of April 20, 1967, and republished as corrected, this issue. Applicant: SKINNER SCHOOL BUS LINES LIMITED, Post Office Box 4422, Postal Station C, 1901 Oxford Street East, London, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, restricted to foreign commerce only, from ports of entry on the international boundary line between the United States and Canad located at points in the United States, to points in the United States and Canada located at Hawaii), and return. NOTE: The purpose of this republication is to show the correct territory proposed to be served. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 124927 (Sub-No. 3), filed April 24, 1967. Applicant: EMILIO F. CANZANO, doing business as AAAA LIMOUSINE SERVICE, 15 Holland Road, Worcester, Mass. 01603. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Passengers and their baggage* in nonscheduled door to to door service, limited to the transportation of not more than 17 passengers in one vehicle (not including the driver thereof and children under 10 years of age who do not occupy a seat or seats), beginning and ending at Auburn, Berlin, Bolton, Boylston, Cherry Valley, Charlton, Clinton, Dudley, East Brookfield, Grafton, Holden, Hopedale, Hopkinton, Hudson, Lancaster, Leominster, Marlboro, Milford, Millbury, New Braintree, Northboro, Northbridge, North Brookfield, Oakham, Oxford, Paxton, Princeton, Rutland, Spencer, Sterling, Shrewsbury, Southboro, Sutton, Upton, Uxbridge, Webster, Westboro, West Boylston, and Worcester, Mass., and extending to (I) *in special operations* (a) Pawtucket, Providence, and Central Falls, R.I., and Nashua, Darry, and Hudson, N.H. Restriction: The service requested to be restricted to the transportation of passengers who, at the time, are traveling for the purpose of participating in beano or bingo games, (b) the Narragansett Race Track at Pawtucket, R.I., Lincoln Downs in Lincoln, R.I., and Rockingham Race Track at Salem, N.H. Restriction: The service authorized to be restricted to the racing seasons at such tracks; (II) *in charter operations* (a) points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Worcester or Boston, Mass.

No. MC 128794 (Sub-No. 1), Applicant: SOUTH BASIN LINES, INC., 1315 Columbia Avenue, Moses Lake, Wash. 98837. Applicant's representative: C. Lee Coulter, 808 White Henry Stuart Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Soap Lake and Pasco, Wash. (1) (a) from Soap Lake over Washington Highway 28 to Ephrata, Wash., thence over Washington Highway 282 to junction Washington Highway 17, thence over Washington Highway 17 through Moses Lake, Wash., to junction U.S. Highway 395 at Eltopia, Wash., thence over U.S. Highway 395 to Pasco, (b) between junction Washington Highway 17 and unnumbered highway and Warden, Wash., east over unnumbered highway to Warden, and (c) between junction Washington Highway 17 and unnumbered highway near Othello, Wash., and Othello, Wash., west over unnumbered highway to Othello, and return over the same routes, serving all intermediate points in (1) (a), (b), and (c) above, (2) between Connell, Wash., and junction Washington Highways 17 and 260, over Washington Highway 260, serving all intermediate points, and (3) between Othello, Wash., and the Wanapum and Priest Rapids Dam sites: From Othello over Washington Highway 26 to junction unnumbered highway at or near Vantage, Wash., thence over unnumbered county highway to the Wanapum and Priest Rapids Dam sites, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 29957 (Sub-No. 87), filed April 25, 1967. Applicant: CONTINENTAL SOUTHERN LINES, INC., doing business as CONTINENTAL TRAILWAYS, 425 Bolton Avenue, Alexandria, La. 71301. Applicant's representative: D. Paul Stafford, 315 Continental Avenue, Dallas, Tex. 75207. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Regular: *Passengers and their baggage, newspapers and express* in the same vehicle with passengers, between West Point and Shannon, Miss.: From West Point over Mississippi Highway 25 to Aberdeen, Miss., thence over U.S. Highway 45 to Shannon, and return over the same route, serving all intermediate points, and (2) irregular routes: *Passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points on the above described routes in (1), and extending to points in the United States, including Alaska and Hawaii. NOTE: Common control may be involved.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 120339 (Sub-No. 2), filed April 24, 1967. Applicant: MOSER TRUCKING, INC., 5201 South Santa Fe, Los Angeles, Calif. 90058. Applicant's representative: Donald Murchison, Suite 211, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles, clothing and dry goods and small hardware*, from points in the Los Angeles Harbor, Calif., commercial zone, to Los Angeles, Calif. NOTE: Applicant states that the authority sought herein is to remove said commodities now excepted from applicant's present general commodity authority.

No. MC 129037, filed April 21, 1967. Applicant: JOSEPH PESCE AND PASQUALE PORCARO, doing business as J & P TRACK LIMOUSINE SERVICE, 671 East 230th Street, Bronx, N.Y. 10466. Applicant's representative: William J. Augello, Jr., Esq., 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in vehicles not exceeding eight passengers per vehicle, in special operations, limousine service, in door-to-door operations, between Stamford, Conn., on the one hand, and, on the other, racetracks located in the New York City, Nassau and Westchester Counties, and Saratoga, N.Y.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5230, Filed, May 10, 1967; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 8, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41017—*Soda ash to Elwood, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8972), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, or in bulk in bags, barrels, boxes, or pails, in carloads, also, in bulk in covered hopper cars, from Lake Charles, La., Corpus Christi, Freeport, and Houston, Tex., to Elwood, Ill.

Grounds for relief—Market competition.

Tariffs—Supplements 132 and 62 to Southwestern Freight Bureau, agent, tariffs ICC 4564 and 4668, respectively.

FSA No. 41018—*Soda ash to McIntosh, Ala.* Filed by Southwestern Freight Bureau, agent (No. B-8973), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, or in bulk in bags, barrels, boxes, or pails, in carloads, from Lake Charles and West Lake Charles, La., and Corpus Christi and Freeport, Tex., to McIntosh, Ala.

Grounds for relief—Market competition.

Tariffs—Supplements 158 and 62 to Southwestern Freight Bureau, agent, tariffs ICC 4534 and 4668, respectively.

FSA No. 41019—*Tin mill black plate from points in Illinois.* Filed by Illinois Freight Association, agent (No. 325), for interested rail carriers. Rates on tin mill black plate, as described in the application, in carloads, from specified points in Illinois, to Auburndale, Bartow, Orlando, Taft, and Winter Garden, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 38 to Illinois Freight Association, agent, tariff ICC 1085.

FSA No. 41020—*Phosphorus pentasulfide to Port Arthur, Tex.* Filed by O. W. South, Jr., agent (No. A5029), for interested rail carriers. Rates on phosphorus pentasulfide, in bulk, in privately owned containers, loaded in shipper owned or leased cars or in cars of railroad ownership, in carloads, from Nashville, Tenn., to Port Arthur, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 117 to Southwestern Freight Bureau, agent, tariff ICC 4610.

FSA No. 41021—*Crushed stone from Murray, Utah, and Bosler, Wyo.* Filed by Western Trunk Line Committee, agent (No. A-2500), for interested rail carriers. Rates on crushed stone and related articles, in carloads, from Murray, Utah, and Bosler, Wyo., to points in western trunkline territory.

Grounds for relief—Market competition.

Tariff—Supplement 34 to Western Trunk Line Committee, agent, tariff ICC A–4530.

FSA No. 41022—*Liquefied petroleum gas from Dyrkee, Wyo.* Filed by Western Trunk Line Committee, agent (No. A–2501), for interested rail carriers. Rates on liquefied petroleum gas, in tank carloads, from Durkee, Wyo., to points in Minnesota, North Dakota, South Dakota, and Wisconsin.

Grounds for relief—Market competition.

Tariff—Supplement 34 to Western Trunk Line Committee, agent, tariff ICC A–4530.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–5289; Filed, May 10, 1967; 8:49 a.m.]

[Notice 381]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 8, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. 59367 (Sub-No. 51 TA), filed May 3, 1967. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Highway 20 East, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solid fiber shipping containers* from (1) Menasha, Wis., to Fort Dodge, Iowa, and Dakota City, Nebr., and (2) from Fort Dodge, Iowa, to Dakota City, Nebr., for 180 days. Supporting shipper: Fort Dodge Container Corp., Fort Dodge, Iowa. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 103993 (Sub-No. 268) (correction), filed March 29, 1967, published FEDERAL REGISTER issue of April 7, 1967, and republished as corrected, this issue. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: William G. Starnal (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable grain dryers* transported on their own wheeled undercarriages equipped with a hitchball connector, from Gibson City, Ill., to points in Illinois, Indiana, Michigan, Ohio, New York, Pennsylvania, Kentucky, Missouri, Iowa, Minnesota, Wisconsin, Kansas, Nebraska, North Dakota, and South Dakota, for 180 days. NOTE: The purpose of this republication is to include South Dakota as a destination state which was inadvertently omitted. Supporting shipper: Grain Drying, Division of M & W Gear Co., Gibson City, Ill. Send protests to: District Supervisor Justus H. Gray, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 112925 (Sub-No. 2 TA), filed May 3, 1967. Applicant: RALPH SKELTON, doing business as SKELTON DELIVERY & TRUCKING CO., 371 McGuire Place, Perth Amboy, N.J. 08861. Applicant's representative: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores and mail-order houses*, from Maywood and Elizabeth, N.J., to points in Richmond County, Staten Island, N.Y., and *returned commodities*, on return for 150 days. Supporting shipper: Sears Roebuck & Co., Post Office Box 6742, Philadelphia, Pa. 19132. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 114106 (Sub-No. 55 TA), filed May 4, 1967. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, 1820 South Main Street, Post Office Box 573, Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn starch*, in bulk, from Greer, S.C., to New Canton, Tenn., for 180 days. Supporting shipper: Corn Products Co., 101 South Wacker Drive, Chicago, Ill. 60606, Attention R. V. Haugen, Assistant Traffic Manager. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 128375 (Sub-No. 7 TA), filed May 4, 1967. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Kenneth Norton, Crete, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned pet food, supplies, ingredients, and materials* used in the production of pet food, between Crete, Nebr., and points in Illinois and Iowa, restricted to four or more stops in Chicago, Ill., and the commercial zone thereof, and one or more stops in Iowa and/or Illinois, when Chicago or the commercial zone thereof is the final destination, and when Chicago or its commercial zone is an intermediate stop with final delivery in Wisconsin, Ohio, Michigan, Indiana, Tennessee, or Kentucky, for 150 days. Supporting shipper: Allen Products Co., Crete, Nebr. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 129047 (Sub-No. 1 TA), filed May 4, 1967. Applicant: JOHN SHERMAN AND CHARLES CLARK, a partnership, doing business as SHERMAN & CLARK, Howard, S. Dak. 57349. Applicant's representative: Theodore Mead Bailey, Jr., 509 South Dakota Avenue, Sioux Falls, S. Dak. 57102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, insecticides, and advertising materials*, from Malvern, Iowa, and Omaha, Nebr., to Howard, S. Dak., and from Howard, S. Dak., to all points in North Dakota, for the account of Standard Chemical Manufacturing Co., Omaha, Nebr., for 180 days. Supporting shipper: Standard Chemical Manufacturing Co., Omaha, Nebr., John Maun, Vice President. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 369 Federal Building, Pierre, S. Dak. 57501.

No. MC 129058 TA, filed May 4, 1967. Applicant: MURRAY VAN AND STORAGE OF ORLANDO, INC., 2550 Dinneen Avenue, Orlando, Fla. 32804. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Polk, Osceola, Indian River, Brevard, Orange, Lake, Sumter, Marion, Seminole, and Volusia Counties, Fla., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif., Northwest Consolidators, Post Office Box 3583, Terminal Annex, Seattle, Wash. 98124, Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119, and Sunpak Movers, Inc., 1621 Queen Anne Avenue North, Seattle, Wash. 98109. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 129057 TA, filed May 4, 1967. Applicant: DUNN MOVING & STORAGE, INC., 530 East Eighth Street, Junction City, Kans. 66441. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Geary, Riley, Clay, Dickinson, Pottawatomie, Wabaunsee, and Morris Counties, Kans., and (b) between Junction City, Kans., on the one hand, and, on the other, points in Cloud, Ottawa, Saline, Lincoln, Mitchell, Jewell, Smith, Osborne, Republic, Washington, and Marshall Counties, Kans., restricted to shipments having a prior or subsequent movement beyond said points, in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: Routed Thru-Pac, Inc., 350 Broadway, New York, N.Y., Davidson Forwarding Co., 3180 V Street NE., Washington, D.C. 20018, CTI-Container Transport International, Inc., 17 Battery Place, New York, N.Y., 10004, Express Forwarding & Storage Co., Inc., 17 Battery Place, New York, N.Y. 10004, Northwest Consolidators, Post Office Box 3583, Terminal Annex, Seattle, Wash. 98124. Send protests to: I. C. Peterson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 393 TA), filed May 4, 1967. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations limited to round-trip, sightseeing, or pleasure tours, beginning and ending at Allentown, Bethlehem, and Easton, Pa., and Atlantic City, Bloomfield, Clifton, Clinton, Freehold, Hackensack, Lakewood, Newark, Passaic, Paterson, Phillipsburg, and Toms River, N.J., and extending to ports of entry on the international boundary line, between the United States and Canada, located in New York and Vermont. Restricted to trips operated to the Montreal World's Fair during the period it is open to the public, from April 28th to October 27th, 1967, inclusive, for 150 days. Supporting shipper: George Hazen, Consulate Liaison Officer, Consul and Trade Commissioner, Canadian Consulate General in New York, 609 Fifth Avenue, New York City, N.Y. Send protests to: Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5290; Filed, May 10, 1967; 8:49 a.m.]

[Notice 1516]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 8, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No MC-FC-69535. By order of April 28, 1967, the Transfer Board approved the transfer to Allspeed Transportation Service, Inc., Long Island City, N.Y., of certificate No. MC-21291, issued January 17, 1951, to Gustav C. Almquist, doing business as Gustav A. Olson & Co., New York (Brooklyn), N.Y., authorizing the transportation of household goods, as defined in 17 M.C.C. 467, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, and Connecticut. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for transferor. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for transferee.

No. MC-FC-69543. By order of April 28, 1967, the Transfer Board approved the transfer to Hanson M. Savage, doing business as Savage Trucking Co., Chester Depot, Vt. 05144, of that portion of the operating rights of John R. Loomis, Granville, N.Y. 12832, in certificate No. MC-92822 (Sub-No. 12), issued February 10, 1956, authorizing the transportation of rough lumber, over irregular routes, from Newcomb and Westport, N.Y., to New York, N.Y., and the United States-Canada international boundary line at or near Champlain, N.Y., and points in Vermont, Massachusetts, Connecticut, New Hampshire, Rhode Island, and New Jersey, in certificate No. MC-92822 (Sub-No. 14), issued August 5, 1958, authorizing the transportation of lumber, over irregular routes, between Newcomb, N.Y., on the one hand, and, on the other, points in Massachusetts, and in a described portion of Vermont, and between points in a described portion of New York, on the one hand, and, on the other, points in Ohio, North Carolina, South Carolina, Virginia, West Virginia, Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, the District of Columbia, points in Vermont north of Vermont Highway 9 and those in New Hampshire north of New Hampshire Highway 9, and between points in Vermont, on the one hand, and, on the other, points in Ohio, North Carolina, South Carolina, Virginia, West Virginia, Delaware, Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia, with certain exceptions, the entire operating rights in certificate No. MC-92822 (Sub-No. 15), issued December 2, 1958, authorizing the transportation of lumber and forest products, over irregular routes, between points in Vermont and New York within 30 miles of Fair Haven, Vt., including Fair Haven, and that portion of the operating rights in certificate No. MC-92822 (Sub-No. 16), issued March 26, 1962, authorizing the transportation of lumber and logs, over irregular routes, from points in New Hampshire and Vermont to Granville, N.Y. Martin Werner, 2 West 45th Street, New York, N.Y. 10036, attorney for transferor. Frederick J. Glover, Ludlow, Vt. 05149, attorney for transferee.

No. MC-FC-69545. By order of April 28, 1967, the Transfer Board approved the transfer to Delmot Motor Express, Inc., Elmira, N.Y., of the operating rights in certificate No. MC-15902, issued June 9, 1941, to Paul J. O'Neill, doing business as Elmira-Corning Motor Express, Corning, N.Y., authorizing the transportation, in interstate or foreign commerce, of general commodities, with exceptions, over a regular route, between Painted Post, N.Y., and Elmira, N.Y., with service authorized to and from the intermediate point of Corning, N.Y. Raymond A. Richards, 23 West Main Street, Webster, N.Y., representative for applicants.

No. MC-FC-69556. By order of April 28, 1967, the Transfer Board approved the transfer to Lentini Brothers Moving & Storage Co., Inc., Brooklyn, N.Y., of certificate in No. MC-115613, issued June 29, 1956, to Fred Lentini, doing business as Lentini Bros. Moving & Storage Co., Brooklyn, N.Y., authorizing the transportation of: Household goods, between New York, N.Y., on the one hand, and, on the other, points in New York, Connecticut, Maine, Massachusetts, New Jersey, Pennsylvania, and Rhode Island. George Sapan, 50 Court Street, Brooklyn, N.Y. 11201, attorney for applicants.

No. MC-FC-69558. By order of April 28, 1967, the Transfer Board approved the transfer to Albert Kulb, Warminster, Pa., of a portion of certificate in No. MC-50649 (Sub-No. 1), issued August 9, 1966, to Victor Bender, doing business as B & S Rigging, Philadelphia, Pa., authorizing the transportation of: Sheet metal, fabricated sheet metal, and tools and equipment necessary for the installation of sheet metal work, in connection with heating, ventilation, air conditioning and smoke breechings, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and Maryland, within 75 miles of Philadelphia. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

No. MC-FC-69559. By order of April 28, 1967, the Transfer Board approved the transfer to William C. Bonner, Inc., Philadelphia, Pa., of the certificate in No. MC-36459, issued February 28, 1957 to Charles Stirzel and Raymond Stirzel, a partnership, doing business as Harry Stirzel Sons, Philadelphia, Pa., authorizing the transportation of: Heaters and parts thereof, from Philadelphia, Pa., to

points within a specified New Jersey territory; tanks, fittings, and chemical apparatus, from Philadelphia, Pa., to New York, N.Y., and points in New Jersey; and general commodities, excluding household goods, commodities in bulk and other specified commodities, between points in Philadelphia, Pa., and between Philadelphia, Pa., and Camden, N.J. Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

No. MC–FC–69577. By order of April 28, 1967, the Transfer Board approved the transfer to Skyline Express, Inc., Garfield, N.J., of certificate No. MC–17883, issued by the Commission May 14, 1958, to James Picariello and Charles Picariello, a partnership, doing business as Pickey's Trucking, Garfield, N.J., authorizing the transportation of general commodities, with various exceptions, over a specified regular route between Paterson, N.J., and New York, N.Y., and over irregular routes, between Paterson, N.J., on the one hand, and, on the other, Middletown, New York, Port Jervis, and Yonkers, N.Y., and between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, and Passaic Counties, N.J., and Elizabeth, N.J. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–5291; Filed, May 10, 1967; 8:49 a.m.]

[Notice 1516–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 8, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69123. By order of May 3, 1967, Division 3 acting as an Appellate Division, approved the transfer to M. I. Loker and Pauline Loker, a partnership, doing business as Seaway Coach Lines, Erie, Pa., of a portion of the operating rights in certificate No. MC–3556, issued August 2, 1961, to Albert A. Prechtl, doing business as Elk-Cameron Bus Lines, St. Marys, Pa., authorizing the transportation of: Passengers and their baggage, over regular routes, (1) between St. Marys, and Ridgeway, Pa., serving all intermediate points; and (2) between Johnsonburg and Emporium, Pa., serving all intermediate points. David H. Lund, 32 East Sixth Street, Erie, Pa., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–5292; Filed, May 10, 1967; 8:49 a.m.]

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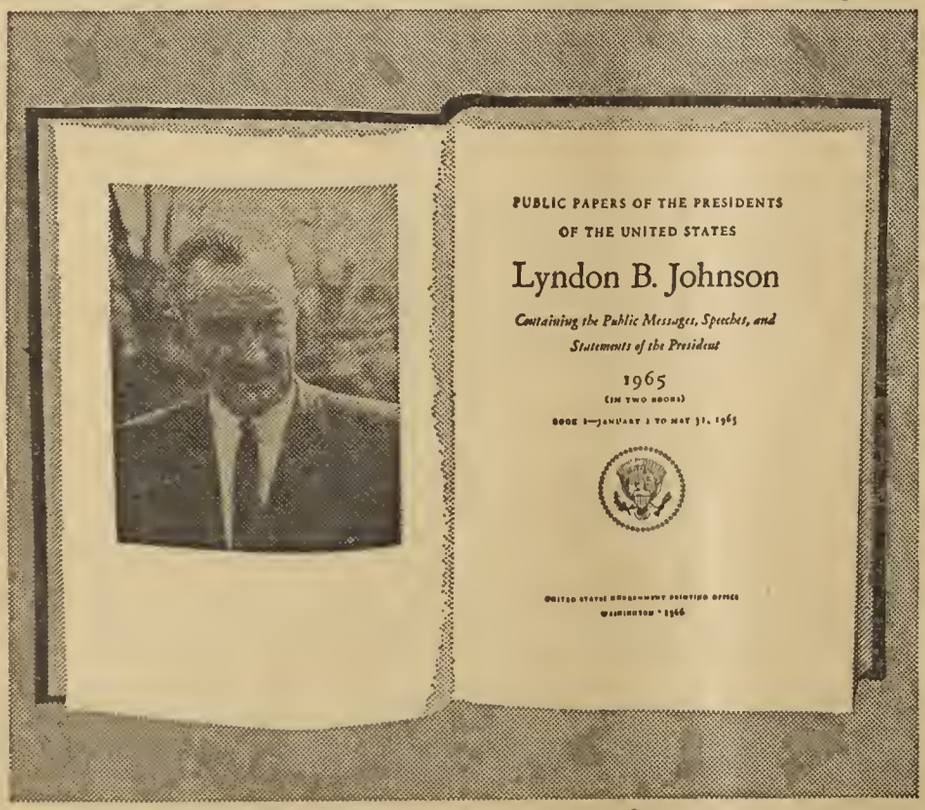
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Title 3—THE PRESIDENT

Proclamation 3782

NATIONAL MARITIME DAY, 1967

By the President of the United States of America

A Proclamation

Throughout American history, the Merchant Marine has been indispensable to our security and prosperity.

Today, our merchant fleet binds us in peaceful commerce with the increasingly interdependent nations of the world.

In this decade alone, our imports and exports have risen nearly 60 percent—from less than $35 billion in 1960 to nearly $55 billion in 1966.

Merchant ships carry the essentials of life to millions in need. They transport military supplies and equipment to our forces abroad. Of all our supplies being sent to Vietnam today, 98 percent are carried by ship.

To remind Americans of the important role which the merchant marine plays in our national life, the Congress in 1933 designated the anniversary of the first transatlantic voyage by a steamship, the SS *Savannah*, on May 22, 1819, as National Maritime Day, and requested the President to issue a proclamation annually in observance of that day.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby urge the people of the United States to honor our American Merchant Marine on Monday, May 22, 1967, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day in tribute to the American Merchant Marine.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of May in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk

Secretary of State.

[F.R. Doc. 67-5353; Filed, May 10, 1967; 2:45 p.m.]

Proclamation 3783

SMALL BUSINESS WEEK, 1967

By the President of the United States of America

A Proclamation

Fully 95 percent of the businesses serving the needs of the American people are small and privately owned. More than a third of the Nation's total goods and services are supplied by small businesses.

Small businesses perform a service to the Nation beyond the supplying of goods. Operating in an open, competitive market, they stimulate the new ideas that create progress. They provide community leadership to aid economic development. They offer a wide and challenging variety of job opportunities to our people.

To encourage the growth of new small businesses, the Small Business Administration has in the past three years granted 830 loans, totalling over $131 million, to local development companies. These loans have resulted in the creation of 28,800 new jobs, and added nearly $1.2 billion to our economy. During the last three years there has been a net increase of 200,000 in the number of small business establishments in our Nation.

We recognize and applaud the contributions made by our 4.8 million small businesses. We must insure that they will continue to hold a vital place in our society.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week beginning May 21, 1967, as Small Business Week, and I urge industrial and commercial organizations, chambers of commerce, boards of trade, and other public and private organizations to participate in ceremonies recognizing the significant contributions, past and present, of small business to our land, our culture, and our ideals.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of May in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk

Secretary of State.

[F.R. Doc. 67-5354; Filed, May 10, 1967; 2:45 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 2]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

Selection of Committees and Terms of Office

Pursuant to the authority vested in the Secretary of Agriculture by 16 U.S.C. 590h(b) to prescribe regulations for county and community committeemen, the regulations at 7 CFR Part 7, §§ 7.8 and 7.18 are hereby amended to read as follows:

SELECTION OF COMMITTEES

§ 7.8 Calling of elections.

Each election of county or community committeemen shall be held on a date or within a period of time fixed by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service (called "Deputy Administrator" in this subpart) which will in his judgment afford full opportunity for participation therein by all persons eligible to vote: *Provided*, That such date or period of time shall fall within a period beginning on or after July 1 and ending not later than December 30 each year. Each such election shall be held in accordance with detailed instructions issued by the Deputy Administrator. If the number of eligible voters voting in any election of community committeemen is so small that the State committee determines that the result of the election does not represent the views of a substantial number of eligible voters, it shall declare the election void and call a new election. If it is determined by the State committee that the election for any position on a community or county committee has not been held substantially in accordance with instructions, the State committee shall declare such election void and call a new election.

TERMS OF OFFICE

§ 7.18 County and community committeemen.

The terms of office of county and community committeemen and alternates to such office shall begin on a date fixed by the State committee which shall be after their election and not later than the first working day in the next January: *Provided, however*, That before any such county committeeman or alternate county committeeman may take office he shall sign a pledge that he will faithfully, fairly, and honestly perform to the best of his ability all of the duties devolving on him as a committeeman. A term of office shall continue until a successor has been elected and qualified as provided in §§ 7.11 and 7.12.

(49 Stat. 1149, as amended; 16 U.S.C. 590h)

Effective date. Publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 8, 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-5330; Filed, May 11, 1967; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Avocado Reg. 5, Amdt. 2]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Containers

On April 20, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6206) that consideration was being given to amendment of the avocado container regulation (Avocado Regulation 5, 7 CFR 915.305), effective under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. This is a regulatory marketing program issued pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Avocado Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that the amendment of said container regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is, therefore, ordered that the provisions in paragraph (a)(1)(i) of § 915.305 (Avocado Regulation 5) are hereby amended to read as follows:

§ 915.305 Avocado Order 5.

(a) *Order.* (1) * * *

(i) Containers with inside dimensions of 11⅜ x 16 x 11 or 11 x 16¾ x 10 inches: *Provided*, That (*a*) the net weight of the avocados in such a container shall be not less than 34 pounds, except that for avocados of unnamed varieties, which are avocados that have not been given varietal names, and for Booth 1 and Fuchs, such weight shall be not less than 32 pounds; (*b*) with respect to each lot of such containers, not to exceed 10 percent, by count, of the individual containers in the lot may fail to meet the applicable specified weight but no container in such lot may contain a net weight of avocados exceeding 2 pounds less than the specified net weight; and (*c*) each avocado in such container in a lot shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in the lot may fail to meet such weight requirement but not more than double such tolerance shall be permitted for an individual container in the lot.

* * * * *

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 9, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-5329; Filed, May 11, 1967; 8:48 a.m.]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instructions 443.1, 443.2, Administration Letter 844(443)]

PART 1821—FARM PURCHASE AND DEVELOPMENT LOANS TO INDIVIDUALS

PART 1823—SOIL AND WATER LOANS

Miscellaneous Amendments

The title of Part 1821, Title 7, Chapter XVIII, Code of Federal Regulations (31 F.R. 14129), is redesignated as "Part 1821—Farm Purchase and Development Loans to Individuals." Sections 1821.1-1821.24 are contained in a new subpart designated as "Subpart A—Farm Ownership Loans." Subpart A, Part 1823, Title 7, Chapter XVIII, Code of Federal Regulations (31 F.R. 14165), is redesignated and reassigned under Part 1821 as "Subpart B—Soil and Water Loans," and §§ 1823.1-1823.10 are renumbered 1821.51-1821.61, respectively. A new Subpart C is added to Part 1821 to read as follows:

Subpart C—Land Conservation and Development Loans

Sec.
1821.81 General.
1821.82 Eligibility.
1821.83 Loan purposes.

Sec.
1821.84 Special requirements.
1821.85 Security requirements.
1821.86 Making, approving, and processing loans.

AUTHORITY: The provisions of this Subpart C are issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 203, 79 Stat. 12, 40 U.S.C. Appendix 203; Order of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

§ 1821.81 General.

This subpart provides instructions for making direct loans to individual farmers to establish and carry out land stabilization, conservation, and erosion control practices in the Appalachian area described in section 203 of the Appalachian Regional Development Act of 1965 (40 U.S.C. Appendix 203).

§ 1821.82 Eligibility.

An applicant must meet the eligibility requirements outlined in Subpart B of this part for individual Soil and Water loans except that the farm need not produce agricultural commodities for sale. In addition, the applicant must have entered into a cost-sharing agreement with the Agricultural Stabilization and Conservation Service as a result of the approved State program required in the Appalachian Regional Development Act of 1965.

§ 1821.83 Loan purposes.

Loans may be made to establish and carry out land stabilization, conservation, and erosion control practices such as clearing, draining, and preparing land ing, draining, and preparing land for for seeding, sprigging or sodding or for making basic soil treatments, planting seed or seedlings, terracing, draining, protective fencing, subsoiling or impounding water for erosion control or conservation practices, and paying costs related to land stabilization, conservation, and erosion control, including rental or purchase of special-purpose equipment required for completing such practices. Loans may also include funds for paying expenses incident to obtaining plans and making the loan, such as fees for legal and other technical services which are required to be paid by the borrower and which he cannot pay from other funds.

§ 1821.84 Special requirements.

The special requirements outlined in § 1821.55 of this part are applicable to Land Conservation and Development loans. In addition, when the loan is to supplement a grant made by the Agricultural Stabilization and Conservation Service under section 203 of the Appalachian Regional Development Act, the development financed by the Farmers Home Administration (FHA) will be based on a conservation and development plan mutually agreed upon by the local representatives of the Soil Conservation Service and the FHA. However, the FHA need not require a Soil Conservation Service plan for an individual when the Agricultural Stabilization and Conservation Service does not require such a plan for entering into a cost-sharing contract.

§ 1821.85 Security requirements.

The security requirements outlined in § 1821.56 of this part are applicable except that a loan of $2,500 or less can be secured by the best lien obtainable on livestock, farm equipment of security value, or the applicant's interest in the farm: *Provided*, The best lien obtainable is taken on sufficient property to adequately secure the loan. A lien search will be made on chattels to be taken as security in accordance with the policy outlined in Part 1831 of this chapter. The applicant's equity in the farm will be determined by the County Supervisor based on the normal value of the farm less the amount of the verified debts against the farm as shown in the financial statement of the farm and home plan. The County Supervisor will visit the farm for the purpose of making a normal value determination. Title clearance will not be required for loans of $2,500 or less. However, evidence of ownership will be required. This required evidence will be either the original or certified copy of deed, purchase contract, or other instrument of ownership.

§ 1821.86 Making, approving, processing, and closing loans.

Except as modified in the preceding paragraphs of this Subpart C, the policies, procedures, and authorizations applicable to loans made under Subpart B of this part are applicable to Land Conservation and Development loans.

Dated: May 8, 1967.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 67-5313; Filed, May 11, 1967; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 40—LICENSING OF SOURCE MATERIAL

Expiration of Licenses

On December 22, 1966, the Atomic Energy Commission published in the FEDERAL REGISTER (31 F.R. 16367) a proposed amendment to 10 CFR Part 40, Licensing of Source Material, to eliminate the restriction, in § 40.42, of the terms of source material licenses to 3 years. The amendment would make 10 CFR Part 40 consistent, in that respect, with equivalent provisions in 10 CFR Parts 30 and 70 which govern the licensing of byproduct material and special nuclear material, respectively. The Commission stated, in the notice of proposed rule making, that if it adopted the proposed amendment, the Commission would issue source, byproduct, and special nuclear material licenses for terms of 5 years, except in cases where the nature of the applicant's proposed activities indicates a need for a shorter license period.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendment. The text of the amendment set forth below is identical with the text of the proposed amendment published on December 22, 1966.

Since the amendment is intended to provide relief from, rather than to impose, restrictions under regulations currently in effect, it will become effective without the customary 30-day notice. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, the following amendment of 10 CFR Part 40 is published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER.

Section 40.42 of 10 CFR Part 40 is revised to read as follows:

§ 40.42 Expiration.

Except as provided in § 40.43(b), each specific license shall expire at the end of the day, in the month and year stated therein.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 1st day of May 1967.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 67-5298; Filed, May 11, 1967; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Smithsonian Institution

Section 213.3374 is added to show that the position of Confidential Executive Assistant to the Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, a new § 213.3374 is added as set out below.

§ 213.3374 Smithsonian Institution.

(a) One Confidential Executive Assistant to the Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-5316; Filed, May 11, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

Calcium Hydroxide U.S.P. for Use in Manufacturing Caramel

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c)(2), (d), 74 Stat. 399–403; 21 U.S.C. 376(b), (c)(2), (d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.120), the Commissioner of Food and Drugs, based on a petition (CAP 50) filed by Sethness Products Co., 444 North Lake Shore Drive, Chicago, Ill. 60611, and other relevant material, finds that calcium hydroxide U.S.P. may be safely used, in amounts consistent with good manufacturing practice, as an alkali to assist caramelization in the manufacture of caramel. *Therefore, it is ordered,* That § 8.303(a)(2)(ii) be amended by alphabetically inserting a new item in the list of alkalis, as follows:

§ 8.303 **Caramel.**

(a) * * *
(2) * * *
(ii) * * *

Calcium hydroxide U.S.P.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days following its publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be submitted in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the Federal Register, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the Federal Register.

(Sec. 706(b), (c)(2), (d), 74 Stat. 399–403; 21 U.S.C. 376(b), (c)(2), (d))

Dated: May 5, 1967.

Winton B. Rankin,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67–5321; Filed, May 11, 1967; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Terbacil; Tolerances for Residues

A petition (PP 7F0549) was filed with the Food and Drug Administration by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing the establishment of a tolerance of 0.1 part per million for residues of the herbicide terbacil (3-*tert*-butyl-5-chloro-6-methyluracil) in or on the raw agricultural commodity mint hay (peppermint and spearmint).

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs has concluded that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), § 120.209 is revised to read as follows:

§ 120.209 **Terbacil; tolerances for residues.**

A tolerance of 0.1 part per million is established for residues of the herbicide terbacil (3-*tert*-butyl-5-chloro-6-methyluracil) in or on apples, citrus fruits, peaches, pears, peppermint hay, spearmint hay, and sugarcane.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the Federal Register.

(Secs. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 4, 1967.

Winton B. Rankin,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67–5325; Filed, May 11, 1967; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Inorganic Bromides Resulting From Fumigation With Methyl Bromide

No comments were received in response to the notice published in the Federal Register of February 8, 1967 (32 F.R. 2647), proposing the establishment of a tolerance of 50 parts per million for residues in or on timothy hay of inorganic bromides (calculated as Br) resulting from fumigation with methyl bromide. No requests were received to refer the proposal to an advisory committee.

The Commissioner of Food and Drugs has concluded that the proposed amendment should be adopted without change and that the tolerance established hereby will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated by him to the Commissioner (21 CFR 2.120), § 120.123 is amended by inserting immediately following the item "50 parts per million in or on cabbage * * *," a new item, as follows:

§ 120.123 **Inorganic bromides resulting from fumigation with methyl bromide; tolerances for residues.**

* * * * *

Fifty parts per million in or on timothy hay for use in accordance with the Plant Pest Control Program of the U.S. Department of Agriculture.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the Federal Register.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: May 4, 1967.

Winton B. Rankin,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67–5324; Filed, May 11, 1967; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM LAURYL SULFATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7A2081) filed by Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of sodium lauryl sulfate as a surfactant in fumaric acid-acidulated dry beverage base and in fumaric acid-acidulated fruit juice drinks, subject to the conditions specified below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1012 is amended by adding to paragraph (b) a new subparagraph, as follows:

§ 121.1012 **Sodium lauryl sulfate.**

* * * * *

(b) * * *

(3) As a surfactant in:

(i) Fumaric acid-acidulated dry beverage base whereby the additive does not exceed 25 parts per million of the finished beverage and such beverage base is not for use in a food for which a standard of identity established under section 401 of the act precludes such use.

(ii) Fumaric acid-acidulated fruit juice drinks whereby the additive does not exceed 25 parts per million of the finished fruit juice drink and it is not used in a fruit juice drink for which a standard of identity established under section 401 of the act precludes such use.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 4, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-5323; Filed, May 11, 1967; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7B2076) filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Ardsley, N.Y. 10502, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of tetrakis[methylene-(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane as an antioxidant and/or stabilizer in olefin polymers used in the manufacture of articles intended for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2566(b) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2566 **Antioxidants and/or stabilizers for polymers.**

* * * * *

(b) * * *

Limitations
* * *
Tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate)] methane.	For use only at levels not to exceed 0.5 percent by weight of olefin polymers complying with § 121.2501.
* * *

* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 4, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-5322; Filed, May 11, 1967; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

PART 290—FORMS

Construction Contract

In F.R. Doc. 65-6193 appearing in the FEDERAL REGISTER issue of June 15, 1965 (30 F.R. 7722), comments were invited relative to a proposed revision of § 290.1 as set forth therein.

The Maritime Subsidy Board has considered the comments submitted pursuant to the above referred to notice and has considered all of the subsequently submitted comments of interested parties and notice is hereby given that the revised form of construction contract has been adopted.

Section 290.1 of this part is hereby amended by changing the heading and existing text thereof to read as follows:

§ 290.1 **Construction contract.**

(a) The Maritime Subsidy Board on May 9, 1967, adopted the revised form of Construction Contract under Title V, Merchant Marine Act, 1936, as amended, to be identified as "Special Provisions, Contract No. MA/MSB—Contract for the Construction of MA Design _____ for _____" into which is incorporated "Maritime Subsidy Board, Department of Commerce Construction Contract Part II. General Provisions (Approved May 9, 1967)".

(b) Copies of the contract form, containing the said "Special Provisions and General Provisions," may be obtained by persons having a proper interest therein upon application to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235.

Copy of the contract was filed with the original of this document.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: May 9, 1967.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-5352; Filed, May 11, 1967; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–2—PROCUREMENT BY FORMAL ADVERTISING

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

PART 9–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 9–15.50—Cost Principles and Procedures

MISCELLANEOUS AMENDMENTS

1. Section 9–2.406–4, *Disclosure of mistakes after award,* is revised to read as follows:

§ 9–2.406–4 Disclosure of mistakes after award.

Pursuant to FPR 1–2.406–4(d), the Director, Division of Contracts, Headquarters, has been delegated authority to make the determinations under FPR 1–2.406–4. Mistakes in bids after award shall be submitted to the Director, Division of Contracts, Headquarters, accompanied by the data set forth in FPR 1–2.406–4(f).

2. In § 9–2.406–50, *Mistakes in bids for cost-type contractor procurement before and after award,* paragraph (b) is revised to read as follows:

§ 9–2.406–50 Mistakes in bids for cost-type contractor procurement before and after award.

* * * * *

(b) All other alleged mistakes, including withdrawals, in contractor procurement.

* * * * *

3. Section 9–7.5004–6, *Assignment of claims,* is revised to read as follows:

§ 9–7.5004–6 Assignment of claims.

See FPR 1–30.703.

4. In § 9–7.5006–9, *Allowable costs and fixed fee (CPFF operating and construction contracts),* subdivision (vii) under subparagraph (d)(8), the last sentence is made a separate paragraph, as follows:

§ 9–7.5006–9 Allowable costs and fixed fee (CPFF operating and construction contracts).

* * * * *

(d) *Examples of items of allowable cost.* * * *

(8) *Personnel costs and related expenses* * * *

(vii) Net cost of operating plantsite cafeterias, dining rooms, and canteens attributable to the performance of the contract.

Appendix A may be modified from time to time, in writing, without execution of an amendment to this contract, for the purposes of effecting any changes in or additions to Appendix A as may be agreed upon by the parties.

* * * * *

5. Section 9–15.5003, *Deviation,* is revised to read as follows:

§ 9–15.5003 Deviation.

Deviations from the policy and principles set forth in this subpart shall not be made unless such action is authorized by the Director, Division of Contracts, after consultation with the Controller, General Counsel, and any other appropriate Headquarters office, on the basis of a written justification stating clearly the special circumstances involved. Where appropriate, any approved deviation shall be reflected in the compensation provisions of the contract.

6. Sections 9–15.5008–1, *General policy,* and 9–15.5008–2, *Cost data,* are revised to read as follows:

§ 9–15.5008–1 General policy.

See AECPR 9–3.807 and FPR 1–3.807.

§ 9–15.5008–2 Cost data.

Where the use of cost data is required by AECPR 9–3.807 and FPR 1–3.807, the cost principles outlined in this subpart, including the items listed as unallowable costs in the Standard Cost Articles, §§ 9–7.5006–9 through 9–7.5006–12 of this chapter, shall be applicable in the accounting reviews of contractor's proposals for pricing and in the preparation of the advisory accounting reports which are to be used as a guide by the Contracting Officer in negotiating the final price. An exception to this is the treatment of contingency reserves or allowances in connection with estimates of future costs. If contingencies are known to exist in such cases and the effects may be gauged within reasonable limits (such as anticipated costs of defective work), consideration thereof may be included in the estimates. Where conditions are known that may give rise to a contingency but the effects cannot be reasonably estimated (such as general business risks), the contingency should not be included as a cost factor but should be disclosed as a separate item for the consideration of the Contracting Officer.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 8th day of May 1967.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 67–5297; Filed, May 11, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 83—MEDICALLY REMEDIAL ENLISTMENT PROGRAM

Criteria for Selection of Applicants and Procedures

The following miscellaneous amendments to Part 83 were approved April 25, 1967:

1. Paragraph (d) has been added to § 83.3, and reads as follows:

§ 83.3 Criteria for selection of applicants.

* * * * *

(d) If applicant is a member on active duty whose medical defect occurs or is discovered during basic training, the Service concerned may change the enlistment contract to an enlistment under the Medically Remedial Enlistment Program for members who otherwise meet the criteria of this § 83.3.

2. Section 83.5(d) has been revised to read as follows:

§ 83.5 Procedures.

* * * * *

(d) The Service concerned will make the determination of whether or not to enlist an applicant. If accepted, the applicant will be enlisted by waiver of physical standards under a signed enlistment contract which includes an agreement to undergo the therapeutic procedures necessary to remedy his medical condition. The applicant may then be enlisted under a regular enlistment program or a delayed entry enlistment program. Applicants enlisted under § 83.3 (d) may have their qualifications for the Medically Remedial Enlistment Program determined by the Medical Officer of a Training Center.

* * * * *

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67–5301; Filed, May 11, 1967; 8:45 a.m.]

PART 103—ENLISTMENT AND ASSIGNMENT OF INDIVIDUALS IN RESERVE COMPONENTS

The Deputy Secretary of Defense approved the following on April 29, 1967:

Sec.
103.1 Purpose and applicability.
103.2 Policy.

AUTHORITY: The provisions of this Part 103 issued under 5 U.S.C. 301.

§ 103.1 Purpose and applicability.

This part provides standards, procedures, and priority guidelines for enlistment or assignment of individuals in

units of the Reserve Components of the Military Departments.

§ 103.2 Policy.

(a) Effective as of May 1, 1967, the enlistment of individuals under the provisions of Title 10, U.S. Code, section 511(d), and the assignment of applicants, to vacancies in units of the Ready Reserve shall be made in the following priority:

(1) Members of the Ready Reserve who desire to reenlist.

(2) Members of Ready Reserve units applying for transfer from another locality.

(3) Members of the Ready Reserve who were relieved from assignment to units due to reorganization, inactivation, or relocation of their units.

(4) Members of the Ready Reserve Pool.

(5) Prior service applicants.

(6) Nonprior service applicants between the ages of 17 and 18½.

(7) Nonprior service applicants over age 18½, only after the unit commander concerned has determined that qualified applicants in higher priority categories are not available.

(b) Current as well as future applicants shall be assigned or enlisted in accordance with the above priorities.

(c) Within the above priorities, it shall be normal practice to accept the earliest applicant for enlistment in a unit of the Reserve Components who meets the minimum qualifications for a vacancy. Exceptions to this general policy may be made when in the best judgment of those responsible for the procurement of Reserve personnel, an individual's prior active or reserve military service, or significant civilian experience in the occupational skill concerned, is considered to warrant it.

(d) Individual applicants for assignment or enlistment in the Reserve Components shall not be accepted unless there is reasonable assurance that they will be available and able to participate satisfactorily in the unit concerned. In this respect careful consideration shall be given to the geographical location, future plans, and possible conflicts with the civilian occupation of the individual applicant.

(e) Minimum standards for enlistment in any vacancy in any Reserve Component shall be the same as the minimum standards for active duty enlistment in the occupational specialty concerned.

MAURICE W. ROCHE,
Director Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-5302; Filed, May 11, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 101, 102, 114]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the provisions contained in section 553(b) of Title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Parts 101, 102, and 114 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

The proposed amendments to Part 101 would delete definitions for Veterinary Inspector, Virus-Serum Inspector, Official station, Inspector in charge, and Veterinary inspection; redefine Division, Division lock, Person, Licensed establishment, Licensee, Batch, Serial number, Expiration date, Completed product, Released product, Immediate or true container, Experimental biological product, Research investigator or research sponsor; define Purity, Safety, Sterility, Potency, Biologics Veterinarian, Inspection, Biologics Field Agent, Serial, Subserial, Standard Requirement, Outline of production, Licensed Biological Product, Fraction, Premises, Establishment, U.S. Veterinary Biologics Establishment License, U.S. Veterinary Biological Product License, U.S. Veterinary Biological Product License (Special), U.S. Veterinary Biological Product Permit; and redesignate affected paragraphs to regroup related terms for clarity.

The proposed amendments to Part 102 provide for three kinds of U.S. Veterinary Licenses and sets forth the conditions under which each will be issued, suspended, or terminated, provides for two types of U.S. Veterinary Biological Permits and lists the conditions under which each will be issued, suspended, or terminated, and deletes paragraphs no longer applicable.

The proposed amendments to Part 114 corrects portions of the regulations for consistency without substantive changes.

The proposed amendments are:

1. To revise Part 101 to read as follows:

PART 101—GENERAL PROVISIONS

§ 101.1 Definitions.

The following words, when used in the regulations in Parts 101 through 121 of this subchapter, shall be construed, respectively, to mean:

(a) *Virus-Serum-Toxin Act.* The Act of Congress of March 4, 1913, 37 Stat. 832–833, 21 U.S.C. 151–158.

(b) *Regulations.* The provisions in Parts 101 through 121 of this subchapter.

(c) *Biological products.* All viruses, serums, toxins, and analogous products of natural or synthetic origin, such as antitoxins, vaccines, tuberculins, malleins, live micro-organisms, killed micro-organisms, and the antigenic or immunizing components of micro-organisms, intended for use in the treatment of domestic animals, including the diagnosis or detection of diseases of such animals.

(d) *Organisms.* All cultures or collections of organisms or their derivatives, which may introduce or disseminate any contagious or infectious disease of animals (including poultry).

(e) *Vectors.* All animals (including poultry) such as mice, pigeons, guinea pigs, rats, ferrets, rabbits, chickens, dogs, and the like, which have been treated or inoculated with organisms, or which are diseased or infected with any contagious, infectious, or communicable discase of animals or poultry, or which have been exposed to any such disease.

(f) *Domestic animals.* Domestic animals, including poultry.

(g) *Department.* The U.S. Department of Agriculture.

(h) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(i) *Division.* Veterinary Biologics Division of the Agricultural Research Service.

(j) *Director.* The Director of the Division or any officer or employee of the Division to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(k) *Inspector.* Any officer or employee of the Division who is authorized by the Director to do any inspection work of the Division.

(l) *Biologics Veterinarian.* A graduate of a veterinary college accredited by the Civil Service Commission, who is duly appointed and assigned for duty in the Division.

(m) *Biologics Field Agent.* A layman appointed and trained to assist a biologics veterinarian in the performance of his duties.

(n) *Inspection.* An examination made by a Biologics Veterinarian or a Biologics Field Agent to determine the fitness of animals, establishments, facilities, and procedures used in connection with the preparation, testing, and marketing of biological products under the regulations in Parts 101 through 121 of this subchapter and the examination or testing of biological products by thc Division.

(o) *Person.* Any individual, firm, partnership, corporation, company, association, educational institution, or governmental agency, or other organized group of any of the foregoing, or any agent, officer, or employec of any thereof.

(p) *Premises.* All buildings, appurtenances, and equipment used to produce biological products located within a particular land area shown on blueprints furnished by the applicant or the licensee and designated by an address adequate for identification.

(q) *Establishment.* One or more premises designated on the establishment licensc.

(r) *U.S. Veterinary Biologics Establishment License.* A document, which is hereinafter referred to as a U.S. Veterinary Establishment License or establishment license, issued by the Director authorizing the use of designated facilities in accordance with the regulations in Parts 101 through 121 of this subchapter for production of biological products specified in one or more unexpired, unsuspended, and unrevoked U.S. Veterinary Biological Product Licenses.

(s) *Licensed establishment.* An establishment operated by a person holding an unexpired, unsuspended, and unrevoked U.S. Veterinary Biologics Establishment License.

(t) *Licensee.* A person to whom an establishment license and at least one product license has been issued under the regulations in Parts 101 through 121 of this subchapter.

(u) *U.S. Veterinary Biological Product License.* A document, which is hereinafter referred to as a product license, issued by the Director to the holder of an establishment license, that is part of and ancillary to said establishment license, and which authorizes production of a specified biological product in the dcsignated licensed establishment.

(v) *U.S. Veterinary Biological Product License (Special).* A document, which is hereinafter referred to as a special license, issued by the Director to the holder of an establishment license, that is part of and ancillary to said establishment license, and which authorizes production of a specified biological product in the designated licensed establishment subject to such restrictive production, distribution, or use of the product as indicated.

(w) *Licensed biological product.* A biological product prepared within a licensed establishment by a person holding an unexpired, unsuspended, and unrevoked U.S. Veterinary Biological Product License or U.S. Veterinary Biological Product License (Special) for this product.

(x) *Outline of production.* A protocol of methods of manufacture in detail to be followed in the preparation of a biolog-

ical product and which may hereinafter be referred to as an outline.

(y) *Batch.* A quantity of properly identified biological product which may be incorporated in whole or in part into a serial. (For special definition of "batch" as used in § 119.23, see § 119.23 (a) (10) of this chapter.)

(z) *Serial.* The total quantity of biological product in final composition which has been thoroughly mixed in a single container and permanently identified by number.

(aa) *Subserial.* Each of two or more portions of a serial, identified by serial number and letters, which are filled into final containers at different times, further processed at different times, or further processed under different conditions.

(bb) *Serial number.* Numeral(s) (or numeral-letter combinations) used to identify and distinguish one serial from others.

(cc) *Expiration date.* The end of the period which the biological products, when properly stored and handled, can with reasonable certainty, yield the results expected.

(dd) *Completed product.* A biological product in bulk or final container produced in compliance with the regulations in Parts 101 through 121 of this subchapter to final form and composition.

(ee) *Finished product.* A completed product which has been bottled, sealed, packaged, and labeled as required by the regulations in Parts 101 through 121 of this subchapter.

(ff) *Released product.* A finished product released for marketing after all requirements have been satisfactorily complied with.

(gg) *Immediate or true container.* The unit, bottle, vial, ampule, tube, or other receptacle in which any biological product is customarily distributed.

(hh) *Fraction.* A specific antigen, its antibodies, or its antitoxin which constitutes a component of a biological product.

(ii) *Standard Requirement.* Test methods and procedures established by the Division for judging biological products not to be worthless, contaminated, dangerous, or harmful under the Act.

(jj) *Purity.* Quality of a biological product prepared from pure cultures to a final form relatively free of extraneous micro-organisms (living or dead) and extraneous material (organic or inorganic) and free of extraneous micro-organisms or material which in the opinion of the Director may adversely affect the safety or potency of the product.

(kk) *Safety.* Freedom from properties causing undue local or systemic reactions when used as recommended by the manufacturer.

(ll) *Sterility.* Freedom from viable contaminating micro-organisms.

(mm) *Potency.* Specific ability or capacity of the biological product to effect the purpose for which it is recommended by the manufacturer.

(nn) *U.S. Veterinary Biological Product Permit.* A document, hereinafter referred to as U.S. Permit or permit issued by the Director to a permittee authorizing the importation of specified biological products subject to restrictions and controls as provided in the regulations in Parts 101 through 121 of this subchapter.

(oo) *Permittee.* A person who resides in the United States or operates a business establishment within the United States, to whom a permit to import biological products has been issued under the regulations in Parts 101 through 121 of this subchapter.

(pp) *Research investigator or research sponsor.* A person who is developing a biological product for which a U.S. Product License or U.S. Permit for Distribution and Sale has not been issued and who has requested permission to make interstate movements of an experimental biological product or has been granted such authorization by the Director for the purpose of conducting field evaluations.

(qq) *Experimental biological product.* A biological product which differs from a licensed biological product in composition and/or method of preparation or for which no product license, special license, or permit has been granted to the manufacturer or importer, and such biological product has been produced within a licensed establishment or is being evaluated to substantiate an application for such product license, special license, or permit.

(rr) *Hog-cholera virus.* The clear serum, plasma, or defibrinated blood derived from pigs sick of hog cholera and free from other communicable disease or diseases.

(ss) *Hyperimmunizing virus.* Virus prepared for injecting into immune hogs in the production of anti-hog-cholera serum.

(tt) *Inoculating virus.* Virus prepared for injecting into pigs in the production of hog-cholera virus.

(uu) *Simultaneous virus.* Virus prepared for injection along with anti-hog-cholera serum in the immunization of hogs against hog cholera.

(vv) *Anti-hog-cholera serum.* The clear serum, plasma, or other derivatives of hyperimmune blood, containing the protective substances, or antibodies concentrated therefrom (referred to as hog-cholera antibody-concentrate), derived from immune hogs which have been injected with hyperimmunizing virus.

(ww) *Approved feed lot.* (1) A feed lot approved by the Director for the raising of immune hogs for anti-hog-cholera serum production by a person who, under an agreement or contract, furnishes such hogs to a plant producing anti-hog-cholera serum. Such lots are referred to as Category A approved feed lots.

(2) A feed lot for the raising of swine to be marketed only for immediate slaughter approved by the Director for the receipt of ex-test pigs from tests of anti-hog-cholera serum and hog-cholera vaccine. Such lots are referred to as Category B approved feed lots.

(xx) *Division lock.* A Division lock or seal, or both, as the Director may require.

(yy) *Day.* Time elapsing between any regular working hour of 1 day and any regular working hour of the following day.

2. Chapter I of Title 9 of the Code of Federal Regulations is amended by revising Part 102 to read as follows:

PART 102—LICENSES AND PERMITS FOR BIOLOGICAL PRODUCTS

Sec.

102.1 Licenses issued by the Director.
102.2 Licenses required.
102.3 License applications.
102.4 U.S. Veterinary Biologics Establishment License.
102.5 U.S. Veterinary Biological Product License.
102.6 U.S. Veterinary Biological Product License (Special).
102.7–102.24 [Reserved]
102.25 U.S. Veterinary Biological Product Permit.
102.26 Imports: Permits required.
102.27 Application for import permit; requirements.
102.28 Import permits; number, form, and termination.
102.29–102.50 [Reserved]
102.51 Suspension or revocation.
102.52 Notices re worthless, contaminated, dangerous or harmful biological products.

AUTHORITY: The provisions of this Part 102 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 102.1 Licenses issued by the Director.

The Director shall issue a U.S. Veterinary Biologics Establishment License for each qualified establishment maintained to produce biological products, and a U.S. Veterinary Biological Product License, or a U.S. Veterinary Biological Product License (Special) for each biological product authorized to be produced in a licensed establishment.

§ 102.2 Licenses required.

Every person operating an establishment in the United States in which any biological product is prepared for sale, barter, or exchange in the District of Columbia or in any Territory of, or place under the jurisdiction of, the United States, or for shipment or delivery for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, shall hold an unexpired, unsuspended, and unrevoked U.S. Veterinary Biologics Establishment License and at least one unexpired, unsuspended, and unrevoked U.S. Veterinary Biological Product License or U.S. Veterinary Biological Product License (Special) issued by the Director.

§ 102.3 License applications.

(a) *U.S. Veterinary Biologics Establishment License.* (1) The operator of each establishment of the kind specified in § 102.2 shall make written application to the Director for a license. Blank forms of application will be furnished upon request to the Veterinary Biologics Division.

(2) When a person conducts more than one establishment, a separate application shall be made for each establishment.

(3) Whenever subsidiaries are to operate in an establishment for which

license application is made, the applicant shall apply for permission for such subsidiaries to operate in the establishment and furnish therewith a complete statement regarding the relationship between the applicant and the subsidiaries.

(4) Triplicate copies of plot plans and blueprints, properly drawn to scale, and of specifications, including plumbing, drainage, and sewage disposal of establishments shall accompany the application for a license, unless such plot plans, blueprints, and specifications, are already on file with the Division.

(5) Each application for a U.S. Veterinary Biologics Establishment License shall be accompanied by an application for one or more U.S. Veterinary Biological Product Licenses and the supporting documents required by subparagraph (2) of this paragraph.

(6) A new application shall be made when a change of ownership, operation, or location of an establishment occurs.

(b) *U.S. Veterinary Biological Product License.* (1) The licensee of each establishment or applicant for an establishment license shall make written application to the Director for a U.S. Veterinary Biological Product License for each biological product to be prepared in the licensed establishment. Blank forms of application will be furnished upon request to the Veterinary Biologics Division.

(2) Each application for a U.S. Veterinary Biological Product License shall be supported by (i) at least three copies of an outline of production as specified in § 114.8 of this subchapter; (ii) at least three copies of test reports and research data sufficient to establish safety and efficacy; (iii) at least three copies of legends designating which facilities shown on blueprints provided in accordance with paragraph (a) (4) of this section and § 108.1 of this subchapter, are to be used for every step in processing and testing; and (iv) at least four copies of all labels in finished form or three copies of all labels in sketch form, together with information regarding all claims to be made on labels and in advertising matter to be used in connection with or relating to the biological product to be licensed.

§ 102.4 U.S. Veterinary Biologics Establishment License.

(a) Before a U.S. Veterinary Biologics Establishment License will be issued by the Director for any establishment, an inspection shall be made to determine whether the condition, equipment, facilities, and the like, of the establishment, and its methods of preparing, testing, handling, and storing biological products are in conformity with the requirements of the regulations in Parts 101 through 121 of this subchapter.

(b) A license will not be issued unless (1) in the opinion of the Director, the condition of the establishment and the methods of preparation of biological products are such as reasonably to insure that the products will accomplish the object for which they are intended, (2) the establishment is to be operated under the direct supervision of a person competent, in the opinion of the Director, by education and experience, to handle all matters pertaining to the disease involved and the preparation and testing of the biological products named in the application, and (3) written assurance is filed with the Division that the products for which the license is to be issued will not be so advertised as to mislead or deceive the purchasers and that the packages or containers in which the same are to be marketed will not bear any statement, design, or device which is false or misleading in any particular.

(c) U.S. Veterinary Biologics Establishment Licenses shall be numbered and shall be in the following form:

U.S. VETERINARY BIOLOGICS ESTABLISHMENT LICENSE

LICENSE NO. ------,
Washington, D.C., ----------.

This is to certify that, pursuant to the terms of the Act of Congress approved March 4, 1913 (37 Stat. 832) governing the preparation, sale, barter, exchange, shipment, and importation of viruses, serums, toxins, and analogous products intended for use in the treatment of domestic animals -------- ---------- is hereby authorized to maintain at ---------- an establishment for the production of biological products specified in one or more unexpired, unsuspended, and unrevoked product licenses or special licenses and designated to be produced in this establishment. This license is subject to termination as provided in the regulations made under the authority contained in said act, and to suspension or revocation if the licensee violates or fails to comply with said act or the regulations made thereunder.

Director, Veterinary Biologics Division, Agricultural Research Service.

(d) Two or more licenses may bear the same number when they are issued for establishments under the same ownership or control, provided a serial letter is added to one or more to identify each license and the product produced thereunder.

(e) When a U.S. Veterinary Biologics Establishment License is issued for an establishment, it shall not apply to more than one person at the same location, except that subsidiaries of the licensee, when named in the license, may operate thereunder at the establishment named. The licensee with its subsidiaries will be held responsible for all operations conducted in the licensed establishment.

§ 102.5 U.S. Veterinary Biological Product License.

(a) Authorization to produce each biological product shall be specified on a U.S. Veterinary Biological Product License, issued by the Director, and supplementary to the U.S. Veterinary Biologics Establishment License named therein.

(b) A U.S. Veterinary Biological Product License shall include the U.S. Veterinary Biologics Establishment License Number held by the producing firm, the applicable name of the product, the date of issuance, and when indicated any restrictions applicable to the specified biological product as may be prescribed by the Director.

(c) The U.S. Veterinary Biological Product License shall be in the following form:

U.S. VETERINARY BIOLOGICAL PRODUCT LICENSE

LICENSE NO. ------,
Washington, D.C., ----------.

This is to certify that, pursuant to the terms of the Act of Congress approved March 4, 1913 (37 Stat. 832), governing the preparation, sale, barter, exchange, shipment, and importation of viruses, serums, toxins, and analogus products intended for use in the treatment of domestic animals, the person holding U.S. Veterinary Biologics Establishment License No. ------ is authorized to produce ---------- in the facilities designated in the establishment license.

Preparation shall be in accordance with the provisions of the act, the regulations made thereunder, and additional restrictions or requirements when listed below.

This license is subject to termination as provided in the regulations made under the authority contained in said act, and to suspension or revocation if the licensee violates or fails to comply with said act or the regulations made thereunder.

Director, Veterinary Biologics Division, Agricultural Research Service.

(d) The following requirements shall apply to all licensed biological products:

(1) Licensed biological products shall be prepared, tested, labeled, and stored as required by the regulations in Parts 101 through 121 of this subchapter and in accordance with an acceptable outline of production as set forth in and subject to the provisions of § 114.8 of this subchapter. No change shall be made in the composition or method of preparation of product without prior approval of the Director.

(2) Where the nature of the product so requires for the protection of the livestock industry, the public health, interest, or safety, the product shall be limited to use by veterinarians.

(3) The licensee shall distribute the product in any State or other jurisdiction only in accordance with the requirements of such State or other jurisdiction.

(4) Failure to comply with the above requirements after infractions are brought to the attention of the licensee by written notification thereof by the Division shall be considered willful violation of the terms of the U.S. Veterinary Biological Product License.

(5) When requested by the Director, a licensee shall submit a list of licensed biological products with all their forms to be continued in production.

(6) When manufacture of a biological product has been discontinued or curtailed to a degree that meaningful inspection can not be made, the Director may require that regular production be resumed or the special license or product license, whichever is applicable be submitted to the Division for termination.

(7) When a licensee no longer holds an unexpired, unsuspended, or unrevoked special license or product license, the establishment license shall be submitted to the Director for termination.

§ 102.6 U.S. Veterinary Biological Product License (Special).

(a) Special licenses may be issued in particular cases for preparation of a biological product when, in the opinion of the Director, the laboratory and other research data and other information available with respect to the product show that the product has value in the treatment of domestic animals but that results of its use under a larger variety of conditions should be further evaluated prior to release under a regular license.

(b) A biological product under special license shall be subject to general conditions imposed by regulations for biological products under regular license and may include any or all of the following requirements and such other requirements as prescribed by the Director to protect the livestock industry or other segments of the public.

(1) The product shall be prepared and tested in such a manner as may be administratively determined by the Director. The licensee may be required to assist in the development of test methods for the product.

(2) The applicant for a license shall currently file with the Director a statement of the substance of all claims proposed to be made for the product at any time while the product is under special license, and the product shall be recommended for use only under such conditions as the Director deems warranted by the laboratory and other research data and other information currently available concerning it.

(3) The licensee shall request the handlers to whom he distributes the product to (i) keep complete records showing the name and address of each purchaser of the product and the name, serial number, and quantity of the product sold to such purchaser; (ii) furnish to each veterinarian, animal owner, or other person using the product, a report form, approved by the Division, which shall contain blank spaces for stating pertinent information concerning the results obtained from use of the product; and (iii) request users of the product to complete and return the report form to an official of the Department specified by the Director.

(c) A special license may be dated to terminate on any date established by the Director at the time of issuance, and such date shall appear on the license. Prior to the date that a special license terminates, the matter will be reviewed with the licensee and after considering all available data and information the Director shall issue a regular product license, reissue a special license, or allow the special license to terminate.

(d) Notice of all special requirements to be imposed under this section shall be given to the applicant for license for any product under the act as soon as possible after it is determined that such product may be licensed only under special license, and the applicant shall be afforded an opportunity to present his views with respect to such requirements.

(e) Failure to comply with any of the conditions of a special license after written notification thereof by the Division shall be considered willful violation of the terms of the U.S. Veterinary Biological Product License (Special).

(f) U.S. Veterinary Biological Product License (Special) shall be in the same form as U.S. Veterinary Biological Product License provided for in § 102.5(c) except the word "(Special)" shall be inserted after the word "License" in the heading, and a date the license terminates may be shown as provided in paragraph (c) of this section.

§§ 102.7–102.24 [Reserved]

§ 102.25 U.S. Veterinary Biological Product Permit.

A separate permit shall be required for each biological product to be imported. The Director may issue two kinds of permits. They shall be (a) U.S. Veterinary Biological Products Permit restricted to Research and Evaluation, and (b) U.S. Veterinary Biological Products Permit for General Distribution and Sale.

§ 102.26 Imports: Permits required.

Each person importing biological products shall hold an unexpired, unsuspended, and unrevoked permit issued by the Director. Such person shall reside or operate a business establishment within the United States.

(a) No biological product shall be imported into the United States unless a permit has been issued for the biological product in accordance with the regulations in Parts 101 through 121 of this subchapter.

(b) No permit shall be issued for a biological product from countries known to have exotic diseases including but not limited to foot-and-mouth disease, rinderpest, fowl pest (fowl plague), Newcastle disease, and African swine fever if in the opinion of the Director such products may endanger the livestock or poultry of this country.

§ 102.27 Application for import permit; requirements.

Each person desiring to import biological products shall make written application to the Director for a permit. Blank forms of application will be furnished upon request to the Veterinary Biologics Division.

(a) The application shall specify the port or ports of entry at which the imported products shall be cleared through Customs, indicate the estimated quantities involved, and the intended use for each product.

(b) An application for a U.S. Veterinary Biological Products Permit restricted to Research and Evaluation shall be accompanied by a brief description of the product, methods of propagating antigens including composition of medium, species of animals or cell cultures involved, degree of inactivation or attenuation, recommendations for use and the proposed plan of evaluation.

(c) A permit for Research and Evaluation shall not be issued until the Director has established that the nature of the product and scientific capabilities of the investigator are adequate to safeguard domestic animals and protect public health, interest or safety. When deemed necessary or advisable, the Director may stipulate special restrictions as part of the permit.

(d) A U.S. Veterinary Biological Products Permit for General Distribution and Sale shall be issued subject to the restrictions and conditions in subparagraphs (1), (2), (3), (4), (5), (6), (7), and (8) of this paragraph.

(1) Each applicant shall provide adequate facilities for storing all imported biological products in accordance with the regulations in Parts 101 through 121 of this subchapter or as the Director may prescribe.

(2) A permit shall not be issued unless the actual manufacturer agrees in writing that each biological product to be imported for sale will be prepared, tested, and labeled in accordance with the regulations contained in this subchapter applicable to that particular product. A biological product to be imported, for which no specific regulations have been issued, shall be prepared, tested, and labeled in a manner acceptable to the Director so as to carry out the purposes of the Act.

(3) Each application for a permit shall be accompanied by the written consent of the actual manufacturer that properly accredited employees of the Department shall have the privilege of inspecting, without previous notification, and at such times as may be demanded by the aforesaid employees, all parts of the establishment at which such biological products were prepared, all processes of preparation, and all records relative to the preparation of such products.

(4) Each application for a permit shall be accompanied by: (i) Information regarding all claims to be made on labels and advertising matter used in connection with or related to the biological products to be imported; and, (ii) mounted copies of these labels and circulars as provided in Part 112 of this subchapter. A permit shall not be issued for the importation of any biological product unless written assurance is furnished that the product will not be advertised so as to mislead or deceive the purchaser, and the package or container in which the same is intended to be sold, bartered, exchanged, shipped, or imported will bear or contain no statement, design, or device which is false or misleading in any particular, and unless the applicable requirements of the regulations in Part 112 of this subchapter are met.

(5) Each application for a permit shall be accompanied by three or more copies of an outline of production processes; these methods shall be in accordance with the applicable provisions of Part 114 of this subchapter.

(6) Each application for a permit shall be accompanied by at least three copies of blueprints of the facilities used for preparation and testing all biological products listed on the application, and three copies of the sanitation procedures conducted to prevent contamination of

these biological products. Such facilities and sanitation procedures therein shall be in accordance with requirements of Part 108 of this subchapter. Blueprints need not accompany an application for a permit to import biological products produced in facilities for which satisfactory plans are on file with the Division if the application designates the facilities used for preparation and testing of such products.

(7) The manufacturer shall supply data to accompany the application for a permit which will establish that the product involved complies with the provisions of the act and the regulations issued thereunder. Each product to be imported shall be evaluated under field conditions if such tests are deemed necessary by the Director. Such tests may be conducted within or outside the United States as the occasion demands.

(8) Before a permit will be issued or at any time subsequent thereto, the Director may require that an inspection be made by a representative of the Division to determine whether the condition, equipment and facilities of the manufacturer and of the applicant and the methods of preparing, handling, and storing biological products are in conformity with the regulations in Parts 101 through 121 of this subchapter. A permit will not be issued unless: (i) In the opinion of the Director, the condition of the establishment and the methods of preparation of biological products are such as to reasonably insure that the products will accomplish the object for which they are intended, and that they are not worthless, contaminated, dangerous, or harmful; (ii) the producing establishment is to be operated under the direct supervision of a person competent, in the opinion of the Director, by education and experience, to handle all matters pertaining to the disease involved and the preparation and testing of the biological products named in the application; and (iii) each product imported or offered for importation into the United States shall not be further distributed by the permittee until each serial in each shipment has been examined and released by the Veterinary Biologics Division, provided such action is deemed necessary by the Director. Samples shall be collected by the permittee in a manner satisfactory to the Director from each serial in each shipment of biological products imported by the permittee.

§ 102.28 Import permits; number, form, and termination.

(a) Permits shall be numbered and shall be in the following form:

U.S. VETERINARY BIOLOGICAL PRODUCT PERMIT No. ------

RESEARCH AND EVALUATION OR DISTRIBUTION AND SALE
(INSERT ONE)

Washington, D.C., ----------.

This is to certify that, pursuant to the terms of the Act of Congress approved March 4, 1913 (37 Stat. 832), governing the preparation, sale, barter, exchange, shipment, and importation of viruses, serums, toxins, and analogous products intended for use in the treatment of domestic animals, ---------- State of ---------- is hereby authorized, so far as the jurisdiction of the U.S. Department of Agriculture is concerned, to import ---------- manufactured by ----------, of ----------, into the United States through the port of ---------- during the calendar year of ------.

This permit is subject to suspension or revocation if the permittee violates or fails to comply with said act or the regulations made thereunder.

Director, Veterinary Biologics Division, Agricultural Research Service.

(b) The product shall be restricted to Research and Evaluation unless the permit specifies for Distribution and Sale.

(c) Each permit shall terminate at the end of the calendar year for which it is issued.

§§ 102.29—102.50 [Reserved]

§ 102.51 Suspension or revocation.

(a) A license or permit issued under the Virus-Serum Toxin Act may be formally suspended or revoked after opportunity for hearing has been accorded the licensee or permittee as provided in Part 123 of this subchapter if the Secretary is satisfied that the license or permit is being used to facilitate or effect the preparation, sale, barter, exchange, shipment, or importation contrary to said Act of any worthless, contaminated, dangerous, or harmful biological product. Such use may be found to exist if:

(1) The construction of the establishment in which the biological product is prepared is defective, or the establishment is not conducted as required by the regulations in Parts 101 through 121 of this subchapter;

(2) The methods of preparation of the product are faulty, or the product contains impurities or lacks potency;

(3) The product is so labeled or advertised as to mislead or deceive the purchaser in any particular;

(4) The licensee or permittee has violated or failed to comply with any provision of the Virus-Serum-Toxin Act or the regulations in Parts 101 through 121 of this subchapter;

(5) The license or permit is otherwise used to facilitate or effect the preparation, sale, barter, exchange, shipment, or importation, contrary to the Virus-Serum-Toxin Act, of any worthless, contaminated, dangerous, or harmful biological product.

(b) In case of willfulness or where the public health, interest, or safety so requires the Secretary may, without hearing, informally suspend such license or permit upon the grounds set forth in paragraph (a) of this section pending determination of formal proceedings under Part 123 of this subchapter for suspension or revocation of the license or permit.

§ 102.52 Notices re worthless, contaminated, dangerous, or harmful biological products.

(a) If at any time it appears that the preparation, sale, barter, exchange, shipment, or importation, as provided in the Virus-Serum-Toxin Act, of any biological product by any person holding a license or permit may be dangerous in the treatment of domestic animals, the Secretary may without hearing notify the licensee or permittee, and pending determination of formal proceedings instituted under Part 123 of this subchapter for suspension or revocation of the license or permit insofar as it authorizes the manufacture or importation of the particular product, no person so notified shall thereafter so prepare, sell, barter, exchange, ship, deliver for shipment, or import such product.

(b) If a serial of biological product is found to be unsatisfactory according to applicable Standard Requirements, the Director may notify the licensee to stop marketing of the serial.

3. Part 114 is recodified as set forth below to reflect a rearrangement and renumbering of the sections without substantive change; six new sections are added; the index and the six new sections to read as follows:

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

Sec.

114.1 Products not prepared under license.
114.2 Biological products; preparation and handling.
114.3 Separation of establishments.
114.4 Biological products; preparation by another licensee.
114.5 Inspection of licensed establishments.
114.6 Facilities.
114.7 Composition of products.
114.8 Methods.
114.9 Mixing biological products.
114.10 Phenol determination.
114.11 Temperature and light.
114.12 Serums, equine and bovine.
114.13 Observation of tests.
114.14 Division tests.
114.15 Brucella cultures.
114.16 Brucella abortus vaccine containers.
114.17 Fowl pox vaccine, Fowl laryngotracheitis vaccine, and Newcastle disease vaccine.
114.18 Rabies vaccine.
114.19 Tetanus antitoxin.

AUTHORITY: The provisions of this Part 114 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 114.1 Products not prepared under license.

If the licensee has in the establishment any biological products which have not been prepared in compliance with the regulations in Parts 101 through 121 of this subchapter when an establishment license is issued, they shall not be shipped or delivered for shipment from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or otherwise dealt with as products prepared under the regulations in Parts 101 through 121 of this subchapter.

§ 114.2 Biological products; preparation and handling.

All biological products produced in each licensed establishment shall be prepared, tested, handled, stored, marked, received for transportation, and transported as required by the regulations in Parts 101 through 121 of this subchapter.

The licensee shall adopt and enforce all necessary measures and shall comply with all such directions as the Director may prescribe for carrying out the regulations in Parts 101 through 121 of this subchapter.

§ 114.3 Separation of establishments.

Each licensed establishment shall be separate and distinct from any unlicensed establishment in which any biological product is prepared or handled.

§ 114.4 Biological products; preparation by another licensee.

No biological products authorized to be prepared in a licensed establishment shall be prepared in whole or in part by another licensed establishment unless authorized in advance by the Director.

§ 114.5 Inspections of licensed establishments.

(a) Any Biologics Veterinarian or Biologics Field Agent shall be permitted to enter any establishment licensed under the regulations in Parts 101 through 121 of this subchapter at any hour during the day or night, and shall be permitted to inspect, without previous notification, the entire premises of the establishment, including all buildings, compartments, and other places, all biological products, and organisms and vectors in the establishment, and all equipment, such as chemicals, instruments, apparatus, and the like, and the methods used in the manufacture of, and all records maintained relative to, biological products produced at such establishment.

(b) Each Biologics Veterinarian or Biologics Field Agent will be furnished with a numbered official badge or identification card, which he shall not allow to leave his possession. Either shall be sufficient identification to entitle him to admittance at all regular entrances and to all parts of the licensed establishment and premises and to any place at any time for the purpose of making an inspection pursuant to paragraph (a) of this section.

(c) It shall be the responsibility of the licensee, irrespective of Division inspection to prepare and test each biological product, as required by the regulations in Parts 101 through 121 of this subchapter, so that it will not be worthless, contaminated, dangerous, or harmful.

§ 114.6 Facilities.

When required by the Director the following facilities, and such others as may be essential, shall be provided in each licensed establishment.

(a) Satisfactory pens, equipment, and assistance for conducting tests required in accordance with the regulations in this subchapter.

(b) A separate room or adequate facilities for conducting autopsies.

(c) A separate room for preparation and mixing of biological products.

(d) A separate room for washing and sterilizing equipment.

(e) Suitable containers satisfactorily equipped for thoroughly mixing batches of all biological products; and

(f) Automatic recording thermometers or gages and other thermometers which will register temperatures accurately and satisfactorily for use as required by the regulations in Parts 101 through 121 of this subchapter.

(g) The following special facilities in establishments producing anti-hog-cholera serum and hog-cholera virus.

(1) Separate laboratory rooms for serum and virus.

(2) A separate room in which animals shall be washed and cleaned.

(3) A separate room in which animals shall be finally prepared for bleeding or hyperimmunizing.

(4) Clean cloths, which shall be kept damp when in use, to be used for covering virus pigs and final bleeders during all operations incident to the collection of blood, and

(5) Dust screens for all outside doors, openings, and unsealed windows.

NOTE: Renumbering is as follows:
Section 114.1 is redesignated as § 114.7.
Section 114.2 is redesignated as § 114.8.
Section 114.3 is redesignated as § 114.12.
Section 114.12 is redesignated as § 114.14.
Section 114.4 is redesignated as § 114.15
Section 114.5 is redesignated as § 114.16.
Section 114.6 is redesignated as § 114.17.
Section 114.7 is redesignated as § 114.18.
Section 114.8 is redesignated as § 114.19.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Veterinary Biologics Division, Federal Center Building, Hyattsville, Md. 20782, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 9th day of May 1967.

F. J. MULHERN,
Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 67-5328; Filed, May 11, 1967; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 1040]

[Docket No. AO-225-A19]

MILK IN SOUTHERN MICHIGAN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Lansing Civic Center, 505 West Allegan Street, Lansing, Mich., beginning at 1 p.m., local time, on Wednesday, May 17, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area.

Several proposals were received from cooperative associations and a handler to reconsider the level of Class I price. The public hearing therefore will receive evidence relative to the appropriate level of the Class I price to be effective under the Southern Michigan order, including the proposed methods set forth below by which Class I prices would be automatically adjusted in accordance with changing supply-demand relationships. The hearing also will receive evidence with respect to the economic and marketing conditions which relate to the several proposals to amend the tentative marketing agreement and order, and any appropriate modifications thereof.

None of the proposed amendments to be considered have received the approval of the Secretary of Agriculture.

Proposed by Sherman Dairy Co., Inc.:

Proposal No. 1. Amend § 1040.6, "Southern Michigan Marketing Area", by adding after Allegan County the words "(Dorr, Leighton, Hopkins, Wayland, Watson, Martin, Otsego, and Gunplain Townships only)".

Proposed by United Dairies, Inc.:

Proposal No. 2. Amend § 1040.12 to read:

§ 1040.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, buttermilk, yogurt, cream (exclusive of frozen and sour cream), and any mixture in fluid form of cream and milk or skim milk (except storage cream, aerated cream products, ice cream mix, ice milk mixtures, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

Proposal No. 3. Delete § 1040.81(a)(2) in its entirety.

Proposed by Michigan Milk Producers Association:

Proposal No. 4. Change the supply-demand maximum movement from 45 cents to 24 cents and update the formula in § 1040.51 to read as follows:

§ 1040.51 Class I milk price.

* * * * *

(a) * * *, add or subtract a "supply-demand adjustment" of not more than 24 cents computed pursuant to paragraph (b) of this section.

(b) A "supply-demand adjustment" shall be computed for the month as follows:

(1) Divide the total pounds of Class I milk for the second and third months next preceding by the total pounds of producer milk for the same months and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) For each four (4) full percentage points that the "current utilization percentage" is above or below the applicable standard utilization percentage listed below, add 12 cents when above or subtract 12 cents when below the standard.

Month for which price is being computed	Preceding months used in computation	Standard utilization percentage
January	October to November	71
February	November to December	69
March	December to January	69
April	January to February	70
May	February to March	70
June	March to April	69
July	April to May	66
August	May to June	63
September	June to July	65
October	July to August	67
November	August to September	67
December	September to October	70

Proposal No. 5. Add to § 1040.52 a new paragraph (c):

§ 1040.52 Class II milk price.

* * * * *

(c) To the Class II price as computed pursuant to this section, add 20 cents per hundredweight for milk that is manufactured into cottage cheese.

Proposal No. 6. Change the direct delivery differential from 4 cents to 8 cents by changing § 1040.81(a)(2) to read as follows:

§ 1040.81 Location differentials to producers and on nonpool milk.

(a) * * *

(2) Shall add not less than 8 cents per hundredweight with respect to milk received from producers and cooperative associations pursuant to § 1040.7(c) at a pool plant located within the townships of Royal Oak and Southfield in Oakland County and all townships of Wayne County, all in the State of Michigan.

* * * * *

Proposed by Twin Pines Farm Dairy:

Proposal No. 7. Amend § 1040.51 (a) and (b) to read as follows:

§ 1040.51 Class I milk price.

* * * * *

(a) * * *, add or subtract a "supply-demand adjustment" of not more than 24 cents computed pursuant to paragraph (b) of this section.

(b) A "supply-demand adjustment" shall be computed for the month as follows:

(1) Divide the total pounds of Class I milk in the 12-month period ending with the second preceding month by the total pounds of producer milk in the same period of handlers fully regulated under this part and parts 1041 (Northwestern Ohio marketing area) and 1036 (Northeastern Ohio marketing area) of this chapter and round to the nearest whole percentage number.

(2) For each four full percentage points that the percentage computed under subparagraph (1) of this paragraph is above or below 70 percent, add 12 cents when above and subtract 12 cents when below. If a change in the effective price occurs, a contra change will not be made until the percentage has moved two full percentage points into the former percentage bracket.

Proposal No. 8. Add a new paragraph (c) to § 1040.51.

§ 1040.51 Class I milk price.

* * * * *

(c) All Class I milk sold in another Federal order area by a handler in this area (except on a route that distributes in two areas) or sold to a handler in another Federal order area for Class I utilization, shall be settled through the pool at the Class I price in the area in which sold or at the location of the purchasing handler, less a transportation allowance at the rates provided in § 1040.54(a)(2) from the point of origin to the nearest highway point of the destination order area, but such Class I price shall not be less than the Southern Michigan order price at the point of origin.

Proposed by The Independent Dairymen's Cooperative of Eastern Michigan:

Proposal No. 9. Under § 1040.52, add a new paragraph (c):

§ 1040.52 Class II milk price.

* * * * *

(c) To the Class II price add 26 cents per hundredweight on all milk that is used in the manufacture of cottage cheese.

Proposed by The Independent Cooperative Milk Producers Association, Inc., of Grand Rapids:

Proposal No. 10. Amend § 1040.52, "Class II Milk Price", so that Class II milk will be priced at the higher of the Wisconsin-Minnesota manufacturing series or the butter-powder formula plus 10 cents.

Proposed by Michigan Producers Dairy Co.:

Proposal No. 11. Amend § 1040.54 to change the location adjustment to handlers' zone rate for Lenawee County from Zone II (minus 3 cents) to Zone I (no adjustment).

Proposed by McDonald Cooperative Dairy Co.:

Proposal No. 12. Amend § 1040.54(a)(1) by including in Zone II (minus 3 cents), the townships of Chesaning and Maple Grove in Saginaw County and the townships of New Haven, Hazelton, Caledonia, Venice, Shiawassee, Vernon, Antrim, and Burns in Shiawassee County, and deleting these townships from Zone III.

Proposal No. 13. Change § 1040.81(a)(2) to read as follows:

§ 1040.81 Location differentials to producers and on nonpool milk.

(a) * * *

(2) Shall add not less than the following amounts per hundredweight with respect to milk received from producers and cooperative associations pursuant to § 1040.7(c) at a pool plant located within the following townships in the State of Michigan:

(i) Eight cents per hundredweight in the townships of Royal Oak and Southfield in Oakland County and all townships of Wayne County.

(ii) Four cents per hundredweight in the remaining townships of Oakland County and in Genesee County.

(iii) Two cents per hundredweight in those townships of Saginaw and Bay counties which are in the zero zone and in the townships of Lansing, Meridian, Delhi, and Alaiedon in Ingham County.

* * * * *

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 14. Amend § 1040.41 by renumbering paragraph (a)(2) as (a)(3), adding a new paragraph (a)(2) and revising paragraph (b)(6) as follows:

§ 1040.41 Classes of utilization.

* * * * *

(a) * * *

(2) In inventory changes in distributing plants as defined in § 1040.14, and

(3) Not accounted for as Class II milk.

(b) * * *

(6) Skim milk and butterfat in inventory changes other than in distributing plants as defined in § 1040.14.

* * * * *

Proposal No. 15. In § 1040.46(a), subparagraph (5) is revoked.

Proposal No. 16. In § 1040.60, paragraph (c) is revoked.

Proposal No. 17. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Mr. George Irvine, 2684 West 11 Mile Road, Berkley, Mich. 48072, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on May 9, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-5332; Filed, May 11, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 137]

[Docket No. 8153; Notice 67-20]

AGRICULTURAL AIRCRAFT OPERATIONS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 137 of the Federal Aviation Regulations to modify the definition of agricultural aircraft operation; to permit the removal of airworthiness and registration certificates from the aircraft where materials carried will adversely affect paper; to permit agricultural dispensing of an economic poison for a purpose other than for which it is registered with the U.S. Department of Agriculture when the use is approved by the State in which it is used; to change the title of § 137.37 to

reflect the proper meaning of that section; and to restrict operations over noncongested areas to the actual dispensing operation.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, CC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 11, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Part 137 prescribes rules governing agricultural aircraft operations within the United States. As a result of comments received and reviewed within the FAA prior to promulgation of the Part, a definition of agricultural aircraft operations was included in § 137.3 which states that "Agricultural aircraft operation means the operation of an aircraft for the purpose of (1) dispensing any economic poison, (2) dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control, or (3) for engaging in other activities directly affecting agriculture, horticulture, or forest preservation." This definition limited agricultural aircraft operations to dispensing of economic poison and other substance for plant nourishment, soil treatment, propagation of plant life, or pest control, but clause (3) did not limit other activities to dispensing operations.

The specialized experience, training, and testing required to assure safety in dispensing material from an aircraft is not required, in the interest of safety, of a person who wishes to conduct activities such as bird chasing, frost control, fish spotting, or the dropping of live insects. As a result, it is proposed to limit other activities directly affecting agriculture, horticulture, or forest preservation to activities involving dispensing, and to except the dropping of insects as a dispensing activity. This will permit other persons to engage in nondispensing agricultural operations without an agricultural aircraft operator certificate, if, where appropriate, they secure a waiver from the provisions of Part 91. However, since the holder of an agricultural aircraft operator certificate, by virtue of the certificate, has demonstrated his ability to safely conduct nondispensing operations as well as dispensing operations, it is further proposed that no waiver from Part 91 be required of a certificate holder to engage in nondispensing agricultural activities.

It has been called to the attention of the FAA that the chemical properties of certain materials dispensed by aircraft and the frequent cleaning of the aircraft with detergents, steam, and other cleaners to remove the residue of those chemicals from the aircraft affect the physical characteristics of paper. As a result, the airworthiness certificate and the registration certificate, which must be permanently displayed in the aircraft, often are damaged and must be replaced with new certificates obtained from the FAA. This creates a burden on both the owner and the FAA. In recognition of this problem, it is proposed that the airworthiness certificate and the registration certificate may be removed from the aircraft. However, when these certificates are removed from the aircraft they must be kept at the base from which the dispensing operation is conducted and available for inspection by appropriate authorities.

Section 137.37 is directed to the manner of dispensing material, leaving the regulation of any innate chemical hazard of the material dispensed to other Federal, State, and local governmental agencies who have the expertise in that field. The key to the intent of § 137.37 is the phrase "in the manner" rather than the word "hazard". Since inquiries from interested persons indicate a misunderstanding of the purpose of that section, it is proposed that the title of the section should be changed to "Manner of Dispensing" so that it will more accurately reflect the purpose of that section.

Section 137.39 prohibits, in part, the dispensing of an economic poison for a use other than that for which it is registered with the U.S. Department of Agriculture. It is limited in that it applies only to an economic poison which is registered with the USDA, and it contains no prohibition against the use of an economic poison which has not been registered with that Department.

By a petition for rule making from an aerial applicator's association and comments from other interested persons, it has been brought to the attention of the FAA that § 137.39 is too restrictive and should be amended to permit the use of a USDA registered economic poison for other uses approved by the State in which it is to be dispensed. At present, § 137.39(a) prohibits such use. In support of these requests, it was pointed out that in certain instances, State agriculture authorities have found, by appropriate tests, that a USDA registered poison may be dispensed for a use other than that for which it has been registered by the manufacturer. Where this has occurred, the only recourse presently available to permit dispensing by agricultural aircraft is to have the additional use registered with the USDA by the manufacturer or secure an exemption from the rule. Where State authorities have found that another use is appropriate and may be safely permitted these procedures are burdensome, and in many cases, such as a sudden infestation where immediate action is necessary, the time required makes these procedures impractical. Therefore, it is proposed that § 137.39(a) be amended to permit the dispensing of a USDA registered economic poison for other than registered uses when approved by the State in which it is to be used.

Section 137.49 provides for operations below the prescribed minimum safe altitudes over other than congested areas. As the purpose of this section is to cover the actual dispensing operation and not other flying, it is proposed to amend the section to clearly reflect that it covers only the actual dispensing activity including the approaches, departures, and turnarounds reasonably necessary for the operation.

Amendments of an administrative nature are also proposed to delete § 137.13 and references to it as the section is no longer applicable.

In consideration of the foregoing, it is proposed to amend Part 137 of the Federal Aviation Regulations as follows:

§ 137.3 [Amended]

1. By amending subparagraph (3) of the definition of "Agricultural Aircraft Operation" in § 137.3 to read as follows:

(3) Engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation, but not including the dispensing of insects.

§ 137.11 [Amended]

2. By striking out the words "§ 137.13 and" in § 137.11(a).

3. By adding a new paragraph (c) to § 137.29 to read as follows:

§ 137.29 General.

* * * * *

(c) The holder of an agricultural aircraft operator certificate may deviate from the minimum safe altitude provisions of Part 91 of this chapter without a certificate of waiver when conducting nondispensing aerial work operations related to agriculture, horticulture, or forest preservation in accordance with the operating rules of this subpart.

§ 137.13 [Deleted]

4. By striking out § 137.13.

5. By amending § 137.33 by designating the provisions of that section as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 137.33 Carrying of certificate.

* * * * *

(b) Notwithstanding Part 91 of this chapter, the registration and airworthiness certificates for the aircraft need not be carried in the aircraft. However, when those certificates are not carried in the aircraft they shall be available for inspection at the base from which the dispensing operation is conducted.

§ 137.37 [Amended]

6. By striking out the word "hazardous" in the title of § 137.37 and inserting the words "manner of" in place thereof.

§ 137.39 [Amended]

7. By adding a flush paragraph at the end of § 137.39(a)(3) to read as follows:

However, an economic poison may be dispensed for a use other than that for which it is registered with the U.S. Department of Agriculture, or contrary to the use limitation on its label, if the use

is approved by the State Department of Agriculture, or other appropriate State authority of the State in which the economic poison is dispensed.

8. By amending § 137.49 to read as follows:

§ 137.49 Operations over other than congested areas.

Notwithstanding Part 91 of this chapter, during the actual dispensing operation, including approaches, departures, and turnarounds reasonably necessary for the operation, an aircraft may be operated over other than congested areas below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles, and structures, if the operations are conducted without creating a hazard to persons or property on the surface.

This proposal is made under the authority of sections 307(c), 313(a), 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421, and 1427).

Issued in Washington, D.C., on May 5, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-5312; Filed, May 11, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 103

[Ex Parte No. 253]

GENERAL AGREEMENTS RELATING TO RATES, FARES, ETC.

Notice of Issuance of Examiner's Recommended Report and Order

CROSS REFERENCE: For redesignation of document from Rules and Regulations section to Proposed Rule Making section, see Title 49, Chapter I, Part 103, issue of Thursday, May 11, 1967, page 7128.

Notices

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice 21]

TOMATOES IN UTAH

Extension of Closing Date for Filing of Applications for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7 of the Code of Federal Regulations, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time is hereby extended for accepting applications for tomato crop insurance for the 1967 crop year in all counties in Utah where such insurance is otherwise authorized to be offered which have been filed since April 15, 1967, or which will be filed up to the close of business on May 12, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-5331; Filed, May 11, 1967; 8:48 a.m.]

Office of the Secretary

PACKERS AND STOCKYARDS ADMINISTRATION

Establishment of Administration, Transfer of Functions, and Delegations of Authority

In accordance with Reorganization Plan No. 2 of 1953 (18 F.R. 3219, 67 Stat. 633), which became effective June 4, 1953 under provisions of the Reorganization Act of 1949, as amended (5 U.S.C. 901), the Department of Agriculture gave advance notice in the FEDERAL REGISTER of April 7, 1967 (Vol. 32, No. 67) concerning proposed establishment of a Packers and Stockyards Administration. Comments of interested persons and groups have been favorable.

Effective May 8, 1967, I am establishing the Packers and Stockyards Administration, under direction of Donald A. Campbell as Acting Administrator, who will report to me through the Assistant Secretary for Marketing and Consumer Services.

To the new agency are hereby transferred all the functions of the Packers and Stockyards Division, as heretofore constituted in the Consumer and Marketing Service, including administration of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181-229). Related authorities heretofore vested in the Administrator, Consumer and Marketing Service, are hereby transferred and delegated to the Administrator of the Packers and Stockyards Administration; related authorities redelegated to constituent units of the Packers and Stockyards Division, Consumer and Marketing Service, shall continue in force and be exercised by the comparable constituent units of the new agency, except as modified by the Administrator of the Packers and Stockyards Administration.

Done at Washington, D.C. the 8th day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5314; Filed, May 11, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CYPROMID

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Gulf Oil Corp., Post Office Box 8200, Kansas City, Mo. 64105, a temporary tolerance of 0.1 part per million is established for negligible residues of the herbicide cypromid (3',4'-dichlorocyclopropanecarboxanilide) in or on the raw agricultural commodity grain sorghum (milo). The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture.

This temporary tolerance expires May 1, 1968.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner (21 CFR 2.120).

Dated: May 1, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-5326; Filed, May 11, 1967; 8:48 a.m.]

PET FOOD INSTITUTE

Notice of Filing of Petition Regarding Color Additive Iron Oxide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 51) has been filed by Pet Food Institute, 333 North Michigan Avenue, Chicago, Ill. 60601, proposing the issuance of a regulation to provide for the safe use of and exemption from certification of iron oxide as a color for dog and cat foods in amounts not to exceed 0.25 percent by weight of the food.

Dated: May 4, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-5327; Filed, May 11, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-284]

IDAHO STATE UNIVERSITY

Notice of Receipt of Application for Construction Permit and Facility License

Please take notice that Idaho State University, Pocatello, Idaho, has filed an application, dated April 3, 1967, pursuant to section 104c of the Atomic Energy Act of 1954, as amended, for licenses to acquire, construct and operate a Model AGN-201, Serial No. 103, nuclear reactor presently owned by the Aerojet General Corp., San Ramon, Calif. Upon the issuance of a construction permit, the reactor will be transferred from its present site and reconstructed at a site on the campus of Idaho State University in Pocatello, Idaho.

A copy of the application is available for public inspection in the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 8th day of May 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-5299; Filed, May 11, 1967; 8:45 a.m.]

[Docket No. 27-39]

CALIFORNIA NUCLEAR, INC.

Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Correction

In F.R. Doc. 67-4897, appearing at page 6805 of the issue for Wednesday, May 3, 1967, in the formulas in the text of the license, "U236" should read "U235" in each instance in which it occurs.

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Proposed Issuance of Provisional Operating License

Please take notice that the Atomic Energy Commission (the Commission) is considering the issuance of a provisional operating license, set forth below, which would authorize Connecticut Yankee Atomic Power Co. (Connecticut Yankee) to possess, use, and operate the Haddam Neck Plant pressurized water nuclear reactor. The reactor is located on Connecticut Yankee's Haddam Neck site on the east bank of the Connecticut River, approximately 21 miles south-southeast of Hartford, in the town of Haddam, Middlesex County, Conn. Technical Specifications would be incorporated in the provisional operating license for operation of the reactor at power levels not to exceed 1,473 thermal megawatts.

Prior to issuance of the provisional operating license, the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPPR-14 issued by the Commission on May 26, 1964. Upon issuance of the provisional operating license, Connecticut Yankee will be required to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140 of the Commission's regulations.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed provisional operating license, see (1) the application for provisional operating license (Amendment Nos. 10, 11, 12, 13, 14, 15, and 16 to license application) dated July 19, 1966, October 6, 1966, January 11, 1967, January 11, 1967, March 6, 1967, March 23, 1967, and April 3, 1967, respectively, and applicant's letter dated December 21, 1966, providing additional financial data, (2) the Report of the Advisory Committee on Reactor Safeguards dated April 13, 1967, (3) a related safety evaluation prepared by the Division of Reactor Licensing, (4) the Technical Specifications which are incorporated in the proposed license and designated as Appendix A thereto, and (5) the Special Nuclear Material Transfer Schedule designated as Appendix B to the license, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 10th day of May 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

PROPOSED PROVISIONAL OPERATING LICENSE

The Atomic Energy Commission having found that:

a. The application for provisional operating license (Amendment Nos. 10, 11, 12, 13, 14, 15, and 16 to license application, dated July 19, 1966, Oct. 6, 1966, Jan. 11, 1967, Jan. 11, 1967, Mar. 6, 1967, Mar. 23, 1967, and Apr. 3, 1967, respectively, and applicant's letter dated Dec. 21, 1966) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The facility has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR-14;

c. There are involved features, characteristics, and components as to which it is desirable to obtain actual operating experience before the issuance of an operating license for the full term requested in the application;

d. There is reasonable assurance (i) that the facility can be operated at power levels not in excess of 1,473 megawatts thermal in accordance with this license without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

e. The applicant is technically and financially qualified to engage in the activities authorized by this license, in accordance with the rules and regulations of the Commission;

f. The applicant has furnished proof of financial protection to satisfy the requirements of 10 CFR, Part 140;

g. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;

Provisional Operating License No. -------- is hereby issued to Connecticut Yankee Atomic Power Co. (hereinafter, Connecticut Yankee), as follows;

1. This license applies to the Haddam Neck Plant pressurized light water reactor (hereinafter, the "facility") and associated steam generators and electric generating equipment. The facility is located on Connecticut Yankee's Haddam Neck site on the east bank of the Connecticut River, approximately 21 miles south-southeast of Hartford, in the town of Haddam, Middlesex County, Conn., and is described in license application Amendment No. 10, "Facility Description and Safety Analysis," Volumes I and II, as supplemented by Amendment Nos. 11, 12, 13, 14, and 15. Said "Facility Description and Safety Analysis" in Amendment No. 10, as supplemented and amended, is hereinafter referred to as the safety analysis report.

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (the Commission) hereby licenses Connecticut Yankee:

A. To possess, use, and operate the facility as a utilization facility, pursuant to section 104b of the Atomic Energy Act of 1954, as amended.

B. To receive, possess, and use at any one time 6,550 kilograms of contained uranium 235 as fuel for operation of the facility, pursuant to the Act and Title 10 CFR, Part 70, "Special Nuclear Material."

C. To receive, possess, and use six hundred (600) curies of Polonium 210 encapsulated as neutron startup sources, pursuant to the Act and Title 10, CFR, Part 30, "Rules of General Applicability to Licensing of Byproduct Material."

D. To possess, but not to separate, such byproduct and special nuclear material as may be produced by operation of the facility, pursuant to the Act and Parts 30 and 70.

3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Part 20, sections 50.54 and 50.59 of Part 50, section 70.32 of Part 70, section 40.41 of Part 40, and section 30.34 of Part 30; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum Power Level.*

Connecticut Yankee is authorized to operate the facility at steady state power levels up to a maximum of 1473 megawatts thermal.

B. *Technical Specifications.*

The Technical Specifications for operation at power levels not in excess of 1473 megawatts thermal contained in Appendix A attached hereto [1] are hereby incorporated in this license. Connecticut Yankee shall operate the facility in accordance with the Technical Specifications and may make changes therein only when authorized by the Commission in accordance with the provisions of section 50.59 of the Commission's regulations, Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities."

C. *Reports.*

In addition to reports otherwise required under this license and applicable regulations:

(1) Connecticut Yankee shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented the facility from performing its safety functions as described in the Technical Specifications. For each such occurrence, Connecticut Yankee shall promptly notify by telephone or telegraph the Director of the appropriate atomic energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20, and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Division of Compliance.

(2) Connecticut Yankee shall report to the Commission in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the facility from performance specifications of the facility contained in the safety analysis report or the Technical Specifications.

(3) Connecticut Yankee shall report to the Commission in writing within thirty (30) days of its occurrence any significant change in transient or accident analysis, as described in the safety analysis report.

(4) As soon as possible after the completion of 6 months of operation of the facility (calculated from the date of initial criticality), and at the end of each 6-month period thereafter, Connecticut Yankee shall submit a report in writing to the Commission covering the following matters:

a. Hours of use of the facility.

b. The electric output of the plant.

c. Shutdowns of the facility, with a brief explanation of the cause and duration of each shutdown.

[1] This item was not filed with the Office of the Federal Register, but is available for inspection in the Public Document Room of the Atomic Energy Commission.

d. Levels of radioactivity measured at the site and at off-site monitoring stations.

e. Levels of radioactivity in principal systems.

f. Routine releases, discharges, and shipments of radioactive materials.

g. Principal maintenance performed and principal changes made in the facility with the reasons therefor.

h. A description of significant tests performed during the 6-month period and the results of any test analyses completed during the period.

4. Pursuant to section 50.60, Title 10, CFR, Chapter 1, Part 50, the Commission has allocated to Connecticut Yankee for use in operation of the facility 16,571.7 kilograms of uranium 235 contained in uranium in the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to Connecticut Yankee and returns to the Commission are contained in Appendix B which is attached hereto.[2] Transfers by the Commission to Connecticut Yankee in accordance with column 2 in Appendix B will be conditioned upon Connecticut Yankee's return to the Commission of material substantially in accordance with column 3 (including the subcolumns headed "Scrap" and "Depleted Fuel") of Appendix B.

5. This license is effective as of the date of issuance and shall expire eighteen (18) months from said date, unless extended for good cause shown, or upon the earlier issuance of a superseding operating license.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Divison of Reactor Licensing.

[F.R. Doc. 67-5379; Filed, May 11, 1967; 10:40 a.m.]

FEDERAL MARITIME COMMISSION

DELTA STEAMSHIP LINES, INC., AND BOOTH LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

[2] This item was not filed with the Office of the Federal Register, but is available for inspection in the Public Document Room of the Atomic Energy Commission.

Notice of agreement filed for approval by:

Mr. Harry D. Hunter, Vice President, Delta Steamship Lines, Inc., 17 Battery Place, Room 326, New York, N.Y. 10004.

Agreement 9628, between the Delta Steamship Lines, Inc., and Booth Line establishes a through billing arrangement for movement of cargo from U.S. ports in the Gulf of Mexico to ports in Iquitos, Peru, and Leticia, Colombia, with transshipment at the port of Belem, Brazil, in accordance with terms and conditions set forth in said agreement.

Dated: May 9, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5318; Filed, May 11, 1967; 8:47 a.m.]

MEDITERRANEAN-U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Eric C. Brown, Secretary, Mediterranean-U.S.A. Great Lakes Westbound Freight Conference, 10, Place de la Joliette, Marseilles, France.

Agreement 9020-2, between the members of the Mediterranean-U.S.A. Great Lakes Westbound Freight Conference, modifies the basic agreement by (1) deleting the description of loading ports set forth in subparagraphs (1) and (2) of Article 3 and substituting in lieu thereof "all Italian ports"; (2) renumbering subparagraphs (3), (4), and (5) of Article 3 as (2), (3), and (4), respectively; (3) the addition to the last paragraph of Article 9 specific reference to Setubal as a port at which a call may be made provided that minimum tonnage of 300 tons of pool cargo is loaded, and that such call will count as a call at Lisbon or Leixoes in determining sailing obligations; and (4) the amendment of the first sentence of the first paragraph of Article 19 to extend the duration of the pool for the seasons 1969, 1970, and 1971, and amendment of Articles 10 and 11 of the basic agreement in conformity therewith. Other changes authorized by Article 21 of the basic agreement are also proposed but do not require Commission approval.

Dated: May 9, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5319; Filed, May 11, 1967; 8:47 a.m.]

NEW YORK FREIGHT BUREAU OF HONG KONG

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Charles F. Warren, Graham James and Rolph, 1725 DeSales Street NW., Washington, D.C. 20036.

Agreement No. 5700-10, between the member lines of the New York Freight Bureau of Hong Kong, provides for the appointment of a nonmember as Chairman or Chairman/Secretary and such other officers of the Bureau as the members may see fit.

Dated: May 9, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5320; Filed, May 11, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE E. LAWRENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions: None.
B. Additions: None.

This statement is made as of April 30, 1967.

GEORGE E. LAWRENCE.

APRIL 28, 1967.

[F.R. Doc. 67-5300; Filed, May 11, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18517]

FRONTIER AIRLINES, INC., AND CENTRAL AIRLINES, INC.

Merger; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 23, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner F. Merritt Ruhlen.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before May 17, 1967, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., May 8, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-5315; Filed, May 11, 1967; 8:46 a.m.]

CIVIL SERVICE COMMISSION

AIR TRAFFIC CONTROL SPECIALIST (TOWER)

Notice of Adjustment of Minimum Rate and Rate Range

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum salary rate and rate range for Air Traffic Control Specialist (Tower), GS-2152-12 at O'Hare International Airport, Chicago, Ill. The new rate range is as follows:

PER ANNUM RATES

Grade	[1] 1	2	3	4	5	6	7	8	9	10
GS-12	$12,064	$12,443	$12,822	$13,201	$13,580	$13,959	$14,338	$14,717	$15,096	$15,475

[1] Corresponding statutory rate: GS-12—Fourth

Geographic coverage: O'Hare International Airport at Chicago, Ill.

The effective date is the first day of the first pay period beginning on or after May 7, 1967.

All new employees in the specified class of positions will be hired at the new minimum rate.

As of the effective date, a pay adjustment to increase the pay of employees on the rolls in the affected class of positions will be processed. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-5317; Filed, May 11, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

VIRGINIA COMMONWEALTH BANKSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Virginia Commonwealth Bankshares, Inc., which is a bank holding company located in Richmond, Va., for the prior approval of the Board of the acquisiton by Applicant of more than 50 percent of the voting shares of American National Bank, Fredericksburg, Va.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration, the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 5th day of May 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-5308; Filed, May 11, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MAY 5, 1967.

Notice of a Forest Service, U.S. Department of Agriculture, application Sacramento 050595 for withdrawal and reservation of land for the Indian Springs Recreation Area, was published as F.R. Doc. No. 62-11996, on pages 12004, 12005, and 12006 of the issue for December 5, 1962. The applicant agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST

T. 17 N., R. 13 E.,
Sec. 30, E½NE¼ of lot 1 (lot 5), NW¼ NE¼, N½NE¼NW¼, SE¼NE¼NW¼, N½SW¼NE¼NW¼, and SE¼SW¼NE¼ NW¼.

The areas above-described aggregate approximately 83 acres.

Therefore pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m. on June 12, 1967, will be relieved of the segregative effect of the above-mentioned application.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-5309; Filed, May 11, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–10799 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 3, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 24, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–10799 C 4–20–67	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., West Kutz Field, San Juan County, N. Mex.	12.0	15.025
CI61–448 E 4–19–67	Marvin E. Wilhite and Francis M. McGahee (successor to Superior Oil & Gas, Inc.), Post Office Box 326, Orange Park, Fla. 32073.	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	25.0	15.325
CI61–874 C 3–17–67 [1]	Barnwell, Inc. (Operator) et al., % Stagg, Cady, and Beard, 406 Petroleum Tower, Shreveport, La. 71102.	Texas Gas Transmission Corp., Minden Field, Webster and Claiborne Parishes, La.	[2] 18.25	15.025
CI61–1096 E 4–19–67	Marvin E. Wilhite and Francis M. McGahee (successor to Superior Oil & Gas, Inc.).	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	25.0	15.325
CI62–303 E 4–19–67	do	do	25.0	15.325
CI62–578 E 1–20–67	Rodman Petroleum Corp. (Operator) et al. (successor to E. G. Rodman (Operator) et al.), Post Office Box 3826, Odessa, Tex. 79760.	Northern Natural Gas Co., Hansford (Morrow) Field, Hansford County, Tex.	17.0	14.65
CI62–1127 E 4–19–67	H & C Oil & Gas Co. (successor to Henry Cohen, et al.) % Hayward Summers, agent, Berea, W. Va. 26327.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	25.0	15.325
CI62–1143 E 4–20–67	Will-Ray Oil & Gas Co. (successor to A. W. Bailey, et al.) % Raymond N. Beim, attorney-in-fact, 810 Midland Bank Bldg., Minneapolis, Minn. 55401.	do	25.0	15.325
CI65–403 E 4–13–67 [3]	Mobil Oil Corp. (Operator) et al., Post Office Box 2444, Houston, Tex. 77001.	El Paso Natural Gas Co., Pegasus Plant Outlet, Midland and Upton Counties, Tex.	[4] 14.5 [5] 16.5	14.65
CI66–853 C 4–24–67	Service Gas Products Co. (Operator) et al., c/o James D. McKinney, Jr., Ross, Marsh, and Foster, 725 15th St. NW., Washington, D.C. 20005.	Panhandle Eastern Pipe Line Co., East Aline Processing Plant, Alfalfa County, Okla.	[6] 15.0	14.65
CI66–867 C 4–26–67	Chevron Oil Co., Western Division, 1700 Broadway, Denver, Colo. 80202.	El Paso Natural Gas Co., Huerfanito Mesa Verde Unit, San Juan County, N. Mex.	13.0	15.025
CI66–942 C 4–21–67	Pan American Petroleum Corp.	Northern Natural Gas Co., Northeast Arnett Field, Ellis County, Okla.	[5 7] 19.55	14.65
CI66–1261 C 4–24–67	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Jicarilla Area, Rio Arriba County, N. Mex.	12.0	15.025
CI67–224 C 4–27–67	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	17.0	14.65
CI67–260 E 4–17–67	Strahan Oil & Gas Co., Inc. (successor to Joe G. Strahan), 717 Bayou Shore Dr., Monroe, La. 71201.	Humble Gas Transmission Co., Richland Field Area, Richland Parish, La.	16.0	15.025
CI67–735 E 4–17–67	Evmar Oil Corp. (successor to Joseph S. Gruss), 30 Broad St., New York, N.Y. 10004.	El Paso Natural Gas Co., Spraberry Trend Area, Upton County, Tex.	14.5	14.65
CI67–1075 A 2–17–67	The Superior Oil Co.,[8] Post Office Box 1521, Houston, Tex. 77001.	Transwestern Pipeline Co., Worsham-Bayer Ellenburger Field, Reeves County, Tex.	[4] 14.5 [5 9] 16.5	14.65
CI67–1104 C 4–24–67	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Klnta Field, Le Flore County, Okla.	15.0	14.65
CI67–1461 A 4–17–67	Mobil Oil Corp. [10]	El Paso Natural Gas Co., Wilshire (Devonian) Field, Upton County, Tex.	16.5	14.65
CI67–1463 A 4–13–67	W. H. Mossor, 101 East Main St., Harrisville, W. Va. 26362.	Equitable Gas Co., West Union District, Doddridge County, W. Va.	25.0	15.325
CI67–1464 A 4–19–67	East Texas Municipal Gas Corp. (Operator) et al., Post Office Box 1722, Garrison, Tex. 75946.	United Gas Pipe Line Co., Joaquin Field, Shelby County, Tex.	13.5	14.65
CI67–1465 A 4–18–67	Cleary Petroleum, Inc., 310 Kermac Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Northeast Freedom Area, Woods County, Okla.	[11] 15.0	14.65
CI67–1466 A 4–18–67	Cumberledge Well No. 1, c/o James F. Scott, agent, 124 Valley St., Salem, W. Va. 26426.	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	25.0	15.325
CI67–1467 A 4–19–67	Longhorn Production Co., 540 Meadows Bldg., Dallas, Tex. 75206.	Natural Gas Pipeline Co. of America, acreage in Wise County Area, Tex.	[12] 17.05	14.65
CI67–1468 A 4–18–67	Okmar Oil Co., Post Office Box 548, Marietta, Ohio 45750.	Consolidated Gas Supply Corp., Sheridan District, Calhoun County and Murphy District, Ritchie County, W. Va.	25.0	15.325
CI67–1469 A 4–12–67	Empire Development Corp., Inc., Post Office Box 41, Tuppers Plains, Ohio 45783.	The Ohio Fuel Gas Co., Olive Township, Meigs County, Ohio.	24.0	15.025
CI67–1470 B 4–20–67	Lone Star Exploration, Inc., Operator, 2010 Republic National Bank Bldg., Dallas, Tex. 75221.	Transwestern Pipeline Co., acreage in Clark County, Kans.	Depleted	-------

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-1471 A 4-20-67	Pennzoil Co. and Webster Myers, c/o Webster Myers, agent, Post Office Box 1588, Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI67-1472 B 4-20-67	A. R. Jackson, agent for Ellene Ward No. 1 Oil & Gas Co., 224 Third Ave., South Charleston, W. Va. 25303.	Consolidated Gas Supply Corp., Center District, Calhoun County, W. Va.	Uneconomical	-------
CI67-1473 A 4-20-67	Harry J. Owens (Operator) et al., 519 Petroleum Bldg., Longview, Tex. 75603.	Arkansas Louisiana Gas Co., North Scottsville and Waskom Fields, Harrison County, Tex.	12.034	14.65
CI67-1474 B 4-21-67	Kerr-McGee Corp. (Operator) et al., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	United Fuel Gas Co., Go Around Bayou Field, Cameron Parish, La.	Depleted	-------
CI67-1475 B 4-21-67	Larco Drilling Co., c/o Harry D. Owen, attorney, Post Office Box 2599, Jackson, Miss. 39207.	United Gas Pipe Line Co., South Magee Field, Simpson and Smith Counties, Miss.	Depleted	-------
CI67-1476 B 4-21-67	Estate of Rupert Cox et al., c/o The Alamo National Bank of San Antonio, Independent Executor, San Antonio, Tex. 78205.	Texas Eastern Transmission Corp., Albrecht (Yegua) Field, Goliad County, Tex.	Depleted	-------
CI67-1477 A 4-21-67	J & J Enterprises, Inc., 518 Allegheny Ave., Avonmore, Pa. 15618.	Cumberland & Allegheny Gas Co., Union District, Upshur County, W. Va.	25.0	15.325
CI67-1478 A 4-21-67	do	Cumberland & Allegheny Gas Co., Union District, Barbour County, W. Va.	25.0	15.325
CI67-1479 A 4-21-67	do	Cumberland & Allegheny Gas Co., Union District, Upshur County, W. Va.	25.0	15.325
CI67-1480 A 4-21-67	Lou Fabian and Bonanza Ventures et al., No. 13 Greenbrier Bldg., 13th and Quincy Sts., Parkersburg, W. Va. 26102.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI67-1481 A 4-21-67	Wolf Run Oil & Gas Co., c/o Robert Weeks, agent, 3031 Wallace Circle, Huntington, W. Va. 25701.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	25.0	15.325
CI67-1482 A 4-21-67	U-Tex Oil Co. (Operator) et al., 1112 Walker Bank Bldg., Salt Lake City, Utah 84111.	Daman Pipeline Co., Inc., Cisco Springs Area, Grand County, Utah.	7.5	15.025
CI67-1483 A 4-18-67	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001.	Southern Natural Gas Co., Section 28 "Dome" Field, St. Martin Parish, La.	22.25	15.025
CI67-1484 A 4-21-67	J & J Enterprises, Inc.	Cumberland & Allegheny Gas Co., Warren District, Upshur County, W. Va.	25.0	15.325
CI67-1485 A 4-21-67	do	Cumberland & Allegheny Gas Co., Union District, Upshur County, W. Va.	25.0	15.325
CI67-1486 A 4-21-67	do	do	25.0	15.325
CI67-1487 A 4-21-67	do	Cumberland & Allegheny Gas Co., Warren District, Upshur County, W. Va.	25.0	15.325

[1] Adds interest of Dr. J. S. Rushing.
[2] Includes 1.75 cents per Mcf tax reimbursement.
[3] Amendment to certificate filed to reflect the acquisition by Applicant of coowners' (Paul Kendall and Lenora W. Kendall) interest under said certificate and rate schedule.
[4] Casinghead gas.
[5] Gas-well gas.
[6] Subject to upward and downward B.t.u. adjustment.
[7] Includes 2.55 cents upward B.t.u. adjustment.
[8] By letters dated Feb. 28, 1967, and Mar. 17, 1967, Applicant agreed to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[9] Subject to further adjustment for quality deviations.
[10] Applicant states its willingness to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[11] Applicant states its willingness to accept permanent certificate on the same terms specified by the Commission's order issued Mar. 30, 1964, in Docket Nos. G-19417 et al.
[12] Includes upward B.t.u. adjustment; also subject to adjustment for dehydration.

[F.R. Doc. 67-5244; Filed, May 11, 1967; 8:45 a.m.]

[Docket No. CP67-311]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

MAY 5, 1967.

Take notice that on April 26, 1967, Mississippi River Transmission Corp. (Applicant), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP67-311, an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval of the Commission to abandon, by sale to Arkansas Louisiana Gas Co. (Arkla), various lateral lines and related facilities which Applicant has used solely to provide service to Arkla and which Arkla desires to acquire for use as a part of its system. Said facilities include approximately 94 miles of small diameter pipeline and related regulating and measuring facilities. Applicant also states that Arkla has requested a contract demand reduction of approximately 17,000 Mcf per day of natural gas.

Applicant also seeks authorization to construct and operate the following facilities:

(1) Install approximately 31 miles of 26-inch pipeline loops on its Main Line No. 2 at various locations between West Point, Ark., No. 2 Compressor Station and Columbia, Ill., Control Station, and

(2) Relocate a 1,000 horsepower compressor unit from Glendale, Ark., No. 1 Compressor Station to Biggers, Ark., No. 2 Compressor Station.

Applicant states that the facilities proposed for construction and operation are to be used to increase its peak day capacity in the St. Louis area by 17,000 Mcf of natural gas, the amount of the reduction in contract demand by Arkla, for the 1967-68 winter season.

Applicant estimates the total cost of the proposed facilities at approximately $3,600,000, said cost to be financed from cash on hand, cash generated from operations and short-term bank loans. Applicant also states that the facilities proposed to be abandoned by sale to Arkla will be purchased for $95,473.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 2, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-5303; Filed, May 11, 1967; 8:45 a.m.]

[Docket No. CP67-320]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

MAY 5, 1967.

Take notice that on May 1, 1967, Mississippi River Transmission Corp. (Applicant), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP67-320 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction and operation of certain gas gathering facilities, all as more fully set forth in the application

which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct during the calendar year beginning June 1, 1967, and operate certain gas gathering facilities which will enable Applicant to take into its pipeline system natural gas which it may purchase from producers and other similar sellers in the general area of its existing pipeline system.

The total cost of the proposed facilities will not exceed $600,000, with no single project to exceed a cost of $150,000, which costs are proposed to be financed from funds on hand and generated from Applicant's operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10 and the regulations under the Natural Gas Act (§ 157.10) on or before May 25, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-5304; Filed, May 11, 1967; 8:45 a.m.]

[Docket No. G-4713 etc.]

ROBERTS AND MURPHY, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

APRIL 19, 1967.

Roberts and Murphy, Inc. (successor to J. I. Roberts and C. H. Murphy, doing business as Roberts and Murphy) et al.; Docket Nos. G-4713 et al.

In the notice of applications for certificates, abandonment of service, and petitions to amend certificates, issued April 18, 1967, and published in the FEDERAL REGISTER April 29, 1967 (F.R. Doc. 67-4624, 32 F.R. 6652), change the protest date to read "May 8, 1967" in lieu of "May 14, 1967".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-5305; Filed, May 11, 1967; 8:45 a.m.]

[Docket No. RI67-381 etc.]

MARATHON OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 5, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of the intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 21, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-381	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	62	3	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	$150	4-12-67	[2] 5-13-67	10-13-67	[5] 17.94	[3] [4] [8] 19.94	
RI67-382	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	243	[6] 7	Transwestern Pipeline Co. (Higgins Field, Lipscomb County, Tex.) (RR. District No. 10).	320	4-12-67	[2] 5-13-67	10-13-67	[5] 17.0	[4] [6] [7] [8] 17.5	
	Shell Oil Co	317	3	Panhandle Eastern Pipe Line Co. (Northwest Oakdale Field, Woods County, Okla.) (Oklahoma "Other" Area).	11,388	4-12-67	[2] 5-13-67	10-13-67	[10] 15.0	[4] [8] [10] 17.0	
	do	310	3	Natural Gas Pipeline Co. of America (South Taloga Field, Dewey County, Okla.) (Oklahoma "Other" Area).	557	4-12-67	[2] 5-13-67	10-13-67	[5] 15.0	[4] [8] 17.0	
	do	2	7	Natural Gas Pipeline Co. of America (Clayton Field, Live Oak County, Tex.) (RR. District No. 2).	75,911	4-12-67	[2] 5-13-67	10-13-67	[5] 9.5209	[4] [8] [11] 15.3964	
RI67-383	Shell Oil Co. (Operator) et al.	268	[12] 31	Michigan Wisconsin Pipe Line Co. (Lenora Field, Dewey County, Okla.) (Oklahoma "Other" Area).	428	4-12-67	[2] 5-13-67	10-13-67	[10] [13] 15.0	[4] [10] [12] [13] 17.9	
	do	328	2	Natural Gas Pipeline Co. of America (South Taloga Field, Dewey County, Okla.) (Oklahoma "Other" Area).	1,680	4-12-67	[2] 5-13-67	10-13 67	[5] 15.0	[4] [8] 17.0	
RI67 384	Apache Corp., 823 South Detroit, Tulsa, Okla.	13	5	Kansas-Nebraska Natural Gas Co., Inc. (Cameriek Field, Beaver County, Okla.) (Panhandle Area).	1,795	[14] 4-10-67	[2] 6- 1-67	11- 1-67	[5] 17.4	[4] [8] [15] 18.0	RI64-346.

[2] The stated effective date is the effective date proposed by Respondent.
[3] "Fractured" rate increase. Contractually due periodic increase to base rate of 19.5 cents.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes base rate of 17.0 cents before increase and 19.0 cents base rate after increase. Total rates include 0.94 cent B.t.u. adjustment (1094 B.t.u. gas). Base rates subject to upward and downward B.t.u. adjustment.
[6] Applicable to acreage added to contract by Supplement No. 5.
[7] "Fractured" rate increase. Initial contract rate is 23.0 cents until Sept. 1, 1969.
[8] Subject to a downward B.t.u. adjustment.
[9] Filing from initial certificated rate to initial contract rate.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Redetermined rate increase.
[12] Applicable to acreage added to contract by Supplement No. 29.
[13] "Fractured" rate increase. Initial contract rate is 19.5 cents.
[14] Filing completed on Apr. 13, 1967, by letter dated Apr. 12, 1967, which corrected original notice of change.
[15] Three-step periodic rate increase.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

[F.R. Doc. 67–5306; Filed, May 11, 1967; 8:45 a.m.]

[Docket No. RI67–378 etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MAY 5, 1967.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 21, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67–378	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	277	[2] 9	Oklahoma Natural Gas Gathering Corp.[3] (Ringwood Field, Major County, Okla.) (Oklahoma "Other" Area).	$162	4–12–67	[4] 4–12–67	[5] 4–13–67	[2] 11.0	[2] [7] 12.0	(2)
RI67–379	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74101.	274	2	do [3]	5,400	4–13–67	[4] 4–13–67	[5] 4–14–67	11.0	[7] [8] 12.0	
RI67–380	Gus Canales, 1204 Wilson Bldg., Corpus Christi, Tex. 78401, Attn: Mr. Joseph P. Mueller.	[11] 1	[10] [11] 1	Valley Gas Transmission, Inc. (South Independence Field, Duval County, Tex.) (RR. District No. 4).	2,000	4–7–67	[12] 5–8–67	[5] 5–9–67	[13] 14.0	[6] [7] [13] 15.0	

[2] Applicable to acreage dedicated to contract by Supplement No. 7. Rate for all other acreage under rate schedule is 12.0 cents subject to refund in Docket Nos. RI66–224 and RI66–434.

[3] Oklahoma Natural classed as a pipeline company in its certificate (CI61–1408) for resale of gas to Cities Service Gas Co. at an initial rate of 17.0 cents per Mcf. Oklahoma Natural's related rate increase to 18.5 cents has been approved. However, Oklahoma Natural must flow through refunds of its suppliers. National Fuels Corp. jointly purchases gas with Oklahoma Natural for liquids only.

[4] The stated effective date is the date of filing.

[5] The suspension period is limited to 1 day.

[6] Periodic rate increase.

[7] Pressure base is 14.65 p.s.i.a.

[8] Filing from conditioned temporary certificated rate to initial contract rate.

[9] Contract executed after Sept. 28, 1960, the date of the Commission's General Policy Statement No. 61–1.

[10] As amended by filing submitted on Apr. 14, 1967, which reflects initial deliveries under the subject rate schedule began in Jan. 1962 instead of Sept. 1962.

[11] Also submitted was an agreement and undertaking pursuant to § 154.102 of the Commission's regulations.

[12] The stated effective date is the effective date proposed by Respondent.

[13] Rate is subject to a downward B.t.u. adjustment.

Shell Oil Co. (Shell) and Sunray DX Oil Co. (Sunray) propose increases in rate from 11.0 cents to 12.0 cents per Mcf for wellhead sales of gas to Oklahoma Natural Gas Gathering Corp. (ONG) from the Ringwood Field in Major County, Okla. (Oklahoma "Other" Area). ONG gathers the gas and resells it, after processing, to Cities Service Gas Co. at a rate of 18.5 cents per Mcf.[14] Shell and Sunray's proposed rates exceed the area increased rate ceiling of 11.0 cents per Mcf for the Oklahoma "Other" Area as announced in Commission's statement of general policy No. 61–1, as amended. However, since ONG's related resale rate is in effect, we conclude that it would be in the public interest that the 30-day notice requirement provided in section 4(d) of the Natural Gas Act be waived and that Shell and Sunray's rate filings be suspended for 1 day from April 12, 1967 (Shell), and April 13, 1967 (Sunray), the date of filing. Sunray's request for a retroactive effective date of January 27, 1967, for its rate filing is denied.

The contract related to the rate filing by Gus Canales (Canales) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61–1, as amended, and the proposed increased rate of 15.0 cents per Mcf exceeds the area increased rate ceiling of 14.0 cents for Texas Railroad District No. 4 but is below the initial service ceiling of 16.0 cents per Mcf established for the area involved. We believe, in this situation, Canales' proposed rate filing should be suspended for 1 day from May 8, 1967, the proposed effective date.

[14] By order issued Nov. 3, 1966, in Docket No. RP66–19, an increase by ONG from 17.0 cents to 18.5 cents designed to compensate only for an increase in the cost of purchased gas was accepted for filing and allowed to become effective June 1, 1966, without obligation to refund, except that ONG is required to flow through any refunds received from its producer-suppliers and to reduce its rates to reflect any rate reductions for such suppliers.

[F.R. Doc. 67–5307; Filed, May 11, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4484]

DELMARVA POWER & LIGHT COMPANY OF MARYLAND AND DELMARVA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Promissory Notes by Subsidiary Public-Utility Company and Acquisition and Pledge Thereof by Parent Registered Holding Company

APRIL 27, 1967.

Notice is hereby given that Delmarva Power & Light Co. ("Delmarva"), a registered holding company and a public-utility company, and its subsidiary company, Delmarva Power & Light Company of Maryland ("Maryland"), 600 Market Street,Wilmington, Del. 19899, a public-utility company, all of whose outstanding securities are owned by Delmarva, have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 (b), 9(a), 12(d), and 12(f) of the Act and Rules 43 and 44 thereunder as applicable to the proposed transactions. All interested persons are referred to said joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

From time to time prior to April 30, 1969, Maryland proposes to issue and sell to Delmarva for cash its promissory notes due October 1, 1973, in an aggregate principal amount not in excess of $5,500,000. The notes will bear interest at 4.6 percent, but, at such time as Delmarva shall market its next issue of bonds, all notes thereafter issued by Maryland shall bear interest equal to the cost of money to Delmarva under such bond issue, rounded to the nearest one-tenth of 1 percent. The notes will be pledged by Delmarva with Chemical Bank New York Trust Co., trustee, in accordance with the provisions of the mortgage and deed of trust of Delmarva to Chemical Bank New York Trust Co., trustee, dated as of October 1, 1943, relating to Delmarva's first mortgage and collateral trust bonds.

Maryland will use the proceeds derived from the sale of the notes to reimburse its treasury for moneys previously expended for construction requirements and to provide funds for future construction expenditures. Proposed additions to Maryland's property and plant are estimated at $4,612,169 for 1967, $7,574,712 for 1968, and $3,516,000 for 1969.

It is stated that, other than miscellaneous traveling expenses, the expenses in connection with the proposed transactions, including legal expenses estimated at not in excess of $750, will be nominal.

A joint application has been filed by Maryland and Delmarva with the Public Service Commission of Maryland, the State commission of the State in which Maryland is organized and doing business, for authorization of the proposed transactions. A copy of the order of that commission, when entered, will be filed by amendment in this proceeding.

Notice is further given that any interested person may, not later than May 26, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5311; Filed, May 11, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 382]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 9, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41098 (Sub-No. 21 TA), filed May 3, 1967. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif. 92803. Applicant's representative: Floyd L. Farano (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in the State of Arizona on the one hand, and, on the other, points in the United States, for 180 days. Supporting shippers: Motorola, Inc., 9401 West Grand Avenue, Franklin Park, Ill. 60131; Varian, 611 Hansen Way, Palo Alto, Calif. 94303; Control Data Corp., 8100 34th Avenue South, Minneapolis, Minn. 55440. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 66562 (Sub-No. 2233 TA), filed May 3, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: Robert C. Boozer, Railway Express Agency, Incorporated, 80 Broad Street NW., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: (1) *General commodities,* moving in express service, between Jacksonville and St. Petersburg, Fla., from Jacksonville over Interstate Highway 10 to junction Florida Highway 121, thence over Florida Highway 121 to junction Florida Highway 236, thence over Florida Highway 236 to junction U.S. Highway 441, thence over U.S. Highway 441 to Leesburg, thence over Florida Highway 44 to junction Interstate Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 98, thence over U.S. Highway 98 to Dade City, thence over Florida Highway 52 to junction U.S. Highway 19, thence over U.S. Highway 19 to St. Petersburg, and return over the same route, serving the intermediate and/or off-route points of Raiford, Lake Butler, High Springs, Alachua, Gainesville, McIntosh, Reddick, Ocala, Weirsdale, Leesburg, Okahumpka, Brooksville, Trilby, Dade City, St. Leo, San Antonio, Tarpon Springs, and Clearwater, (2) from Jacksonville over Interstate Highway 10 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction Florida Highway 24, thence over Florida Highway 24 to Gainesville, thence over Florida Highway 121 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Interstate Highway 4, thence over Interstate Highway 4 to St. Petersburg, and return over the same route, serving the intermediate and/or off-route points

No. (1) above, and (3) between Lake City and Gainesville, Fla., over Interstate Highway 75, serving the intermediate and/or off-route points in No. (1) above. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency. Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts, for 120 days. Supporting shippers: (17) supporting shippers statements are attached and may be examined here at the office of the Interstate Commerce Commission in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 20591.

No. MC 103993 (Sub-No. 278 TA), filed May 4, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: John F. Kidd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger cars, from Pemberville, Ohio, to points in Ohio, Michigan, Indiana, Pennsylvania, New York, Connecticut, Massachusetts, Virginia, Minnesota, Rhode Island, New Hampshire, West Virginia, Maryland, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, New Jersey, Delaware, Georgia, Alabama, Mississippi, Florida, Missouri, Illinois, Wisconsin, Iowa, Maine, and Arkansas, for 180 days. Supporting shipper: R.E.S.T.T. Inc., 409 West Front Street, Pemberville, Ohio. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 107064 (Sub-No. 56 TA), filed May 3, 1967. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Street, Post Office Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same address above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feedstuffs* (except cottonseed products), in bulk, from Hereford, Tex., to points in Arizona, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Mississippi, Missouri, Alabama, and Florida, for 180 days. Supporting shipper: Shur-Gro Liquid Feed, Inc., Box 1150, Hereford, Tex. 79045. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Bldg., 1314 Wood Street, Dallas, Tex. 75202.

No. MC 110525 (Sub-No. 829 TA), filed May 4, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clear spray vinyl lacquer*, in bulk, in tank vehicles, from Carrollton, Ky., to Milwaukee, Wis., for 120 days. Supporting shipper: M & T Chemicals Inc., 100 Park Avenue, New York, N.Y. 10017. Send protests to: Peter R. Guman, District Supervisor, 900 U.S. Customhouse, Second and Chestnut Street, Philadelphia, Pa. 19107.

No. MC 112014 (Sub-No. 8 TA), filed May 3, 1967. Applicant: SKAGIT VALLEY TRUCKING CO., INC., Post Office Box 400, Mount Vernon, Wash. 98273. Applicant's representative: George Kargianis, Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between airports in King County, Wash., on the one hand, and, on the other, points in Thurston, Pierce, King, Snohomish, Skagit, Whatcom, Island, and Kitsap Counties, Wash., restricted to shipments having a prior or subsequent movement by air, for 180 days. Supporting shipper: West Coast Airlines, 1219 Westlake North, Seattle, Wash. 98109. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 114045 (Sub-No. 279 TA), filed May 4, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222, and Finley and Belt Line Road, Dallas, Tex. 75240. Applicant's representative: R. L. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from La Porte, Ind., to points in Illinois, Kansas, Oklahoma, Wisconsin, and Texas for 180 days. Supporting shipper: American Home Foods, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 115257 (Sub-No. 34 TA), filed May 4, 1967. Applicant: SHAMROCK VAN LINES, INC., Post Office Box 5447, Dallas, Tex. 75222. Office: 432 North Belt Line Road, Irving, Tex. 75060. Applicant's representative: R. C. Dawe (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons, between points in Saline, Sebastian, and Crawford Counties, Ark., and points in Arizona, California, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, Wyoming, for 180 days. Supporting shippers: There are (22) statements from supporting shippers that may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 119282 (Sub-No. 5 TA), filed May 4, 1967. Applicant: L. F. TAYLOR OF PA., INC., Rural Delivery No. 1, Mount Bethel, Pa. 18343. Applicant's representative: Morris Mindlin, 146 East Broad Street, Bethlehem, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building block*, from the site of the plant, plants, or storage areas of L. F. Taylor, Inc., at Mount Bethel, Pa., and points within 5 miles thereof, to points in New Jersey and to New York City and Long Island, N.Y., for 150 days. Supporting shipper: L. F. Taylor, Inc., Mount Bethel, Pa. Send protests to: District Supervisor F. W. Doyle, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 119519 (Sub-No. 16 TA), filed May 3, 1967. Applicant: ALLEN RUSSELL, doing business as ALLEN RUSSELL TRUCKING COMPANY, Route 2, Franklin, Ky. 42134. Applicant's representative: Robert H. Cowan, 500 Court Square Building, 300 James Robertson Parkway, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, including nitrates, phosphates, potashes, and mixtures thereof*, in bulk, from the plantsite of Mobil Chemical Co., at or near Mount Pleasant, Tenn., to points in Adair, Barren, Butler, Christian, Clinton, Cumberland, Edmonson, Green, Grayson, Hart, Marion, Monroe, Ohio, Russell, and Taylor Counties, Ky., for 180 days. Supporting shipper: Mr. E. X. Eakes, District Manager, Mobil Chemical Co., St. Bernard Station, Cincinnati, Ohio 45217. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124711 (Sub-No. 2 TA), filed May 4, 1967. Applicant: BECKER AND SONS, INC., 801 East Clark Street, Emporia, Kans. 66801. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solution*, in bulk, in tank vehicles, from Leavenworth, Kans., to points in Iowa, Missouri, Nebraska, and Oklahoma, for 150 days. Supporting shippers: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006; Tennessee Valley Authority by J. J. McClister, Supervisor, General Traffic Section, Division of Purchasing, 203 Lupton Building, Chattanooga, Tenn. Send protests to: I. C. Peterson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 125624 (Sub-No. 6 TA), filed May 4, 1967. Applicant: EVERGREEN FREIGHT LINES, INC., East 5205 Union Avenue, Spokane, Wash. 99207. Applicant's representative: Hugh A. Dressel, 702 Old National Bank Building, Spo-

kane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular route, nonscheduled service as a carrier of *General freight* between Spokane, Dishman, Gieger Field, and Fairchild Air Force Base, on the one hand, and, on the other, Keller, Republic, Wauconda, Malo, and Curlew, via U.S. Highway 2 Spokane to Wilbur, State Road 4 Wilbur to Republic and Wauconda and State Road 4A Republic to Malo and Curlew, no service to be rendered from, to or between intermediate points not named; between Spokane (Wash.), and Kettle Falls and Orient (Wash.), and intermediate points via U.S. Highway 2 to Davenport, State Road 22 Davenport to Kettle Falls, U.S. Highway 395 Kettle Falls to Orient, State Road 3P Kettle Falls, to Republic and U.S. Highway 395 Spokane to Kettle Falls, no local service to be rendered between Spokane and Davenport or between Spokane and Springdale; between Spokane and Inchelium and points within a radius of 10 miles of Inchelium via U.S. Highway 2 and State Road 22; Irregular route, nonradial service as a carrier of *household goods; machinery*, consisting of farm equipment only; *agricultural commodities*, consisting of hay, straw, grain, feed, and livestock only; and *forest products*, consisting of fuel wood only in Stevens, Lincoln, Spokane, and Ferry Counties and intercounty; *unmanufactured or unprocessed agricultural commodities* from points of production on farms for distances of not to exceed 50 miles in said counties; irregular route, radial service as a carrier of *building materials* (excluding cement in bulk in tank or bottom dump vehicles or similar specialized equipment) between Spokane, on the one hand, and, on the other, points in Ferry and Stevens Counties; *agricultural commodities, farm supplies and grain* between farms in the vicinity of Cedonia, Hunters, and Fruitland (Wash.), on the one hand, and, Spokane, on the other hand; milk and cream from farms within 5 road miles on either side of State roads 4 and 4A in Ferry County and Highway 22 in Stevens County to processing plants in Spokane, and from farms within 5 miles either side of Addy-Gifford road to Spokane, with no service between Davenport and Spokane. Waiver of Rule 16 is granted to permit this carrier to transport copies of the daily and Sunday editions of the Spokesman-Review and Spokane Chronicle in the territory he is now serving; also, bread being bought and sold, for 180 days. Supporting shippers: There are 20 statements from supporting shippers that may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: District Supervisor, L. C. Taylor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 128630 (Sub-No. 3 TA), filed May 4, 1967. Applicant: COMMODITY CARRIERS, INC., 700 Denargo Market, Denver, Colo. 80216. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, frozen foods, and bakery goods* (frozen and not frozen), from Denver, Colo., to points in Minnesota, North Dakota, South Dakota, Montana, Arkansas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Iowa, Nebraska, and Wisconsin, for 180 days. Supporting shippers: Shurtenda Steaks, Inc., 2452 West Second Avenue, Denver, Colo. 80223; and Colorado Pizza Co., 2143 Court Place, Denver, Colo. 80205. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5358; Filed, May 11, 1967; 8:48 a.m.]

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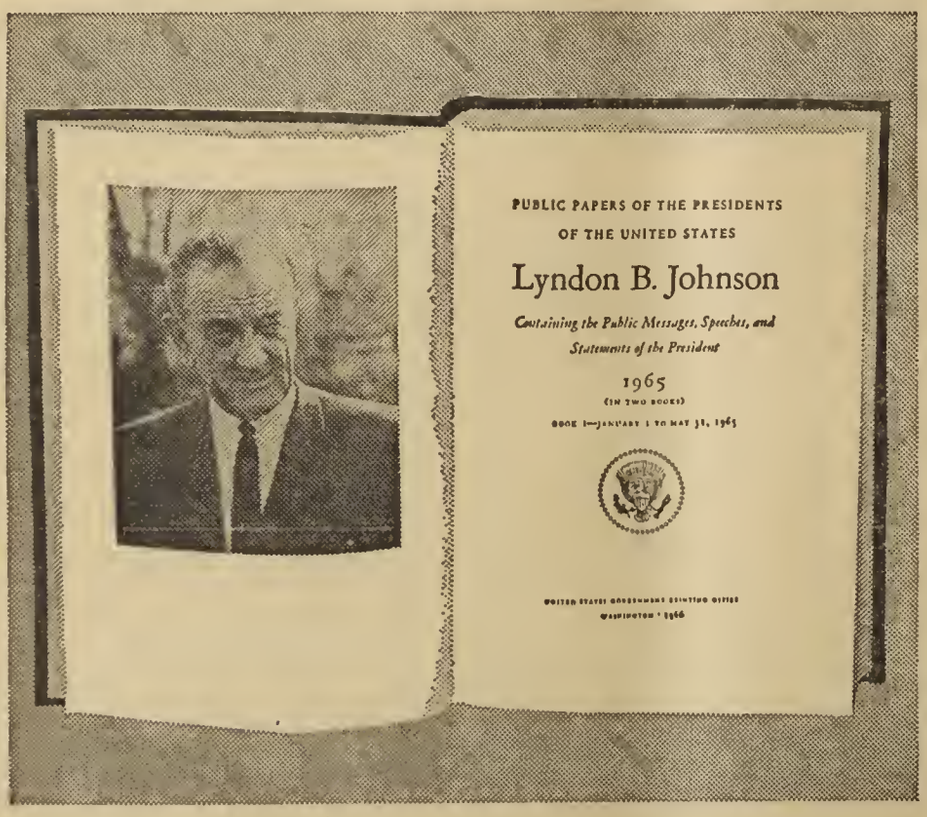
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Title 3—THE PRESIDENT

Proclamation 3784

MOTHER'S DAY, 1967

By the President of the United States of America

A Proclamation

With each passing generation, the words of the poet—"Children are what the mothers are"—take on greater meaning. We become ever more aware that the quality of our society depends in large measure upon the training our children receive in the early years of their lives.

The American mother has borne the major responsibility for that early training.

The fortitude to brave the frontier, the courage to bear our flag in battle, the compassion to help the needy and the weak at home and in distant lands—all of these have come to our people through traits of character instilled by our mothers.

It is fitting that we should set aside one day each year to pay tribute to our mothers—to thank God for their loving devotion, their moral teaching, and their steadfastness in all the weathers of our souls.

To this end, the Congress more than fifty years ago designated the second Sunday in May of each year as Mother's Day and requested the President to issue a proclamation calling for its observance.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, pursuant to the joint resolution of May 8, 1914, do hereby request that Sunday, May 14, 1967, be observed as Mother's Day; and I direct the appropriate officials of the Government to display the flag of the United States on all Government buildings on that day.

I call upon all Americans on that day to pay special tribnte to mothers—to our own mothers and to the mothers of our children—through the display of the flag at their homes or other suitable places, through prayers, and through other acts of love and devotion.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of May in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk

Secretary of State.

[F.R. Doc. 67-5475; Filed, May 12, 1967; 10:57 a.m.]

Rules and Regulations

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

Final Hearing; Execution of Questionnaire

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 336.16a is amended to read as follows:

§ 336.16a Final hearing; execution of questionnaire.

Immediately prior to the commencement of the final hearing, each person filing a petition for naturalization in his own behalf, or in behalf of a child pursuant to section 322 or 323 of the Immigration and Nationality Act, said child being 13 years of age or older on the date of the final hearing, shall execute the questionnaire on Form N–445 or Form N–445A.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order relates to agency procedure.

Dated: May 3, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67–5341; Filed, May 12, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 67–SO–52; Amdt. 39–418]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Models PA–28 and PA–32 Airplanes

There have been numerous reports of fuel tank sealant (sloshing compound) deterioration in the main tanks on the Piper PA–28 and PA–32 series aircraft. In some instances the sealant has peeled off in large sheets and in other cases smaller flakes have been detected in the fuel system screens and filters.

Since an unairworthy condition is likely to exist or develop in aircraft of this make and model, this airworthiness directive is being issued to require inspecton of the main fuel tanks and, where deterioration of the sealant is found, the removal of loose sealant material. A 50-hour recurrent inspection will be required until a satisfactory resealing procedure or other corrective action has been developed by the manufacturer.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 is amended by adding the following new airworthiness directive.

PIPER—Applies to Model 28–140 airplanes, Serial Numbers 28–20913 through 28–22917; Model PA 28–150, PA 28–160, PA 28S–160, PA 28–180, PA 28S–180 airplanes, Serial Numbers 28–2533 through 28–3979; Model PA 28–235 airplanes, Serial Numbers 28–10676 through 28–10891; Model PA 32–260 airplanes, Serial Numbers 32–03, 32–04, 32–17 through 32–861; Model PA 32–300, PA 32S–300 airplanes, Serial Numbers 32–15, 32–40000 through 32–40239.

Compliance is required within the next 25 hours' time in service after the effective date of this AD unless already accomplished within the last 25 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

To prevent the possibility of restricting fuel flow through the fuel system screens and filters caused by sealing material film (sloshing compound) which has peeled from the inner surfaces of the main fuel tanks, accomplish the following:

a. Inspect the entire interior of both main fuel tanks for sealing material film which has separated from or is loosely attached to the tank interior surfaces. Inspection may be accomplished through the filler neck without removing the tank from the aircraft, but the tank should be completely drained and dried. Exert precautions usually followed around explosive vapors.

b. Remove all separated and loosely attached material from the tank interior.

The inspection required by this AD constitutes preventive maintenance and may be performed by persons authorized to perform preventive maintnance under FAR 43. Aircraft log record entry must be made to reflect AD compliance in accordance with FAR 43.9.

The inspection time intervals (other than for the initial inspection) may be adjusted up to a maximum of 10 hours to coincide with aircraft annual or 100-hour scheduled inspections.

This amendment becomes effective May 13, 1967.

(Secs. 313(a), 601, 603, Fedcral Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in East Point, Ga., on May 5, 1967.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 67–5348; Filed, May 12, 1967; 8:46 a.m.]

[Docket No. 8154; Amdt. 39–419]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 18 Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on May 5, 1967, and made effective immediately, by telegram, to all known operators of the Beech Model airplanes listed below. There have been previously issued airworthiness directives 66–13–1, Amendment 39–239, published in the FEDERAL REGISTER of May 17, 1966; 64–21–1, Amendment 810, published in the FEDERAL REGISTER of September 15, 1964; 64–21–2, Amendment 811, published in the FEDERAL REGISTER of September 15, 1964; and 64–21–3, Amendment 812, published in the FEDERAL REGISTER of September 15, 1964. These directives required inspection at four locations of the elliptical front spar lower cap of the wing center section of one or more of the models affected. Either magnetic particle or X-ray inspection was required at specified sites. Two recent accidents involved spar failures on aircraft which were required to have been inspected in accordance with one of these approved methods. Because of the catastrophic nature of failures at these locations, a condition existed which required immediate adoption and effectiveness of an AD to specify an immediate and more intense inspection and to increase the frequency and intensity of repetitive inspections at these locations. Therefore, it was found that notice and public procedure thereon was impractical and contrary to the public interest and that good cause existed for making it effective immediately as to all known operators of the airplanes. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, § 39.13 is amended by adding the following airworthiness directive:

BEECH MODELS C18S, AT-11, C-45, C-45A, UC-45B, UC-45F, AT-7, AT-7A, AT-7B, AT-7C, JRB-1, JRB-2, JRB-3, JRB-4, SNB-1, SNB-2, SNB-2C, D18S, D18C, C-45G, TC-45G, C-45H, TC-45H, TC-45J (SNB-5), JRB-6, E18S, E18S-9700, G-18S, H18 (Aircraft Serial Nos. BA-580, BA-618 through BA-710 and BA-712 through BA-722), and to aircraft of the above models subsequently redesignated under a supplemental type certificate, except those modified under STC SA 1192 WE.

For airplanes with 1,500 or more total hours' time in service on the effective date of this AD or airplanes that subsequenty accumulate 1,500 total hours' time in service after that date, in order to detect cracks in the elliptical front spar lower cap of the wing center section, accomplish the following before further flight and thereafter at intervals not to exceed 200 hours' time in service from the date of the last inspection:

(a) Inspect visually the elliptical front spar caps of the wing center section and in addition thereto, inspect by both X-ray and magnetic particle procedures at the sites specified in the four airworthiness directives or parts thereof superseded by this AD as defined in the Beech Service Bulletins associated wth each of those airworthiness directives or part thereof or Federal Aviation Administration approved equivalent. (AD 66-13-1 does not refer to a Beech Service Bulletin defining an X-ray method. Such an approved method may be obtained by contacting the Beech Aircraft Corp., Wichita, Kans.)

(b) If as a result of such inspections cracks are found, they must be repaired before further flight in a manner specified in the appropriate airworthiness directives or parts thereof. If there is no approved repair specified for that portion of the spars in which cracks are detected, the spars must be repaired in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, Kansas City, Mo. If the spar cannot be repaired, it must be replaced before further flight.

(c) Upon completion of the initial inspection the reports of the findings of both magnetic particle and X-ray inspections, whether positive or negative, must be forwarded to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, Kansas City, Mo. X-ray plates shall be retained as a part of the permanent maintenance record of the airplane.

(d) When the approved reinforcements of the referenced airworthiness directives or parts thereof are installed, inspections required by this airworthiness directive are no longer required in the area where the reinforcements are installed.

(e) Further flight beyond the point where the airplane is grounded in accordance with this AD may be conducted only in accordance with FAR 21.197 to a base where the inspection can be conducted.

(f) This AD supersedes AD 66-13-1, Amendment 39-239, published in the FEDERAL REGISTER of May 17, 1966; Paragraph (a) of AD 64-21-1, Amendment 810, published in the FEDERAL REGISTER of September 15, 1964; AD 64-21-2, Amendment 811, published in the FEDERAL REGISTER of September 15, 1964; and Paragraph (a) of AD 64-21-3, Amendment 812, published in the FEDERAL REGISTER of September 15, 1964, and any amendments thereto.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective by telegram dated May 5, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Kansas City, Mo., on May 8, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-5349; Filed, May 12, 1967; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1200]

PART 13—PROHIBITED TRADE PRACTICES

L. J. Freiman, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, L. J. Freiman, Inc., et al., New York, N.Y., Docket C-1200, Apr. 26, 1967]

In the Matter of L. J. Freiman, Inc., a Corporation, and Louis J. Freiman, Joseph Freiman, and Harold Freiman, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents L. J. Freiman, Inc., a corporation, and its officers, and Louis J. Freiman, Joseph Freiman, and Harold Freiman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

5. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 26, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-5340; Filed, May 12, 1967; 8:45 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 26—EXEMPLARY REHABILITATION CERTIFICATES FOR EX-SERVICEMEN

In the March 3, 1967, issue of the FEDERAL REGISTER (32 F.R. 3710), there was

published a proposal to issue the above entitled regulations. Interested persons were invited to file statements of data, views, or argument in regard to the proposals. After consideration of all such relevant material as was presented, I have decided to and do hereby establish a new 29 CFR Part 26 to read as set forth below.

As the only functions of these regulations are to establish procedure and policy, delay in their effective date is not required (5 U.S.C. 553(c)). Accordingly, they shall become effective upon publication in the FEDERAL REGISTER.

The new regulations read as follows:

Sec.
26.1 Purpose and scope.
26.2 Application for certificate.
26.3 Information in applications.
26.4 Consideration for issuance of certificate.
26.5 Matters to be considered.
26.6 Denials.
26.7 Replacements.

AUTHORITY: The provisions of this Part 26 issued under Sec. 1577, 80 Stat. 1017.

§ 26.1 Purpose and scope.

(a) Public Law 89–690 amends Part II of Subtitle A of Title 10, United States Code, in that it authorizes the award of Exemplary Rehabilitation Certificates to any person discharged or dismissed from the Armed Forces under conditions other than honorable, or who received a general discharge, upon his being able to establish that he has rehabilitated himself, and that his character, conduct, activities, and habits since he was so discharged or dismissed have been exemplary for at least 3 years.

(b) The Act does not affect, change, or supersede the previous discharge in any way, nor would it allow any veterans' benefits to which the individual would not otherwise be entitled. It would allow these persons to receive special counseling and job development assistance through the national system of public employment offices.

§ 26.2 Application for certificate.

Any person desiring to apply for an Exemplary Rehabilitation Certificate may do so by filing an application form prescribed by the Department of Labor. The form may be obtained from and should be filed with:

Bureau of Employment Security, U.S. Department of Labor, Washington, D.C. 20210, Attention: XRC.

§ 26.3 Information in applications.

The application referred to in § 26.2 requires among other things that the applicant:

(a) Submit the prescribed form to his present employer, if employed, to be completed with regard to the applicant's general reputation and employment record, notarized or witnessed and returned by the applicant;

(b) List the names and addresses of all prior employers for at least 3 years preceding the date of application;

(c) Submit on a prescribed form a set of fingerprints to be used for positive identification purposes;

(d) List all prior addresses for the preceding 3 years, in order that certified statements from chief law enforcement officers of towns, cities, or counties in which the applicant has resided may be received attesting to his general reputation, so far as police and court records are concerned;

(e) Provide notarized or witnessed statements from not less than 5 persons, other than relatives, attesting that they have personally known him for at least the 3 years preceding the date of application as a person of good reputation and exemplary conduct, and the extent of personal contact they have had with him.

§ 26.4 Consideration for issuance of certificate.

(a) The Administrator of the Bureau of Employment Security or his authorized representative may consider an application for, and issue to that person, an Exemplary Rehabilitation Certificate if it is established to his satisfaction that such person has rehabilitated himself, that his character is good, and that his conduct, activities and habits since he was discharged or dismissed have been exemplary for a reasonable period of time, but not less than 3 years prior to the date of application.

(b) The Administrator shall supply a copy of each such Exemplary Rehabilitation Certificate which is issued, to the Secretary of Defense, who shall place such copy in the military personnel record of the individual to whom the certificate is issued.

§ 26.5 Matters to be considered.

Matters to be considered in determining whether a Certificate is to be issued may include the following:

(a) All material submitted in accordance with § 26.3;

(b) The nature of the previous discharge and the reasons for it;

(c) The certified statements received from the chief law enforcement officers in the applicant's locale, as to his conduct for the previous 3 years;

(d) Federal Bureau of Investigation reports obtained through examination of the applicant's fingerprints;

(e) Such independent investigation as the Administrator may make, or as may be made by utilizing the services of the Civil Service Commission.

§ 26.6 Denials.

(a) If the Administrator of the Bureau of Employment Security or his authorized representative has reason to deny an application for an Exemplary Rehabilitation Certificate, he shall send the applicant a proposal to deny the certificate together with a statement of the reasons therefor.

(b) Within 30 days following the issuance of a proposed denial, the applicant may request that further consideration be given to the matter. Such request shall be mailed to the Administrator, Bureau of Employment Security, U.S. Department of Labor, Washington, D.C. 20210 Attention: XRC. It shall state the reasons why he feels the proposed denial is improper and may include any documents which he may wish to have considered. If the applicant wishes to appear in person or by counsel regarding this matter, he should so state in his request and should indicate whether he wishes to be heard in Washington, D.C., or at the nearest regional office of the U.S. Department of Labor. Thereafter, he will be notified of the time and place at which he will be heard and the officer who will hear the applicant's presentation and make recommendations to the Administrator.

(c) If no request for further consideration is made in accordance with paragraph (b) of this section, the proposed denial shall become the final action of the Department of Labor.

(d) Following the close of these proceedings, the entire record shall be considered and the Administrator will make his final decision which shall be transmitted to the applicant. The Administrator's final decision shall be subject to review only by the Secretary of Labor. Requests for such review must be submitted in writing to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, not more than 30 days following the issuance of the Administrator's decision.

§ 26.7 Replacements.

If an Exemplary Rehabilitation Certificate is lost or destroyed, a duplicate certificate may be obtained by mailing a request explaining its loss or destruction to: Bureau of Employment Security, U.S. Department of Labor, Washington, D.C. 20210 Attention: XRC.

Signed at Washington, D.C., this 9th day of May 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67–5343; Filed, May 12, 1967; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M–11A, Revised Schedule A of May 15, 1967]

M–11A—COPPER AND COPPER-BASE ALLOYS

Schedule A—Set-Aside Percentages

This amendment of Schedule A to BDSA Order M–11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment further changes Revised Schedule A of December 2, 1966, to BDSA Order M–11A, as amended October 28, 1966, by decreasing the set-aside percentage for unalloyed plate, sheet, strip,

and rolls from 13 to 10 percent, for unalloyed rod, bar, shapes, and wire from 9 to 7 percent, for unalloyed seamless tube and pipe from 8 to 5 percent, for copper wire mill products (except shipboard cable) from 12 to 10 percent, and for copper foundry products from 11 to 8 percent, and by increasing the set-aside percentage for alloyed rod, bar, shapes, and wire from 7 to 10 percent, and for alloyed seamless tube and pipe from 21 to 30 percent. No reserve space is provided for shipboard cable, but producers of this product are required to accept ACM orders in accordance with DMS regulations. This amendment applies to authorized controlled material orders calling for delivery after June 30, 1967.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, P.L. 89-482, 80 Stat. 235)

Schedule A to BDSA Order M-11A is hereby further amended to read as follows:

SCHEDULE A TO BDSA ORDER M-11A

Set-Aside Percentages

(See sec. 6(f) of BDSA Order M-11A)

Base period—Calendar Year 1965

(See sec. 2(o) of BDSA Order M-11A)

Product	*Percentage for orders calling for delivery after June 30, 1967* [1]
Brass Mill Products:	
Unalloyed:	
Plate, sheet, strip, and rolls	10
Rod, bar, shapes, and wire	7
Seamless tube and pipe	5
Alloyed:	
Plate, sheet, strip, and rolls	12
Rod, bar, shapes, and wire	10
Seamless tube and pipe	30
Military ammunition cups and discs	([2])
Copper wire mill products:	
Copper wire and cable:	
Bare and tinned	10
Weatherproof	10
Magnet wire	10
Insulated building wire	10
Paper and lead power cable	10
Paper and lead telephone cable	10
Asbestos cable	10
Portable and flexible cord	10
Communications wire and cable	10
Shipboard cable	([2])
Automotive and aircraft wire and cable	10
Insulated power cable	10
Signal and control cable	10
Coaxial cable	10
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	10
Copper foundry products	8
Unalloyed copper powder mill products	([2])
Copper-base alloy powder mill products	([2])

[1] Schedule A revised as of Dec. 2, 1966, to BDSA Order M-11A, as amended Oct. 28, 1966, applies to orders calling for delivery prior to July 1, 1967.

([2]) No reserve space provided. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of DMS Regulation No. 1 and this order. However, section 6(f) of Order M-11A does not apply to such authorized controlled material orders.

This revised schedule shall take effect May 15, 1967.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 67-5356; Filed, May 12, 1967; 8:46 a.m.]

[BDSA Order M-11A, Direction 1; Amdt. 1 of May 15, 1967]

M-11A, DIR. 1—AMMO STRIP SET-ASIDE

Placement and Acceptance of Rated Orders for Ammo Strip

This amended direction to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives was rendered impracticable because of the need for immediate action.

This amendment to Direction 1 to BDSA Order M-11A affects Direction 1 to BDSA Order M-11A, of December 2, 1966, as amended, by changing the reserved production capacity, as set forth in section 3(b) of that direction, to 25 percent for orders calling for delivery after June 30, 1967.

Section 3(b) of Direction 1 of BDSA Order M-11A of December 2, 1966, is hereby amended to read as follows:

Sec. 3 Rules for the placement and acceptance of rated orders for ammo strip.

* * * * *

(b) With respect to orders placed pursuant to paragraph (a) of this section calling for delivery after June 30, 1967, each ammo strip producer must reserve production capacity for the production of ammo strip in any month in a minimum amount determined by multiplying his average monthly shipments by weight of copper-base alloy plate, sheet, rolls, and strip (excluding ammo strip) and cups in the base period (January–June 1965, both inclusive), by 25 percent. This reserved portion of his production capacity for ammo strip shall be separate from the set-aside for brass mill products—alloyed—plate, sheet, strip, and rolls, provided in Schedule A to this order, as revised from time to time.

* * * * *

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, P.L. 89-482, 80 Stat. 235)

This amendment shall become effective May 15, 1967.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 67-5355; Filed, May 12, 1967; 8:46 a.m.]

[BDSA Order M-11A, Direction 2; Amdt. 1 of May 15, 1967]

M-11A, DIR. 2—DOMESTIC REFINED COPPER SET-ASIDE

Reserved Portion of Production (Set-Aside)

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives was rendered impracticable because of the need for immediate action.

This amendment affects Direction 2 to BDSA Order M-11A, as amended February 15, 1967, by changing the reserved portion of production, as set forth in section 8 of that direction, from 29 percent to 26 percent.

Section 8 of Direction 2 to BDSA Order M-11A of February 15, 1967, is hereby amended to read as follows:

Sec. 8 Reserved portion of production (set-aside).

From the date of opening his books in any month for the acceptance of rated orders for domestic refined copper, each producer of domestic refined copper shall reserve at least 26 percent of his average monthly production of domestic refined copper (as defined in section 2(i) of this direction) for the acceptance of such rated orders calling for delivery in the immediately following month until the quantity of domestic refined copper for which he has accepted such rated orders is equal to at least the quantity thereof he is required to reserve, as indicated above; however, he need not accept such orders after the 10th day of that month even though he may not have accepted rated orders equivalent to the reserved quantity by that date: *Provided, however,* That DX rated orders must be accepted in accordance with the provisos contained in section 6 (2) and (5) above.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, P.L. 89-482, 80 Stat. 235)

This amendment shall become effective May 15, 1967.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 67-5357; Filed, May 12, 1967; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 11—Coast Guard, Department of Transportation

[CGFR 67-17]

PART 11-7—CONTRACT CLAUSES

Subpart 11-7.6—Fixed-Price Construction Contracts

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4:

Subpart 11–7.6 is revised to read as follows:

Subpart 11–7.6—Fixed-Price Construction Contracts

Sec.
11–7.600 Scope of subpart.
11–7.650 Additional clauses.
11–7.650–1 Composition of contractor.
11–7.650–2 Disputes concerning labor standards.
11–7.650–3 Site investigation.
11–7.650–4 Intent of drawings and specifications.
11–7.650–5 Index for specifications.
11–7.650–6 Specifications and drawings.
11–7.650–7 Subcontractors.
11–7.650–8 Protection of existing vegetation, structures, utilities, and improvements.
11–7.650–9 Operations and storage areas.
11–7.650–10 Progress charts and requirements for overtime work.
11–7.650–11 Government inspectors.
11–7.650–12 Contractor inspection system.
11–7.650–13 Subcontracts.
11–7.650–14 Authorization and consent.
11–7.650–15 Use and possession prior to completion.
11–7.650–16 Cleaning up.
11–7.650–17 Gratuities.
11–7.650–18 Notices and interpretations.
11–7.650–19 No waiver by Government.
11–7.650–20 Supersedure.
11–7.650–21 Federal specifications.
11–7.650–22 Sanitation.
11–7.650–23 Priorities, allocations and allotments.
11–7.650–24 Layout of work.
11–7.650–25 Working drawings.
11–7.650–26 Performance of work by contractor.
11–7.650–27 Availability and use of utility services.
11–7.650–28 Mandatory insurance coverage.
11–7.650–29 Notice and assistance regarding patent and copyright infringement.
11–7.650–30 Small business subcontracting program.
11–7.650–31 Notice to the Government of labor disputes.
11–7.650–32 Government-furnished property.
11–7.650–33 Disposition of inventory resulting from changes.
11–7.650–34 Salvage materials and equipment.
11–7.650–35 Guaranties.
11–7.650–36 Alterations in contract.

AUTHORITY: The provisions of this Subpart 11–7.6 issued under 14 U.S.C. 633, 10 U.S.C. ch. 137.

§ 11–7.600 Scope of subpart.

This subpart sets forth the contract clauses for use when applicable in construction contracts estimated to exceed $2,000 in addition to those prescribed in Subpart 1–7.6.

§ 11–7.650 Additional clauses.

Unless otherwise indicated by the specific instructions for their use, the clauses set forth or cited in this section shall be included in fixed-price construction contracts, awarded as a result of formal advertising, to be performed within the United States, its possessions, or Puerto Rico. Additional clauses may be used which are considered by each procuring activity to be essential to its operations, and which are not inconsistent with or in limitation of clauses set forth in this Subpart 11–7.6 or Subpart 1–7.6 of this title. Clauses used in Coast Guard formally advertised fixed-price construction contracts are contained in SF–23A and Additional General Provisions—Construction Contracts—Shore Structures (CG–2557C). Additional clauses supplementing CG–2557C are to be used when deemed necessary by the procuring activity. Unless inappropriate, clauses set forth in this Subpart 11–7.6 should be used in negotiated fixed-price construction contracts, and contracts to be performed outside the United States.

§ 11–7.650–1 Composition of contractor.

Insert the clause set forth in 32 CFR 7.602–32 (ASPR).

§ 11–7.650–2 Disputes concerning labor standards.

Insert the clause set forth in 32 CFR 7.603–26 (ASPR) in all contracts subject to the Davis-Bacon Act.

§ 11–7.650–3 Site investigation.

Insert the clause set forth in 32 CFR 7.602–33 (ASPR).

§ 11–7.650–4 Intent of drawings and specifications.

INTENT OF DRAWINGS AND SPECIFICATIONS

The intent of the drawings and contract specifications is to provide for the completion of the work in every detail, as described therein. The contractor shall furnish all labor, material, equipment, tools, transportation, and necessary supplies, such as may be reasonably required to complete the work in accordance with the drawings, specifications, and terms of the contract.

§ 11–7.650–5 Index for specifications.

INDEX FOR SPECIFICATIONS

If an index or table of contents is furnished in connection with specifications, it is understood that such index or table of contents is for convenience only. Its accuracy and completeness if not guaranteed, and it is not to be considered as part of the specifications. In case of discrepancy between the index or table of contents and the specifications, the specifications shall govern.

§ 11–7.650–6 Specifications and drawings.

SPECIFICATIONS AND DRAWINGS

To clause 2 (SF 23–A) add the following paragraphs:

(a) Omissions from the drawings or specifications or the misdescription of details of work which are manifestly necessary to carry out the intent of the drawings and specifications, or which are customarily performed, shall not relieve the Contractor from performing such omitted or misdescribed details of the work but they shall be performed as if fully and correctly set forth and described in the drawings and specifications.

(b) The Contractor shall check all drawings furnished him immediately upon their receipt and shall promptly notify the Contracting Officer of any discrepancies. Figures marked on drawings shall in general be followed in preference to scale measurements. Large scale drawings shall in general govern small scale drawings. The Contractor shall compare all drawings and verify the figures before laying out the work and will be responsible for any errors which might have been avoided thereby.

§ 11–7.650–7 Subcontractors.

Insert the clause set forth in 32 CFR 7.602–37 (ASPR).

§ 11–7.650–8 Protection of existing vegetation, structures, utilities, and improvements.

Insert the clause set forth in 32 CFR 7.602–34 (ASPR).

§ 11–7.650–9 Operations and storage areas.

Insert the clause set forth in 32 CFR 7.602–35 (ASPR).

§ 11–7.650–10 Progress charts and requirements for overtime work.

Insert the clause set forth in 32 CFR 7.602–36 (ASPR).

§ 11–7.650–11 Government inspectors.

Insert the clause set forth in 32 CFR 7.602–43 (ASPR).

§ 11–7.650–12 Contractor inspection system.

Insert the caluse set forth in 32 CFR 7.602–10 (ASPR) in all contracts in excess of $10,000.

§ 11–7.650–13 Subcontracts.

SUBCONTRACTS

(a) Nothing contained in the contract shall be construed as creating any contractual relationship between any subcontractor and the Government. The divisions or sections of the specifications are not intended to control the contractor in dividing the work among subcontractors or to limit the work performed by any trade.

(b) The contractor shall be responsible to the Government for acts and omissions of his own employees, and of subcontractors and their employees. He shall also be responsible for coordination of the work of the trades, subcontractors, and material men.

(c) The contractor shall, without additional expense to the Government, employ specialty subcontractors where required by the specifications.

(d) The Government or its representatives will not undertake to settle any differences between the contractor and his subcontractors, or between subcontractors.

§ 11–7.650–14 Authorization and consent.

Insert the clause set forth in 32 CFR 9.102 (ASPR) when applicable under the conditions and in the manner set forth therein.

§ 11–7.650–15 Use and possession prior to completion.

Insert the clause set forth in 32 CFR 7.602–39 (ASPR).

§ 11–7.650–16 Cleaning up.

Insert the clause set forth in 32 CFR 7.602–40 (ASPR).

§ 11–7.650–17 Gratuities.

Insert the clause set forth in 32 CFR 7.104–16 (ASPR).

§ 11–7.650–18 Notices and interpretations.

Insert the clause set forth in § 11–7.150–12.

§ 11–7.650–19 No waiver by Government.

NO WAIVER BY GOVERNMENT

The failure of the Government in any one or more instances to insist upon strict performance of any of the terms of this

contract or to exercise any option herein conferred, shall not be construed as a waiver or relinquishment to any extent of the right to assert or rely upon any such terms or option on any future occasion.

§ 11–7.650–20 Supersedure.

SUPERSEDURE

If this contract has been preceded by a Letter or Message of Intent or a Notice of Award, anticipating the execution of this contract, then such Letter or Message or Notice and all rights and obligations of the parties thereunder are superseded and merged into this contract. All acts of the contractor and the Government and all payments, if any, made by the Government under said Letter or Message or Notice shall be deemed to have been under this contract.

§ 11–7.650–21 Federal specifications.

The following clause will be inserted in all contracts when deemed appropriate or desirable by the contracting officer.

FEDERAL SPECIFICATIONS

(a) Unless otherwise indicated, specifications referred to herein by number are Federal specifications, including revisions and addenda, in effect on the date of issue of the invitation for bids (or request for quotations). Such specifications are not furnished in detail for the reason that they were prepared in collaboration with the material producers who are assumed to be familiar with their requirements. Copies of Federal specifications may be obtained from the Business Service Center of any of the regional offices of the General Services Administration at the following places: Atlanta, Ga.; Boston, Mass.; Chicago, Ill.; Dallas, Tex.; Denver, Colo.; Kansas City, Mo.; New York, N.Y.; San Francisco, Calif.; Auburn, Wash.; Washington, D.C. Requests for copies of specifications should include the number and the title of the specifications required.

(b) Numbered specifications, other than Federal specifications, incorporated herein by reference may be obtained from the sources set forth in the invitation for bids (or request for quotations).

§ 11–7.650–22 Sanitation.

The following clause will be inserted in all contracts when deemed appropriate or desirable by the contracting officer.

SANITATION

Adequate sanitary conveniences of an approved type for the use of persons employed on the work, and properly secluded from public observation, shall be constructed and maintained by the contractor in such a manner and at such points as shall be required or approved by the contracting officer. These conveniences shall be maintained at all times without nuisance and their use shall be strictly enforced. Upon completion of the work they shall be removed from the premises, leaving the premises clean and free from nuisance.

§ 11–7.650–23 Priorities, allocations and allotments.

In accordance with the requirements of § 11–1.311 insert the clause prescribed therein.

§ 11–7.650–24 Layout of work.

Insert the clause set forth in 32 CFR 7.604–3 (ASPR) when deemed appropriate or desirable by the contracting officer.

§ 11–7.650–25 Working drawings.

The following clause will be inserted in all contracts when deemed appropriate or desirable by the contracting officer.

WORKING DRAWINGS

(a) *General.* Drawings, showing such details as are necessary to give a comprehensive idea of the construction contemplated, will be furnished by the Coast Guard. The contractor shall submit to the Coast Guard for approval, such additional shop or working drawings of structures as may be required for the construction of any part of the work; and prior to the approval of such drawings, any work done, or material ordered, shall be at the contractor's risk. Unless otherwise permitted by the contracting officer, shop or working drawings submitted by the contractor shall not exceed the size of the contract drawings. It is expressly understood that the approval by the Coast Guard of the contractor's working drawings relates to the requirements for strength and detail only, and such approval shall not relieve the contractor from responsibility for error in dimensions.

(b) *Details.* Working drawings shall consist of such detail drawings as are not included in the drawings furnished by the Coast Guard and as may be reasonably required for the successful prosecution of the work.

(c) *Types of structures* may include drawings for structural steel work, piping, wiring, falsework or centering, cofferdams, bulkheads, bracing, form work, masonry layout diagrams, and diagrams for reinforcement.

(d) *To be furnished by contractor.* The contractor shall furnish the Coast Guard with such blueprint copies of the working drawings as may be required for approval and construction purposes, and, upon completion of the work, the original tracings or satisfactory vandykes from same shall be supplied to the Coast Guard. The contract price shall include the cost of furnishing all such working drawings required, and the contractor will be allowed no extra compensation for such drawings.

§ 11–7.650–26 Performance of work by contractor.

In accordance with the requirements of 32 CFR 18.104 (ASPR) the clause set forth in 32 CFR 7.603–15 (ASPR) will be included in all contracts estimated to exceed $100,000.

§ 11–7.650–27 Availability and use of utility services.

Insert the clause set forth in 32 CFR 7.603–30 (ASPR) when deemed appropriate or desirable by the contracting officer.

§ 11–7.650–28 Mandatory insurance coverage.

The following clause will be inserted in all contracts when deemed appropriate or desirable by the contracting officer.

MANDATORY INSURANCE COVERAGE

If the contractor shall procure or maintain any insurance upon any property in which the Government has or may acquire an interest or upon which it has or may acquire a lien under this contract or otherwise, such policies shall, in the following language, make formal disclosure of the diversity of interests: "Notice is hereby given and accepted that the United States of America has or may acquire an interest in the subject matter of this insurance." Such policy or policies shall also contain a loss payable clause reading as follows: "Loss if any under this policy shall be adjusted with the name insured and be made payable to the Commandant, U.S. Coast Guard, or order." Any payments thereunder shall inure to the benefit of the Government to the extent of any loss suffered by the Government and to the contractor as to any remaining balance.

§ 11–7.650–29 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in § 1–7.101–13 in all contracts exceeding $10,000.

§ 11–7.650–30 Small business subcontracting program.

Insert the clause set forth in § 1–1.710–3(b) under the conditions and in the manner prescribed therein.

§ 11–7.650–31 Notice to the Government of labor disputes.

Insert the clause set forth in 32 CFR 7.104–4 (ASPR) in all contracts in which the completion date is or may be urgently required for the operational readiness of the Coast Guard.

§ 11–7.650–32 Government-furnished property.

Insert the clause set forth in 32 CFR 13.702 (ASPR) under the conditions and in the manner prescribed therein.

§ 11–7.650–33 Disposition of inventory resulting from changes.

The following clause will be inserted in all contracts when deemed appropriate or desirable by the contracting officer.

DISPOSITION OF INVENTORY RESULTING FROM CHANGES

Where the cost of property made obsolete or excess as a result of a change is included in the contractor's claim for adjustment pursuant to the CHANGES clause of this contract, the contracting officer shall have the right to prescribe the manner of disposition of such property.

§ 11–7.650–34 Salvage materials and equipment.

Insert the clause set forth in 32 CFR 7.603–29 (ASPR) in contracts which involve Government-furnished property which is to be salvaged and reused.

§ 11–7.650–35 Guaranties.

(a) The clause set forth below will be used in all fixed-price construction contracts (for modifications see paragraph (b) of this section) unless deemed inappropriate or otherwise undesirable by the contracting officer.

GUARANTIES

(a) Unless otherwise provided in the specifications, the contractor guarantees all work to be in accordance with contract requirements and free from defective or inferior materials, equipment, and workmanship for one (1) year after the date of final settlement or from an earlier date determined by the contracting officer.

(b) If, within any guaranty period, the contracting officer finds that guaranteed work needs to be repaired or changed because of the use of materials, equipment, or workmanship which, in his opinion, are inferior, defective, or not in accordance with the terms of the contract, he shall so inform the contractor in writing and the contractor shall promptly and without additional expense to the Government:

(1) Place in a satisfactory condition all of such guaranteed work;

(2) Make good all damage to equipment, the site, the building, or contents thereof, which is the result of such unsatisfactory guaranteed work; and

(3) Make good any work, materials, and equipment that are disturbed in fulfilling the guaranty, including any disturbed work, materials, and equipment that may have been guaranteed under another contract.

Should the contractor fail to proceed promptly in accordance with the guaranty, the Government may have such work performed at the expense of the contractor.

(c) Any special guaranties that may be required under the contract shall be subject to the stipulations set forth above, insofar as they do not conflict with the provisions of such special guaranties.

(b) When inspection and acceptance tests will afford full protection to the Government in ascertaining conformance to specification and the absence of defects and deficiencies, no guaranty provision for that purpose shall be included in the contract. In certain instances, the contracting officer may desire to include provision in a contract for a guaranty period of more than 1 year. In such instances, where after full inquiry it has been determined that such longer guaranty period will not involve increased costs to the Coast Guard, the longer guaranty period may be substituted for the 1 year specified in the guaranty clause. Where the full inquiry discloses that such longer guaranty period will involve, or is reasonably expected to involve, increased cost to the Coast Guard, such fact, and the reason for the need of such longer period shall be set forth in letter form to the Chief Officer responsible for procurement, requesting approval for use of a guaranty period in excess of 1 year.

§ 11–7.650–36 Alterations in contract.

The clause set forth in § 11–7.150–18 may be inserted.

Dated: May 4, 1967.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 67-5347; Filed, May 12, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 202]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.502 Valencia Orange Regulation 202.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 11, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 14, 1967, through May 20, 1967, are hereby fixed as follows:

(i) District 1: 335,000 cartons;

(ii) District 2: 335,000 cartons;

(iii) District 3: 130,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 12, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 5476; Filed, May 12, 1967; 11:25 a.m.]

[Grapefruit Reg. 33, Amdt. 2]

PART 909—GRAPEFRUIT GROWN IN THE STATE OF ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF WHITE WATER, CALIFORNIA

Limitation Of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit.

Order. In § 909.333 (Grapefruit Reg. 33, 31 F.R. 13134; 32 F.R. 710) the provisions of paragraph (a) (1) (ii) and (2) are amended to read as follows:

§ 909.333 Grapefruit Regulation 33.

(a) Order. (1) * * *

(i) * * *

(ii) Any grapefruit which measure less than 3$^{9}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than 3$^{9}/_{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–51.955: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than 3$^{9}/_{16}$ inches in diameter,

such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{13}{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3\frac{6}{16}$ inches in diameter directly to a destination in Zone 4, Zone 3, or Zone 2.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 12, 1967, to become effective May 14, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–5477; Filed, May 12, 1967; 11:25 a.m.]

[Lemon Reg. 267]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.567 Lemon Regulation 267.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulations; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 9, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 14, 1967, through May 20, 1967, are hereby fixed as follows:

(i) District 1: 1,860 cartons;

(ii) District 2: 279,000 cartons;

(iii) District 3: unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 11, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–5478; Filed, May 12, 1967; 11:25 a.m.]

[Lime Reg. 24]

PART 911—LIMES GROWN IN FLORIDA

Container Regulation

On April 20, 1967, notice of rule making was published in the FEDERAL REGISTER (32 F.R. 6205) regarding a proposed container regulation to replace the current container regulation (7 CFR 911.310; 31 F.R. 8539) in effect pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The proposal was submitted by the Florida Lime Administrative Committee (established pursuant to said amended marketing agreement and order). This is a regulatory marketing program issued pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

During the time provided in said notice for written data, views, or arguments in connection with the aforesaid proposal, the Florida Lime Administrative Committee submitted additional considerations and recommendations regarding the proposal. The committee recommended that containers measuring 11 x $16\frac{3}{4}$ x 10 inches inside dimensions used in the handling of limes should be subject to maximum, as well as minimum, net weight specifications for the contents thereof so as to provide an appropriate tolerance that would permit complete filling of the containers. Such minimum and maximum net weights should be not less than 40 pounds and not more than 42 pounds, respectively. The maximum net weight limit was inadvertently omitted from the committee's initial recommendation.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the committee, and other available information, it is hereby found that the container regulation hereinafter set forth is in accordance with the provisions of said amended marketing agreement and order; a sufficient number of uniform-size containers are authorized for the handling of limes in containers having a capacity of more than 4 pounds; and such regulation will tend to effectuate the declared policy of the act.

§ 911.326 Lime Regulation 24.

(a) *Order.* (1) Lime Regulation 8 is hereby terminated at 12:01 a.m., e.d.t., June 15, 1967.

(2) On and after 12:01 a.m., e.d.t., June 15, 1967, no handler shall handle any variety of limes, grown in the production area, in containers having a capacity of more than 4 pounds of limes unless such limes are handled in containers meeting the following specifications and conform to all other applicable requirements of this section:

(i) Containers with inside dimensions of 11 x $16\frac{3}{4}$ x 10 inches: *Provided,* That any such container shall contain not less than 40 pounds nor more than 42 pounds net weight of limes.

(ii) Containers with inside dimensions of $11\frac{3}{8}$ x 16 x 11 inches: *Provided,* That any such container shall contain not less than 40 pounds nor more than 42 pounds net weight of limes.

(iii) Containers with inside dimensions of $11\frac{3}{8}$ x 16 x 6 inches: *Provided,* That any such container shall contain not less than 20 pounds nor more than 22 pounds net weight of limes.

(iv) Containers with inside dimensions of 11 x $16\frac{3}{4}$ x 6 inches: *Provided,* That any such container shall contain not less than 20 pounds nor more than 22 pounds net weight of limes.

(v) Containers with inside dimensions of 12 x $9\frac{5}{8}$ x $3\frac{3}{4}$ inches: *Provided,* That any such container shall contain not less than 10 pounds net weight of limes.

(vi) Containers with inside dimensions of 12 x $9\frac{5}{8}$ x 5 inches: *Provided,* That any such container shall contain not less than 10 pounds nor more than 12 pounds net weight of limes.

(vii) Such other types and sizes of containers as may be approved by the Florida Lime Administrative Committee, with the approval of the Secretary, for testing in connection with a research project conducted by or in cooperation with said committee: *Provided,* That the handling of each lot of limes in such test containers shall be subject to the prior approval, and under the supervision of, the Florida Lime Administrative Committee.

(3) The limitations set forth in subparagraph (2) of this paragraph shall not apply to master containers for individual packages of limes: *Provided,* That the individual packages within such master container are of a capacity not

exceeding 4 pounds and the markings or labels, if any, on such packages do not conflict with the markings or labels on the master container.

(b) The terms "handler," "handle," "limes," and "production area" when used in this section shall have the same meaning as when used in the amended marketing agreement and order (§§ 911.1 to 911.71).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 9, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-5350; Filed, May 12, 1967; 8:46 a.m.]

[Avocado Reg. 9]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 15, 1967. This regulation establishes grade and maturity requirements designed to prevent the shipment of avocados which are immature or otherwise of poor quality; it is necessary that such requirements be made effective at the time and for the periods specified herein in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 915.309 Avocado Regulation 9.

(a) *Order.* (1) During the period May 15, 1967, through April 30, 1968, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade;

(2) After the effective time of this regulation, except as otherwise provided in subparagraphs (9) and (10) of this paragraph, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, except that avocados of the Arue variety which weighs at least 17 ounces may be handled prior to the date so listed, and thereafter each such variety shall be handled only in conformance with subparagraph (3), (4), (5), and (6) of this paragraph.

TABLE I

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Arue	5–15–67	17 oz.	7–17–67	14 oz. 3 3/16 in.	7–24–67		
Fuchs	6–19–67	14 oz. 3 3/16 in.	7– 3–67	12 oz. 3 in.	7–24–67	10 oz. 2 14/16 in.	7–31–67
K–5	6–19–67	12 oz. 2 13/16 in.	7– 3–67	10 oz. 2 13/16 in.	7–24–67		
Dr. DuPuis No. 2	6–19–67	18 oz. 3 13/16 in.	7– 3–67	16 oz. 3 5/16 in.	7–17–67		
Hardee	6–26–67	14 oz. 3 3/16 in.	7–10–67	11 oz. 2 13/16 in.	7–31–67		
Pollock	7–17–67	16 oz. 3 7/16 in.	7–31–67				
Simmonds	7–17–67	14 oz. 3 7/16 in.	7–31–67				
Nadir	7–17–67	10 oz. 2 15/16 in.	7–31–67	8 oz. 2 9/16 in.	8–14–67		
Katherine	7–17–67	16 oz.	7–31–67	14 oz.	8–14–67		
Trapp	8–14–67	12 oz. 3 7/16 in.	9–11–67				
Waldin	8–14–67	16 oz. 3 9/16 in.	8–28–67	14 oz. 3 7/16 in.	9–18–67	10 oz. 3 3/16 in.	9–25–67
Peterson	8–14–67	10 oz. 3 3/16 in.	8–28–67	8 oz. 2 13/16 in.	9–11–67		
Pinelli	8–28–67	16 oz. 3 11/16 in.	9–11–67				
Tonnage	8–28–67	14 oz. 3 5/16 in.	9– 4–67	12 oz. 3 in.	9–11–67	10 oz. 2 13/16 in.	9–18–67
Booth 8	9–11–67	16 oz. 3 9/16 in.	9–25–67	15 oz. 3 7/16 in.	10– 9–67	13 oz. 3 5/16 in.	10–23–67
Fairchild	9–11–67	16 oz. 3 11/16 in.	9–18–67	14 oz. 3 7/16 in.	10– 2–67	12 oz. 3 5/16 in.	10–16–67
Nirody	9–18–67	18 oz. 3 15/16 in.	10– 2–67	15 oz. 3 11/16 in.	10–16–67	12 oz. 3 5/16 in.	10–30–67
Black Prince	9–18–67	23 oz.	10– 2–67	16 oz. 3 9/16 in.	10–23–67		
Blair	10– 2–67	14 oz. 3 9/16 in.	10–23–67				
Collinson	10– 2–67	16 oz. 3 11/16 in.	10–30–67				
Monroe	10– 2–67	26 oz. 4 3/16 in.	10–16–67	24 oz. 4 1/16 in.	11–20–67		
Rue	10– 2–67	30 oz. 4 3/16 in.	10– 9–67	24 oz. 3 15/16 in.	10–23–67	18 oz. 3 9/16 in.	11– 6–67
Booth 5	10– 9–67	16 oz. 3 11/16 in.	10–30–67				
Hickson	10– 9–67	15 oz. 3 5/16 in.	10–23–67	12 oz. 3 1/16 in.	10–30–67		
Simpson	10– 9–67	16 oz. 3 9/16 in.	10–30–67				
Vaca	10– 9–67	16 oz. 3 9/16 in.	10–30–67				
Sherman	10– 9–67	16 oz.	10–23–67	14 oz.	11– 6–67	10 oz.	11–27–67
Marcus	10– 9–67	32 oz.	11–20–67				
Booth 10	10–16–67	16 oz. 3 11/16 in.	11–13–67				
Booth 7	10–16–67	16 oz. 3 9/16 in.	10–30–67	14 oz. 3 5/16 in.	11–13–67		
Avon	10–16–67	15 oz. 3 11/16 in.	11– 6–67				
Booth 11	10–16–67	16 oz. 3 12/16 in.	11– 6–67				
Leona	10–16–67	14 oz. 3 9/16 in.	10–30–67				
Winslowson	10–16–67	18 oz. 3 14/16 in.	11– 6–67				
Nelson	10–16–67	14 oz. 3 5/16 in.	10–30–67	12 oz. 3 1/16 in.	11–13–67	10 oz. 3 1/16 in.	12– 4–67
Catalina	10–23–67	18 oz.	11–13–67				
Hall	10–23–67	20 oz. 3 9/16 in.	11– 6–67				
Lula	10–23–67	18 oz. 3 11/16 in.	11– 6–67	14 oz. 3 5/16 in.	11–20–67		
Choquette	10–23–67	24 oz. 4 1/16 in.	11–20–67				
Herman	10–23–67	16 oz. 3 9/16 in.	11– 6–67	14 oz. 3 5/16 in.	11–20–67		
Chica	10–23–67	12 oz. 3 7/16 in.	10–16–67	10 oz. 3 1/16 in.	10–30–67		
Murphy	10–23–67	16 oz.	11– 6–67	14 oz.	11–20–67	11 oz.	12–11–67
Ajax (B7–B)	10–30–67	18 oz. 3 11/16 in.	11–20–67				
Booth 1	10–30–67	16 oz. 3 13/16 in.	11–20–67				

TABLE I

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Booth 3	10-30-67	16 oz. 3 19/16 in.	11-20-67				
Taylor	10-30-67	14 oz. 3 5/16 in.	11-13-67	12 oz. 1 3/16 in.	11-27-67		
Dunedin	11-13-67	16 oz. 3 19/16 in.	11-27-67	34 oz. 3 3/16. in.	12-11-67	10 oz. 3 1/16 in.	1- 1-68
Byars	11-20-67	16 oz. 3 14/16. in	12-11-67				
Linda	11-20-67	18 oz. 3 12/16 in.	12-11-67				
Nabal	11-20-67	14 oz. 3 2/16 in.	12-11-67				
Wagner	12-11-67	12 oz. 3 5/16 in.	12-25-67	10 oz. 3 2/16 in.	1- 8-68		
Schmidt	1-22-68						
Itzamna	2-19-68						

(3) From the date listed for the respective variety in Column 2 of Table I to the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) From the date listed for the respective variety in Column 4 of Table I to the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) From the date listed for the respective variety in Column 6 of Table I to the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is of at least the diameter specified for such variety in said Column 7;

(6) From October 23, 1967, through November 5, 1967, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 10 ounces or is at least 3 1/16 inches in diameter, and from November 6, 1967, through November 12, 1967, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 8 ounces or is at least 2 13/16 inches in diameter;

(7) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 3, 1967.

(ii) From July 3, 1967, through July 9, 1967, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iii) From July 10, 1967, through July 30, 1967, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(iv) From July 31, 1967, through September 17, 1967, the individual fruit in each lot of such avocados shall weigh at least 10 ounces.

(8) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of avocados not covered by subparagraphs (2) through (7) of this paragraph shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 18, 1967.

(ii) From September 18, 1967, through October 15, 1967, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 16, 1967, through December 17, 1967, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(9) Notwithstanding the provisions of subparagraphs (2) through (8) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in subparagraphs (6), (7), and (8) of this paragraph. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(10) The provisions of subparagraphs (2) through (9) of this paragraph shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(b) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the U.S. Standards for Florida Avocados (§§ 51.3050–51.3069 of this title).

Effective date. The provisions of this regulation shall become effective May 15, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 11, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–5452; Filed, May 12, 1967; 8:49 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 15; Docket No. 875]

PART 533—FILING OF TARIFFS BY TERMINAL OPERATORS

Notice of Date for Compliance

By FEDERAL REGISTER publication of February 5, 1966 (31 F.R. 2429), the date for compliance with the provisions of this part was postponed pending disposition of a petition to review the Commission's General Order 15 filed by the Alabama Great Southern Railroad Co. et al. with the U.S. Court of Appeals for the District of Columbia Circuit, in the Court's Docket No. 19,798.

On April 17, 1967, the Court of Appeals affirmed the Commission's order under review. Therefore, the date for compliance with the provisions of this part is hereby set at July 14, 1967.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67–5371; Filed, May 12, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given that the Surgeon General proposes to amend various provisions of Part 73 of the Public Health Service regulations largely for clarifying purposes and to eliminate repetition.

Inquiries may be addressed, and data, views, and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 60 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective 30 days after publication in the FEDERAL REGISTER.

§ 73.1 [Amended]

1. Amend § 73.1(i)(2) of the Public Health Service regulations by deleting "the" preceding "blood", by deleting "of an animal" and ", and not intended for ingestion". As thus amended, § 73.1(i)(2) shall read as follows:

(2) A therapeutic serum is a product obtained from blood by removing the clot or clot components and the blood cells.

2. Amend § 73.1(i)(5)(ii) by deleting ", and not intended for ingestion". As thus amended, § 73.1(i)(5)(ii) will read as follows:

(ii) To a therapeutic serum, if composed of whole blood or plasma or containing some organic constituent or product other than a hormone or an amino acid, derived from whole blood, plasma, or serum.

3. Amend § 73.1(k) by deleting the comma after "intended", by deleting the comma after "person" where it first appears, and by inserting a comma after "diagnosis" where it first appears.

As thus amended, § 73.1(k) shall read as follows:

(k) A product is deemed "applicable to the prevention, treatment, or cure of diseases or injuries of man" irrespective of the mode of administration or application recommended, including use when intended through administration or application to a person as an aid in diagnosis, or in evaluating the degree of susceptibility or immunity possessed by a person, and including also any other use for purposes of diagnosis if the diagnostic substance so used is prepared from or with the aid of a biological product.

4. Amend § 73.1(l) by changing "container" to "package". As thus amended, § 73.1(l) will read as follows:

(l) "Proper name", as applied to a product, means the name designated in the license for use upon each package of the product.

5. Amend § 73.1(n) to read as follows:

(n) "Expiration date" means the calendar month, day, and year, and where applicable, the hour that the dating period ends.

6. Amend § 73.1(y) by changing "container" to "vessel". As thus amended, § 73.1(y) will read as follows:

(y) "Lot" means that quantity of uniform material identified by the manufacturer as having been thoroughly mixed in a single vessel.

7. Amend § 73.1 by adding three paragraphs, (cc), (dd), and (ee) to read as follows:

(cc) "Container" (referred to also as "final container") is the immediate unit, bottle, vial, ampule, tube, or other receptacle containing the product as distributed for sale, barter, or exchange.

(dd) "Package" means the immediate outside carton, receptacle, or wrapper and its contents, including all labeling matter therein and thereon, and the one or more containers enclosed. If no package, as defined in the preceding sentence, is used, the container shall be deemed to be the package.

(ee) "Label" means any written, printed or graphic matter on the container or package or any such matter on any part of the inner or outer surfaces of, or clearly visible through, the outside package, receptacle or wrapper of the package.

8. Amend § 73.7 to read as follows:

§ 73.7 Changes to be reported.

(a) *General.* Important proposed changes in location, equipment, management and responsible personnel, or in manufacturing methods and labeling, of any product for which a license is in effect or for which an application for license is pending, shall be reported immediately to the Director, Division of Biologics Standards, by the manufacturer, and unless in case of an emergency, not less than 30 days in advance of the time such changes are intended to be made.

(b) *Manufacturing methods and labeling.* Notification of proposed changes in manufacturing methods and labeling shall be made on forms distributed by the Division of Biologics Standards for that purpose and such changes may not become effective until notification is received from the Dircctor, Division of Biologics Standards.

(c) *Failure to report.* Failure to report a change as required shall constitute a ground for summary suspension of a license. If reinspection of the establishment or products discloses a failure to comply with required standards due to changes which have not been reported, the Surgeon General shall recommend to the Secretary that such licenses be revoked as provided in § 73.9.

9. Amend § 73.21 to read as follows:

§ 73.21 Procedure.

Except as otherwise provided in this part, licenses for foreign establishments and products shall be issued, suspended, and revoked in the same manner as licenses for domestic establishments and products. Each foreign establishment holding a license and sending, carrying, or bringing any licensed product into any State or possession for sale, barter, or exchange shall file with the Director, Division of Biologics Standards, the name and address of each person to whom such a product is thus sent, carried, or brought. Foreign licensees shall notify each person in the United States to whom such a product is thus sent, carried, or brought, to keep such records of distribution as are required of domestic licensed establishments. Failure to give such notice to maintain records shall constitute ground for revocation of license.

10. Amend § 73.23 to read as follows:

§ 73.23 Samples for each importation.

Random samples of each importation, obtained by the Collector of Customs and forwarded to the Director, Division of Biologics Standards, shall be at least two final containers of each lot of product. A copy of the associated documents which describe and identify the shipment shall accompany the shipment for forwarding with the samples to the Director, Division of Biologics Standards. For shipments of 20 or less final containers, samples need not be forwarded, provided a copy of an official release from the Division of Biologics Standards accompanies each shipment.

§ 73.36 [Amended]

11. Amend § 73.36(b) by changing the phrase "Processing vessels, storage containers," to "Processing and storage vessels," in the third sentence.

12. Amend § 73.36(e)(3) by changing "containers" to "vessels" in the second sentence.

13. Amend § 73.36(e)(4) to read as follows:

(4) *Live vaccinc processing.* Spacc used for processing a live vaccine shall not be used for any other purpose during the processing period for that vaccine and such space shall be decontaminated prior to initiation of the processing. Live vaccine processing areas shall be isolated from and independent of any space used for any other purpose by being either in a separate building, in a separate wing

of a building, or in quarters at the blind end of a corridor and shall include adequate space and equipment for all processing steps up to filling into final containers. Test procedures which potentially involve the presence of microorganisms other than the vaccine strains, or the use of tissue culture cell lines other than primary cultures, shall not be conducted in space used for processing live vaccine.

14. Amend § 73.36(e) by adding a new subparagraph (5) to read as follows:

(5) *Equipment and supplies—contamination.* Equipment and supplies used in work on or otherwise exposed to any pathogenic or potentially pathogenic agent shall be kept separated from equipment and supplies used in the manufacture of products to the extent necessary to prevent cross contamination.

15. Amend § 73.36(f)(2) to read as follows:

(2) *Quarantine of animals*—(i) *General.* No animal shall be used in processing unless kept under competent daily inspection and preliminary quarantine for a period of at least 7 days before use, or as otherwise provided in this part. Only healthy animals free from detectable communicable diseases shall be used. Particular care shall be taken during the quarantine periods to reject animals of the equine genus which may be infected with glanders and animals which may be infected with tuberculosis.

(ii) *Quarantine of monkeys.* Except as otherwise provided in this part, monkeys used as a source of tissue in the manufacture of vaccine shall be maintained in quarantine for at least 6 weeks prior to use. At the start of the quarantine period the monkeys shall be in overt good health and must remain so throughout the quarantine period. Only monkeys that have reacted negatively to tuberculin at the start of the quarantine period and again within 2 weeks prior to use shall be used in the manufacture of vaccine. Due precaution shall be taken to prevent cross-infection from any infected or potentially infected monkeys on the premises. Monkeys to be used in the manufacture of a live vaccine shall be maintained throughout the quarantine period in cages closed on all sides with solid materials except the front which shall be screened, with no more than two monkeys housed in one cage. Cage mates shall not be interchanged.

16. Amend § 73.36(f) by redesignating subparagraphs (3), (4), (5), and (6) as subparagraphs (5), (6), (7), and (8) respectively.

17. Amend § 73.36(f) by inserting new subparagraphs (3) and (4) to read as follows:

(3) *Monkeys used previously for experimental or test purposes.* Monkeys that have been used previously for experimental or test purposes with live microbiological agents shall not be used as a source of kidney tissue for the manufacture of vaccine. Except as provided otherwise in this part, monkeys that have been used previously for other experimental or test purposes may be used as a source of kidney tissue upon their return to a normal condition, provided all quarantine requirements have been met and provided monkeys that have been used for test purposes are used as a source of kidney tissue within 2 weeks of the end of the test period.

(4) *Necropsy examination of monkeys.* Each monkey used in the manufacture of vaccine shall be examined at necropsy under the direction of a qualified pathologist, physician, or veterinarian having experience with diseases of monkeys, for evidence of ill health, particularly for (i) evidence of tuberculosis, (ii) presence of herpes-like lesions, including eruptions or plaques on or around the lips, in the buccal cavity or on the gums, and (iii) signs of conjunctivitis. If there are any such signs or other significant gross pathological lesions, the tissue shall not be used in the manufacture of vaccine.

18. Amend § 73.36(f)(5) redesignated, to read as follows:

(5) *Immunization against tetanus.* Horses and other animals susceptible to tetanus, that are used in the processing steps of the manufacture of biological products, shall be treated adequately to maintain immunity to tetanus.

19. Amend § 73.36(f)(6) as redesignated, to read as follows:

(6) *Immunization and bleeding of animals used as a source of products.* Toxins or other nonviable antigens administered in the immunization of animals used in the manufacture of products shall be sterile. Viable antigens, when so used, shall be free of contaminants, as determined by appropriate tests prior to use. Injections shall not be made into horses within 6 inches of bleeding site. Horses shall not be bled for manufacturing purposes while showing persistent general reaction or local reaction near the site of bleeding. Blood shall not be used if it was drawn within 5 days of injecting the animals with viable micro-organisms. Animals shall not be bled for manufacturing purposes when they have an intercurrent disease. Blood intended for use as a source of a biological product shall be collected in clean, sterile vessels. When the product is intended for use by injection, such vessels shall also be pyrogen-free.

20. Insert a new § 73.39 to read as follows:

§ 73.39 Reporting of errors.

The Director, Division of Biologics Standards, shall be notified promptly of any errors, accidents, or incidental mishaps in the manufacture of products that may affect the safety, purity or potency of any product.

21. Redesignate §§ 73.53, 73.54, and 73.55 as §§ 73.54, 73.55, and 73.56 respectively.

22. Revise § 73.50 to read as follows:

§ 73.50 Container label.

(a) *Full label.* The following items shall appear on the label affixed to each container of a product capable of bearing a full label:

(1) The proper name of the product;

(2) The name, address, and license number of manufacturer;

(3) The lot number;

(4) The expiration date;

(5) The recommended individual dose, for multiple dose containers.

(b) *Package label information.* If the container is not enclosed in a package, all the items required for a package label shall appear on the container label.

(c) *Partial label.* If the container is capable of bearing only a partial label, the container shall show as a minimum the name (expressed either as the proper or common name), the lot number, and the name of the manufacturer; in addition, for multiple dose containers, the recommended individual dose. Containers bearing partial labels shall be placed in a package which bears all the items required for a package label.

(d) *No container label.* If the container is incapable of bearing any label, the items required for a container label may be omitted, provided the container is placed in a package which bears all the items required for a package label.

(e) *Visual inspection.* When the label has been affixed to the container a sufficient area of the container shall remain uncovered for its full length or circumference to permit inspection of the contents.

23. Redesignate § 73.52 as § 73.51 and as thus redesignated, revise § 73.51 to read as follows:

§ 73.51 Package label.

The following items shall appear on the label affixed to each package containing a product:

(a) The proper name of the product;

(b) The name, address and license number of manufacturer;

(c) The lot number;

(d) The expiration date;

(e) The preservative used and its concentration, or if no preservative is used and the absence of a preservative is a safety factor, the words "no preservative";

(f) The number of containers, if more than one;

(g) The amount of product in the container expressed as (1) the number of doses, (2) volume, (3) units of potency, (4) weight, or (5) equivalent volume (for dried product to be reconstituted), or (6) such combination of the foregoing as needed for an accurate description of the contents, whichever is applicable;

(h) The recommended storage temperature;

(i) The words "Shake Well", "Do not Freeze", or other instructions, when indicated by the character of the product;

(j) The recommended individual dose if the enclosed container(s) is a multiple dose container;

(k) The route of administration recommended, or reference to such directions in an enclosed circular;

(l) The sensitizing substances, or reference to such in an enclosed circular;

(m) The type and calculated amount of antibiotics added during manufacture;

(n) The inactive ingredients when a safety factor, or reference to such in an enclosed circular;

(o) The adjuvant, if present;

(p) The source of the product when a factor in safe administration;

(q) The identity of each microorganism used in manufacture, and, where applicable, the production medium and the method of inactivation, or reference to such in an enclosed circular;

(r) The words "no prescribed potency" if no standard of potency has been prescribed.

24. Redesignate § 73.51 as § 73.52 and as thus redesignated revise § 73.52 to read as follows:

§ 73.52 Proper name; package label.

(a) *Position.* The proper name of the product on the package label shall be placed above any trade mark or trade name identifying the product and symmetrically arranged with respect to other printing on the label.

(b) *Prominence.* The point size and type face of the proper name shall be at least as prominent as the point size and type face used in designating the trade mark and trade name. The contrast in color value between the proper name and the background shall be at least as great as the color value between the trade mark and trade name and the background. Typography, layout, contrast, and other printing features shall not be used in a manner that will affect adversely the prominence of the proper name.

25. Insert a new § 73.53 to read as follows:

§ 73.53 Legible type.

All items required to be on the container label and package label shall be in legible type. "Legible type" is type of a size and character which can be read with ease when held in a good light and with normal vision.

26. Amend § 73.54, as redesignated, to read as follows:

§ 73.54 Divided manufacturing responsibility to be shown.

If two or more establishments participate in the manufacture of a product, the name, address, and license number of each must appear on the package label, and on the label of the container if capable of bearing a full label.

27. Revise § 73.71 to read as follows:

§ 73.71 Potency.

(a) *Tests.* Tests for potency shall consist of either in vitro or in vivo tests, or both, which have been specifically designed for each product so as to indicate its potency in a manner adequate to satisfy the interpretation of potency given by the definition in § 73.1(t).

(b) *Stability.* The stability of each product shall be demonstrated by adequate data to establish that its potency will be maintained until the expiration date stated on the labels.

§ 73.73 [Amended]

28. Amend § 73.73(d)(1) by deleting the word "container".

29. Amend § 73.73(d)(2) by changing "container" to "vessel" after the word "bulk" at the end of the first sentence.

30. Amend § 73.73(e)(2)(i) by changing "container" to "test vessel" in the title and by changing "container" to "vessel" in the text.

31. Amend § 73.78 to read as follows:

§ 73.78 Constituent materials.

(a) *Ingredients, preservatives, diluents, adjuvants.* All ingredients used in a licensed product, and any diluent provided as an aid in the administration of the product, shall meet generally accepted standards of purity and quality. Any preservative used shall be sufficiently nontoxic so that the amount present in the recommended dose of the product will not be toxic to the recipient, and in the combination used shall not denature the specific substances in the product below the minimum acceptable potency within the dating period when stored at the recommended temperature. Products in multiple dose containers shall contain a preservative. An adjuvant shall not be introduced into a product unless there is satisfactory evidence that it does not adversely affect the safety or potency of the product. In no event shall the recommended individual dose of a biological product contain more than 0.85 mg of aluminum, determined by assay, or more than 1.14 mg of aluminum, determined by calculation on the basis of the amount of aluminum compound added.

(b) *Extraneous protein.* Extraneous protein capable of producing allergenic effects on injection into human subjects shall not be added to a final virus medium. If serum is used at any stage, its calculated concentration in the final medium shall not exceed 1:1,000,000. Final vaccine shall have a protein nitrogen content of less than 0.02 milligram per individual human dose.

(c) *Antibiotics.* A minimum concentration of antibiotics, other than penicillin, may be added to the production substrate of virus vaccines.

32. Amend § 73.83 by revising the first sentence to read as follows:

§ 73.83 Date of manufacture.

The date of manufacture shall be determined as follows:

* * * * *

33. Amend § 73.84 to read as follows:

§ 73.84 Periods of cold storage.

Except as otherwise provided in the regulations of this part, products may be held in cold storage by the manufacturer as follows:

At a temperature not above 5°C—1 year.
At a temperature not above 0°C—2 years.

34. Amend § 73.85 to read as follows:

§ 73.85 Dating period.

The dating period for a combination of two or more products shall be no longer than the dating period of the component product with the shortest dating period. The dating period for a product shall begin on the date of manufacture, except that the dating period may begin on the date of issue from the manufacturer's cold storage, provided the product was maintained as prescribed in § 73.84. If held in the manufacturer's cold storage beyond the period prescribed, the dating period shall be reduced by a corresponding period.

§§ 73.100, 73.101, 73.102, 73.132 [Amended]

35. Amend § 73.100(a) to read as follows:

(a) *Proper name and definition.* The proper name of this product shall be "Poliomyelitis Vaccine," which shall consist of an aqueous preparation of poliovirus types 1, 2, and 3, grown in monkey kidney tissue cultures, inactivated by a suitable method.

36. Amend §§ 73.100(b), 73.101(d), the title of 73.102(b), 73.102(b)(6), 73.102(e)(2) and 73.132(b)(2) by substituting "poliovirus" for "poliomyelitis virus" wherever they appear.

37. Amend § 73.100(c) to read as follows:

(c) *Monkeys: species permissible as source of kidney tissue.* Only Macaca or Cercopithecus monkeys, or a species found by the Director, Division of Biologics Standards, to be equally suitable, which have met all the quarantine requirements, shall be used as the source of kidney tissue for the manufacture of Poliomyelitis Vaccine.

38. Amend § 73.102(b)(3) by changing "containers" to "vessels".

39. Amend § 73.104 by revising the title of paragraph (a) and by deleting the first sentence and the first two words of the second sentence of paragraph (a), by deleting paragraphs (b) and (d), by redesignating paragraphs (c) and (f) as paragraphs (b) and (c), respectively, and by revising subparagraph (4) of paragraph (c) as redesignated. As thus amended, § 73.104 shall read as follows:

§ 73.104 General requirements.

(a) *Consistency of manufacture.* No lot of final vaccine shall be released unless it is one of a series of five consecutive lots produced by the same manufacturing process, all of which have shown negative results with respect to all tests for the presence of live poliovirus, and unless each of the monovalent pools of which a polyvalent final vaccine is composed similarly is one of a series of five consecutive monovalent pools of the same type of inactivated poliovirus, all of which have shown negative results in all tests for the presence of live poliovirus.

(b) *Dose.* These additional standards are based on a human dose of 1.0 milliliter for a single injection and a total human immunizing dose of three injections of 1.0 milliliter given at appropriate intervals.

(c) *Requirements for samples and reports.* For each lot of vaccine, the following material shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014.

(1) A 2,500 milliliter sample, neutralized, not dialyzed, and without final preservative, taken at the latest possible stage of manufacturing before the addition of such preservative.

(2) A 200 milliliter bulk sample of the final vaccine containing final preservative.

(3) A total of not less than a 200 milliliter sample of the final vaccine in final labeled containers.

(4) All protocols relating to the history of manufacture of the lot and all results of all tests prescribed in these additional standards.

40. Amend § 73.110(a) by deleting the first phrase in the first sentence. As thus amended § 73.110(a) shall read as follows:

§ 73.110 The product.

(a) *Proper name and definition.* The proper name of this product shall be "Poliovirus Vaccine, Live, Oral," followed by a designation of the form in which the vaccine is distributed by the manufacturer. The vaccine shall be a preparation of one or more live, attenuated polioviruses grown in monkey kidney cell cultures, prepared in a form suitable for oral administration.

* * * * *

41. Amend § 73.112 by deleting paragraphs (a) (3) and (5) and (c), and by revising the section to read as follows:

§ 73.112 Animal source; quarantine; personnel.

(a) *Monkeys*—(1) *Species permissible as source of kidney tissue.* Only Macaca or Cercopithecus monkeys, or a species found by the Director, Division of Biologics Standards, to be equally suitable, which have met all quarantine requirements, shall be used as the source of kidney tissue for the manufacture of Poliovirus Vaccine, Live, Oral.

(2) *Experimental and test monkeys.* Monkeys that have been used previously for experimental or test purposes shall not be used as a source of kidney tissue in the manufacture of vaccine.

(3) *Quarantine; additional requirements.* Excluding deaths from accidents or causes not due to infectious diseases, if the death rate of any group of monkeys being conditioned in accordance with § 73.36(f)(2) exceeds 5 percent per month, the remaining monkeys may be used for poliovirus vaccine only if they survive a new quarantine period.

(b) *Personnel.* All possible steps shall be taken to insure that personnel involved in processing the vaccine are immune to poliovirus in order to minimize the possibility that they may become excretors of poliovirus.

42. Amend § 73.116 by deleting paragraph (a), by redesignating paragraphs (b), (c), (d), (e), and (g) as paragraphs (a), (b), (c), (d), and (e), respectively, and by revising paragraphs (a), (d), and (e)(1) as redesignated. As thus amended, § 73.116 shall read as follows:

§ 73.116 General requirements.

(a) *Final container sterility tests.* The final container sterility test need not be performed provided aseptic techniques are used in the filling process.

(b) *Consistency of manufacture.* No lot of vaccine shall be released unless each monovalent pool contained therein is one of a series of five consecutive pools of the same type, each pool having been manufactured by the same procedures, and each having met the criteria of neurovirulence for monkeys prescribed in § 73.114(b)(1), and of in-vitro markers prescribed in § 73.114(b)(3).

(c) *Dose.* The individual human dose of vaccine shall contain from 200,000 to 500,000 $TCID_{50}$ of each type of virus that is in the final product.

(d) *Labeling.* In addition to complying with all other applicable labeling requirements, the final container label shall bear a statement indicating that liquid vaccine may not be used for more than 7 days after opening the container.

(e) *Samples and reports.* For each lot of vaccine, the following materials shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) All protocols relating to the history of manufacture of the lot and all results of all tests prescribed in these additional standards.

(2) A one liter bulk sample of each final monovalent pool having a virus titer of no less than $10^{7.5}$ $TCID_{50}$ per milliliter, except that if the titer is greater, a correspondingly smaller volume may be submitted.

(3) A total of no less than a 200 milliliter sample of the vaccine in final labeled containers.

43. Amend § 73.144 by deleting the first clause and the words "except that" in paragraph (a), by deleting paragraphs (b) and (c), redesignating paragraphs (d), (e), (f), (g), and (h) as paragraphs (b), (c), (d), (e), and (f) respectively, and by revising paragraphs (c) and (f) as redesignated. As thus amended, § 73.144 shall read as follows:

§ 73.144 General requirements.

(a) *Final container tests.* An immunological and virological identity test need not be performed on the final container if it was performed on each pool or the bulk vaccine prior to filling.

(b) *Dose.* These standards are based on an individual human immunizing dose of no less than 1,000 $TCID_{50}$ of Measles Virus Vaccine, Live, Attenuated, expressed in terms of the assigned titer of the NIH reference measles virus.

(c) *Labeling.* In addition to complying with all other applicable labeling requirements, single dose container labeling for vaccine which is not protected against photochemical deterioration shall include a statement cautioning against exposure to sunlight.

(d) *Dried vaccine.* Measles Vaccine, Live, Attenuated, may be dried immediately after completion of processing to final bulk material and stored in the dried state, provided its residual moisture and other volatile substances content is not in excess of 2 percent, as determined pursuant to § 73.74(a).

(e) *Photochemical deterioration; protection.* Vaccine in multiple dose final containers shall be protected against photochemical deterioration. Such containers may be colored, or outside coloring or protective covering may be used for this purpose, provided (1) the method used is shown to provide the required protection, and (2) visible examination of the contents is not precluded. Vaccine in single dose containers may be protected in the same manner provided the same conditions are met.

(f) *Samples and protocols.* For each lot of vaccine, the following materials shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) All protocols relating to the history of the manufacture of the lot and all results of all tests prescribed in these additional standards.

(2) A total of no less than a 500 ml. sample of bulk vaccine or an equivalent sample prior to addition of any preservative, stabilizer or adjuvant, in the frozen state (—60° C.) prior to filling into final containers.

(3) A total of no less than 200 recommended human doses of the vaccine in final labeled containers.

44. Amend § 73.151(c) to read as follows:

§ 73.151 Manufacture of Measles Virus Vaccine, Inactivated.

* * * * *

(c) *Virus propagated in monkey kidney tissue cultures.* Only Macaca or Cercopithecus monkeys, or a species found by the Director, Division of Biologics Standards, to be equally suitable, which have met all the quarantine requirements, shall be used as the source of kidney tissue for the manufacture of Measles Virus Vaccine, Inactivated.

* * * * *

45. Amend § 73.154 by deleting paragraphs (a), (b), (d), and (e), by redesignating paragraphs (c) and (f) as (a) and (b), respectively, and by revising subparagraph (4) of paragraph (b) as redesignated. As thus amended, § 73.154 shall read as follows:

§ 73.154 General requirements.

(a) *Dose.* These standards are based on an individual human dose of 1.0 ml. for a single injection.

(b) *Requirements for samples and protocols.* For each lot of vaccine, the following material shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A sample of 1,500 doses of the vaccine taken after the last stage of manufacture before the addition of preservative or adjuvant.

(2) A sample of 100 doses of the final vaccine containing all preservatives.

(3) A sample of 200 doses of the final vaccine in final labeled containers.

(4) All protocols showing the history of the lot and all results of all tests prescribed in these additional standards.

46. Amend § 73.300 to read as follows:

§ 73.300 Proper name and definition.

The proper name of this product shall be Whole Blood (Human) preceded by a term or terms indicating the anticoagulant used. Whole Blood (Human) is defined as blood collected from blood donors for transfusion to human recipients.

47. Amend the opening paragraph of § 73.305 to read as follows:

§ 73.305 Labeling.

In addition to the items required by other applicable labeling provisions of this part, the following must appear on the label of each container.

* * * * *

§ 73.351 [Amended]

48. Amend § 73.351(d) by changing "containers" to "vessels" in the first sentence.

49. Revise the heading of § 73.23 in the Table of Contents to read as follows:

Sec.
73.23 Samples for each importation.

50. Add the following section designation to the Table of Contents:

Sec.
73.39 Reporting of errors.

51. Revise the section designations for the group of sections entitled "Standards for Products: Labels", in the table of contents to read as follows:

Sec.
73.50 Container label.
73.51 Package label.
73.52 Proper name; package label.
73.53 Legible type.
73.54 Divided manufacturing responsibility to be shown.
73.55 Name of selling agent or distributor.
73.56 Products for export.

52. Revise the heading of § 73.78 in the Table of Contents to read as follows:

Sec.
73.78 Constituent materials.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262)

Dated: April 6, 1967.

[SEAL] LEO J. GEHRIG,
Acting Surgeon General.

Approved May 6, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-5378; Filed, May 12, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 91, 97, 121, 135]

[Docket No. 8130; Notice 67-19]

TERMINAL INSTRUMENT PROCEDURES (TERPS)

Implementation of U.S. Standard

Correction

In F.R. Doc. 67-5036, appearing in the issue for Friday, May 5, 1967, in column 3 of page 6938, 2d complete paragraph, the penultimate sentence should read as follows: "In the interest of eliminating the potential confusion of having two sets of instrument approach procedure rules, this notice proposes the latter course of action."

[14 CFR Part 71]

[Airspace Docket No. 67-WA-16]

POSITIVE CONTROL AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to lower the floor of the positive control area from flight level 240 to 18,000 feet MSL over the northeast and north central portions of the United States.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 14, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In 1961, at the direction of the President, the Administrator appointed a committee to study air traffic control and recommend a long-range plan to insure continued efficient and safe control of air traffic within the United States. Their report, entitled Project Beacon, was adopted as national policy and published in October 1961. Among the recommendations of Project Beacon were the basing of air traffic control on aircraft position information continuously available to the controller independent of the pilot's input, extension of positive control areas below 24,000 feet MSL, and the establishment of a new category of flight under controlled visual rules within positive control areas. This proposed amendment to Part 71 of the Federal Aviation Regulations is consistent with the Project Beacon recommendations.

On March 28, 1964, the FAA published a notice of proposed rule making (29 F.R. 4100), proposing to lower the floor of the positive control area to 18,000 feet MSL in the central portion of the country from the Atlantic to the Pacific coasts. The Department of Defense recommended that the proposal not be adopted, stating that the FAA was unable to provide positive control service to many tactical and undergraduate pilot training operations within the positive control area already designated and that this service should be provided first. Glider enthusiasts objected because they feared that such action would seriously curtail soaring operations. General aviation objected to the exclusion of VFR operations from the positive control area. This proposal was withdrawn on July 7, 1964, for further study.

On April 29, 1965, the FAA published Notice 65-9 (30 F.R. 6074), an advance notice of proposed rule making, projecting the airspace structure, airborne communication and navigation equipment, and pilot proficiency requirements for the period 1965 to 1975. In this notice a forecast was made of the need to lower area positive controlled airspace along heavily traveled routes.

Some of these objectives can be achieved in a relatively short time; some must be approached on a step-by-step basis paced by our capabilities. Schedules for the accomplishment of these programs have been or will be established and coordinated in a timely fashion with user groups.

The FAA has progressed toward the goal of providing positive control service for all military operations within the positive control area already designated and most of the specific problems raised by the Department of Defense have been solved. Furthermore, the airspace proposed herein to be designated as positive control area would avoid the undergraduate pilot training areas and leave adequate airspace below FL 240 in other sections of the country for that training. Most high altitude soaring operations are conducted in areas near the mountainous areas in the western part of the United States and would therefore not be affected by this proposal. The occasional high altitude soaring operations within the area proposed herein could probably be conducted with an issuance of a waiver.

The number of aircraft within the airspace proposed herein that can operate with closure speeds in excess of 1,000 knots has increased and will continue to increase substantially. The number of operations now conducted between 18,000 feet MSL and FL 240 approximates the number of operations conducted above FL 240 in 1962 when area positive control was first designated. A study forecasting the number of aircraft expected to have the capability typically to operate above 18,000 feet MSL by 1970, predicts a 61 percent increase in scheduled air carrier aircraft, and 504 percent increase in general aviation aircraft.

The "see and avoid" type separation, as provided by the pilots themselves while operating in accordance with Visual Flight Rules (VFR), is increasingly less effective as closure speeds increase, since aircraft now can be upon each other before the pilots are able to detect other aircraft and maneuver to avoid collision. Designation of this strata as positive control area would replace "see and avoid" separation with detection and control by radar. This would eliminate the inherent limitations of the human eye and human reaction which limit application of the "see and avoid" type separation.

The FAA now has the capability to provide positive control service in the proposed area with its present resources and without undue hardship to the users. Therefore, because of the additional

safety provided by positive control, it is proposed to lower the floor of the positive control area to 18,000 feet MSL within the airspace described herein.

Positive control area is presently designated over substantially all of the 48 contiguous States between flight levels 240 and 600 to provide positive separation of aircraft operations in accordance with the rules set forth in § 91.97 of the Federal Aviation Regulations. The FAA proposes to lower the floor of the positive control area in that portion of the country generally included within a line drawn from Presque Isle, Maine, south to Danville, Va., west to Salina, Kans., north to Minneapolis, Minn., and east to Presque Isle. This airspace would underlie approximately 24 percent of the existing positive control area. Separate actions to lower the floor of the positive control area in other sections of the country may be proposed as the FAA attains the capability to provide positive control service therein.

In a separate action, the FAA is proposing an amendment to Part 91 of the Federal Aviation Regulations which would permit a pilot possessing an FAA private or commercial certificate or the military equivalent, but not qualified to conduct instrument flight under the provisions of Part 61, to operate within certain positive control areas in accordance with controlled visual flight (CVF).

The action proposed herein would designate as positive control area that airspace within the continental control area from FL 180 up to FL 240 bounded by a line beginning at:

Latitude 37°18'15" N., longitude 80°44'45" W.; thence to latitude 37°16'00" N., longitude 80°53'00" W.; thence to latitude 37°11'30" N., longitude 81°09'00" W.; thence to latitude 36°34'00" N., longitude 84°01'00" W.; thence to latitude 36°30'00" N., longitude 84°45'00" W.; thence to latitude 36°12'30" N., longitude 85°10'30" W.; thence to latitude 36°11'00" N., longitude 85°24'00" W.; thence to latitude 36°54'00" N., longitude 85°35'00" W.; thence to latitude 37°18'00" N., longitude 86°09'00" W.; thence to latitude 37°16'30" N., longitude 87°23'50" W.; thence to latitude 37°43'30" N., longitude 88°19'00" W.; thence to latitude 37°-32'00" N., longitude 88°50'00" W.; thence to latitude 37°09'00" N., longitude 90°34'00" W.; thence to latitude 36°26'-00" N., longitude 94°41'00" W.; thence to latitude 36°55'00" N., longitude 95°05'00" W.; thence to latitude 36°42'00" N., longitude 95°53'00" W.; thence to latitude 38°-04'00" N., longitude 96°00'00" W.; thence to latitude 38°22'00" N., longitude 96°22'00" W.; thence to latitude 38°22'00" N., longitude 98°24'00" W.; thence to latitude 38°-47'00" N., longitude 99°04'00" W.; thence to latitude 39°23'00" N., longitude 99°04'00" W.; thence to latitude 42°08'15" N., longitude 99°01'15" W.; thence to latitude 42°-20'00" N., longitude 98°34'00" W.; thence to latitude 43°16'30" N., longitude 97°01'45" W.; thence to latitude 43°00'00" N., longitude 96°43'00" W.; thence to latitude 43°-04'30" N., longitude 95°37'00" W.; thence to latitude 45°54'00" N., longitude 95°29'00" W.; thence to latitude 46°17'45" N., longitude 93°50'00" W.; thence to latitude 44°-57'45" N., longitude 90°01'30" W.; thence to latitude 45°34'30" N., longitude 89°18'00" W.; thence to latitude 45°10'00" N., longitude 88°35'30" W.; thence to latitude 44°-50'00" N., longitude 88°00'00" W.; thence to latitude 44°04'00" N., longitude 85°00'00" W.; thence to latitude 43°52'00" N., longitude 84°10'00" W.; thence to latitude 43°-52'00" N., longitude 82°11'20" W.; thence along the United States/Canadian border to latitude 45°01'00" N., longitude 71°29'00" W.; thence to latitude 45°17'00" N., longitude 71°20'10" W.; thence to latitude 45°-17'20" N., longitude 71°16'00" W.; thence along the United States/Canadian border to latitude 45°18'10" N., longitude 71°05'40" W.; thence to latitude 45°19'00" N., longitude 70°56'00" W.; thence along the United States/Canadian border to latitude 45°19'55" N., longitude 70°49'00" W.; thence to latitude 45°20'40" N., longitude 70°39'30" W.; thence to latitude 45°40'40" N., longitude 70°30'30" W.; thence along the United States/Canadian border to latitude 45°40'20" N., longitude 67°46'30" W.; thence to latitude 45°37'30" N., longitude 67°46'30" W.; thence to latitude 45°27'00" N., longitude 67°29'00" W.; thence along the United States/Canadian border to latitude 44°48'00" N., longitude 66°53'00" W. thence via a line 3 nautical miles from the coastline to latitude 44°01'00" N., longitude 69°01'00" W.; thence to latitude 43°47'48" N., longitude 69°23'20" W.; thence via a line 3 nautical miles from the coastline to latitude 43°09'31" N., longitude 70°31'24" W.; thence to latitude 43°07'40" N., longitude 70°32'45" W.; thence to latitude 43°03'16" N., longitude 70°36'17" W.; thence to latitude 42°57'43" N., longitude 70°41'49" W.; thence via a line 3 nautical miles from the coastline to latitude 41°59'10" N., longitude 70°32'10" W.; thence to latitude 42°05'45" N., longitude 70°17'50" W.; thence via a line 3 nautical miles from the coastline to latitude 41°29'54" N., longitude 70°30'26" W.; thence to latitude 41°26'24" N., longitude 71°05'36" W.; thence via a line 3 nautical miles from the coastline to latitude 41°16'30" N., longitude 71°47'35" W.; thence to latitude 41°04'50" N., longitude 71°47'25" W.; thence to latitude 41°01'20" N., longitude 71°50'45" W.; thence via a line 3 nautical miles from the coastline to latitude 38°00'00" N., longitude 75°11'00" W.; thence to latitude 38°13'30" N., longitude 75°41'00" W.; thence to latitude 38°20'30" N., longitude 75°36'40" W.; thence to latitude 38°53'40" N., longitude 75°51'20" W.; thence to latitude 38°26'20" N., longitude 77°03'15" W.; thence to latitude 37°01'00" N., longitude 77°55'00" W.; thence to latitude 36°19'00" N., longitude 79°16'00" W.; thence to latitude 37°00'00" N., longitude 80°25'10" W.; thence to latitude 37°12'15" N., longitude 80°25'45" W.; thence to the point of beginning.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 11, 1967.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 67-5451; Filed, May 12, 1967; 8:49 a.m.]

[14 CFR Parts 1, 91]

[Docket No. 8166; Notice No. 67-21]

POSITIVE CONTROL AREAS

Controlled Visual Flight

The Federal Aviation Administration is considering amending Parts 1 and 91 of the Federal Aviation Regulations to permit the implementation of Controlled Visual Flight (CVF) operations within the positive control areas to be designated in accordance with Airspace Docket No. 67-WA-16, in which the FAA proposes to lower the positive control area to 18,000 feet mean sea level (MSL) over the northeast and north central parts of the United States.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 14, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Advance Notice of Proposed Rule Making No. 65-9 (30 F.R. 6074) invited public consideration and comments on airborne radio navigation and communications equipment for general aviation aircraft during the period 1965 to 1975. That notice indicated that procedures should be established that would permit a pilot who may not be IFR qualified to operate an aircraft under VFR conditions within area positive control airspace in a manner similar to an IFR flight. This notice is proposed in consonance therewith.

The primary function of air traffic control is to provide separation between aircraft. As presently established, the en route service generally provides separation to aircraft operated under IFR. The report of a task force studying the air traffic control system (Project BEACON) recommended development of the ATC system to provide separation between IFR traffic and VFR traffic while en route.

The report suggested that an improved air traffic control system should permit the noninstrument qualified pilot to use all positive control service under VFR conditions. This operation would be a new type of service and would receive the separation service of the air traffic control system. The BEACON report and Advance Notice No. 65-9 referred to such a service as Control Visual Rules (CVR). To identify this proposed type of service in terms of rules, i.e., CVR, suggests the introduction of flight rules which are new or different from those now in effect. This is not the case, since this service would be provided to pilots operating under a combination of existing VFR and IFR regulations. The type of service being proposed is different and for this reason it is believed that Controlled Visual Flight is a more accurate and appropriate description of the service.

An analysis of the concept described by the Project BEACON report indicated certain questions requiring resolution prior to an implementation of the concept. Among these is the ability of the noninstrument qualified pilot to accept

and execute altitude assignments, airway routings, radar vectors, climbs, descents, position reporting and other requirements necessary to efficient and safe operation of the ATC system. In this regard, the agency has concluded an evaluation in the Atlanta terminal area of the concept of providing a separation service to all participating aircraft operating within 15 statute miles of the Atlanta Airport below 6,000 feet MSL. Although participation in the program on the part of pilots operating VFR was on a voluntary basis, the results indicated that these pilots responded satisfactorily in conforming to air traffic control clearances and instructions. It is proposed, therefore, that the basic pilot qualification for CVF operations will be an FAA private or commercial certificate or the military equivalent.

The en route portion of the ATC system heretofore has been concerned primarily with providing separation between IFR traffic without regard to other traffic. While it would appear that the addition of CVF operations within the en route environment is within the capability of the ATC system, the introduction of these operations and the attendant uncertainties, particularly the volume of CVF traffic, prohibits the agency from categorically stating that these operations can be handled without impact upon the ATC system. Of utmost importance is the impact that may occur in situations where additional or special handling may be necessary to accommodate the CVF operation. If, for example, an ATC radar vector, issued for the purpose of separating the CVF operation from other aircraft, is refused for some reason such as weather which must be avoided, nonacceptance of the controller's directive may result in derogation of the efficiency of the system. Therefore, the desire of pilots to transit certain airspace must be balanced with maintaining a safe and efficient separation service for IFR operations, and any impairment of the ATC system must be minimized. Accordingly, it is proposed that CVF operations be limited to pilots not qualified to conduct instrument flight under the provisions of Part 61. Specifically, this includes pilots who are not IFR rated and those who are IFR rated but do not meet the recent flight experience requirements for instrument flight.

To assure capability of the CVF pilots to maintain aircraft attitude by visual reference, it is proposed that the same visibility and cloud clearance minima as currently required for VFR flight in the corresponding altitude strata be required for CVF operations. It would be a responsibility of the CVF pilot to initiate appropriate action to obtain an amended air traffic control clearance which would permit compliance with such weather minima even to the extent of reversing course and proceeding out of the area of the weather phenomenon should such an alternative action be necessary.

It should be emphasized, however, that under this proposal pilots operating under CVF would be assigned IFR altitudes and be expected to maintain these altitudes as long as VFR weather conditions exist. Since the CVF pilot would be operating in an IFR environment and would be separated from other aircraft by standard IFR minima the pilot would be expected to maintain course and altitude in the same manner as an IFR pilot. The FAA believes that full IFR aircraft instrumentation is necessary to accomplish this degree of precision. Lacking this equipment, it is doubtful the pilot could adequately comply with ATC clearances in the en route phase of flight.

The success of the area positive control program is in part dependent upon the electronic equipment required for operation within the positive control environment. These requirements include two-way radio capability and appropriate navigation equipment as well as a radar beacon transponder. Due to the limitations of primary radar, particularly in regard to resolution of target information from certain aircraft types, the use of transponders is essential to the continued success of area positive control service, irrespective of whether the aircraft may be operated IFR or CVF. The possibility of immediate course deviations by CVF pilots to avoid weather would be ever-present, making it imperative that controllers receive continuous positive radar identification of the aircraft so that separation from other aircraft can be maintained. Consequently, it is proposed that CVF aircraft be equipped with a radar beacon transponder and radio equipment which will permit direct communications between the pilot and controller on a frequency specified by ATC for operation within positive control areas.

The current regulations governing IFR operations in controlled airspace provide sufficient safeguards to assure flight safety as well as providing the means to control air traffic, specifically, the rule pertaining to the course to be flown, position reporting, and altitude assignment. Since the separation service being provided to the CVF pilot is essentially the same as that provided the IFR pilot, it follows that these same regulatory requirements must apply to CVF operations; therefore, the proposal specifies the applicability of these requirements to CVF operations subject to the necessity of avoiding IFR weather conditions.

Initially, CVF would be provided only in positive control areas where a significant number of VFR flights can be expected to participate. This limitation would ensure more meaningful results and provide a better basis to assess the need for expansion.

In consideration of the foregoing, it is proposed to amend the Federal Aviation Regulations as hereinafter set forth.

§§ 1.1, 1.2 [Amended]

1. Section 1.1 and 1.2 of Part 1 would be amended as follows:

(a) In § 1.1 *General definitions*, the following definition would be added:

"Controlled Visual Flight" means operations conducted in VFR conditions within a positive control area by a non-instrument qualified pilot receiving IFR separation service from ATC.

(b) In § 1.2 *Abbreviations and symbols*, the following abbreviation would be added:

"CVF" means Controlled Visual Flight.

2. Section 91.97 would be amended to read as follows:

§ 91.97 Positive control areas and route segments.

(a) General: Except as provided in paragraphs (b) and (c) of this section, no person may operate an aircraft within a positive control area or a positive control route segment, designated in Part 71 of this chapter, unless that aircraft is—

(1) Operated under IFR and flown by a pilot rated for instrument flight;

(2) Operated under an air traffic clearance and at a specific altitude assigned by ATC;

(3) Equipped with instruments and equipment required for IFR operations;

(4) Equipped with a radio providing direct pilot/controller communication on the frequency specified by ATC for the area concerned; and

(5) Equipped with a coded radar beacon transponder having at least Mode A (military Mode 3) 64 code capability, replying to Mode 3/A interrogation with the code specified by ATC.

(b) Controlled Visual Flight (CVF): An aircraft may be operated under VFR below FL 240 in positive control areas without regard to paragraph (a)(1) of this section, and § 91.109 if that aircraft is—

(1) Operated under a flight plan containing the information required for VFR flight under § 91.83(a), and indicating that the flight is CVF;

(2) Operated in accordance with the radio communications requirements prescribed for IFR operations under § 91.125;

(3) Operated in accordance with the course to be flown requirements prescribed for IFR operations under § 91.123 and the VOR equipment check required under § 91.25;

(4) Operated in accordance with § 91.127(b) and departs positive control areas as soon as practicable in the event of two-way radio communications failure;

(5) Operated in accordance with the equipment malfunction reports requirement prescribed for IFR operations under § 91.129;

(6) Operated in accordance with the altimeter system test and inspection requirements prescribed for IFR operations under § 91.170; and,

(7) Flown by a pilot possessing an FAA private or commercial certificate or the military equivalent, but not qualified to conduct instrument flight under the provisions of Part 61.

(c) ATC may authorize deviations from the requirements of paragraphs (a) and (b) of this section. In the case of an inoperative transponder, ATC may immediately approve an operation within a positive control area allowing flight to continue, if desired, to the airport of ultimate destination, including any intermediate stops, or to proceed to a place where suitable repairs can be made, or

both. A request for authorization to deviate from a requirement of paragraphs (a) and (b) of this section, other than for operation with an inoperative transponder as outlined above, must be submitted at least 4 days before the proposed operation, in writing, to the ATC center having jurisdiction over the positive control area concerned. ATC may authorize a deviation on a continuing basis or for an individual flight, as appropriate.

This amendment is proposed under the authority of section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 9, 1967.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 67-5450; Filed, May 12, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNESOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Minnesota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Freeborn.	Steele.
Mower.	Waseca.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5351; Filed, May 12, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(66)-41]

FRANZ EGGELING AND MEMISCO ANSTALT

Order Denying Export Privileges for Indefinite Period

In the matter of Franz Eggeling, Hintere Zollamstrasse 17, Postfach 239, Vienna III, Austria, respondent; and Memisco Anstalt, Vaduz, Liechtenstein, related party; File No. 23(66)-41.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all export privileges for an indefinite period because said respondent, without good cause being shown, failed to furnish responsive answers to interrogatories and failed to furnish certain records and documents specifically requested. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence presented shows that the respondent Franz Eggeling of Vienna, Austria, is in the import-export business; that he has obtained from suppliers in the United States substantial quantities of electronic equipment, some of strategic nature, which he has had exported for alleged ultimate consignees in Switzerland or Austria; that he also obtained from a supplier in the United States similar equipment which he personally carried for alleged end-users in Europe. The said Investigations Division is conducting an investigation into the disposition of said commodities to ascertain whether they have been reexported to unauthorized destinations or traded in violation of the U.S. Export Regulations. It is impracticable to subpoena respondent and relevant and material interrogatories relating to his dealings in said commodities and to the disposition of same were served on him pursuant to § 382.15 of the Export Regulations. The respondent has failed to furnish responsive answers to said interrogatories or to furnish certain documents requested, as required by said section, and he has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

The evidence presented also shows that the respondent is a director and the principal shareholder in the firm Memisco Anstalt of Vaduz, Liechtenstein and he is the individual primarily responsible for controlling the operations of said firm; that said firm or its predecessor has been known as Memisco and also as Metal, Machinery, Instruments Suppliers Co. A determination is hereby made that by reason of the affiliation, ownership, control, and position of responsibility of the respondent in and with the firm Memisco Anstalt the said firm is a related party to the respondent within the meaning of § 382.1(b) of the Export Regulations. Accordingly, all of the terms and restrictions of the following denial order are applicable to Memisco Anstalt.

It is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees and to the firm Memisco Anstalt, Vaduz, Liechtenstein, sometimes known as Metal, Machinery, Instruments Suppliers Co. or Memisco, and to any other person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon him or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or

have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent and notice thereof given to Memisco Anstalt.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent or the named related party may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: May 8, 1967.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 67-5337; Filed, May 12, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0593) has been filed by The Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, proposing the establishment of a tolerance of 0.1 part per million for negligible residues of the herbicide 2-*sec*-butyl-4,6-dinitrophenol, as the alkanolamine salts of the ethanol and isopropanol series (calculated as 2-*sec*-butyl-4,6-dinitrophenol), in or on the raw agricultural commodities soybeans and soybean straw.

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric procedure in which the sample is extracted with an acidified chloroform solution. The extract is evaporated and the residue is dissolved in carbon tetrachloride. The 2-*sec*-butyl-4,6-dinitrophenol is extracted into aqueous sodium hydroxide and this solution is acidified and steam distilled. After adjusting to pH 7, the distillate is extracted with chloroform. The chloroform solution is extracted with a pH–11 buffer solution that in turn is extracted with 3-pentanone. The yellow color of the 2-*sec*-butyl-4,6-dinitrophenol salt is measured directly in the 3-pentanone solution with a spectrophotometer.

Dated: May 5, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-5372; Filed, May 12, 1967; 8:48 a.m.]

DOW CORNING CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2173) has been filed by Dow Corning Corp., Midland, Mich. 48640, proposing an amendment to § 121.2514 *Resinous and polymeric coatings* to provide for the safe use of di(*n*-octyl)tin *S,S'*-bis(isooctylmercaptoacetate) as a curing catalyst for methylphenylpolysiloxane used in resinous and polymeric food-contact coatings.

Dated: May 5, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-5373; Filed, May 12, 1967; 8:48 a.m.]

FARBENFABRIKEN BAYER AKTIENGESELLSCHAFT

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2R0864) has been filed by Farbenfabriken Bayer Aktiengesellschaft, Leverkusen, Germany, proposing the issuance of a regulation to provide for the safe use of any of the following substances as optical brighteners in food-contact paper and paperboard:

4,4'-Bis(2''-[3'''-sulfophenylamino]-4''-[*N*,*N*-di(2''''-hydroxyethyl)-amino]-1'',3'',5''-triazinyl-6''-amino)-stilbene-2,2'-disulfonic acid, tetrasodium salt.

4,4'-Bis(2''-[*N*,*N*-di(2'''-hydroxyethyl)amino]-4''-amino-1'',3'',5''-triazinyl-6''-amino)-stilbene-2,2'-disulfonic acid, disodium salt.

4,4'-Bis[2''-(4'''-sulfophenylamino)-4''-(*N*,*N*-di(2''''-hydroxyethyl)-amino)-1'',3'',5''-triazinyl-6''-amino]-stilbene-2,2'-disulfonic acid, tetrasodium salt.

4,4'-Bis[2''-(*N*,*N*-di(2'''-hydroxyethyl)-amino)-4''-phenylamino-1'',3'',5''-triazinyl-6''-amino]-stilbene-2,2'-disulfonic acid, tetrasodium salt.

Dated: May 8, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-5374; Filed, May 12, 1967; 8:48 a.m.]

HUMBLE OIL & REFINING CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2167) has been filed by Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, proposing an amendment to § 121.2553 *Lubricants with incidental food contact* to provide for the safe use of polyisobutylene (viscosity average molecular weight 35,000–140,000 (Flory)) as a thickening agent in mineral oil lubricants used with incidental food contact.

Dated: May 5, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-5375; Filed, May 12, 1967; 8:48 a.m.]

IMPERIAL CHEMICAL INDUSTRIES, LTD.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2170) has been filed by Imperial Chemical Industries, Ltd., Plastics Division, Bessemer Road, Welwyn Garden City, Hertfordshire, England, proposing an amendment to § 121.2501 *Olefin polymers* to provide for the safe use of poly(4-methylpentene-1) as a component of articles intended for food-contact use.

Dated: May 5, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-5376; Filed, May 12, 1967; 8:48 a.m.]

TRANSPARENT PAPER, LTD.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1542) has been filed by Transparent Paper Limited, Bridge Hall Mills, Heap Bridge, Bury, Lancashire, England, proposing an amendment to § 121.2507 *Cellophane* to provide for the safe use of 2-stearamido-ethyl stearate as an op-

tional component of cellophane for food-packaging use.

Dated: May 5, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-5377; Filed, May 12, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-27]

WASHINGTON STATE UNIVERSITY

Notice of Proposed Issuance of Construction Permit and Amended Facility License

The Atomic Energy Commission is considering the issuance to Washington State University of a construction permit, substantially in the form annexed, which would authorize the installation of a modified TRIGA type nuclear reactor core and control system as a replacement for the core and control system in the existing Washington State University Reactor located on the University's campus at Pullman, Wash.

Upon completion of the installation of the facility in compliance with the terms and conditions of the construction permit, the Commission, in the absence of good cause to the contrary, will issue without further prior notice an amended facility license, substantially as set forth below, authorizing operation of the reactor by Washington State University.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit and amended facility license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see (1) the application and amendments thereto, and (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 10th day of May 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED CONSTRUCTION PERMIT

1. By application dated November 14, 1966, and amendments thereto dated March 2, 1967, April 17 and 18, 1967 (hereinafter "the application"), Washington State University requested authority to construct and operate on the applicant's site at Pullman, Wash., a modified TRIGA reactor core and control system (designated as the Washington State University TRIGA Core Reactor and hereinafter referred to as "the reactor"). The reactor will replace the reactor previously operated under Facility License No. R-76, as amended.

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities";

C. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Act;

D. Washington State University is financially qualified to construct the reactor in accordance with the regulations contained in Title 10, Chapter 1, CFR;

E. Washington State University and its contractor, the General Dynamics Corp., is technically qualified to design and construct the reactor;

F. Washington State University has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public;

G. The issuance of a construction permit to Washington State University will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Part 50 "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Washington State University to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is June 10, 1967. The latest completion date of the facility is December 1, 1967. The term "completion date", as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The reactor shall be constructed in the Washington State University Reactor facility located on the campus at Pullman, Wash.

C. The applicant is authorized in the construction of the facility to insert into the reactor for alignment and testing purposes one fuel element containing the transient rod guide tube and three fuel rods and also one fuel element containing four fuel rods (subject to receiving a Special Nuclear Material License pursuant to 10 CFR Part 70 for possession of the fuel).

4. Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, upon finding that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue an amended Class 104 license to Washington State University pursuant to section 104 c of the Act, which license shall expire at midnight, July 8, 1979.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-76 Amdt. 3]

PROPOSED AMENDMENT TO LICENSE

The Atomic Energy Commission (hereinafter referred to as "the Commission") having found that:

a. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The reactor has been constructed in conformity with Construction Permit No. CPRR-_____ and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

c. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

d. The Washington State University is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations, and to assume financial responsibility for Commission charges for special nuclear material;

e. The possession and operation of the reactor, and the receipt, possession and use of the special nuclear material, in the manner proposed in the application, will not be inimical to the common defense and security or to the health and safety of the public;

f. Washington State University is a nonprofit educational institution and will use the reactor for the conduct of educational activities. Washington State University is therefore exempt from the financial protection requirement of subsection 170a of the Act.

License No. R-76, as amended, is amended in its entirety, effective as of the date of issuance of this amendment, to read as follows:

1. This license applies to the Washington State Reactor with the installed TRIGA nuclear core and control system (hereinafter, "the reactor"), owned by Washington State University (hereinafter, "the licensee"), and located on the campus in Pullman, Wash., and described in the licensee's application for license dated June 19, 1956, and amendments thereto dated November 22, 1958, March 30, 1959, May 9, 1960, September 29, 1960, November 3, 1960, December 10, 1960, December 22, 1960, February 2, 1961, June 19, 1964, August 12, 1964, June 15, 1965, July 30, 1965, November 24, 1965, August 10, 1966, October 17, 1966, November 14, 1966, February 10, 1967, March 2, 1967, March 3, 1967, April 17, 1967, and April 18, 1967 (herein referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Washington State University:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities" to possess, use, and operate the reactor in accordance with the procedures and limitations described in the application;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material" to receive, possess, and use up to 4 kilograms of contained uranium-235 and up

to 32 grams of plutonium contained in plutonium-beryllium neutron sources in connection with operation of the reactor, and 3.100 kilograms of contained uranium-235 in MTR type fuel elements; and

C. Pursuant to the Act and Title 10 CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess, but not to separate such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum power level.* The licensee may operate the reactor at steady state power levels up to a maximum of 1,000 kilowatts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix "A"[1] hereto are hereby incorporated in this license. Except as otherwise permitted by the Act and the rules, regulations, and orders of the Commission, the licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing radioactivity discharge into the air or water beyond the effective control of Washington State University as measured at or prior to the point of such release or discharge.

(3) Records of emergency shutdowns and inadvertent scrams, including reasons for emergency shutdowns.

(4) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(5) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation, and any unusual events involved in their performance and in their handling.

(6) Records of tests and measurements performed pursuant to the Technical Specifications.

D. *Reports.* In addition to reports otherwise required under the license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications. For each such occurrence, the licensee shall promptly notify by telephone or telegraph, the Director of the Appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, Director, DRL) with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Safety Analysis Report or the Technical Specifications.

(3) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant change in transient or accident analysis, as described in the Safety Analysis Report.

4. This license shall expire at midnight, July 8, 1979.

For the Atomic Energy Commission.

———— ————,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-5380; Filed, May 12, 1967; 8:49 a.m.]

[1] Appendix A was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

[Docket No. 18531; Order E-25122]

DOMESTIC COTERMINAL POINTS-EUROPE ALL-CARGO SERVICE INVESTIGATION

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of May 1967.

The Board has decided to institute an investigation to determine whether the public convenience and necessity require new or additional all-cargo, single plane service between certain interior and west coast cities in the United States and the European countries named in Seaboard World Airlines' (Seaboard) certificate for Route 119. Our objective in this investigation is twofold: first, to explore whether additional improved through service to interior and west coast points can be provided by amendment of Seaboard's certificate; and second, to examine Seaboard's route structure and consider the extent to which appropriate measures may be needed to strengthen Seaboard by extending its domestic authority to additional coterminal points, and authorizing the carriage of local traffic between domestic coterminal points on all through transatlantic flights.

Statistics compiled by the Bureau of the Census establish that well over 80 percent of the air cargo trade between the United States and Europe moves through the New York gateway.[1] Another study indicates, however, that origination points in the United States for all exports are widely distributed throughout the entire country with no one section or region occupying a dominating position.[2] It therefore appears that the bulk of air cargo traffic in the United States-European markets is transshipped through the New York gateway from other points in the interior United States and the west coast.

Despite the fact that Seaboard's domestic coterminal points are limited to four east coast cities,[3] and its services are offered only through the New York gateway, it captured 45 percent of the total cargo and mail carried over the North Atlantic by U.S. carriers on all-cargo flights in 1966. However, Seaboard is faced with heavy competition in its important, high density European markets from both U.S. and foreign combination air carriers. Seaboard's competitive problems are further aggravated by the fact that it must compete for cargo traffic in the transatlantic markets with U.S. combination air carriers which have authority to provide single-plane service from interior U.S. points to key European markets. Because of the competition it faces, Seaboard has to rely heavily on military charter revenues.[4] This impairs the carrier's long-range opportunities for stabilized operations since the military charter operations are wholly dependent on the future, but uncertain, requirements of the defense establishment. If Seaboard is given access to interior and west coast cities which have rich cargo traffic generating potential, it may add an element of stability to its operations and reduce the carrier's dependency on military charters as an important source of revenue. For the same reason we will also consider domestic rights between coterminals.

We believe that this proceeding should be limited to the U.S. coterminal points with the greatest foreign cargo potential. Accordingly, we have analyzed the data for domestic cargo originations which in our judgment also represent potential for foreign cargo originations. We have selected, on the basis of our analysis, those cities which generate in excess of 1½ percent of the total domestic freight and express originations. This represents a reasonable selection which furnishes a fair geographic distribution while taking into account relative cargo generating potential. The cities falling under the 1½ percent criteria are Atlanta, Chicago, Cleveland, Dallas, Detroit, Los Angeles Minneapolis, San Francisco, and Washington. This investigation will consider whether these nine cities require, and Seaboard should provide, new or additional all-cargo, single-plane service to European markets.

We intend to keep this investigation within manageable limits and to assure that all parties focus on the primary objectives of this proceeding. Therefore, we will not consider any applications for new, or improved, domestic all-cargo authority unless such applications conform strictly to the scope of this proceeding which is limited to consideration of single-plane, all-cargo services between the 12 U.S. domestic points previously designated and the European countries named in Seaboard's certificate for Route 119 with fill-up rights between the domestic coterminals on all through transatlantic flights.

[1] Department of Commerce, Bureau of Census, U.S. Airborne Foreign Trade Monthly Summary Reports 986 for year 1966.

[2] Department of Commerce, Bureau of Census, Statistical Abstract of United States—1966.

[3] Boston, New York, Philadelphia, and Baltimore.

[4] For the year ended Sept. 30, 1966, 61 percent of Seaboard's revenues were derived from military charters.

Accordingly, it is ordered, That:

1. An investigation designated as the "Domestic Coterminal Points—Europe All-Cargo Service Investigation" be and it hereby is instituted in Docket 18531, pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether Seaboard's certificate of public convenience and necessity for Route 119 shall be amended or modified to the extent necessary to designate therein Atlanta, Chicago, Cleveland, Dallas, Detroit, Los Angeles, Minneapolis, San Francisco, and Washington as domestic coterminals with Boston, New York, Philadelphia, and Baltimore, and whether Seaboard should be authorized to engage in interstate air transportation of property and mail between domestic coterminal points on transatlantic through flights;

2. Motions to consolidate, applications, motions, or petitions seeking modification or reconsideration of this order and petitions for leave to intervene, be filed no later than 20 days after the service date of this order and that answers to such pleadings be filed no later than 10 days thereafter;

3. This proceeding shall be set down for hearing before an examiner of the Board at a time and place to be designated;

4. Seaboard World Airlines is hereby made a party to this investigation;

5. Any award made herein shall be on a non-subsidy basis; and

6. A copy of this order be served on all domestic air carriers, Pan American World Airways and the cities named in ordering paragraph 1.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-5363; Filed, May 12, 1967; 8:47 a.m.]

COMMISSION ON POLITICAL ACTIVITY OF GOVERNMENT PERSONNEL

GOVERNMENT EMPLOYEES

Notice of Public Hearing Regarding Effects of Hatch Political Activities Act

The Commission on Political Activity of Government Personnel (Public Law 89-617) will conduct public hearings on May 29, beginning at 10 a.m., in Room 556, Federal Building, Peachtree and Baker Streets, Atlanta, Ga.

The Commission is studying the effects of the Hatch Political Activities Act (P.L. 76-252, as amended) upon public life and upon individuals employed by Government agencies, Federal, State and local, who are affected by its provisions.

Individuals and representatives of organizations desiring to appear before the Commission should notify in writing: Jon Linfield, Executive Secretary, Commission on Political Activity of Government Personnel, Suite 306, 1111 20th Street, NW., Washington, D.C. 20036.

Written statements will be accepted for the record and should be submitted to the Executive Secretary not later than the date of the hearing.

Confidential statements will be accepted and must be so marked on every page. These statements will be received only at the Commission's offices in Washington, D.C.

For the Commission.

JON LINFIELD,
Executive Secretary.

[F.R. Doc. 67-5335; Filed, May 12, 1967; 8:45 a.m.]

GOVERNMENT EMPLOYEES

Notice of Public Hearing Regarding Effects of Hatch Political Activities Act

The Commission on Political Activity of Government Personnel (Public Law 89-617) will conduct public hearings on June 2, beginning at 10 a.m., in Room 101, 1114 Commerce Street, Dallas, Tex.

The Commission is studying the effects of the Hatch Political Activities Act (P.L. 76-252, as amended) upon public life and upon individuals employed by Government agencies, Federal, State and local, who are affected by its provisions.

Individuals and representatives of organizations desiring to appear before the Commission should notify in writing: Jon Linfield, Executive Secretary, Commission on Political Activity of Government Personnel, Suite 306, 1111 20th Street NW., Washington, D.C. 20036.

Written statements will be accepted for the record and should be submitted to the Executive Secretary not later than the date of the hearing.

Confidential statements will be accepted and must be so marked on every page. These statements will be received only at the Commission's offices in Washington, D.C.

For the Commission.

JON LINFIELD,
Executive Secretary.

[F.R. Doc. 67-5336; Filed, May 12, 1967; 8:45 a.m.]

CIVIL SERVICE COMMISSION

DEPUTY ASSISTANT SECRETARY, WATER POLLUTION CONTROL, INTERIOR DEPARTMENT

Notice of Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective April 21, 1967, that there is a manpower shortage for the single position of Deputy Assistant Secretary, Water Pollution Control, GS-301-17, Office of the Secretary, Department of the Interior, Washington, D.C. This finding will terminate when the position is filled.

An appointee to this position may be paid for the expenses of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-5364; Filed, May 12, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16789; FCC 67M-753]

ASHEBORO BROADCASTING CO.

Memorandum and Order Following Further Prehearing Conference

In the matter of revocation of the licenses of Asheboro Broadcasting Co., for Broadcast Station WGWR AM-FM, Asheboro, N.C.; Docket No. 16789.

At the prehearing conference held today counsel reported some progress but by no means completion of their announced plan to stipulate large segments of fact into evidence. In order to achieve that goal, counsel reported additional time would be required for preparation. To that end the continuance set forth in the ordering clause below was sought by both counsel. Considering the state of his own docket and the promise that the stipulation plans of counsel have of shortening the time spent in hearing, the Examiner interposed no objection to counsels' request.

Accordingly, it is ordered, That a further prehearing conference will be held on June 14, 1967, the date now scheduled for hearing, and that at that conference a date for hearing will be scheduled, that date to fall sometime near the third week in July.

Issued: May 4, 1967.

Released: May 8, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5365; Filed, May 12, 1967; 8:47 a.m.]

[Docket Nos. 17231-17233; FCC 67M-760]

ASSOCIATED TELEPHONE ANSWERING SERVICE AND LIBERTY COMMUNICATIONS, INC.

Order Continuing Hearing

In re applications of John R. Hagan, doing business as Associated Telephone Answering Service, Docket No. 17231, File No. 4885-C2-P-65, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Bridgeport, Conn.; and Liberty Communications, Inc., Docket No. 17232, File Nos. 2979-C2-R-66 and

1065–C2–R–66, for renewal of licenses for Stations KCC485 and KCC796 in the Domestic Public Land Mobile Radio Service at Trumbull and Devon, Conn.; and Docket No. 17233, File No. 6893–C2–P–65, for a construction permit to modify the facilities of Station KCC485 in the Domestic Public Land Mobile Radio Service at Trumbull, Conn.:

It is ordered, That, as a result of agreement reached on the record of a prehearing conference held in this matter on May 3, 1967, the hearing now scheduled for May 15, 1967, is rescheduled to commence at 10 a.m., June 5, 1967, in the Commission's offices in Washington, D.C.

Issued: May 4, 1967.

Released: May 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5366; Filed, May 12, 1967; 8:47 a.m.]

[Docket Nos. 16678, 16831; FCC 67M–782]

BAY BROADCASTING CO. AND REPORTER BROADCASTING CO.

Order Scheduling Further Hearing

In re applications of Bay Broadcasting Co., San Francisco, Calif., Docket No. 16678, File No. BPCT–3621; Reporter Broadcasting Co., San Francisco, Calif., Docket No. 16831, File No. BPCT–3562; for construction permit for new television broadcast station:

It is ordered, That, as a result of agreement reached on the record of a prehearing conference held in this matter on May 3, 1967, the further hearing now continued without date is scheduled to commence at 10 a.m., June 12, 1967, in the Commission's offices in Washington, D.C.

Issued: May 4, 1967.

Released: May 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5367; Filed, May 12, 1967; 8:47 a.m.]

[Docket Nos. 17401–17404; FCC 67M–764]

MIAMI BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of Miami Broadcasting Corp., Miami, Fla., Docket No. 17401, File No. BPH–4910; W.B.B.J., Inc., Miami, Fla., Docket No. 17402, File No. BPH–5465; Mission East Co., Miami, Fla., Docket No. 17403, File No. BPH–5481; Edward Winton, Silva M. Feldman, David Ginsburg, Norma Fine, and Al Lapin, Jr., doing business as WSKP Broadcasters, Miami, Fla., Docket No. 17404, File No. BPH–5661; for construction permits:

It is ordered, That David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 11, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 14, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 9, 1967.

Released: May 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5368; Filed, May 12, 1967; 8:47 a.m.]

[Docket No. 17186; FCC 67M–765]

VESTAL VIDEO, INC., AND EASTERN MICROWAVE, INC.

Order Scheduling Hearing

In the matter of Vestal Video, Inc., Vestal, N.Y. 13850, complainant, v. Eastern Microwave, Inc., Syracuse, N.Y. 13203, defendant; Docket No. 17186.

It is ordered, That Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 10, 1967, at 10 a.m.; and that a prehearing conference shall be held on May 29, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 9, 1967.

Released: May 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5369; Filed, May 12, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67–168]

SOUTHERN NATURAL GAS CO.

Order Fixing Date for Prehearing Conference, Permitting Intervention, and Extending Time for Filing Petitions To Intervene

MAY 5, 1967.

On April 20, 1967, the Commission issued an order in this proceeding, 37 FPC ------, granting the certificate of public convenience and necessity requested by Southern Natural Gas Co. (Southern) in its application in Docket No. CP67–168, but reserving for formal hearing the question of whether certificates issued to Southern, including the one granted in this proceeding, should impose volumetric limitations upon the quantities of gas which Southern is authorized to sell to its customers.

On March 2, 1967, Southern filed a statement in Docket No. CP67–168, setting forth not only its views but those of some of its customers concerning volumetric certificate limitations. Southern's statement refers to Commission orders [1] which are cited in support of its belief that the Commission has specifically taken notice of the fact that it operates under "open-end" certificates. Southern indicates that it would not object to the imposition of limitations on the volumes of gas which it and other pipeline companies can sell to customers in market areas where Southern is competing for sales with other pipeline companies because such limitations would place Southern and the pipeline companies with which it is competing on equal footing. Southern's customers in the competitive category are Atlanta Gas Light Co. (which is served by both Southern and Transcontinental Gas Pipe Line Corp. in the Atlanta, Ga., area) and Chattanooga Gas Co. (which is served by both Southern and East Tennessee Natural Gas Co. in the Chattanooga, Tenn., area). Southern also would not object to certificate limitations on the volumes of gas it can sell to Carolina Pipeline Co., Florida Gas Transmission Co., and Texas Eastern Transmission Co. because these three companies also buy gas from other suppliers.

However, Southern does not believe it is in the public interest to impose certificate limitations on the volumes of gas which it can sell to customers in the market areas where it is the sole supplier. Southern supports this view by pointing out that it supplies natural gas to 103 municipal gas systems and gas districts in Alabama, Mississippi, and Georgia, and sells gas to four investor-owned distribution companies and one pipeline company which serve 325 additional Mississippi, Alabama, and Georgia communities. Southern claims that these customers have historically underestimated their requirements. For example, 54 of them so underestimated their requirements for the 1966–67 heating season that it was necessary for Southern to increase their contract demands and maximum delivery obligations by a total amount of 38,439 Mcf more per day than the volumes these customers had estimated their requirements to be when Southern filed its expansion application in Docket No. CP64–314.[2] Southern contends that it had had to obtain an amendment to its certificate in Docket No. CP64–314 in order to serve these additional firm requirements, the substantial delay associated with obtaining the certificate amendment would have been a hardship on its customers and the consumers they serve.

Southern's present procedure for granting additional firm gas to a customer, when it has the capacity to deliver additional volumes, is to file a revised Exhibit A to its service agreement with the customer requesting the increase. Southern points out that this procedure

[1] Southern Natural Gas Co., 12 FPC 516, 532; South Georgia Natural Gas Co., 22 FPC 211, 215; City of Monticello, Ga., 29 FPC 912; Southern Natural Gas Co., 31 FPC 789, 802–03.

[2] Granted June 8, 1966, in Transcontinental Gas Pipe Line Corp., Opinion No. 493, 35 FPC------.

enables the customer to receive promptly the increased service and it is unnecessary for the customer to submit detailed market data or for Southern to spend time and effort to prepare a petition, with exhibits, requesting modification of a certificate previously issued.

Southern's municipal customers support its position and argue that the present procedure utilized by Southern permits small distributors to act quickly in competing with large gas distributors who, because of their substantial contract quantities and number of customers, are able to rely on load diversification in supplying the requirements of new industrial customers. The municipal customers contend that certificate volumetric limitations would merely cause them to have to increase unduly their contract quantities or face the risk of incurring substantial unauthorized overrun penalties which would in turn add to their costs and probably compel them to raise their customers' rates.

On March 15, 1967, Chattanooga Gas Co. (Chattanooga) filed an answer to Southern's statement of position, urging that Southern be allowed to continue operating under "open-end" certificates and requesting that no volumetric limitations be placed on Southern's certificates without there first being held a hearing "* * * to develop on the record the extent to which, if any, the public convenience and necessity require imposition of service limitations." Chattanooga especially objects to Southern's suggestion that volumetric limitations be imposed in areas where Southern competes for sales with other pipeline companies. Chattanooga claims it is not only faced with competition posed by attractive TVA electric rates, but must also vie with its neighboring communities for available industrial customers. It contends that it must therefore have every opportunity in the form of price and supply flexibility to meet this competitive challenge, and must not be faced with supply limitations that are not also imposed upon other customers of Southern.[3]

Petitions seeking leave to intervene in any formal hearing held in connection with Southern's application in Docket No. CP67–168 were timely filed by the following companies:

NAMES OF PETITIONERS AND DATES FILED

Alabama Gas Corp., Dec. 30, 1966.
Atlanta Gas Light Co., Jan. 16, 1967.
Carolina Pipeline Co., Jan. 13, 1967.
Mississippi Valley Gas Co., Jan. 16, 1967.
South Carolina Natural Gas Co., Jan. 16, 1967.

The statements by Southern and Chattanooga hereinbefore discussed show that customers other than those listed above may wish to file petitions to intervene in the hearing to be held regarding the volumetric certificate limitation issue. Therefore, this order will extend the time for other interested persons to file petitions to intervene in this proceeding if they wish to do so.

[3] On Mar. 9, 1967, and Mar. 23, 1967, Carolina Pipeline Co. filed statements expressing similar views.

The Commission finds:

(1) It is appropriate for a hearing to be held in this proceeding in order that interested parties and the Commission's staff may develop a record from which it may be determined whether volumetric limitations should be imposed in certificates issued to Southern Natural Gas Co., beginning with the one issued April 20, 1967, in Docket No. CP67–168.

(2) It is desirable to allow the companies which have filed petitions to intervene to become interveners in this proceeding in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests pertaining to the issue of volumetric certificate limitations may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) Pursuant to the provisions of section 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.d.s.t., on June 21, 1967, in a hearing room of the Federal Power Commission, Washington, D.C. 20426, for the purpose of considering all matters pertaining to the issue of certificate limitations, determining the manner in which evidence shall be presented, fixing the date on which the hearing shall commence, and entertaining adoption of suggestions which may expedite the proceeding.

(B) The above-named petitioners are hereby permitted to become interveners in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Additional petitions to intervene or protests may be filed with the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 22, 1967.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5338; Filed, May 12, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Agreement No. FFA–1]

WEDEMANN & GODKNECHT, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the agreement, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 15 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

The agreement establishes a conference of licensed independent ocean freight forwarders (known as the International Container Conference) to cooperatively engage in the business of consolidating, unitizing, and transporting shipments in export and import commerce. The conference will conduct activities related to the foregoing purposes, such as, but not limited to, carriage of goods by surface, ocean, and air, warehousing, packing, ocean freight forwarding, chartering, a break-bulk operation, and freight consolidation.

The conference may purchase, lease, operate, or otherwise use facilities and properties as may be deemed necessary or appropriate to accomplish the purposes set forth herein and shall form a corporation or such other business entities in accordance with law as may be required for the aforesaid purposes.

The agreement also provides for the election of officers and describes the duties thereof, and prescribes meeting and voting requirements.

The agreement further provides that (1) membership in the conference is restricted to ocean freight forwarders who maintain an office in the port of New York, (2) any member may withdraw on 60 days' notice, (3) no member shall be expelled except for reasonable cause, the reasons for which shall be furnished the Commission, and (4) the agreement shall not become effective until approved by the Commission.

Parties:

1. Wedemann & Godknecht, Inc., 9 Broadway, New York, N.Y. 10004.
2. Freedman & Slater, Inc., 11 Broadway, New York, N.Y. 10004.
3. John H. Faunce, Inc., 26 Broadway, New York, N.Y. 10004.
4. Karr, Ellis & Co., Inc., 17 Battery Place, New York, N.Y. 10004.
5. Alltransport Inc., 17 Battery Place, New York, N.Y. 10004.
6. Intra-Mar Shipping Corp., 42 Stone Street, New York, N.Y. 10004.
7. Schenkers International Forwarders Inc., 44 Whitehall Street, New York, N.Y. 10004.
8. LEP Transport Inc., 15 William Street, New York, N.Y. 10005.
9. Natural Nydegger Transport Corp., 26 Beaver Street, New York, N.Y. 10004.

10. Lansen-Naeve Corp., 11 Broadway, New York, N.Y. 10004.

Dated: May 10, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5370; Filed, May 12, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2121]

AMAX HOLDINGS, INC.

Notice of Filing of Application Exempting Company From All Provisions of Act

MAY 9, 1967.

Notice is hereby given that Amax Holdings, Inc. ("Applicant"), 1270 Avenue of the Americas, New York, N.Y. 10020, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by American Metal Climax, Inc. ("American Metal"), under the laws of the State of Delaware on April 19, 1965. All of the outstanding securities of Applicant consisting of 10 shares of common stock with a par value of $100 a share are owned by American Metal which purchased such stock for $1,000. American Metal will purchase from Applicant additional common stock or make such contributions in cash, securities, or other property in order that the equity capital of Applicant will not be less than $5 million. Any additional securities which Applicant may issue other than debt securities, will be issued only to American Metal. American Metal will continue to retain its present holdings of Applicant's stock and any additional securities of Applicant which American Metal may acquire, and American Metal will not dispose of any of Applicant's securities except to Applicant or to a fully owned subsidiary of American Metal (which term as used herein means a corporation all of the outstanding securities of which, other than short-term paper, as defined in section 2(a)(36) of the Act, are owned, directly or indirectly, by American Metal); and American Metal will cause each fully owned subsidiary not to dispose of Applicant's securities except to American Metal, Applicant or another fully owned subsidiary of American Metal.

American Metal is engaged, directly and through its subsidiaries, in the mining, smelting, refining and marketing of minerals and metals, including molybdenum, potash, copper, lead, zinc, iron, aluminum, and other metals.

A principal purpose for the organization of Applicant was to raise funds abroad for financing the expansion and development of American Metal's foreign operations while at the same time providing assistance in improving the balance-of-payments position of the United States in compliance with the voluntary cooperation program instituted by the President in February 1965.

Applicant intends to issue and sell $25 million of its Guaranteed Debentures due 1982 ("Debentures"). American Metal will guarantee the principal, interest payments, and premium, if any, on the Debentures. Any additional debt securities of Applicant which may be issued to or held by the public will be guaranteed by American Metal in a manner substantially similar to the guarantee of the Debentures.

It is intended that upon completion of the long-term investment of Applicant's assets, substantially all of the assets of Applicant (exclusive of U.S. Government securities and cash items) will be invested in or loaned to foreign companies which are primarily engaged in a business or businesses other than investing, reinvesting, owning, holding, or trading in securities and which are, or upon the making of such investment will be (1) majority-owned subsidiaries of American Metal within the meaning of section 2(a)(23) of the Act, (2) companies under American Metal's control within the meaning of section 2(a)(9) of the Act, or (3) companies which are engaged in a business related to the business of American Metal, in which American Metal or Applicant owns an equity interest of 10 percent or more. Applicant will proceed as expeditiously as practicable with the long-term investment of its assets in the manner described above. Pending such investment, Applicant will invest temporarily in debt obligations (including time deposits) of foreign governments, foreign financial institutions, and foreign subsidiaries of American Metal, payable in U.S. dollars or other currencies and in each case maturing in 1 year or less from the date of acquisition. Applicant will not acquire the securities representing its investments or loans for the purpose of resale and will not trade in such securities.

The Debentures are to be sold through a group of Underwriters, and payment will be received by Applicant, outside the United States. The Debentures are to be offered and sold under conditions which are intended to assure that the Debentures will not be offered or sold in the United States, its territories, or possessions or to nationals, citizens, or residents of the United States, its territories or possessions. The contracts relating to such offer and sale will contain various provisions intended to assure that the Debentures will not be purchased by nationals, citizens, or residents of the United States, its territories or possessions. Any additional debt securities of Applicant which may be sold to the public in the future will be sold under substantially similar conditions.

Counsel has advised Applicant that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the Debentures, except where a specific statutory exemption is available. Applicant will apply to the Internal Revenue Service for a ruling to this effect prior to the sale of the Debentures. Thus, by financing its foreign operations through Applicant rather than through the sale of its own debt obligations, American Metal will utilize an instrumentality, the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

Applicant will use its best efforts to have the Debentures listed on the New York Stock Exchange and registered under the Securities Exchange Act of 1934.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) A principal purpose of Applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which American Metal may obtain funds in foreign countries for its foreign operations; (2) the Debentures will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States, its territories or possessions or to any U.S. national, citizen, or resident in connection with such offering; (3) the burden of the interest equalization tax will tend to discourage purchase of the Debentures by any U.S. person; (4) Applicant will not deal or trade in securities; (5) none of the securities of Applicant, other than debt securities, will be held by any person other than American Metal or a fully owned subsidiary of American Metal; and (6) the public policy underlying the Act is not applicable to Applicant and the security holders of Applicant do not require the protection of the Act, because the payment of the Debentures, which is guaranteed by American Metal does not depend solely on the operations or investment policy of Applicant, for the Debenture holders may ultimately look to the business enterprise of American Metal rather than solely to that of Applicant.

Notice is further given that any interested person may, not later than May 23, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney

at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–5344; Filed, May 12, 1967; 8:45 a.m.]

[812–2118]

NATIONAL AVIATION CORP.

Notice of Filing of Application for Order of Exemption To Permit Purchase of Securities During an Underwriting

MAY 9, 1967.

Notice is hereby given that National Aviation Corp. ("Applicant"), 111 Broadway, New York, N.Y. 10006, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f), of the Act for an order of the Commission exempting from the provisions of section 10(f) a proposed purchase by the Applicant at the public offering price of up to $1,000,000 principal amount Convertible Subordinated Debentures due 1987 ("the debentures") which Whittaker Corp. ("the Issuer") proposes to issue. The proposed purchase is a portion of an offering of $12,000,000 principal amount of the debentures expected to be offered to the public as soon as the registration statement on Form S–1 of the Issuer, filed April 20, 1967, shall be made effective pursuant to section 8(a) of the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The firm of Hornblower & Weeks-Hemphill, Noyes will probably be one of the principal underwriters for the issue. Howard E. Buhse, a director of Applicant and a member of the executive committee, is a partner of that firm. Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) if a director of the registered investment company is an affiliate of a principal underwriter of such security. Since one of the Applicant's directors is an affiliated person of one of the principal underwriters offering the debentures, the purchase thereof by the Applicant is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

The Applicant in support of its application asserts that the proposed purchase of the debentures is consistent with Applicant's investment objectives and policies and is not proposed for the purpose of stimulating the market in the debentures or for the purpose of relieving the underwriters of securities otherwise unmarketable, that it will not purchase the debentures from Hornblower & Weeks-Hemphill, Noyes, that the terms of the proposed investment, if consummated, are fair and reasonable, that Applicant does not presently own, and has not previously owned, any securities of the Issuer and that the amount paid will represent 8.33 percent of the proposed offering and 0.90 percent of the Applicant's assets as of April 21, 1967.

Notice is further given that any interested person may, not later than May 25, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–5345; Filed, May 12, 1967; 8:46 a.m.]

RAND DEVELOPMENT CORP.

Order Suspending Trading

MAY 9, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 5 cents par value, of Rand Development Corp., Cleveland, Ohio, and the Class B Common Stock, 5 cents par value, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 10, 1967, through May 19, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–5346; Filed, May 12, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Wisconsin Bankshares Corp., Milwaukee, Wis., for approval of acquisition of 80 percent or more of the voting shares to be issued by Mequon National Bank, Mequon, Wis., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), an application by First Wisconsin Bankshares Corp., Milwaukee, Wis., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares to be issued by Mequon National Bank, Mequon, Wis., a proposed new bank.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller recommended approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 15, 1967 (32 F.R. 2915), which provided an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be con-

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Chicago.

summated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of the order, and that the Mequon National Bank shall be opened for business not later than 6 months after the date of this order.

Dated at Washington, D.C., this 8th day of May 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-5339; Filed, May 12, 1967; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods, which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Anthracite Overall Manufacturing Co., Inc., Scranton, Pa.; 4-12-67 to 4-11-68 (men's work and dress trousers and ladies' pants).

Bamberg Manufacturing Co., Inc., Bamberg, S.C.; 5-3-67 to 5-2-68 (men's and boys' pants).

Bannon Mills, Inc., Lebanon, Pa.; 4-14-67 to 4-13-68 (infants' and children's wear).

B. C. Beaver Manufacturing Co., Inc., Shamokin Dam, Pa.; 4-3-67 to 4-2-68 (men's and boys' sportswear).

Blackwelder Manufacturing Co., Inc., Mocksville, N.C.; 4-21-67 to 4-20-68 (men's and boys' sport shirts).

Blue Bell, Inc., Coalgate, Okla.; 4-4-67 to 4-3-68 women's and girls' dungarees).

Blue Bell, Inc., Ada, Okla.; 3-30-67 to 3-29-68 (men's, boys', ladies' and girls' dungarees).

Brilliant Garment Co., Brilliant, Ala.; 4-21-67 to 4-20-68 (men's work pants).

Cowden-Springfield Co., Springfield, Ky.; 5-1-67 to 4-30-68 (men's and boys' work pants).

Dee-Mure Brassiere Co., Inc., Hamlin, W. Va.; 4-22-67 to 4-21-68 (brassieres).

Dickson Manufacturing Co., No. 2, Dickson, Tenn.; 4-21-67 to 4-20-68 (outerwear jackets).

Eastern Shore Sportswear, Cambridge, Md.; 4-27-67 to 4-26-68; 10 learners (children's outerwear jackets and skirts).

East Waterford Textiles, Inc., East Waterford, Pa.; 4-3-67 to 4-2-68; 10 learners (ladies' dresses).

Empire Manufacturing Co., Winder, Ga.; 4-8-67 to 4-7-68 (men's and boys' pants).

E & W of Heber Springs, Inc., Heber Springs, Ark.; 4-23-67 to 4-22-68 (boys' shirts).

E & W of Ilimo, Inc., Ilimo, Mo.; 4-30-67 to 4-29-68 (men's and boys' dungarees).

Federal Corset Co., Douglas, Ga.; 4-17-67 to 4-16-68 (ladies' girdles and brassieres).

Fortex Manufacturing Co., Inc., Fort Deposit, Ala.; 4-7-67 to 4-6-68 (men's pajamas).

Four Sisters Manufacturing Co., Flora, Ill.; 4-13-67 to 4-12-68 (women's girdles and brassieres).

Georgetown Dress Corp., Georgetown, S.C.; 4-17-67 to 4-16-68 (children's sportswear).

Granite Dress Corp., Fall River, Mass., 4-7-67 to 4-6-68 (women's dresses).

Happy Togs, Inc., Ashland, Ala.; 4-19-67 to 4-18-68 (infant's wear).

Harris Hogan Corp., Wilkes-Barre, Pa.; 4-30-67 to 4-29-68 (children's dresses and sportswear).

Hartsville Garment Corp., Hartsville, Tenn.; 3-29-67 to 3-28-68 (men's sports shirts).

Herrin Apparel Co., Inc., Herrin, Ill.; 4-17-67 to 4-16-68 (women's and misses' dresses).

Jackson Apparel Co., Inc., Scotts Hill, Tenn.; 4-10-67 to 4-9-68 (women's dresses).

Jac-Mar Manufacturing Co., Inc., El Paso, Tex.; 4-19-67 to 4-18-68 (boys' washable service garments).

Jimmy Richard Co., Hawkinsville, Ga.; 4-8-67 to 4-7-68; 10 learners (men's and boys' outerwear jackets).

Kellwood Co., Monticello, Miss.; 4-24-67 to 4-23-68 (men's work trousers).

Lerner Slone Clothing Corp., Forrest City, Ark.; 4-11-67 to 4-10-68 (men's dress slacks).

Linn Manufacturing Co., Linn, Mo.; 5-1-67 to 4-30-68 (men's dress trousers).

Loris Manufacturing Co., No. 2, Loris, S. C.; 3-31-67 to 3-30-68 (dresses).

Madill Manufacturing Co., Inc., Madill, Okla.; 4-7-67 to 4-6-68 (men's dress slacks).

McEwen Manufacturing Co., McEwen, Tenn.; 4-22-67 to 4-21-68 (men's overalls and children's playsuits).

McKinney Pant Manufacturing Co., McKinney, Tex.; 4-24-67 to 4-23-68 (men's and boys' dress trousers).

Midstate Sportswear, Inc., Sumner, Miss.; 3-30-67 to 3-29-68; 10 learners (men's and boys' outerwear jackets).

Midland Manufacturing Inc., Olive Hill, Ky.; 4-27-67 to 4-26-68 (men's and boys' dungarees).

Model's Coat, Inc., Pelzer, S.C.; 3-30-67 to 3-29-68 (women's dresses).

Mode O'Day Co., No. 3, Logan, Utah; 4-24-67 to 4-23-68 (women's dresses).

Morgan Sportswear Co., Madison, Ga.; 4-5-67 to 4-4-68 (men's and boys' sport shirts).

Olney Manufacturing Co., Olney, Tex.; 4-12-67 to 4-11-68 (men's and boys' trousers).

Otero Manufacturing Co., Alamogordo, N. Mex.; 4-24-67 to 4-23-68 (men's and boys' pants).

Palmetto Garment Co., Inc., Travelers Rest, S.C.; 4-6-67 to 4-5-68 (children's pajamas and gowns).

Perry Manufacturing Co., Mount Airy, N.C.; 4-14-67 to 4-13-68 (ladies' and misses' blouses).

Prepshirt Manufacturing Corp., Greenville, N.C.; 4-15-67 to 4-14-68 (boys' sport and dress shirts).

Princess Peggy, Inc., Belleville, Ill.; 4-3-67 to 4-2-68 (women's dresses and playsuits).

Renovo Shirt Co., Inc., Mena, Ark.; 4-28-67 to 4-27-68 (men's army shirts and ladies' and girls' blouses).

J. H. Rutter Rex Manufacturing Co., Inc., Franklinton, La.; 4-22-67 to 4-21-68 (men's and boys' work pants).

S & S Manufacturing Co., Inc., Spartanburg, S.C.; 3-30-67 to 3-29-68 (ladies' and children's blouses).

Salant & Salant, Inc., Union City, Tenn.; 4-13-67 to 4-12-68 (men's work pants).

Salant & Salant, Inc., Union City, Tenn.; 4-16-67 to 4-15-68 (men's work shirts).

San Benito Manufacturing Co., San Benito, Tex.; 4-19-67 to 4-18-68 (men's and boys' jeans).

Sandye Shirt Corp., Portland, Tenn., 4-20-67 to 4-19-68 (men's shirts).

Sarazin of Connecticut, Inc., Southport, Conn.; 4-25-67 to 4-24-68; 10 learners (women's brassieres and girdles).

Shutzer Manufacturing Co., Inc., Lawrence, Mass.; 4-8-67 to 4-7-68 (men's, boys' and women's outerwear jackets).

The Solomon Co., Leeds, Ala.; 4-21-67 to 4-20-68 (men's and boys' dress trousers and walking shorts).

Spartans Industries, Inc., Smithville, Tenn.; 4-26-67 to 4-25-68 (men's and boys' sport shirts).

Springfield Garment Manufacturing Co., Springfield, Mo.; 4-18-67 to 4-17-68 (men's dress slacks).

Spruce Pine Manufacturing Co., Spruce Pine, N.C.; 4-12-67 to 4-11-68; 10 learners (men's dress shirts).

Storktowne Products, Inc., Columbia, Tenn.; 4-10-67 to 4-9-68 (children's and infants' snowsuits).

Sunset Manufacturing Co., Inc., Pottstown, Pa.; 4-6-67 to 4-5-68 (ladies' dresses).

Technical Investments DBA Glick Manufacturing Co., 4-13-67 to 4-12-68 (boys' slacks and outerwear jackets).

Temple Manufacturing Co., Temple, Okla.; 4-13-67 to 4-12-68 (men's and boys' trousers).

Toccoa Garment Co., Inc., Toccoa, Ga.; 4-13-67 to 4-12-68 (ladies' blouses).

Tompkinsville Garment Co., Tompkinsville, Ky.; 4-25-67 to 4-24-68 (men's and boys' dungarees).

Washington Garment Co., Washington, Pa.; 4-27-67 to 4-26-68 (ladies' pants and shorts).

Waxahachie Garment Co., Waxahachie, Tex.; 4-13-67 to 4-12-68 (men's and boys' dress trousers).

Wentworth Manufacturing Co., Florence, S.C.; 5-1-67 to 4-30-68 (ladies' wash frocks).

Windon Manufacturing Co., Winona, Miss.; 4-7-67 to 4-6-68 (men's and boys' sport shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Apparel Manufacturing Corp., Mebane, N.C.; 4-6-67 to 10-5-67; 20 learners (children's dresses and blouses).

Auburntown Industries, Auburntown, Tenn.; 5-1-67 to 10-31-67; 50 learners (men's and boys' shirts).

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governor Daane. Governor Sherrill did not participate in the Board's action in this matter.

Blue Bell, Inc., Hanceville, Ala.; 3–30–67 to 9–29–67; 35 learners (men's and boys' dungarees).

Bowie Manufacturing Co., Bowie, Tex.; 4–14–67 to 9–22–67; 25 additional learners (men's and boys' trousers) (supplemental certificate).

Cal-Ute Corp., Fillmore, Utah; 4–3–67 to 10–2–67; 50 learners (men's and boys' car coats).

Otero Manufacturing Co., Alamogordo, N. Mex.; 4–24–67 to 10–23–67; 30 learners (men's and boys' pants).

J. H. Rutter Rex Manufacturing Co., Inc., 4–18–67 to 10–17–67; 50 learners (men's and boys' work shirts).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.80 to 522.85, as amended).

Jno. H. Swisher & Son, Inc., Cullman, Ala.; 4–10–67 to 1–31–68; 10 percent of the total number of factory production workers for normal turnover purposes.

Jno. H. Swisher & Son, Inc., Jacksonville, Fla., 4–10–67 to 1–31–68; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Jno. H. Swisher & Son, Inc., Waycross, Ga.; 4–10–67 to 1–31–68; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Galena Glove & Mitten Co., Dubuque, Iowa; 4–2–67 to 4–1–68; 10 learners for normal labor turnover purposes (work gloves).

Haynesville Manufacturing Co., Inc., Haynesville, La.; 4–6–67 to 10–5–67; 20 learners for plant expansion purposes (work gloves).

Monte Glove Co., Inc., Maben, Miss.; 4–12–67 to 10–11–67; 10 learners for plant expansion purposes (work gloves).

Newton Glove, Inc., Newton, N.C.; 4–21–67 to 4–20–68; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., McGehee, Ark.; 4–3–67 to 4–2–68; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

James Hosiery Mills, Greenville, Tenn.; 4–5–67 to 10–4–67; 20 learners for plant expansion purposes (seamless).

Koury Hosiery Mills, Inc., Burlington, N.C.; 4–24–67 to 4–23–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Casa Grande Mills, Casa Grande, Ariz.; 3–30–67 to 9–29–67; 60 learners for plant expansion purposes (men's and boys' briefs and infants' underwear).

U.S. Lingerie Corp., Donalsonville, Ga.; 4–20–67 to 4–19–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' night gowns).

J. E. Morgan Knitting Mills, Inc., Tamaqua, Pa.; 5–1–67 to 4–30–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knit underwear).

Safford Manufacturing Corp., Safford, Ariz.; 3–30–67 to 9–29–67; 30 learners for plant expansion purposes (women's and misses' underwear, nightwear and negligees).

Safford Manufacturing Corp., Safford, Ariz.; 3–30–67 to 3–29–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and misses' underwear, nightwear and negligees).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Grant City Manufacturing Co., Grant City, Mo.; 4–1–67 to 9–30–67; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 240 hours at the rate of $1.30 an hour (men's and boys' headwear).

Grant City Manufacturing Co., Mount Ayr, Iowa; 4–1–67 to 9–30–67; 24 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 240 hours at the rate of $1.30 an hour (men's and boys' headwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Coamo Glove Corp., Coamo, P.R.; 3–15–67 to 9–14–67; 113 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 90 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours (ladies' nylon dress gloves).

El Finale, Inc., Caguas, P.R.; 4–10–67 to 4–9–68; 21 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 90 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours (ladies' fabric and leather gloves).

El Finale, Inc., Caguas, P.R.; 4–2–67 to 7–15–67; 30 learners for plant expansion purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 90 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours (ladies' fabric and leather gloves) (replacement certificate).

Mayaguez Contracting Corp., Mayaguez, P.R.; 4–6–67 to 10–5–67; 150 learners for plant expansion purposes in the occupation of sewing machine operating for a learning period of 320 hours at the rate of $1.03 an hour (girdles).

Maricao Mills Inc., Maricao, P.R.; 3–15–67 to 9–14–67; 58 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 84 cents an hour (men's and boys' tee shirts).

Moca Mills, Inc., Moca, P.R.; 3–15–67 to 9–14–67; 76 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 84 cents an hour (men's and boys' briefs).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 28th day of April 1967.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67–5342; Filed, May 12, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[4th Rev. S.O. 562; ICC Order 222]

FRANKFORT & CINCINNATI RAILROAD CO.

Rerouting and Diversion of Traffic

In the opinion of Martin E. Foley, agent, the Frankfort & Cincinnati Railroad Co. is unable to transport traffic routed over its line because of work stoppage and having placed an embargo on all freight destined to stations on its line from Halley, Ky., to Paris, Ky., inclusive.

It is ordered, That:

(a) Rerouting traffic: Because of work stoppage and having placed an embargo, the Frankfort & Cincinnati Railroad Co. being unable to transport traffic in accordance with shippers' routing, is hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements, now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed

by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9 a.m., May 9, 1967.

(g) Expiration date: This order shall expire at 11:59 p.m., August 31, 1967, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 8, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] MARTIN E. FOLEY,
Agent.

[F.R. Doc. 67-5359; Filed, May 12, 1967; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 9, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41023—*Hydrofluoric acid to Bauxite, Ark.* Filed by Southwestern Freight Bureau, agent (No. B-8977), for interested rail carriers. Rates on hydrofluoric acid, in tank carloads, from Calvert, Ky., to Bauxite, Ark.

Grounds for relief—Market competition.

Tariff—Supplement 47 to Southwestern Freight Bureau, agent, tariff ICC 4663.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-5360; Filed, May 12, 1967; 8:47 a.m.]

[Notice 383]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 10, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 220 TA), filed May 8, 1967. Applicant: RISS & COMPANY, INC., 903 Grand Avenue, Kansas City, Mo. Applicant's representative: Ivan E. Moody, 11th Floor, Scarritt Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I in the *Descriptions Case* (61 MCC 209, 4766) (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Missouri, New Jersey, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, West Virginia, District of Columbia, and points in Kentucky within the Louisville, Ky., and Cincinnati, Ohio, commercial zone, for 180 days. Supporting shipper: Griffith, Inc., Highway 24 West, Downs, Kans. 67437. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 3018 (Sub-No. 18 TA), filed May 8, 1967. Applicant: McKEOWN TRANSPORTATION CCMPANY, a corporation, 10448 South Western Avenue, Chicago, Ill. 60643. Applicant's representative: Gregory J. Scheurich, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Waste foodstuffs, consisting of bakery or flour mill refuse or stale bread, cake, candy, or cookies,* from points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin to Chicago, Ill., for 150 days. Supporting shipper: International Bakerage, Inc., 3092 Piedmont Road NE., Atlanta, Ga. 30305. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 109533 (Sub-No. 32 TA), filed May 8, 1967. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, Post Office Box 1216, 1100 Commerce Road, Richmond, Va. 23209. Applicant's representative: Clarence H. Swanson (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Chattanooga, Tenn., and Nashville, Tenn., serving no intermediate points; from Chattanooga over U.S. Highway 41 and/or Interstate Highway 24 to Nashville, and return over the same route, for 180 days. Applicant intends to tack the above authority with MC 109533 (Sub-No. 22) at Chattanooga. Supporting shippers: There are supporting statements attached to the application from approximately 100 supporting shippers, that may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 112014 (Sub-No. 10 TA), filed May 8, 1967. Applicant: SKAGIT VALLEY TRUCKING CO., INC., Post Office Box 400, Mount Vernon, Wash. 98273. Applicant's representative: Dick E. Jones, 1765 6th Avenue South, Seattle, Wash. 98134. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (with the usual exceptions), between Mount Vernon and Blaine, Wash., over U.S. Highway 99, serving the intermediate points of Bellingham and Ferndale and off-route points of Neptune Beach and Lynden, Wash., for 180 days. Restriction: Authority shall not include foreign commerce through the gateway of Blaine, Wash. This authority shall be tacked to carrier's present authority. Supporting shippers: There are 26 supporting shippers statements which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 117815 (Sub-No. 122 TA), filed May 8, 1967. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from La Porte, Ind., to points in Iowa, Minnesota, Missouri, and Wisconsin, for 180 days. Supporting shipper: American Home Foods, 685 Third Avenue, New York, N.Y. 10017. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 118196 (Sub-No. 93 TA) (Correction), filed April 17, 1967, published FEDERAL REGISTER issue of April 25, 1967, and republished as corrected, this issue. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, High-

way 71 North, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products, not frozen*, from points in Oregon, Washington, and Idaho, to points in Missouri, Kansas, Iowa, and Nebraska, for 180 days. Supporting shippers: Lamb-Weston, Inc., 2017 Lloyd Center, Post Office Box 12145, Portland, Oreg. 97212; Idaho Potato Growers, Inc., Post Office Box 978, Idaho Falls, Idaho 83401; North Pacific Canners & Packers, Inc., 5200 Southeast McLoughlin Boulevard, Post Office Box 02113, Portland, Oreg. 97202; Pronto Foods, Inc., Post Office Box 1029, Moses Lake, Wash. 98837, and Stoops & Wilson Brokerage Co., 4601 Madison Avenue, Kansas City, Mo. 64112. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106. NOTE: The purpose of this republication is to show the correct docket number as MC 118196 (Sub-No. *93* TA) in lieu of 98 TA, which was printed erroneously.

No. MC 128468 (Sub-No. 1 TA), filed May 8, 1967. Applicant: HERBERT C. WHITE, doing business as WHITE'S TRUCKING CO., 1308 Starhaven Street, Duarte, Calif. 91010. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated pipe*, between Irwindale, Calif., on the one hand, and, on the other, points in Arizona, Clark, Esmeralda, Lincoln, and Nye Counties, Nev., and Garfield, Iron, Kane, and Washington Counties, Utah. Restriction: Service at points in Arizona, Nevada, and Utah to be confined to construction sites, for 180 days. Supporting shipper: Pacific Corrugated Culvert Co., Post Office Box 218, Temple City, Calif. Send protests to: W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129064 TA, filed May 8, 1967. Applicant: JACK L. HODGES, Route No. 1, Oran, Mo. 63771. Applicant's representative: Potashnick & Matthews, Post Office Box 459, 310 East Center, Sikeston, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used farm equipment*, from Sikeston, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Mississippi, and Wisconsin, for 180 days. Supporting shipper: Bob Hale, Hale's Tractor & Implement Co., Sikeston, Mo. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 129065 TA, filed May 8, 1967. Applicant: TROY M. TULLOS, doing business as TULLOS VAN & STORAGE, 666 Redwood Avenue, Seaside, Calif. 93955. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Monterey, Santa Cruz, San Benito, and San Luis Obispo Counties, Calif., restricted to shipments having a prior or subsequent movement in interstate or foreign commerce beyond said points in containers, for 180 days. Supporting shipper: Fernstrom Moving System, Post Office Box 66220, Chicago, Ill. Send protests to: Wm. R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

MOTOR CARRIER OF PASSENGERS

No. MC 129038 (Sub-No. 1 TA), filed May 8, 1967. Applicant: TRI-STATE COACH LINES, INC., 10008 West Pacific Avenue, Franklin Park, Ill. 60131. Applicant's representative: John T. Porter, 708 First National Bank Building, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, mail, newspapers, and express in the same vehicles with passengers*, in vehicles transporting not more than 13 passengers plus driver, between Racine, Wis., on the one hand, and, on the other, the O'Hare Field (Chicago International Airport), Cook County, Ill., and including service at the city of Kenosha, Wis., as an intermediate point, from Racine, over Wisconsin Highway 32 to Kenosha, Wis.; thence over Wisconsin Highway 50 to its junction with Interstate Highway 94; thence over Interstate Highway 94 to Chicago, Ill., and the above-named airports and return over the same route, with pickup and delivery restricted to said airports and the cities of Racine and Kenosha, for 150 days. Supporting shippers: Chamber of Commerce, 818 Sixth Street, Racine, Wis. 53403; Anaconda American Brass Co., 1420 63d Street, Kenosha, Wis. 53140; Edmund La Macchia Travel & Insurance Agency, 5402 22d Avenue, Kenosha, Wis. 53140; Commercial Press Co., 470 College Avenue, Post Office Box 563, Racine, Wis. 53401; Macwhyte Co., Kenosha, Wis. 53140; Qualheim, Inc., Racine, Wis. 53403; Jockey Menswear, a division of Cooper's Inc., Kenosha, Wis. 53140. Send protests to: District Supervisor Andrew J. Montgomery, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–5361; Filed, May 12, 1967; 8:47 a.m.]

[Notice 1518]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 10, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69554. By order of April 28, 1967, the Transfer Board approved the transfer to Mrs. Rae O. Hummel, doing business as City Dray, South Summit Street, Spooner, Wis., of certificate No. MC–125108, issued December 19, 1963, to Carl F. Hummel, doing business as City Dray Line, South Summit Street, Spooner, Wis., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Spooner, Wis., and Shell Lake, Wis.

No. F.D.–24501. By order of April 28, 1967, the Transfer Board approved the transfer to Red River Barge Line, Inc., Plaquemine, La., of water carrier certificate No. W–625, issued November 6, 1942, to James Clyde Dean, doing business as Red River Barge Line, Plaquemine, La., authorizing the transportation of commodities generally, between ports and points along the Gulf Intracoastal Waterway from New Orleans, La., to Port Arthur, Tex., with certain exceptions. Joseph A. Fiasconaro, 1410 National Bank of Commerce Building, New Orleans, La. 70112, attorney for applicants.

No. MC–FC–69580. By order of April 25, 1967, the Transfer Board approved the transfer to Robert K. Elder, Jr., Inc., Butler, Pa., of the operating rights in permit No. MC–4815, issued August 14, 1961, to Robert K. Elder, Butler, Pa., authorizing the transportation of: Concrete blocks, and bricks, building and road construction materials, and commodities transported in dump trucks, and pallets, between specified points in Pennsylvania and Ohio. Ambrose A. Such, 5275 Ridge Road, Cleveland, Ohio 44129, representative for applicants.

No. MC–FC–69586. By order of April 28, 1967, the Transfer Board approved the transfer to Red River Barge Line, Inc., Plaquemine, La., of the operating rights in certificates Nos. MC–95984 and MC–95984 (Sub-No. 1) issued June 30, 1942 and June 4, 1940, respectively to James Clyde Dean, doing business as Red River Barge Line, Plaquemine, La., authorizing the transportation of: General commodities, with exceptions, (1) between Lake Charles, La., and Black Bayou Ferry Crossing on the Intracoastal Waterway Canal, and (2) at New Orleans and Abbeville, La., Orange, Beaumont, and Port Neches, Tex., and points on the Intracoastal Waterway Canal, Joseph A. Fiasconaro, 1410 National Bank of Commerce Building, New Orleans, La. 70112, attorney for applicants.

No. MC–FC–69587. By order of April 27, 1967, the Transfer Board approved the transfer to Abcore World Van Service, Inc., Miami, Fla., of license No. MC–12071 and certificate No. MC–17609, issued July 11, 1940, and February 16, 1942, respectively, to Flash Bonded Storage Co., Inc., Miami, Fla., and acquired by Flash Bonded Warehouse, Inc., Miami, Fla., pursuant to No. MC–FC–69089, approved October 7, 1966, and consummated December 31, 1966. The license authorizes operations as a broker at Miami, Fla., in the transportation of household goods, between points and places in Florida, on the one hand, and, on the other, points and places in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Missouri, Wisconsin, and the District of Columbia; the certificate authorizes the transportation of household goods between Miami, Fla., on the one hand, and, on the other, points and places within 10 miles of Miami, including Miami. William P. Simmons, Jr., 1000 First National Bank Building, Miami, Fla. 33131, attorney for applicants.

No. MC–FC–69594. By order of April 28, 1967, the Transfer Board approved the transfer to Wamhoff Transfer Co., a corporation, St. Louis, Mo., of certificate No. MC–31412, issued September 26, 1962, to George J. Wamhoff, doing business as Wamhoff Transfer Company, St. Louis, Mo., authorizing the transportation over irregular routes, of ice cream, from St. Louis, Mo., to Belleville and Collinsville, Ill.; beverage dispensary supplies and equipment, electrical, optical, and theatrical equipment, parts, and supplies, dry cleaning, laundry, heating, and plumbing machinery equipment, parts, and supplies, dry ice, elevators, mechanics' tools, and carbonic gas in containers, between points within 25 miles of St. Louis, Mo., including St. Louis; and general commodities, with the usual exceptions, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission. Austin C. Knetzger, 722 Chestnut Street, St. Louis, Mo. 63101, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–5362; Filed, May 12, 1967; 8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

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SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 876.19]

PART 876—SUGARCANE; HAWAII

Fair and Reasonable Prices for 1967 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii, on December 15, 1966, the following determination is hereby issued:

§ 876.19 Fair and reasonable prices for the 1967 crop of Hawaiian sugarcane.

A producer of sugarcane in Hawaii who is also a processor of sugarcane (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1967 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements:

(a) *Toll agreements.* (1) The rate for processing sugarcane under a toll agreement at Olokele Sugar Co., Ltd., and Kekaha Sugar Co., Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(2) (i) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

Processor	Rate for processing (Percentage of gross proceeds from sugar and molasses)	Delivery point for sugarcane
Puna Sugar Co., Ltd.	34	Mill.
Kohala Sugar Co.	34	Do.
Laupahoehoe Sugar Co.	45	Loaded in trucks.
Mauna Kea Sugar Co., Inc.	45	Do.
Pepeekeo Sugar Co.	45	Do.
Paauhau Sugar Co., Ltd.	45	Do.
Hawaiian Agricultural Co.	45	Do.
Hutchinson Sugar Co., Ltd.	45	Do.

(ii) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Co. (a cooperative agricultural marketing association herein referred to as C & H): *Provided*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rate for processing.

(iii) The applicable rate for processing established in this subparagraph for sugarcane of the producer shall cover (*a*) all transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (*b*) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (c) the costs of weighing, sampling, and taring such sugarcane; (*d*) the cost of general weed and rodent control other than in the sugarcane fields of producers and alongside the roads adjacent thereto; and (*e*) the cost of all research and experimental work applicable to the production and processing of such sugarcane.

(iv) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent for the producer, shall handle and deliver to C & H the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C & H of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of gross proceeds received for the sugar and molasses recovered from the sugarcane of the producer, less the applicable processing rate, and less the expenses paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

(b) *Purchase agreements.* (1) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(2) The price for the producers' share of sugarcane under cultivation contracts at Laupahoehoe Sugar Co. shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(3) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop: *Provided*, That the items of expense which may be deducted in computing net returns for the 1967 crop shall be limited to the same items as for the 1966 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions which the "State Executive Director" (i.e., the person employed to be responsible for the day-to-day operations of the Hawaiian Agricultural Stablization and Conservation Service State Office, or any employee in such office acting on behalf of such person), determines justify the incurrence of such expenses, such expenses also may be deducted.

(c) *Sugarcane weight and quality determination.* The determination of the net weight and quality of the sugarcane received from the producer, and the allocation of sugar and molasses recoveries to the producer shall be made in accordance with the methods customarily used by the processor; methods which have been approved by the Experiment Station of the Hawaiian Sugar Planters Association; or methods agreed upon between the processor and the producer, which will reflect the true weight and quality of sugarcane and the quantities of sugar and molasses recovered from the sugarcane of the producer.

(d) *Overhead charges for services furnished to producers.* If the processor, at the producer's request, furnishes labor, materials, or services used in producing, harvesting, or transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, the applicable overhead expenses. If equipment is charged at standard or budgeted rates which include repair and maintenance charges, and such rates are applied equally to both the processors' and producers' producing, harvesting, and transporting operation, and if the standard or budgeted rates are adjusted periodically to reflect current conditions, such rates shall be considered as the direct costs for use of equipment. Charges for applicable overhead expenses shall be based on estimated current budgets and adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted account-

ing principles, as approved by the "State Executive Director."

(e) *Reporting requirements.* The processor shall submit to the "State Executive Director" a certified statement of the gross proceeds and handling and delivery expenses paid under (1) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (2) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

(f) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1967 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *Public hearing—Hawaiian Sugar Planters Association.* The representative of the Planters' Committee recommended that the fair price hearing be held in early April instead of in December of the prior year. He stated that in the past, fair price hearings have been scheduled late in the year preceding the crop for which the determination would apply; that final costs and related statistics are not known, and detailed information is compiled on an estimated basis; that a few months later when final crop figures are known this same information is brought up to date and submitted to the Department; and that the determination is issued after the receipt and evaluation of the final data. He said that in the interest of reducing the burden which the mass of material places upon the Department and the plantations, he recommended that future fair price hearings be scheduled after final costs and related data are known.

C. Brewer and Co. (representing Mauna Kea, Pepeekeo, Paauhau, Hawaiian Agricultural, and Hutchinson Sugar Cos.). The representative of these companies recommended a processing rate of 48 percent for the 1967 crop, and continuation of the profit charge allowed on services furnished producers. The witness submitted producing and processing costs data for the 5-year periods 1960–64, 1961–65, and 1962–66, and for the single year 1966 that indicated processing rates of 47.53 percent, 47.77 percent, 47.72 percent, and 47.11 percent, respectively, and stated that this shows that long term averages have been relatively stable. The witness testified that four of their five mills on the Island of Hawaii are faced with increased costs in waste disposal, since they will no longer be allowed to discharge waste materials into coastal waters. The witness stated that because of excess rainfall in the Hilo Coast and Kau districts, planting had been delayed and growth of the cane had been delayed, while in the Hamakua district rainfall had been well distributed during the first 10 months of 1966, and should result in an excellent crop for 1967. He said that final crop data would be available the first or second week in March.

The representative of independent producers at the Hawaiian Agricultural Co. recommended a processing rate of 42 percent and the elimination of the 5 percent profit charge on services and materials furnished producers by the company. He submitted 1966-crop growers' producing costs and returns indicating that producers made a profit of $4.98 per ton of sugar.

The representative of producers at Mauna Kea and Pepeekeo Sugar Cos. recommended a processing rate of 42 percent and elimination of the 5 percent charge on services. The witness submitted data on growers' returns and costs for the 1966 crop which indicated a loss of $9.60 per ton of sugar. He stated that growers did not favor a proposal of the processor to base the processing rate on the average costs for the most recent 5-year period.

Kohala Sugar Co. The representative of this company presented producing and processing cost data for 1966 and for the 5-year period 1962–66, that indicated processing rates of 40.16 percent and 41.45 percent, respectively. The witness requested the Department to set a processing rate for the 1967 crop that would result in an adequate return to the company for processing growers' sugarcane. The witness stated that in the summer of 1966 growing conditions had been better than in the past 5 years, and that although the wet conditions affected 1966-crop operations and juice quality, it helped 1967-crop growing conditions.

Puna Sugar Co. The representative of this company recommended a processing rate of 36 percent for the 1967 crop, and a 10 percent profit charge on services furnished to producers. The witness stated that no justification had been found for the decrease in the processing rate for the 1966 crop from 36 percent to 34 percent, and presented cost ratios based on actual cost data for the years 1962 through 1965 and estimates for 1966 showing processing rates slightly under 36 percent for 1962 and 1963, and over 36 percent for 1964, 1965, and 1966. He stated that growers' net returns in 1966 will be the highest, with the exception of the high sugar price year of 1963, since the start of the tolling system in 1956; and that while much of this increase is due to higher refinery returns, a substantial part is attributable to higher efficiencies in the milling and harvesting operations resulting from substantial capital improvements made by the processor, and higher yields per acre resulting from intensive efforts on the part of the processor in agricultural research. The witness stated that the 5 percent profit on services furnished to producers is small when compared to the risks assumed by the company in providing such services; that the company has substantial investment in equipment used in performing these services, and no interest on this investment is charged to producers; and that when interest is subtracted from the 5 percent allowed, the net return on services averages about 3.2 percent.

The representative of independent producers at Puna recommended a processing rate of 30 percent for the 1967 crop, and the elimination of a 5 percent profit charge on services furnished to producers by the company. The witness stated that growers made a profit of 10 cents per ton of sugar in 1966. In a supplemental brief it was stated that the company's estimate of growers cultivating costs is lower than the costs actually incurred by growers; that growers rejected the company's proposal to use 5-year average costs as the basis for the processing rate, since the costs of cultivating, harvesting, hauling, and road maintenance, are more sensitive to changes in the weather than are processing costs; and that the older equipment assigned to grower's cane increases the grower's costs.

Laupahoehoe Sugar Co. The representative of this company recommended a processing rate of 50 percent for the 1967 crop and continuation of all other provisions of the 1966 price determination applicable to Laupahoehoe. The witness stated that the scheduled 1966 start of the new and enlarged processing facilities at Ookala was delayed by construction problems and it was necessary to operate the Papaaloa factory for the full 1966 season; that the entire 1967 crop is scheduled for processing at the new factory, and the Papaaloa factory is being dismantled. The witness stated that the indicated processing rate of 61.21 percent, based on estimates for 1966, include the abnormal factory start up costs in 1966; that this high level should not continue; that depreciation charges of over $6,000,000 investment in new processing facilities and the interest cost of this investment over the next several years is expected to offset the operating savings that will be realized; and that even with the most conservative accounting treatment, the cost ratio in the next few years will continue to reflect a processing rate of approximately 50 percent.

(d) *1967 price determination.* This determination continues the provisions of the 1966 determination without change.

Consideration has been given to the recommendations and information submitted in connection with the hearing; to the returns, costs, and profits of producing and processing sugarcane obtained by field study and recast in terms

of prospective price and production conditions for the 1967 crop; and to other pertinent factors.

The recommendations of producers and processors for changes in the processing rates applicable to several of the companies have been given careful consideration. Analysis of the projected returns, costs, and profits for the 1967 crop, based upon prospective price, production, and yield conditions, indicates that changes in the relationship of producing and processing costs have not been sufficient to warrant an adjustment in processing rates and none is made in this determination.

The recommendations for changes in the profit charges on services furnished to producers by the processor have also been considered. Producer representatives generally contend that no profit should be permitted noting that the small producers are not able to obtain these services from other sources; that the company does not incur any expense in obtaining this business; and that the purchasing of these services from the company benefits the company by reducing the unit material and acquisition costs of the company for its own needs. One processor recommended an increase in the profit charge to 10 percent, stating that the company has a substantial investment in equipment used in performing such services; and that the allowed 5 percent profit is small compared to the risks assumed by the company in providing these services. The 5 percent rate of profit on services is believed to be equitable and is continued in this determination.

After consideration of all pertinent factors this determination is considered to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153, sec. 301, 61 Stat. 929, as amended; 7 U.S.C. Sup. 1131)

Effective date. This determination shall become effective when published in the FEDERAL REGISTER and is applicable to the 1967 crop of Hawaiian sugarcane.

Signed at Washington, D.C., on May 11, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5454; Filed, May 15, 1967; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Avocado Reg. 15]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

§ 944.7 Avocado Regulation 15.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period May 20, 1967, through April 30, 1968, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 17, 1967; and (ii) from July 17, 1967, through July 30, 1967, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least 3 7/16 inches in diameter;

(3) Avocados of the Catalina variety shall not be imported (i) prior to October 23, 1967; and (ii) from October 23, 1967, through November 12, 1967, unless the individual fruit in each lot of such avocados weighs at least 18 ounces;

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 14, 1967; and (ii) from August 14, 1967, through September 10, 1967, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 7/16 inches in diameter;

(5) Avocados of any variety other than Pollock, Catalina, and Trapp shall not be imported (i) prior to July 3, 1967; (ii) from July 3, 1967, through July 9, 1967, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iii) from July 10, 1967, through July 30, 1967, unless the individual fruit in each lot of such avocados weighs at least 14 ounces; and (iv) from July 31, 1967, through September 17, 1967, unless the individual fruit in each lot of such avocados weighs at least 10 ounces: *Provided,* That any lot of such avocados may be imported without regard to the minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Notwithstanding the provisions of subparagraphs (2) through (5) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., Harlingen, Tex. 78551 (Phone—Garfield 3-5644) or	1 day.
	James L. Williams, Room 516 U.S. Courthouse, El Paso, Tex. 79901 (Phone—533-9351, Ext. 5340).	Do.
All New York points.	Edward J. Beller, 346 Broadway, Room 306, New York, N.Y. 10013 (Phone—Rector 2-8000, Ext. 7807).	Do.
All Arizona points.	R. H. Bertelson, 136 Grand Ave., Post Office Box 1646, Nogales, Ariz. 85612 (Phone—Atwater 7-2902).	Do.
All Florida points.	Hubert S. Flynt, 775 Warner St., Post Office Box 6697, Orlando, Fla. 32803 (Phone—841-2141) or	Do.
	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 538, Miami, Fla. 33136 (Phone—371-2517).	Do.
All California points.	Carley D. Williams, 784 South Central Ave., Room 294, Los Angeles, Calif. 90021 (Phone—622-8756).	3 days.
All other points.	D.S. Matheson, Fruit and Vegetable Division, C&MS, Washington, D.C. 20250 (Phone—Dudley 8-5870 and 4560).	Do.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipments; and

(7) The following statement, if the facts warrant: "Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended."

(f) Notwithstanding any other provisions of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the maturity requirements set forth in this section are comparable to the maturity regulations applicable, during the effective time hereof, to shipments of avocados grown in south Florida.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade and diameter, as used herein, shall have the same meaning as when used in the U.S. Standards for Florida Avocados (§§ 51.3050–51.3069 of this title). Importation means release from custody of the U.S. Bureau of Customs.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 9 which becomes effective May 15, 1967; (c) such domestic and import restrictions should become effective at as near the same time as is reasonably practicable; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (e) notice hereof in excess of 3 days, the minimum prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

Dated, May 11, 1967, to become effective May 20, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–5456; Filed, May 15, 1967; 8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Texas Flaxseed Bulletin, 1967 Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967 Texas Flaxseed Purchase Program

A special purchase program has been authorized for 1967 crop flaxseed produced in designated Texas counties. This subpart contains provisions applicable to the 1967 program and together with the provisions contained in CCC Texas Flaxseed Bulletin (26 F.R. 3979, 29 F.R. 6245) constitutes the 1967 Texas Flaxseed Purchase Program.

§ 1421.3106 Purchase prices, premiums, and discounts.

(a) *1967 county purchase prices.* Basic purchase prices per bushel of eligible flaxseed of the 1967 crop which is produced in the counties listed below and which is delivered to authorized dealers under this program for the account of CCC will be at the rate established for the county where the flaxseed is delivered. The basic purchase prices for flaxseed grading No. 1 and containing from 9.1 to 9.5 percent moisture are as follows:

TEXAS

County	Rate per bushel	County	Rate per bushel
Aransas	$2.86	Karnes	$2.82
Atascosa	2.76	Kimble	2.64
Bastrop	2.72	Kleberg	2.84
Bee	2.85	La Salle	2.69
Bell	2.69	Lavaca	2.73
Bexar	2.75	Lee	2.75
Blanco	2.70	Live Oak	2.83
Bowie	2.61	McCulloch	2.64
Brooks	2.77	McMullen	2.78
Brown	2.65	Mason	2.65
Burnet	2.67	Matagorda	2.77
Caldwell	2.73	Maverick	2.62
Calhoun	2.78	Medina	2.72
Cameron	2.69	Milam	2.71
Colcman	2.63	Mills	2.65
Collin	2.65	Nueces	2.87
Colorado	2.78	Real	2.66
Comal	2.73	Red River	2.60
Concho	2.63	Refugio	2.86
De Witt	2.77	Runnels	2.61
Dimmit	2.65	San Patricio	2.87
Duval	2.79	San Saba	2.65
Frio	2.72	Taylor	2.59
Galveston	2.83	Travis	2.72
Goliad	2.83	Uvalde	2.68
Gonzales	2.75	Victoria	2.80
Guadalupe	2.74	Webb	2.71
Hamilton	2.62	Wharton	2.79
Hays	2.72	Willacy	2.73
Hidalgo	2.72	Williamson	2.71
Jackson	2.76	Wilson	2.79
Jim Hogg	2.75	Zapata	2.67
Jim Wells	2.84	Zavala	2.65

(b) *1967 terminal market purchase prices.* The basic purchase price shall be $2.98 per bushel for flaxseed grading No. 1 and containing from 9.1 to 9.5 percent moisture delivered by rail or truck to authorized dealers at the Corpus Christi and Houston, Tex., terminal markets. There shall be deducted from such rate the transportation cost, if any, as determined by the Kansas City ASCS Commodity Office, for moving the flaxseed to a tidewater facility located within the switching limits of the terminal market to which it was delivered. In determining the purchase price for flaxseed delivered by truck to authorized dealers at such terminal markets, there shall also be deducted from the terminal rate 4.5 cents per bushel.

(c) *Premium for low moisture content.* A premium of 1 cent per bushel shall be applied to eligible flaxseed which grades No. 1 or No. 2 and contains 9 percent or less moisture.

(d) *Grade discounts.* The following discounts shall be applied to eligible flaxseed which grades No. 2 or Sample Grade:

(1) No. 2—6 cents per bushel.

(2) Sample Grade—6 cents per bushel plus the following discounts, as applicable:

(i) Moisture:

Percent	Cents
9.6–10.0	1
10.1–10.5	2
10.6–11.0	3
Above 11.0	[1] 3

[1] Plus 1 cent for each one-tenth percent of moisture in excess of 11 percent.

(ii) Test weight: 3 cents for each one-half pound or fraction thereof of test weight below 47 pounds.

(iii) Other factors: Discounts established by CCC for quality factors not specified above which affect the value of the flaxseed, such as (but not limited to) heat damage, musty, and sour. The discounts established will be based upon the market discounts for the factors at the time the flaxseed is delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at ASCS county offices.

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 10, 1967.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67–5423; Filed, May 15, 1967; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 531—PAY UNDER THE CLASSIFICATION ACT SYSTEM

Superior Qualifications Appointments

Section 531.203(b) is amended to enable agencies to grant a superior qualifications appointment to an employee serving under a temporary appointment in a postdoctoral research program, or as

part of a predoctoral or postdoctoral training program during which the employee receives a stipend, without first requiring the employee to take a 90 calendar day break in service. Effective on publication in the FEDERAL REGISTER subparagraph (2) of paragraph (b) of § 531.203 is amended as set out below.

§ 531.203 General provisions.

* * * * *

(b) *Superior qualifications appointments.* * * *

(2) A department may make a superior qualifications appointment by new appointment or by reemployment except that when made by reemployment, the candidates must have a break in service of at least 90 calendar days from his last period of Federal employment or employment with the municipal government of the District of Columbia (other than employment under an appointment as an expert or consultant under section 3109 of title 5, United States Code, or employment under a temporary appointment effected primarily in furtherance of a postdoctoral research program or effected as a part of a predoctoral or postdoctoral training program during which the employee receives a stipend).

* * * * *

(5 U.S.C. 5338)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-5448; Filed, May 15, 1967; 8:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 31—GENERAL LICENSES FOR CERTAIN QUANTITIES OF BYPRODUCT MATERIAL AND BYPRODUCT MATERIAL CONTAINED IN CERTAIN ITEMS

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

Increase in Quantity Limit for Tritium in Generally Licensed Self-Luminous Aircraft Safety Devices

On February 8, 1967, the Atomic Energy Commission published in the FEDERAL REGISTER (32 F.R. 2649) proposed amendments to its regulations 10 CFR Parts 31 and 32 which would increase the quantity limit of generally licensed tritium in any single aircraft safety device from four curies to ten curies.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments. The text of the amendments set out below is identical to the text of the proposed amendments published February 8, 1967.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 31 and 32 are published as a document subject to codification effective thirty (30) days after publication in the FEDERAL REGISTER.

1. Paragraph (a) of § 31.7 of 10 CFR Part 31 is revised to read as follows:

§ 31.7 Luminous safety devices for use in aircraft.

(a) A general license is hereby issued to own, receive, acquire, possess, and use tritium or promethium 147 contained in luminous safety devices for use in aircraft, provided each device contains not more than 10 curies of tritium or 100 millicuries of promethium 147 and that each device has been manufactured, assembled or imported in accordance with a license issued under the provisions of § 32.53 of this chapter or manufactured or assembled in accordance with a specific license issued by an agreement State which authorizes manufacture or assembly of the device for distribution to persons generally licensed by the agreement State.

* * * * *

2. Paragraph (c) of § 32.53 of 10 CFR Part 32 is revised to read as follows:

§ 32.53 Luminous safety devices for use in aircraft: requirements for license to manufacture, assemble, repair or import.

* * * * *

(c) Each device will contain no more than 10 curies of tritium or 100 millicuries of promethium 147. The levels of radiation from each device containing promethium 147 will not exceed 0.5 millirad per hour at 10 centimeters from any surface when measured through 50 milligrams per square centimeter of absorber.

* * * * *

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 1st day of May 1967.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 67-5381; Filed, May 15, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 67-EA-42; Amdt. 39-412]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild F-27 and FH-227 Type Airplanes

Amendment 39-217 (31 F.R. 4837), AD 66-8-3, requires repetitive inspection of the horizontal stabilizer and repair or replacement if cracks are found on Fairchild F-27 type airplanes. After issuing Amendment 39-17, the FH-227 type airplane was certificated, which is a modification of the F-27 type airplane. The Agency determined that, due to service experience, both airplanes should be reinspected at intervals not to exceed 150 hours' time in service from the last inspection unless modified, after which modification the intervals may be increased to 1,200 hours' time in service. Therefore, the AD 66-8-3 is being superseded by a new AD that similarly applies to FH-227 type airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by deleting amendment 39-217 and adding the following new airworthiness directive:

FAIRCHILD. Applies to F-27 Type Airplanes Serial Numbers 1 through 122 Inclusive, and FH-227 Type Airplanes Serial Numbers 501 through 529 Inclusive.

Compliance required as indicated.

To detect cracks in the skin of the upper inboard forward part of the horizontal stabilizer, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 100 hours' time in service, and thereafter at intervals not to exceed 150 hours' time in service from the last inspection, remove the stabilizer inboard leading edge fairing and inspect the top skin for cracks in the area from Stabilizer Station 0 to Station 30.0 and aft from the front spar to stringer No. 10, using X-ray, or visually with a glass of at least 10 power, or an FAA approved equivalent inspection.

(b) If a crack is found during an inspection, repair the crack before further flight with an FAA approved repair, or replace the cracked part with a part of the same part number that has been inspected in accordance with paragraph (a) and found free of cracks, or with an FAA approved equivalent part.

(c) The repetitive inspection interval specified in paragraph (a) may be increased from 150 hours' time in service to 1,200

hours' time in service from the last inspection on Model F–27 Series airplanes modified in accordance with Fairchild Hiller Service Bulletin 55–11, Revision 1, dated November 17, 1966, or later FAA approved revision, or an FAA approved equivalent modification, and on Model FH–227 airplanes modified in accordance with Fairchild Hiller Service Bulletin 55–1, Revision 1, dated November 17, 1966, or later FAA approved revision, or an FAA approved equivalent modification.

(d) Equivalent inspections and repairs may be approved by an FAA maintenance inspector. Equivalent parts, Service Bulletin revisions, and modifications, must be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(e) Upon request with substantiating data submitted through an FAA maintenance inspector, compliance times specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This supersedes Amendment 39–217 (31 F.R. 4837), AD 66–8–3.

This amendment is effective upon publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Jamaica, N.Y., on May 1, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67–5397; Filed, May 15, 1967; 8:46 a.m.]

[Docket No. 67–EA–43; Amdt. 39–411]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman G–159 Type Airplane

There have been reported incidents of chafing of the upper diagonal engine mount tube with the engine exhaust tail pipe blanket, on the Grumman Type G–159, Grumman Gulfstream, airplane. Since this condition is likely to exist or develop in other airplanes of the same type, an airworthiness directive is being issued requiring inspection of the mount tubes with an option to install chafe guards.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure herein are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN. Applies to Type G–159 Airplanes (Grumman Gulfstream).

Compliance required as indicated.

To detect wear of the upper diagonal engine mount tube, caused by contact with the engine exhaust tail pile blanket, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished within the last 100 hours' time in service, and thereafter at intervals not to exceed 200 hours' time in service from the last inspection, visually inspect the lower half of the upper diagonal engine mount tubes, P/N 159W10172–11, left engine, and P/N 159W10172–13, right engine, for wear. If any indication of wear is found, determine the depth of wear.

(b) Tubes found to have wear depth as measured from the outer edge of the tube greater than 0.030 inch deep must be replaced before further flight, with a part of the same part number or with an FAA-approved equivalent part. Tubes found to have wear of 0.030 inch deep or less may be repaired with an FAA-approved repair or replaced with a part of the same part number or with an FAA-approved equivalent part.

(c) The repetitive inspection interval specified in (a) may be discontinued when chafe guards, P/N 159WP10017–11, are installed in accordance with Gruman Gulfstream Service Change Number 180, dated October 17, 1966, or later FAA-approved revision, or when an FAA-approved equivalent chafe guard is installed. The chafe guard must be inspected at intervals not to exceed 2500 hours' time in service from the last inspection and replaced if indications of chafing are found.

NOTE: Inspection of the modification can be most easily performed during engine change.

(d) Equivalent inspections and repairs must be approved by an FAA maintenance inspector. Equivalent parts, Service Change revisions, and modifications, must be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(e) Upon request with substantiating data submitted through an FAA maintenance inspector compliance times specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Jamaica, N.Y., on May 5, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67–5398; Filed, May 15, 1967; 8:46 a.m.]

[Docket No. 7297; Amdt. 39–413]

PART 39—AIRWORTHINESS DIRECTIVES

Sensenich Propellers

Amendment 39–289, AD 66–23–2 requires the removal of water soluble decals from the blades of Sensenich propellers and an inspection of the exposed surface for signs of corrosion and cracks. As part of the applicability paragraph reference was made to Sensenich propeller bulletins R–10 and R–11. It has been determined that these bulletins have tended to be misconstrued and exempt certain propellers from the inspection. Since the A.D. was intended and does apply to all propellers, it is found that no cause exists for retaining the reference to the service bulletins in the applicability heading.

Since this amendment provides a clarification only notice and procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–289, AD 66–23–2 is amended as follows:

1. By deleting from the applicability paragraph all after "Mid-Blade Decals" and before "Compliance required."

2. By deleting the ultimate bulletin references and insert in lieu thereof:

Sensenich Propelier Bulletins Nos. R–11, dated March 1, 1966; R–12 dated August 1, 1966, and R–12A, dated February 6, 1967, pertain to this subject.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421 and 1423)

This amendment is effective upon publication in the FEDERAL REGISTER.

Issued in Jamaica, N.Y., on May 1, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67–5399; Filed, May 15, 1967; 8:46 a.m.]

[Docket No. 67–EA–44; Amdt. 39–415]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S–55 Series Helicopters

There have been incidents of fatigue fractures of the pylon lower rings, P/N S14–20–3013, installed in the tail pylon of the S–55 series helicopters. The fracture of these rings can result in the loss of the pylon and ultimately the helicopter. Since this condition is likely to exist or develop in other helicopters of the same type, an airworthiness directive is being issued to require 10-hour visual inspections of the pylon lower rings and eventual removal and replacement upon termination of certain time periods.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure herein are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIKORSKY. "Applies to S–55 Series Helicopters Equipped with S14–20–5300 Series Tail Cone and Pylon Assembly (Straight Tail Cone)."

Compliance required as indicated.

To prevent operation with fatigue cracks in the pylon lower ring accomplish the following.

(a) Within the next 10 hours' time in service and thereafter at intervals not to exceed 10 hours' time in service from the last inspection, remove the pylon lower access cover and visually inspect for cracks pylon lower ring, P/N S14–20–3013, with 3,500 or more hours' time in service on the effective date of the A.D.

NOTE: Where excess paint that may hinder the visual inspection is present, remove with MIL–R–8633 water-soluble paint remover and apply a light coat of MIL–P–8585 zinc chromate primer.

(b) If a crack is found, replace the pylon lower ring assembly, P/N S14–20–3052, before further flight.

(c) Remove from service pylon lower ring assembly, P/N S14–20–3052, with 3,400 or more hours' time in service on the effective date of this A.D. within the next 100 hours' time in service.

(d) Remove from service all other pylon lower ring assemblies, P/N S14–20–3052, before the accumulation of 3,500 hours' time in service.

(e) Operators who have not kept records of hours of time in service on pylon lower ring assembly, P/N S14–20–3052, shall substitute helicopter hours of time in service in lieu thereof.

(Sikorsky Service Bulletin 55B20–1E covers this subject.)

This amendment is effective 5 days after publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421 and 1423)

Issued in Jamaica, N.Y., on May 1, 1967.

WAYNE HENDERSHOT,
Acting director, Eastern Region.

[F.R. Doc. 67–5400; Filed, May 15, 1967; 8:46 a.m.]

SUBCHAPTER D—AIRMEN

[Docket No. 7538; Amdt. 61–33]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Recognition of Foreign Pilot Licenses and Issuance of Instrument and Aircraft Ratings

The purpose of these amendments is to extend the issuance of the special purpose pilot certificate requirements of § 61.33 of the Federal Aviation Regulations to any holder of a foreign pilot license issued by a member State of ICAO, regardless of whether the holder is a citizen of the State that issued the certificate.

A notice of proposed rule making regarding this action was circulated as Notice 66–31 and published in the FEDERAL REGISTER on August 4, 1966 (31 F.R. 10475). In response to the notice, the FAA received several comments from interested persons and pilot associations. While these comments were generally favorable to the proposal, suggestions were made which were given due consideration, and where appropriate were adopted in the amendment.

It was pointed out in two comments that while the term validation was used in the notice, the proposal is for the issuance of a special U.S. certificate based upon the foreign license rather than a true validation of that license. One comment favored on actual validation thereby eliminating the need for the issuance of a certificate by the FAA. The other comment suggested the elimination of the term "special purpose" as being confusing. After due consideration, it was decided that, as proposed, a certificate should be issued based upon recognition of the foreign pilot license. Moreover, to distinguish these certificates from other pilot certificates issued by the FAA, the term special purpose pilot certificate has been retained. However, to avoid any misunderstanding as to the method by which the special purpose pilot certificate is issued, the use of the term validation has been eliminated from the final rule.

Two comments urged that a special purpose pilot certificate should be issued only to a holder of a pilot license issued by a State that reciprocates in the same manner to the holder of a U.S. pilot certificate. This was considered but was not adopted for the reason that such a restriction would not be in accord with the objectives of ICAO Circular 68–AN/60 referred to in the notice erroneously as 63–AN/60.

One comment recommended that in the case of an instrument rating, the applicant should be required to pass the written and flight tests required by §§ 61.35 and 61.37. These tests would be required before an instrument rating would be issued if the applicant does not hold an instrument rating on his foreign pilot license. However, since a foreign licensed pilot with an instrument rating on that license may exercise IFR privileges in the United States when piloting a foreign registered aircraft, the granting of that privilege with respect to aircraft of U.S. registry is consistent with the objectives sought by the amendments.

With regard to the proposed commercial pilot privileges, there were comments objecting to allowing foreign pilots to fly U.S. registered aircraft for compensation or hire, particularly with respect to aircraft manufacturer flight test programs and for business or executive aircraft operations. In addition, it was pointed out that some misunderstanding could occur in determining what amounted to carrying property for hire, as in crop dusting or banner towing operations for example.

The proposal was primarily to permit foreign pilot representatives to participate, for hire, in aircraft development programs in which they and the manufacturer have a mutual interest, and to permit foreign pilots to fly for hire in connection with business activities in the United States using U.S. registered aircraft. While the rule would not prohibit gainful employment with any manufacturer or executive aircraft operator, this is not considered objectionable from a safety standpoint. The FAA does not consider the employment practices with respect to the hiring of foreign pilots to be a matter within its jurisdiction unless those practices affect safety. As the notice pointed out, this authorization to act as a pilot for compensation or hire does not thereby relieve the pilot from compliance with other requirements applicable to the employment of aliens in the United States. As to the question of carrying property for hire such as in agricultural or banner towing operations, the commercial privileges granted in the special purpose pilot certificate will be applicable. However, before a foreign pilot can engage in those type activities, he must be in compliance with the other provisions of this chapter governing those activities as well as with all other requirements applicable to employment of aliens.

Some comments indicated confusion as to the applicability of the limitation imposed if the applicant cannot read, speak or understand the English language. This limitation in the proposed § 61.33(b) under the title "Tests" was interpreted as a limitation on an applicant for an instrument rating. By placing this limitation in § 61.33(d) *Certificate and ratings issued* the ambiguity is eliminated and the rule is clear that it applies to all applicants for a pilot certificate.

To clarify the requirements that the medical qualifications must be current the word "current" was added to §§ 61.3 and 61.33(c) where medical qualifications are discussed. Under the notice, it was proposed that a medical certificate issued under Part 67 would be accepted as evidence of medical qualification if it is also accepted by the State of issuance as evidence that the applicant meets the medical standards. However, to accommodate persons such as Embassy and Consular personnel who are unable to obtain a foreign medical certificate or renewal thereof while stationed in the United States, § 61.33(c) of the rules as adopted has been changed to permit the use of a medical certificate issued under Part 67 for flights within the United States.

One further liberalization was suggested and incorporated in the final rules adopted herein. As proposed § 61.33(f) required an applicant for renewal to apply at least 30 days before his certificate expires. This has been deleted and replaced by a requirement that application must be made before the certificate expires. This places no additional burden upon the FAA and the relaxation was therefore deemed appropriate.

In consideration of the foregoing and for the reasons previously stated in the Notice No. 66–31, Part 61 of the Federal Aviation Regulations is amended, as hereinafter set forth, effective June 15, 1967:

§ 61.3 [Amended]

1. By amending the last sentence of paragraph (c) of § 61.3 to read as follows: "However, in the case of a pilot certificate issued under § 61.33, evidence of current medical qualification accepted for the issue of that certificate is used in place of a medical certificate."

2. By amending paragraph (d) of § 61.9 to read as follows:

§ 61.9 Duration of certificates.

* * * * *

(d) *Special purpose pilot certificate.* A pilot certificate, with any amendment thereto, issued under § 61.33, expires at the end of the 24th month after the month in which the certificate was issued or renewed. However, the holder may exercise the privileges of that certificate only while the foreign pilot license on which that certificate is based is effective.

* * * * *

3. By amending § 61.33 to read as follows:

§ 61.33 Special purpose pilot certificate other than airline transport.

(a) *Purpose.* The holder of a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation, who meets the requirements of this section, may have a pilot certificate issued to him for the operation of civil aircraft of U.S. registry. Each pilot certificate issued under this section specifies the number and State of issuance of the foreign pilot license on which it is based.

(b) *Tests.* An applicant for a pilot certificate with an instrument rating must pass a test on the instrument flight rules in Subpart B of Part 91 of this chapter, including the related procedures necessary for the operation of the aircraft under instrument flight rules.

(c) *Medical standards and certification.* An applicant must submit evidence that he currently meets the medical standards for the foreign pilot license on which the application for a certificate under this section is based. A current medical certificate issued under Part 67 of this chapter will be accepted as evidence that the applicant meets those standards. However, a medical certificate issued under Part 67 is not evidence that the applicant meets those standards outside the United States unless the State that issued the applicant's foreign pilot license also accepts that medical certificate as evidence of the applicant's physical fitness for his foreign pilot license.

(d) *Certificates issued.* An applicant who holds a current foreign pilot license that authorizes private pilot privileges is issued a pilot certificate with the same privileges. An applicant who holds a current foreign pilot license that authorizes commercial pilot privileges may obtain a certificate with either private or commercial pilot privileges. If the applicant cannot read, speak, and understand the English language, the Administrator may place any limitation on the certificate that he considers necessary for safety. This section does not authorize the issue of airline transport pilot certificates.

(e) *Ratings issued.* Aircraft and instrument ratings listed on the applicant's foreign pilot license, in addition to any issued to him after testing under the provisions of this part, are placed on the applicant's pilot certificate.

(f) *Privileges and limitations.* The holder of a pilot certificate issued under this section may act as a pilot of a civil aircraft of U.S. registry subject to the limitations of this part and any additional limitations placed on his certificate by the Administrator. He is subject to these limitations while he is acting as a pilot of the aircraft within or outside the United States. However, he may not act as pilot in command, or in any other capacity as a required pilot flight crewmember, of a civil aircraft of U.S. registry that is carrying persons or property for compensation or hire.

(g) *Renewal of certificate and ratings.* The holder of a certificate issued under this section may have that certificate and the ratings placed thereon renewed if, at the time of application for renewal, the foreign pilot license on which that certificate is based is in effect. Application for the renewal of the certificate and ratings thereon must be made before the expiration of the certificate.

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on May 9, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-5412; Filed, May 15, 1967; 8:47 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-EA-77]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On Page 3779 of the FEDERAL REGISTER dated March 7, 1967 the Federal Aviation Administration published a proposed regulation which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the John F. Kennedy International Airport, N.Y., Control Zone.

Interested parties were given 30 days in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing, the proposed regulation is hereby adopted effective 0001 e.s.t., June 22, 1967.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on April 24, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the description of the John F. Kennedy International Airport, N.Y., control zone by deleting the coordinates "(40°38'30" N., 73°47'10" W.)" and the phrase, "within 2 miles each side of the Kennedy VOTAC 053° radial, extending from the 5.5-mile radius zone to 7 miles E of the VORTAC;" and insert in lieu thereof the coordinates, "(40°38'20" N., 73°47'10" W.)" and the phrase, "within 2 miles each side of the Kennedy VORTAC 037° radial, extending from the 5.5-mile radius zone to 8 miles NE of the VORTAC;". After the phrase, "extending from the 5.5-mile radius zone to 8 miles SW of the OM-RBN;", insert the phrase, "within 2 miles each side of the Canarsie VOR 030° radial, extending from the VOR to 4.5 miles NE of the VOR;".

[F.R. Doc. 67-5401; Filed, May 15, 1967; 8:46 a.m.]

[Airspace Docket No. 66-EA-106]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Concord, N.H., control zone.

The VOR instrument final approach course has been changed 1 degree from 120° to 119° and the ADF has been changed 3 degrees from 331° to 328°.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In view of the foregoing, the amendment is hereby adopted effective 0001 e.s.t., June 22, 1967 as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Concord, N.H., control zone the figures 285° and 136° and insert in lieu thereof 284° and 133° respectively.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on April 25, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-5402; Filed, May 15, 1967; 8:46 a.m.]

[Airspace Docket No. 67-EA-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Westfield, Mass., control zone.

Because of the closing of Runway 27 at Barnes Municipal Airport, Westfield, Mass., the control zone extension to the west may be deleted.

Since this amendment does not impose additional burden on any person, notice and public procedure hereon are unnecessary.

In view of the foregoing, the amendment is hereby adopted effective 0001 e.s.t., June 22, 1967, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Westfield, Mass., control zone the phrase "and within 2 miles each side of the centerline of Runway 27 extended 7 miles west from the end of the runway."

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on April 27, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-5403; Filed, May 15, 1967; 8:47 a.m.]

[Airspace Docket No. 67-EA-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On January 31, 1967, F.R. Doc. 67-1070 was published in the FEDERAL REGISTER (32 F.R. 1086) which amended the Manchester, N.H., control zone to reduce the period of control from 24 hours daily to

16 hours daily. This amendment would have become effective April 1, 1967. However, it was extended to May 1, 1967, by Docket 67–EA–41.

Since the publication of 67–EA–41, it has again been brought to the attention of the Administrator by the State Aeronautics Commission of New Hampshire, civil users and the community that 24-hour operation of the control zone should be continued for an additional 60-day period to continue a revaluation of the terminal airspace requirements for Manchester, N.H. In view of the fact that the prime users of the aforementioned airspace are the petitioners for revaluation, it is found in the public interest that the control zone should be continued for a 60-day period.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the public interest, therefore notice and public procedure therein are contrary to said public interest and good cause exists for making this alteration effective immediately.

In consideration of the foregoing, F.R. Doc. 67–1070 is amended effective immediately as hereinafter set forth:

In numbered paragraph 2, of the text, the date "May 1, 1967" is deleted and "July 1, 1967" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y. on May 1, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67–5404; Filed, May 15, 1967; 8:47 a.m.]

[Airspace Docket No. 66–WE–56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On March 1, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3400) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors on airway segments in the Denver, Colo., Air Route Traffic Control Center area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice it was determined that the proposed floor on the segment of V–200 east of Meeker, Colo., would be less than 1,200 feet above the surface. Adjustment of this floor to provide adequate terrain clearance is taken herein.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009, 3219) is amended as follows:

1. In V–4 all between "12 AGL Laramie, Wyo.;" and "12 AGL Hill City, Kans.;" is deleted and "12 AGL Denver, Colo., including a 12 AGL north alternate from Laramie to Denver via Gill, Colo.; 12 AGL Thurman, Colo.; 17 miles, 12 AGL, 33 miles, 65 MSL, 12 AGL Goodland, Kans.;" is substituted therefor.

2. In V–6 "12 AGL North Platte, Nebr.;" is deleted and "13 miles, 12 AGL, 26 miles, 57 MSL, 12 AGL North Platte, Nebr.;" is substituted therefor.

3. In V–8 all between "12 AGL Bryce Canyon," and "12 AGL Grand Island, Nebr.," is deleted and "excluding the airspace between the main and this north alternate; 12 AGL Hanksville, Utah, including a 12 AGL south alternate; 12 AGL Grand Junction, Colo., including a 12 AGL south alternate and also a 12 AGL north alternate from Bryce Canyon to Grand Junction via INT Bryce Canyon 048° and Grand Junction 259° radials; 33 miles, 12 AGL, 130 MSL Kremmling, Colo.; 9 miles, 130 MSL, 29 miles, 144 MSL, 11 miles, 127 MSL, 12 AGL Denver, Colo.; 12 AGL Akron, Colo.; including a 12 AGL south alternate via INT Denver 101° and Akron 238° radials; 12 AGL Hayes Center, Nebr., including a 12 AGL north alternate via INT Akron 063° and Hayes Center 276° radials and also a 12 AGL south alternate via INT Akron 094° Hayes Center 245° radials;" is substituted therefor.

4. In V–10 "via Lamar, Colo.;" is deleted and "18 miles, 12 AGL, 48 miles, 60 MSL, 12 AGL Lamar, Colo.;" is substituted therefor.

5. In V–19 all between "Pueblo 176° radials;" and "12 AGL Casper, Wyo.," is deleted and "12 AGL Kiowa, Colo., including a 12 AGL east alternate; 12 AGL INT Kiowa 005° and Denver, Colo., 101° radials; 12 AGL Denver; 12 AGL Cheyenne, Wyo.;" is substituted therefor.

6. In V–80 "to North Platte, Nebr." is deleted and "12 AGL North Platte." is substituted therefor.

7. In V–81 all after "12 AGL Tobe, Colo.;" is deleted and "12 AGL Pueblo, Colo.; 12 AGL Colorado Springs, Colo.; 12 AGL Denver, Colo." is substituted therefor.

8. In V–83 all after "12 AGL Alamosa, Colo.;" is deleted and "12 AGL INT Alamosa 075° and Pueblo, Colo., 203° radials; 12 AGL Pueblo; 12 AGL Colorado Springs, Colo.; 12 AGL Kiowa, Colo." is substituted therefor.

9. In V–89 all before "12 AGL Chadron," is deleted and "From INT Denver, Colo., 207° and Kiowa, Colo., 246° radials; 12 AGL Denver; 12 AGL Cheyenne, Wyo., including a 12 AGL east alternate from Denver to Cheyenne via Gill, Colo., and INT Gill 003° and Cheyenne 131° radials;" is substituted therefor.

10. In V–95 "From Gunnison, Colo., to Kiowa." is deleted and "From Gunnison, Colo., 15 miles, 125 MSL, 12 miles, 145 MSL, 22 miles, 157 MSL, 23 miles, 135 MSL, 9 miles, 128 MSL, 12 AGL Kiowa, Colo." is substituted therefor.

11. In V–100 "O'Neill, Nebr.;" is deleted and "41 miles, 12 AGL, 119 miles, 95 MSL, 12 AGL O'Neill, Nebr.;" is substituted therefor.

12. In V–108 all after "12 AGL Linden." is deleted and "From Colorado Springs, Colo.; 12 AGL Hugo, Colo., including a 12 AGL south alternate via INT Colorado Springs 153° and Hugo 250° radials; 74 miles, 65 MSL, 12 AGL Goodland, Kans.; 12 AGL Hill City, Kans." is substituted therefor.

13. In V–132 "From Cheyenne, Wyo., via Akron, Colo.; Goodland, Kans.," is deleted and "From Cheyenne, Wyo., 12 AGL Akron, Colo.; 17 miles, 12 AGL, 49 miles, 59 MSL, 12 AGL Goodland, Kans.;" is substituted therefor.

14. In V–148 all before "12 AGL Minneapolis, Minn.;" is deleted and "From Denver, Colo., 12 AGL INT Denver 174° and Kiowa, Colo., 268° radials; 12 AGL Kiowa; 12 AGL Thurman, Colo.; 17 miles, 12 AGL, 47 miles, 65 MSL, 12 AGL Hayes Center, Nebr.; 12 AGL North Platte, Nebr.; 21 miles, 12 AGL, 84 miles, 49 MSL, 12 AGL O'Neill, Nebr.; 10 miles, 12 AGL, 62 miles, 35 MSL, 12 AGL Sioux Falls, S. Dak.; 29 miles, 12 AGL, 46 miles, 31 MSL, 12 AGL Redwood Falls, Minn., including a south alternate from Sioux Falls 29 miles, 12 AGL, 49 miles, 31 MSL, 12 AGL Redwood Falls;" is substituted therefor.

15. In V–160 "to Sidney, Nebr." is deleted and "12 AGL Sidney, Nebr." is substituted therefor.

16. In V–168 "to O'Neill, Nebr." is deleted and "12 AGL O'Neill, Nebr." is substituted therefor.

17. In V–169 all before "12 AGL Scottsbluff, Nebr.;" is deleted and "From Tobe, Colo., 69 MSL Hugo, Colo.; 38 miles, 67 MSL, 12 AGL Thurman, Colo.; 12 AGL Akron, Colo.; 12 AGL Sidney, Nebr.;" is substituted therefor.

18. In V–172 all before "12 AGL INT North Platte 073°" is deleted and "From Denver, Colo., 12 AGL INT Denver 061° and Hayes Center, Nebr., 276° radials; 12 AGL INT Hayes Center 276° and North Platte, Nebr., 245° radials; 12 AGL North Platte;" is substituted therefor.

19. In V–187 "Grand Junction, Colo.;" is deleted and "17 miles, 12 AGL, 28 miles, 115 MSL, 12 AGL Grand Junction, Colo.;" is substituted therefor.

20. In V–200 all after "12 AGL Reno, Nev." is deleted and "From Provo, Utah, Myton, Utah, 30 miles, 79 MSL, 31 miles, 12 AGL, 98 MSL Meeker, Colo.; 37 miles, 12 AGL, 26 miles, 140 MSL, 130 MSL, Kremmling, Colo.; 9 miles, 130 MSL, 29 miles, 144 MSL, 11 miles, 127 MSL, 12 AGL Denver, Colo." is substituted therefor.

21. In V–207 "via Gill, Colo.," is deleted and "12 AGL Gill, Colo.;" is substituted therefor.

22. In V–210 all between "12 AGL Farmington, N. Mex.;" and "From Kansas City, Mo.," is deleted and "12 AGL Alamosa, Colo., including a 12 AGL south alternate via INT Farmington 086° and Alamosa 232° radials; 12 AGL INT Alamosa 075° and Lamar, Colo., 250° radials; 40 miles, 12 AGL, 51 miles, 65 MSL, 12 AGL Lamar." is substituted therefor.

23. In V–220 all before "12 AGL INT McCook 072°" is deleted and "From Kremmling, Colo., 12 miles, 130 MSL, 32 miles, 147 MSL, 8 miles, 115 MSL, 12

AGL INT Kremmling 081° and Denver, Colo., 334° radials; 12 AGL Akron, Colo., 12 AGL INT Akron 094° and McCook, Nebr., 264° radials; 12 AGL McCook;" is substituted therefor.

24. In V–244 all after "12 AGL Milford, Utah;" is deleted and "12 AGL Hanksville, Utah; 42 miles, 12 AGL, 95 MSL LaSal, Utah; 14 miles, 95 MSL. 57 miles, 115 MSL, 12 AGL Gunnison, Colo.; 33 miles, 122 MSL, 27 miles, 155 MSL, 12 AGL Pueblo, Colo.; 18 miles, 12 AGL, 48 miles, 60 MSL, 12 AGL Lamar, Colo.; 20 miles, 12 AGL, 57 miles, 65 MSL, 61 miles, 95 MSL, 24 miles, 50 MSL, 12 AGL Russell, Kans. The airspace within R–2531 is excluded." is substituted therefor.

25. In V–263, all before "From Pierre, S. Dak.," is deleted and "From Cimarron, N. Mex., 12 AGL Tobe, Colo., 54 miles, 69 MSL, 12 AGL Lamar, Colo.; 17 miles, 12 AGL, 63 MSL Hugo, Colo.; 12 AGL Kiowa, Colo." is substituted therefor.

26. In V–484 all after "Myton, Utah;" is deleted and "14 miles, 79 MSL, 33 miles, 100 MSL, 12 AGL Grand Junction, Colo.; 12 AGL Gunnison, Colo., including a 12 AGL south alternate via INT Grand Junction 129° and Gunnison 264° radials; 13 miles, 112 MSL, 131 MSL INT Gunnison 110° and Alamosa, Colo., 339° radials; 12 AGL Alamosa." is substituted therefor.

27. In V–524 "to North Platte, Nebr." is deleted and "18 miles, 12 AGL, 93 miles, 54 MSL, 12 AGL North Platte, Nebr." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 5, 1967.

T. McCormack,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5405; Filed, May 15, 1967; 8:47 a.m.]

[Airspace Docket No. 66–WE–57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On March 4, 1967, a notice of proposed rule making was published in the Federal Register (32 F.R. 3750) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors of airway segments in the Salt Lake City, Utah, Air Route Traffic Control Center area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

It was stated in the notice that no action would be taken on V–494 as it was proposed to revoke this airway in Airspace Docket No. 66–WE–59. Because of an unforeseen delay in processing Airspace Docket No. 66–WE–59, V–494 will not be revoked until after publication of the actions taken herein. Accordingly, action is taken herein to raise the floor on the segment of V–494 from Hazen, Nev., to Malad City, Idaho. The altitude of these floors is in consonance with the intent of Amendment 60–21/29 in that only that airspace is released that is not required for the control of IFR air traffic. In addition, a minor change in the floor of V–101 between Ogden, Utah, and Burley, Idaho, is made herein to protect altitudes currently used for radar vectors of aircraft.

Since the amendment to V–494 is in the interest of providing continuity in the floors of airways in the Salt Lake City ARTC Center Area and will impose no undue burden on any person, and since the amendment to V–101 is minor in nature and in the interest of safety, the Administrator has determined that notice and public procedure thereon is impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., July 20, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows:

1. In V–6 all between "Hazen, Nev.;" and "12 AGL Rock Springs, Wyo.;" is deleted and "12 AGL Battle Mountain, Nev., including a 12 AGL north alternate; 12 AGL INT Battle Mountain 062° and Wells, Nev., 256° radials; 12 AGL Wells; 5 miles, 12 AGL, 40 miles, 98 MSL, 85 MSL Lucin, Utah; 43 miles, 85 MSL, 12 AGL Ogden, Utah; 11 miles, 12 AGL, 50 miles, 105 MSL, 12 AGL Fort Bridger, Wyo.;" is substituted therefor.

2. In V–21 all between "12 AGL Milford, excluding the airspace between the main and this east alternate;" and "12 AGL Pocatello, Idaho;" is deleted and "12 AGL Delta, Utah; 12 AGL Provo, Utah; 12 AGL Salt Lake City, Utah; 12 AGL Ogden, Utah; 12 AGL Malad City, Idaho;" is substituted therefor.

3. V–32 is amended to read as follows:

V–32 From Battle Mountain, Nev.; 12 AGL Elko, Nev.; 12 AGL Bonneville, Utah, including a 12 AGL north alternate from Elko to Bonneville via Wells, Nev.; 37 miles, 85 MSL, 12 AGL Salt Lake City, Utah; 17 miles, 12 AGL, 45 miles, 105 MSL, 12 AGL Fort Bridger, Wyo.

4. V–101 is amended to read as follows:

V–101 From Ogden, Utah, 61 miles, 12 AGL, 26 miles, 109 MSL, 12 AGL Burley, Idaho.

5. In V–200 "Myton, Utah," is deleted and "10 miles, 12 AGL, 35 miles, 125 MSL, 12 AGL Myton, Utah;" is substituted therefor.

6. In V–235 all before "From Rock Springs, Wyo.," is deleted and "From Provo, Utah, 10 miles, 12 AGL, 15 miles, 135 MSL, 46 miles, 125 MSL, 12 AGL Fort Bridger." is substituted therefor.

7. V–236 is amended to read as follows:

V–236 From INT Bonneville, Utah, 084° and Ogden, Utah, 235° radials; 12 AGL Ogden.

8. In V–253 all before "12 AGL Boise, Idaho;" is deleted and "From Provo, Utah, 12 AGL INT Provo 326° and Salt Lake City, 265° radials; 24 miles, 12 AGL, 85 MSL Bonneville; 5 miles, 85 MSL, 90 MSL Lucin, Utah; 14 miles, 90 MSL 19 miles, 105 MSL, 12 AGL Twin Falls, Idaho;" is substituted therefor.

9. In V–257 all between "12 AGL Bryce Canyon, Utah;" and "12 AGL Pocatello, Idaho;" is deleted and "12 AGL INT Bryce Canyon 338° and Delta, Utah, 186° radials, 12 AGL Delta; 39 miles, 12 AGL 105 MSL INT Delta 004° and Malad City, Idaho, 179° radials; 20 miles, 118 MSL, 12 AGL Malad City;" is substituted therefor.

10. In V–269 "via Twin Falls, Idaho;" is deleted and "12 AGL Twin Falls, Idaho;" is substituted therefor.

11. V–288 is amended to read as follows:

V–288 From Lucin, Utah, 50 miles, 85 MSL, 12 AGL INT Lucin 080° and Fort Bridger, Wyo., 278° radials; 17 miles, 12 AGL, 50 miles, 105 MSL, 12 AGL Fort Bridger.

12. In V–484 "via Myton, Utah;" is deleted and "25 miles, 12 AGL, 31 miles, 125 MSL, 12 AGL Myton Utah;" is substituted therefor.

13. In V–494 all between "12 AGL Hazen:" and "The airspace within R–4802 and R–4803 is excluded." is deleted and "37 miles, 12 AGL, 102 MSL Mount Moses, Nev.; 47 miles, 115 MSL, 12 AGL Elko, Nev.; 12 AGL Wells, Nev.; 12 miles, 12 AGL, 30 miles, 115 MSL, 20 miles, 90 MSL, 36 miles, 115 MSL, 24 miles, 95 MSL, 12 AGL Malad City, Idaho." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348)

Issued in Washington, D.C., on May 8, 1967.

H. B. Helstrom,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5406; Filed, May 15, 1967; 8:47 a.m.]

[Airspace Docket No. 67–SO–3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On February 21, 1967, a notice of proposed rule making was published in the Federal Register (32 F.R. 3100) stating that the Federal Aviation Agency was considering lowering the floor of V–437 between Savannah, Ga., and Charleston, S.C., from 4,500 feet MSL to 1,200 feet above the surface.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows: In V–437 "45 MSL Charleston, S.C.;" is deleted and "12 AGL Charleston, S.C.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348)

Issued in Washington, D.C., on May 5, 1967.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-5407; Filed, May 15, 1967; 8:47 a.m.]

[Airspace Docket No. 67-EA-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Franklin, Pa. transition area.

A reevaluation of the geographical point of the Chess-Lamberton Airport, Franklin, Pa., radio beacon site indicates that minor coordinate changes and a 3 degree change in the southeasterly extension of the transition area are required.

Since the amendment is minor in nature, notice and public procedure hereon are unnecessary.

In view of the foregoing the amendment is hereby adopted effective 0001 e.s.t., June 22, 1967 as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Franklin, Pa., transition area the coordinates and words "(latitude 41°22'44" N., longitude 79°51'39" W.)" and "099° bearing from the Franklin RBN" and insert in lieu thereof, "(41°22'35" N., 79°51'40" W.)" and "Franklin RBN (41°21'51" N., 79°46'10" W.) 102° bearing".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on April 27, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-5408; Filed, May 15, 1967; 8:47 a.m.]

[Airspace Docket No. 67-EA-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Plattsburgh, N.Y., 700-foot floor transition area.

On or about June 22, 1967, the Plattsburgh Air Force Base, N.Y., nondirectional radio beacon is scheduled to be decommissioned. This procedure will permit a deletion of the transition area extension based on the 004° bearing from the RBN.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In view of the foregoing the amendment is hereby adopted, effective 0001 e.s.t., June 22, 1967 as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete, in the Plattsburgh, N.Y., 700-foot floor transition area, the phrase "within 2 miles each side of the Plattsburgh radio beacon 004° bearing extending from the 13-mile radius area to 8 miles north of the RBN."

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on April 24, 1967.

WAYNE HENDERSHOT,
Acting Regional Director, Eastern Region.

[F.R. Doc. 67-5410; Filed, May 15, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SO-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Areas

On March 23, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 4429) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Tri-City, Tenn., and the Hickory and Asheville, N.C., transition areas.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., July 20, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the Tri-City 1,200-foot transition area is amended by adding the following: "* * * within the area east of the 30-mile radius circle bounded on the south by V-310, on the east by longitude 81°30'00" W., and on the northwest by V-16; and within the area southeast of the 30-mile radius circle, bounded on the west by V-35, on the south by latitude 35°54'00" N., and on the northeast by V-259 * * *."

In § 71.181 (32 F.R. 2148) the Hickory transition area is amended to read:

HICKORY, N.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Hickory Municipal Airport (latitude 35°44'24" N., longitude 81°23'30" W.); within 2 miles each side of the Hickory VOR 223° and 058° radials, extending from the 8-mile radius area to 8 miles northeast of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the north by V-310, on the east by V-37, on the southeast by V-20 and on the southwest by V-259, excluding the portion that coincides with the Tri-City transition area.

In § 71.181 (32 F.R. 2148) the Asheville 1,200-foot transition area is amended to read:

ASHEVILLE, N.C.

And that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of a 25-mile arc centered at Asheville Airport (latitude 35°26'00" N., longitude 82°32'25" W.) and a line 10 miles southwest of and parallel to the centerline of V-185, extending clockwise along this arc to a line 7 miles northwest of and parallel to the centerline of V-222, thence northeast along this line to a line 7 miles southwest of and parallel to the centerline of V-259, thence northwest along this line to latitude 35°54'00" N., thence east along latitude 35°54'00" N. to the southwest boundary of V-259, thence southeast along the southwest boundary of V-259 to the northwest boundary of V-20, thence southwest along the northwest boundary of V-20 to the north boundary of V-296, thence west along the north boundary of V-296 to the southeast boundary of V-222, thence southwest along the southeast boundary of V-222 to a line 6 miles west of and parallel to the 160° and 340° bearings from the Broad River RBN, thence north along a line 6 miles west of and parallel to the 160° and 340° bearings from the Broad River RBN to a line 10 miles southwest of and parallel to the centerline of V-185, thence northwest along this line to the point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on May 5, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-5411; Filed, May 15, 1967; 8:47 a.m.]

[Airspace Docket No. 67-WA-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Clam Gulch, Alaska, intersection as a compulsory reporting point.

Since this amendment is minor in nature and involves a subject in which the public is not particularly interested, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth.

Section 71.211 (32 F.R. 2287) is amended by adding:

Clam Gulch INT: Homer, Alaska, 294°, Kenai, Alaska, 216° radials.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 5, 1967.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-5413; Filed, May 15, 1967; 8:47 a.m.]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

[Airspace Docket No. 66-EA-105]

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the St. Clairsville, Ohio, Transition Area. The final approach course of the VOR instrument procedure for Alderman Field, St. Clairsville, Ohio, has been altered 2 degrees and thus will require a 2-degree change in the radial for the transition area.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In view of the foregoing the amendment is adopted effective 0001 e.s.t., June 22, 1967 as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the St. Clairsville, Ohio, Transition Area the figure 291° and insert in lieu thereof the figure 289°.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on April 24, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-5417; Filed, May 15, 1967; 8:48 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8132; Amdt. 535]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2
				If Terry fan marker received, minimums become:			
				C-dn	600-1	600-1	600-1½

Radar required.
No procedure turn. Radar control will not descend aircraft below 3000′ until passing Wade Int inbnd.
Minimum altitude over Margaret Int on final approach crs, 2600′; over Terry FM, 1540′.
Crs and distance, Wade Int to RBn, 095°—7.6 miles; Margaret Int to RBn, 095°—5.7 miles; breakoff point to runway, 078°—0.4 mile.
Crs and distance, Terry FM to airport, 095°—1.5 miles, to RBn, 1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FTY RBn, make left turn, climb to 3000′ and return to Wade Int via 275° bearing from FTY RBn.
CAUTION: Water tank, 1219′—1.8 miles WNW and tower, 1375′—2.7 miles NW of airport.
MSA within 25 miles of facility: 000°-180°—4000′; 180°-270°—3700′; 270°-360°—3800′.

City, Atlanta; State, Ga; Airport name, Fulton County; Elev., 840′; Fac. Class., MIJ; Ident., FTY; Procedure No. NDB (ADF)-1, Amdt. 3; Eff. date, 3June 67; Sup. Amdt. No. NDB(ADF)-1, Amdt. 2; Dated, 18 Feb. 67

CYS VOR	LOM	Direct	8000	T-dn	300-1	300-1	200-½
Divide Int	LOM	Direct	7800	C-dn	500-1	500-1	500-1½
Egbert Int	LOM	Direct	7800	S-dn-26	400-1	400-1	400-1
Carpenter Int	LOM	Direct	8000	A-dn	800-2	800-2	800-2
Silver Crown	LOM	Direct	8500				

Procedure turn S side of crs, 082° Outbnd, 262° Inbnd, 7600′ within 10 miles.
Minimum altitude over facility on final approach crs, 7500′.
Crs and distance, facility to airport, 262°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, turn left, climb to 8000′ on 166° magnetic bearing from CY LOM within 10 miles, or when directed by ATC, turn right, climb to 8000′ on R 349°, CYS VOR within 10 miles.
MSA within 25 miles of facility: 000°-090°—7200′; 090°-180°—7200′; 180°-270°—10,100′; 270°-360°—10,100′.

City, Cheyenne; State, Wyo.; Airport name, Cheyenne Municipal; Elev., 6156′; Fac. Class., LOM; Ident., CY; Procedure No. NDB (ADF) Runway 26, Amdt. 3; Eff. date, 3 June 67; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 26 June 65

All directions	Hood RBn	Direct	MEA	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-33	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 164° Outbnd, 344° Inbnd, 2500′ within 7 miles. Beyond 7 miles not authorized.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 344°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing HLR RBn or over Hood FM, turn right, climb to 2500′ and return to HLR RBn, or when directed by ATC, climb to 2500′ on bearing, 344° within 10 miles.
NOTE: Authorized for military use only, except by prior arrangement.
MSA within 25 miles of facility: 000°-090°—2500′; 090°-180°—2400′; 180°-270°—2700′; 270°-360°—2400′.

City, Fort Hood; State, Tex.; Airport name, Hood AAF; Elev., 923′; Fac. Class., MHW; Ident., HLR; Procedure No. NDB (ADF) Runway 33, Amdt. 3; Eff. date, 3 June 67; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 23 Apr. 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	700-1½
				S-dn-15*	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 152°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing GRK RBn, climb to 2500′ on 152° bearing within 15 miles.
NOTE: Authorized for military use only, except by prior arrangement.
*Reduction in landing visibility below ¾ miles not authorized.
MSA within 25 miles of facility: 000°-090°—2200′; 090°-180°—2400′; 180°-270°—2800′; 270°-360°—2700′.

City, Fort Hood; State, Tex.; Airport name, Robert Gray AAF; Elev., 1015′; Fac. Class., HW; Ident., GRK; Procedure No. NDB (ADF) Runway 15, Amdt. 3; Eff. date, 3 June 67; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 23 Apr. 66

Taylor Int	ENW RBn	Direct	2500	T-dn	300-1	300-1	200-½
Windlake Int	ENW RBn	Direct	2500	C-dn	700-1	700-1	700-1½
Pike Int	ENW RBn	Direct	2500	S-dn-14	700-1	700-1	700-1
				A-dn	NA	NA	NA

Radar available.
Procedure turn W side of crs, 331° Outbnd, 151° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1430′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of ENW RBn, make right turn, climb to 2300′ on 331° bearing from ENW RBn within 10 miles, turn left and return to ENW RBn.
NOTE: Use Milwaukee, Wisc., altimeter setting.
MSA within 25 miles of facility: 000°-090°—2300′; 090°-180°—2000′; 180°-270°—2200′; 270°-360°—2500′.

City, Kenosha; State, Wis.; Airport name, Kenosha Municipal; Elev., 730′; Fac. Class., MHW; Ident., ENW; Procedure No. NDB (ADF) Runway 14, Amdt. Orig.; Eff. date, 3 June 67

Marine City Int	PHN RBn	Direct	2300	T-dn	300-1	300-1	200-½
Peck VOR	PHN RBn	Direct	2300	C-dn	600-1	600-1	600-1½
				A-dn	NA	NA	NA

Radar available.
Procedure turn W side of crs, 345° Outbnd, 165° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1249′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of PHN RBn, make climbing right turn to 2300′ on 320° bearing from PHN RBn within 10 miles, turn right and return to PHN RBn.
NOTE: Use Selfridge AFB altimeter setting.
CAUTION: 1057′ tower, 3 miles NE.
MSA within 25 miles of facility: 000°-360°—2100′.

City, Port Huron; State, Mich.; Airport name, St. Clair County Municipal; Elev., 649′; Fac. Class., MHW; Ident., PHN; Procedure No. NDB(ADF)-1, Amdt. Orig.; Eff. date, 3 June 67

Marine City Int	PHN RBn	Direct	2300	T-dn	300-1	300-1	200-½
Peck VOR	PHN RBn	Direct	2300	C-dn	500-1	500-1	500-1½
				S-dn-4	500-1	500-1	500-1
				A-dn	NA	NA	NA

Radar available.
Procedure turn N side of crs, 233° Outbnd, 053° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1149′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of PHN RBn, make climbing left turn to 2300′ on 320° bearing from PHN RBn within 10 miles, turn right and return to PHN RBn.
NOTE: Use Selfridge AFB altimeter setting.
CAUTION: 1057′ tower, 3 miles NE.
MSA within 25 miles of facility: 000°-360°—2100′.

City, Port Huron; State, Mich.; Airport name, St. Clair County Municipal; Elev., 649′; Fac. Class., MHW; Ident., PHN; Procedure No. NDB(ADF) Runway 4, Amdt. Orig; Eff. date, 3 June 67

Wichita Falls VOR	SP RBn (LOM)	Direct	3000	T-dn	300-1	300-1	200-½
Henrietta Int	SP RBn (LOM)	Direct	2300	C-dn	500-1	500-1	500-1½
				S-dn-33L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 149° Outbnd, 329° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 329°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing SP RBn, climb to 3000′ on crs of 329° within 20 miles, or turn right, climb to 3000′ on SPS VORTAC, R 037° within 20 miles.
MSA within 25 miles of facility: 000°-270°—3100′; 270°-360°—3200′.

City, Wichita Falls; State, Tex.; Airport name, Sheppard AFB/Wichita Falls Air Terminal; Elev., 1015′; Fac. Class., HW/LOM; Ident., SP; Procedure No. NDB (ADF) Runway 33L, Amdt. 4; Eff. date, 3 June 67; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 14 Dec. 63

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2
				When Terry fan marker received minimums become:			
				C-dn	600–1	600–1	600–1½

Radar required.
No procedure turn. Radar control will not descend aircraft below 3000′ until passing Wade Int inbnd.
Minimum altitude over Margaret Int on final approach crs, 2600′; over Terry FM, 1540′.
Crs and distance, Wade Int to VOR, 095°—8 miles; Margaret Int to VOR, 095°—6 miles; breakoff point to runway, 078°—0.4 mile.
Crs and distance, Terry fan marker to airport, 095°—1.5 miles; to VOR, 2.1, miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FTY VOR, make left turn, climb to 3000′ and return to Wade Int via FTY, R 275°.
CAUTION: Water tank, 1219′—1.8 miles WNW of airport. Tower, 1375′—2.7 miles NW of airport.
MSA within 25 miles of facility: 000°–180°—4000′; 180°–270°—3700′; 270°–360°—3800′.

City, Atlanta; State, Ga.; Airport name, Fulton County; Elev., 840′; Fac. Class., L–BVOR; Ident., FTY; Procedure No. VOR–1, Amdt. 9; Eff. date, 3 June 67; Sup. Amdt. No. VOR–1, Amdt. 8; Dated, 18 Feb. 67

IOW VOR	CID VOR	Direct	2500	T-dn	300–1	300–1	200–½
Belle Pfaine Int	Watkins Int	Direct	2500	C-dn	400–1	500–1	500–1½
Watkins Int	CID VOR (final)	Direct	1700	S-dn-8#	400–1	400–1	400–1
R 155°, CID VOR clockwise	R 260°, CID VOR	Via 9-mile DME Arc.	2500	A-dn	800–2	800–2	800–2
R 321°, CID VOR counterclockwise	R 260°, CID VOR	Via 9-mile DME Arc.	2500				
9-mile DME Fix, R 260°, CID VOR	CID VOR (final)	Direct	1700				

Radar available.
Procedure turn N side of crs, 260° Outbnd, 080° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 088°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing VOR, climb to 2500′ on R 088° within 10 miles, or when directed by ATC, make right turn climbing to 2000′ and proceed to VOR.
#400–¾ authorized with operative IFIRL, and 400–½ authorized with operative ALS, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–270°—2200′; 270°–360°—4000′.

City, Cedar Rapids; State, Iowa; Airport name, Cedar Rapids Municipal; Elev., 863′; Fac. Class., L–BVORTAC; Ident., CID; Procedure No. VOR Runway 8, Amdt. 8; Eff. date, 3 June 67; Sup. Amdt. No. VOR–1, Amdt. 7; Dated, 5 Dec. 64

R 141°, CID VOR counterclockwise	R 087°, CID VOR	Via 15-mile DME Arc.	2500	T-dn	300–1	300–1	200–½
R 050°, CID VOR clockwise	R 087°, CID VOR	Via 15-mile DME Arc.	2500	C-dn	400–1	500–1	500–1½
15-mile DME Fix, R 087°, CID VOR	9.3-mile DME Fix, R 087° (Ely Int) (final).	Direct	2500	S-dn-26#	400–1	400–1	400–1
CID VOR	Ely Int	Direct	2500	A-dn	800–2	800–2	800–2
IOW VOR	Ely Int	Direct	2500				

Radar available.
Procedure turn N side of crs, 087° Outbnd, 267° Inbnd, 2500′ within 10 miles of Ely Int.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, Ely Int to airport, 267°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing Ely Int, proceed to CID VOR via R 087°, climbing to 2000′, or when directed by ATC, make right turn climbing to 2500′ and return to Ely Int.
NOTE: Dual VOR receivers or DME required.
#Reduction not authorized.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–270°—2200′; 270°–360°—4000′.

City, Cedar Rapids; State, Iowa; Airport name, Cedar Rapids Municipal; Elev., 863′; Fac. Class., L–BVORTAC; Ident., CID; Procedure No. VOR Runway 26, Amdt. 4; Eff. date, 3 June 67; Sup. Amdt. No. VOR 2, Amdt. 3; Dated, 2 Jan. 65

				T-dn	300–1	300–1	NA
				C-dn	600–1	600–1	NA
				S-dn-24	600–1	600–1	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 053° Outbnd, 233° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1292′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of DKK VOR, make right-climbing turn, intercept, R 053° of DKK VOR, climb to 2800′ within 10 miles, return to DKK VOR. Hold NE, 1-minute right turns.
NOTE: Use Buffalo, N.Y., altimeter setting.
MSA within 25 miles of facility: 070°–160°—3500′; 160°–250°—3400′; 250°–340°—1700′; 340°–070°—3000′.

City, Dunkirk; State, N.Y.; Airport name, Dunkirk Municipal; Elev., 692′; Fac. Class., L–BVOR; Ident., DKK; Procedure No. VOR Runway 24, Amdt. 1; Eff. date, 3 June 67; Sup. Amdt. No. TerVOR–24, Orig.; Dated, 4 June 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	HLR VOR	Direct	MEA	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-33	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 163° Outbnd, 343° Inbnd, 2500′ within 7 miles. Beyond 7 miles not authorized.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 343°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles of HLR VOR or over Hood FM, turn right, climb to 2500′, return to HLR VOR, or when directed by ATC, climb to 2500′ on R 343° within 10 miles.
NOTE: Authorized for military use only, except by prior arrangement.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2400′; 180°–270°—2700′; 270°–360°—2400′.

City, Fort Hood; State, Tex.; Airport name, Hood AAF; Elev., 923′; Fac. Class., L-VOR; Ident., HLR; Procedure No. VOR Runway 33, Amdt. 2; Eff. date, 3 June 67; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 29 July 61

Belton Int	HLR VOR (final)	Direct	2500	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	700–1½
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn S side of crs, 095° Outbnd 275° Inbnd 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 262°—6.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles after passing HLR VOR, climb to 2500′ on R 262° within 15 miles, or when directed by ATC, turn left, climb to 2500′, return to HLR VOR.
NOTE: Authorized for military use only, except by prior arrangement.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2400′; 180°–270°—2700′; 270°–360°—2400′.

City, Fort Hood; State, Tex.; Airport name, Robert Gray AAF; Elev., 1015′; Fac. Class., L-VOR; Ident., HLR; Procedure No. VOR-1, Amdt. 2; Eff. date, 3 June 67; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 10 July 65

PROCEDURE CANCELED, EFFECTIVE 3 JUNE 1967.

City, Fort Rucker; State, Ala.; Airport name, Shell AHP; Elev., 400′; Fac. Class., T-VORW; Ident., SHA; Procedure No. 1, Amdt. Orig.; Eff. date, 6 Jan. 66

R 240° clockwise	R 320°	10-mile DME Arc	1800	T-dn	300–1	300–1	200–½
R 058° counterclockwise	R 320°	10-mile DME Arc	1800	C-dn%	700–1	700–1	700–1½
10-mile DME, R 320°	Lyman Int (final)	R 320°	628	S-dn-13*%	600–1	600–1	600–1
				A-dn@	800–2	800–2	800–2
				DME minimums:			
				S-dn-13#%	400–1	400–1	400–1

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 628′ (428′ if Lyman 4-mile DME Fix is identified).
Facility on airport, bearing and distance, breakoff point to Runway 13, 130°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of GPT VORTAC, turn left, climb to 1500′ on R 320°, GPT VORTAC within 15 miles.
CAUTION: 429′ tower, 1.1 mile SSW of airport.
@Alternate minimums authorized only from 0600 to 2200 local time daily. Local weather not available other hours.
%Use mobile altimeter setting when control zone not effective and following minimums apply: VOR, S-dn, 800–1; C-dn, 800–2; DME, S-dn 600-1.
NOTES: % and @ do not apply to air carriers having approved weather reporting service.
*Reduction not authorized.
#400–¾ authorized with operative IIIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—2600′; 090°–270°—1500′; 270°–360°—2600′.

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28′; Fac. Class., L-BVORTAC; Ident, GPT; Procedure No. VOR Runway 13, Amdt. 2; Eff. date, 3 June 67; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 5 Nov. 66

Stantou Int	MKL VOR	Direct	2100	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-2#	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				If Mercer fan marker is received minimums become:			
				C-dn	400–1	500–1	500–1½
				S-dn 2	400–1	400–1	400–1

Procedure turn S side of crs, 204° Outbnd, 024° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′ (800′ if Mercer FM is received).
Facility on airport, crs and distance, FM to airport, 024°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Mercer FM or within 0 miles of MKL VOR, turn left, climb to 2000′ on R 204° within 15 miles.
#Reduction not authorized.
MSA within 25 miles of facility: 000°–360°—2100′.

City, Jackson; State, Tenn.; Airport name, McKellar Field; Elev., 431′; Fac. Class., T-BVOR; Ident., MKL; Procedure No. VOR Runway 2, Amdt. 2; Eff. date, 3 June 67; Sup. Amdt. No. Ter VOR-2, Amdt. 1; Dated, 19 Nov. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Flint VOR	Elba Int	Direct	2500	T-dn	300–1	300–I	300–1
Kings Mill Int	Lapeer Int	Via PTK, R 032° and FNT, R 077°.	2500	C-d	600–1	600–I	600–1½
			2700	C-n	600–2	600–2	600–2
			2500	A-dn	NA	NA	NA
Pontiac VOR	Lapeer Int	Direct	2500				
Elba Int	Lapeer Int (final)	Direct	2700				
FNT, R 340° clockwise	Elba Int	Via 10-mile Arc					
FNT, R 172° counterclockwise	Elba Int	Via 10-mile Arc					

Procedure turn N side of crs, 257° Outbnd, 077° Inbnd, 2500′ within 10 miles of Lapeer Int.
Minimum altitude over Lapeer Int on final approach crs, 2500′.
Crs and distance, Lapeer Int to airport, 077°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing Lapeer Int, make left turn, climbing to 2600′ and return to Lapeer Int.
NOTES: (1) Use Flint altimeter setting. (2) Dual VOR receivers or DME required.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—2600′; 180°–270°—2200′; 270°–360°—2600′.

City, Lapeer; State, Mich.; Airport name, DuPont-Lapeer; Elev., 844′; Fac. Class., L-BVORTAC; Ident., FNT; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 3 June 67

				T-dn	300–I	300–1	NA
				C-dn	1000–1	1000–I	NA
				If Patterson Int received, minimums become:			
				C-dn	500–1	500–1	NA

Radar available.
Procedure turn E side of crs, 197° Outbnd, 017° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′; over Patterson Int, 2200′.
Crs and distance, facility to airport, 017°—11 miles; Patterson Int to airport, 017°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 11 miles after passing APE VORTAC, make left-climbing turn to 3000′ and return to APE VORTAC. Hold S, 1-minute right turns, 013° Inbnd.
NOTE: Use Columbus altimeter setting.
CAUTION: Runway 10 obstruction clearance 14′ 1″, trees.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–360°—2600′.

City, Mount Vernon; State, Ohio; Airport name, Mount Vernon; Elev., 1192′; Fac. Class., H-BVORTAC; Ident., APE; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 3 June 67

Winona Int	Winona VOR	Direct	2800	T-d¢	500–1½	500–1½
Dodge Int	Winona VOR	Direct	2800	T-n¢	500–2	500–2
				C-dn#	900–2	900–2
				A-dn#	1000–2	1000–2

Procedure turn W side of crs, 314° Outbnd, 134° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, *1556′ (*1656′ when control zone not effective).
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing VOR, climb to 2800′ on R 102° within 10 miles.
NOTE: Use La Crosse altimeter setting when control zone not effective. Circling minimums are raised 100′ and alternate minimums not authorized when control zone not effective.
CAUTION: Runways 17/35 unlighted.
#These minimums apply at all times for air carriers with approved weather reporting service.
¢When weather is below 1200–2, aircraft departing southeastbound, flight below 2300′ beyond 1 mile from airport is prohibited between radials 059° and 189° of ONA VOR due 1834′ tower, 2.5 miles SE of airport.
MSA within 25 miles of facility: 000°–180°—3500′; 180°–360°—2900′.

City, Winona; State, Minn.; Airport name, Winona Municipal-Max Conrad Field; Elev., 656′; Fac. Class., T-BVOR; Ident., ONA; Procedure No. VOR-1, Amdt. 4; Eff. date, 3 June 67; Sup. Amdt. No. Ter VOR-315, Amdt. 3; Dated, 25 July 64

ODI VOR	Pickwick Int	Direct	2800	T-d¢	500–1½	500–1½
Pickwick Int	Home Int (final)	Direct	2200	T-n¢	500–2	500–2
Winona Int	Winona VOR	Direct	2800	C-dn*	800–2	800–2
Dodge Int	Winona VOR	Direct	2800	S-d-29*	800–1	800–1
LSE VOR	Pickwick Int	Direct	2800	S-n-29*	800–2	800–2
				A-dn*	1000–2	1000–2

Procedure turn S side of crs, 102° Outbnd, 282° Inbnd, 2800′ within 10 miles.
Minimum altitude over Home Int on final approach crs, 2200′.
Crs and distance, Home Int to airport, 282°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing VOR, climb to 2800′ on R 314° within 10 miles.
NOTES: (1) Dual VOR receivers required. (2) Use La Crosse altimeter setting when control zone not effective. Circling and straight-in ceiling minimums are raised 100′ and alternate minimums not authorized when control zone not effective.
CAUTION: Runways 17/35 unlighted.
*These minimums apply at all times for air carriers with approved weather reporting service.
¢When weather is below 1200–2, aircraft departing southeastbound, flight below 2300′ beyond 1 mile from airport is prohibited between radials 059° and 189° of ONA VOR due 1834′ tower, 2.5 miles SE of airport.
MSA within 25 miles of facility: 000°–180°—3500′; 180°–360°—2900′.

City, Winona; State, Minn.; Airport name, Winona Municipal-Max Conrad Field; Elev., 656′; Fac. Class., T-BVOR; Ident., ONA; Procedure No. VOR Runway 29, Amdt. 4; Eff. date, 3 June 67; Sup. Amdt. No. Ter VOR R-103; Dated, 25 July 64

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ACO VORTAC	5-mile DME Fix, R 227° (final)	Direct	2800	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1¼
				S-dn-23	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn not authorized.
Minimum altitude over 5-mile DME Fix, R 227°—2800′; over 10-mile DME Fix, R 227°—2600′.
Crs and distance, facility to airport, 227°—15.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 15.4-mile DME Fix, R 227°, climb straight ahead to 3000′, intercept R 283°, Briggs VOR, proceed to Briggs VOR. Hold W, 1-minute right turns, 103° Inbnd.
MSA within 25 miles of facility: 350°–080°—2700′; 080°–170°—3200′; 170°–260°—2600′; 260°–350°—3000′.

City, Akron; State, Ohio; Airport name, Akron-Canton; Elev., 1228′; Fac. Class., L-BVORTAC; Ident., ACO; Procedure No. VOR/DME Runway 23, Amdt. Orig.; Eff date, 3 June 67

PROCEDURE CANCELED, EFFECTIVE 3 JUNE 1967.

City, Cedar Rapids; State, Iowa; Airport name, Cedar Rapids Municipal; Elev., 863′; Fac. Class., BVORTAC; Ident., CID; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 5 Dec. 64; Sup. Amdt. No. 2; Dated, 30 Nov. 63

TBD VORTAC	16-mile DME Fix, TBD, R 118°	118°—16 miles	1500	T-dn	300–1	300–1	200–½
26-mile DME Fix, TBD, R 118°	16-mile DME Fix, TBD, R 118° (final)	298°—10 miles	1000	C-dn*	500–1	500–1	500–1¼
				S-dn-30	500–1	500–1	500–1
				A	NA	NA	NA
				The following minimums authorized, if Houma, La., altimeter setting is used:			
				C-dn	400–1	500–1	500–1¼
				S-dn-30	400–1	400–1	400–1

Procedure turn N side of crs, 118° Outbnd, 298° Inbnd, 1500′ within 10 miles of 16-mile DME Fix.
Minimum altitude over 16-mile DME Fix, R 118° on final approach crs, 1000′.
Crs and distance, 16-mile DME Fix, R 118° to airport, 298°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 11-mile DME Fix on R 118°, proceed direct to VOR climbing to 1500′.
NOTE: No weather service available.
*Use New Orleans altimeter setting when Houma setting is not available.
MSA within 25 miles of facility: 000°–090°—1400′; 090°–180°—1500′; 180°–270°—1500′; 270°–360°—1500′.

City, Houma; State, La.: Airport name, Houma Municipal; Elev., 11′; Fac. Class., L-BVORTAC; Ident., TBD; Procedure No. VOR/DME Runway 30, Amdt. Orig.; Eff. date, 3 June 67

Youngstown VOR	8-mile DME Fix, YNG VOR, R 208°	Direct	3000	T-dn	300–1	300–1	NA
R 073°, YNG VOR clockwise	YNG VOR, R 208°	Via 8-mile DME Arc.	3000	C-dn	600–1	600–1	NA
R 277°, YNG VOR counterclockwise	YNG VOR, R 208°	Via 8-mile DME Arc.	3000	A-dn	NA	NA	NA
8-mile DME Fix, YNG, R 208°	13-mile DME Fix, YNG VOR, R 208° (final).	Direct	2000				

Radar available.
Procedure turn not authorized.
Minimum altitude over 13-mile DME Fix on final approach crs, 2000′.
Crs and distance, 13-mile DME Fix to airport, 208°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing 13-mile DME Fix, R 208°, climb on crs to 3000′, make left turn direct to YNG VORTAC. Hold NE, 1-minute right turns, 208° Inbnd.
NOTE: Use Youngstown, Ohio, altimeter setting.
MSA within 25 miles of facility: 000°–090°—2900′; 090°–270°—3200′; 270°–360°—2700′.

City, North Jackson; State, Ohio; Airport name, Youngstown Executive; Elev., 997′; Fac. Class., L-BVORTAC; Ident., YNG; Procedure No. VOR/DME-1, Amdt. Orig.: Eff. date, 3 June 57

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Austin VOR	LOM	Direct	2200	T-dn*	300–1	300–1	#200–½
Butler Int	LOM	Direct	2200	C-dn	400–1	500–1	500–1½
Bergstrom RBn	LOM	Direct	2200	S-dn-30L**	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar available.
Procedure turn E side SE crs, 125° Outbnd, 305° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2200′—4.8 miles; at MM, 800′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on NW crs, ILS (305°) within 20 miles, or when directed by ATC, (1) turn right, climb to 2200′, proceed direct to VOR.
*RVR 2400′ authorized Runway 30L.
**RVR 2400′. Descent below 832′ not authorized unless ALS visible.
#All aircraft are restricted to 300–1 minimums for takeoff on Runways 3–21, 16L–34R, and 12L–30R.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—1800′; 180°–270°—2700′; 270°–360°—3000′.

City, Austin; State, Tex.; Airport name, Robert Mueller; Elev., 632′; Fac. Class., ILS; Ident., I-AUS; Procedure No. ILS Runway 30L, Amdt. 21; Eff. date, 3 June 67; Sup. Amdt. No. ILS Runway 30L, Amdt. 20; Dated, 4 Mar. 67

Silver Crown VHF Int	LOM	Direct	8500	T-dn	300–1	300–1	200–½
Carpenter Int	Arcola Int	Direct	7800	C-dn	500–1	500–1	500–1½
CYS VOR	LOM	Direct	8000	S-dn-26	200–½	200–½	200–½
Divide Int	LOM	Direct	7800	A-dn	600–2	600–2	600–2
Egbert VHF Int	LOM	Direct	7800				
Carpenter Int	LOM	Direct	8000				
Hillsdale VHF/DME Int#	LOM (final)	Direct	7500				
Arcola Int	LOM (final)	Direct	7500				

Procedure turn S side of crs, 082° Outbnd, 262° Inbnd, 7600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 7500.
Altitude of glide slope and distance to approach end of runway at OM, 7500′—5.1 miles; at MM, 6312′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing MM, turn left, climb to 8000′ on R 166° of CYS VOR within 10 miles, or when directed by ATC, turn right, climb to 8000′ on R 349°, CYS VOR within 10 miles.
NOTE: When authorized by ATC, DME may be used from 15 miles to 10 miles at 8000′ between CYS radial 349° clockwise to radial 166° to position aircraft over Hillsdale DME Fix for final approach with elimination of the procedure turn.
#Aircraft westbound on localizer determine Hillsdale Int by Int of localizer E crs and GLL, R 346°.

City, Cheyenne; State, Wyo.; Airport name, Cheyenne Municipal; Elev., 6156′; Fac. Class., ILS; Ident., I-CYS; Procedure No. ILS Runway 26, Amdt. 2I; Eff. date, 3 June 67; Sup. Amdt. No. ILS-26, Amdt. 20; Dated, 2I July 66

Hyannis VOR	HY LOM	Direct	1500	T-dn*	300–1	300–I	200–½
				C-dn	500–1	500–I	500–1½
				S-dn-24**#	400–1	400–1	400–1
				A-dn#	800–2	800–2	800–2

Radar available.
Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 1500′ within I0 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 245°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing HY LOM, make a left-climbing turn to 1500′, returning to the HY LOM. Hold NE of HY LOM, 245° Inbnd, 1-minute left turns.
NOTES: (1) No glide slope. (2) Back crs unusable. (3) Use Otis APC altimeter setting when control zone not effective.
*Takeoff minimums of 300–1 required for Runway 24.
**400–½ authorized with operative AL's and HIRL's, and 400–¾ authorized with operative HIRL's, except for 4-engine turbojets.
#When control zone not effective, alternate minimums and reduction in visibility for lighting not authorized.
MSA within 25 miles of facility: 000°–360°—1500′.

City, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 57′; Fac. Class., ILS; Ident., I-HYA; Procedure No. LOC Runway 24, Amdt. 8; Eff. date, 3 June 67; Sup. Amdt. No. LOC Runway 24, Amdt. 7; Dated, 6 May 67

Wichita Falls VOR	LOM	Direct	3000	T-dn*	300–I	300–1	200–½
Henrietta Int	LOM	Direct	2300	C-dn	500–1	500–1	500–1½
				S-dn-33L#	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar available.
Procedure turn E side of crs, 149° Outbnd, 329° Inbnd, 2300′ within 10 miles.
Minimum altitude over OM on final approach crs, 2068′.
Crs and distance, OM to airport, 329°—3.9 miles.
Minimum altitude at glide slope interception Inbnd, 2100′.
Altitude of glide slope and distance to approach end of Runway at OM, 2068′—3.9 miles; at MM, I186′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on NW crs, ILS (329°) within 20 miles, or turn right, climb to 3000′ on SPS VORTAC, R 037° within 20 miles.
*RVR 2400′ authorized Runway 33L.
#RVR 2400′. Descent below 1215′ not authorized unless approach lights are visible.
#Without glide slope 300–½ (RVR 2400′) authorized with operative ALs, except for 4-engine turbojets.
MSA within 25 miles of LOM: 000°–270°—3100′; 270°–360°—3200′.

City, Wichita Falls; State, Tex.; Airport name, Sheppard AFB/Wichita Falls Air Terminal; Elev., I015′; Fac. Class., ILS; Ident., I-SPS; Procedure No. ILS Runway 33L, Amdt. 6; Eff. date, 3 June 67; Sup. Amdt. No. ILS-33, Amdt. 5; Dated, 14 Dec. 63

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000° 000°	360° 360°	Within: 10 miles 25 miles	 2800 3000	Surveillance approach T-dn C-dn S-dn* A-dn	 300-1 400-1 400-1 800-2	 300-1 500-1 400-1 800-2	 200-½ 500-1½ 400-1 800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 1, 5, 32—Climb straight ahead to 3000' within 10 miles and proceed to ACO VOR. Hold E, 1-minute right turns 276° Inbnd. Runway 14—Climb on runway heading to 3000', intercept the 048° radial of BSV VOR, proceed to BSV VOR. Hold NE, 1-minute right turns, 228° Inbnd. Runway 19—Make left-climbing turn to 3000' on a 140° heading, intercept the 048° radial of BSV VOR, proceed to BSV VOR. Hold NE, 1-minute right turns, 228° Inbnd. Runway 23—Climb on runway heading to 3000', intercept the 283° radial of BSV VOR, proceed to BSV VOR. Hold W 1-minute right turns, 103° Inbnd.

NOTE: No IFR operations authorized for Runways 9 and 27.

CAUTION: Smoke stack, 1335'—2.5 miles SE, Runways 32. Antenna, 1410'—4.5 miles S, Runway 1.

*Runways 1, 19—400-¾ authorized with operative HIRL, except for 4-engine turbojets.

*Runway 1—400-½ authorized with operative AL's, except for 4-engine turbojets.

City, Akron; State, Ohio; Airport name, Akron-Canton; Elev., 1228'; Fac. Class. and, Ident., Akron Radar; Procedure No. 1, Amdt. 5; Eff. date, 3 June 67; Sup. Amdt. No.1, Amdt. 4; Dated, 30 Oct. 65

000° 000° 255°	360° 255° 360°	Within: 0–15 miles 15–25 miles 15–25 miles	 2900 2500 3300	Surveillance approach T-dn C-dn S-dn-5, 36 $ # S-dn-18, 23 $$ A-dn	 300-1 600-1 400-1 600-1 800-2	 300-1 600-1 400-1 600-1 800-2	 200-½ 600-1½ 400-1 600-1 800-2

All bearings and distances are from radar antenna site on Douglas Municipal Airport with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 36 and 5—Climb to 2600' on R 007°, FML VOR and proceed to Mount Holly Int. Runway 18—Climb to 2500' and proceed direct to FML VOR. Hold S on R 186°, 1-minute right turns. Runway 23—Climb to 2300' and proceed direct to CLT LOM. Hold SW on 230° bearing, 1-minute left turns.

#Radar control will provide 1000' vertical clearance within a 3-mile radius of the following towers: 1932'—10 miles NE; 1866'—10 miles NW; 1733'—16.5 miles W.

$400-½ (RVR 4000') authorized, with operative HIRL, except for 4-engine turbojets.

#400-½ (RVR 2400') authorized with operative ALS, except for 4-engine turbojets.

$$Reduction not authorized.

City, Charlotte; State, N.C.; Airport name, Douglas Municipal; Elev., 748'; Fac. Class. and Ident., Charlotte Radar; Procedure No. 1, Amdt. 5; Eff. date, 3 June 67; Sup. Amdt. No. 4; Dated, 31 July 65

All directions	Radar site	Within: 20 miles	2900	Precision approach T-dn C-dn S-dn-33# A-dn	 300-1 400-1 200-½ 600-2	 300-1 500-1 200-½ 600-2	 200-½ 500-1½ 200-½ 600-2
				Surveillance approach T-dn C-dn S-dn-33 A-dn	 300-1 400-1 400-1 800-2	 300-1 500-1 400-1 800-2	 200-½ 500-1½ 400-1 800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 2500' and proceed direct to HLR VOR or HLR RBn, or when directed by ATC, climb to 2500' on bearing, 330° within 10 miles.

NOTE: Authorized for military use only, except by prior arrangement.

#PAR touchdown point Runway 33, threshold painted, 1000' NW of SE end. 3712' of usable runway available.

City, Fort Hood; State, Tex.; Airport name, Hood AAF; Elev., 923'; Fac. Class. and Ident., Hood AAF Radar; Procedure No. Radar Runway 33, Amdt. 3; Eff. date, 3 June 67; Sup. Amdt. No. Radar 1, Amdt. 2; Dated, 29 July 61

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
0° clockwise#	360°	13 miles	2800	Surveillance approach			
295° clockwise#	250°	20 miles	2900	T-dn	300–1	300–1	200–½
250° clockwise#	295°	20 miles	2800	C-dn	600–1	600–1	700–1½
				S-dn-33	500–1	500–1	500–1
				S-dn-15	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				Precision approach			
				T-dn	300–1	300–1	200–½
				S-dn-15 and 33	300–1	300–1	300–1
				A-dn	600–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 15—Climb to 2500′ on heading, 150° within 15 miles. Runway 33—make left-climbing turn, climb to 2500′ on heading, 260° within 13 miles, or when requested by ATC, climb to 2500′ ou runway heading and proceed, as directed, to HLR VOR.

NOTE: Authorized for military use only, except by prior arrangement.

CAUTION: 1200′ terrain within 0.2 mile both sides of approach runway.

#Radar vectoring beyond 10 miles not authorized below 4000′ in the following quadrants: 085° clockwise to 130° and 235° clockwise to 285°. All bearings and distance are from radar antenna.

City, Fort Hood; State, Tex.; Airport name, Robert Gray AAF; Elev., 1015′; Fac. Class. aud Ident., Gray AAF Radar; Procedure No. Radar Runways 15/33, Amdt. 1; Eff. date, 3 June 67; Sup. Amdt. No. Radar 1, Orig.; Dated, 27 Mar. 65

PROCEDURE CANCELED, EFFECTIVE 3 JUNE 1967.

City, Fort Rucker; State, Ala.; Airport name, Shell AHP; Elev., 400′; Fac. Class. and Ident., Shell Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 5 Feb. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 27, 1967.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 67–5093; Filed, May 15, 1967; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Agreement Among Retailers as to Uniform Store Hours

§ 15.125 Agreement among retailers as to uniform store hours.

(a) The Commission was asked to render an advisory opinion as to whether it would be lawful for a trade association, after making a survey of retailer preferences as to store hours, to recommend that all stores observe the same hours, but that no sanctions would be imposed upon nonconforming retailers. The request was prompted by Advisory Opinion Digest No. 110, 32 F.R. 788, which the Association interpreted as having stated that the Commission found nothing unlawful in an agreement among retailers to observe uniform hours of business.

(b) The Commission pointed out that its previous opinion advised merely that there would be nothing unlawful in a retail trade association conducting an informal survey intended to determine its members' individual preferences as to hours of business, followed by an announcement by the association of the results of the survey. The Commission emphasized that its opinion was based on the premise that any number of individual retailers may elect unilaterally to adopt common hours of business. The Commission did not intend to suggest that an agreement among competing retailers with respect to uniform hours of business would be lawful. On the contrary, it was the Commission's opinion that such an agreement among competitors, while perhaps not illegal per se, would be fraught with grave risks of illegality. Conceivably, there might be some rare and most unusual circumstances in which such an agreement among competing sellers could be justified as a reasonable restraint of trade, but this seems unlikely. The fact that no sanctions or coercion are imposed upon noncomplying retailers cannot legitimatize an otherwise unlawful agreement in restraint of trade.

(c) In sum, it was the Commission's opinion that the conduct of a survey as to its members' business hours and an announcement of the results of that survey by a trade association, would not be unlawful so long as no agreement among competing sellers was involved.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: May 15, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67–5392; Filed, May 15, 1967; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67–122]

PART 1—GENERAL PROVISIONS

Ports of Entry; Chicago, Ill.

MAY 8, 1967.

The opening of the St. Lawrence Seaway has resulted in the development of a business and industrial area outside the present port limits of Chicago, Ill. In order to provide customs services to this business and industrial area, it has been decided to extend the port limits of Chicago, Ill., to encompass this greater area.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographical limits of the customs port of Chicago, Ill., in the Chicago, Ill., customs district (Region IX), as described in T.D. 54137, are extended to include the following area:

Beginning at the point where the northern limits of Cook County, Ill., intersect Lake Michigan, thence westerly along the Cook County-Lake County line to the point

where State Highway Fifty-Three (53) intersects this line, thence in a southerly direction along State Highway Fifty-Three (53) to the point where this highway intersects the Dupage County-Will County line, thence in a general easterly and southerly direction along the northern and eastern limits of Will County, Ill., to the point where the Will County-Cook County line intersects the Illinois-Indiana State line, thence northerly along the Illinois-Indiana State line to the point near Dyer, Ind., where U.S. Route Thirty (30) intersects this line, thence easterly along U.S. Route Thirty (30) to the point where this highway intersects the Lake County-Porter County line, thence northerly along the Lake County-Porter County line to the point where this line meets Lake Michigan.

Section 1.2(c) of the Customs Regulations is amended by deleting "(including the territory described in T.D. 54137)" in the column headed "Ports of entry" in the Chicago, Ill., customs district (Region IX), and inserting in lieu thereof "(including the territory described in T.D. 67-122)."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-5432; Filed, May 15, 1967; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Creamed Cottage Cheese; Order Amending Identity Standard to List Diacetyl and Other Flavors; Cottage Cheese Whey, and Sodium Citrate as Optional Ingredients

In the matter of amending the standard of identity for creamed cottage cheese (21 CFR 19.530) by listing diacetyl, starter distillate, and other safe and suitable flavoring substances that enhance the characteristic flavor and aroma of the food as optional ingredients of the creaming mixture; and by listing cottage cheese whey and sodium citrate to provide another citrated medium in which to culture flavor- and aroma-producing bacteria for addition to the creaming mixture:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of February 8, 1967 (32 F.R. 2646), based on a petition submitted by the Milk Industry Foundation, 1012 14th Street NW., Washington, D.C. 20005.

The information furnished by the petitioner, the comments filed in response to the proposal, and other available information have been considered, and it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments as set forth below.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That § 19.530 be amended by revising paragraph (b)(4), by adding a new subparagraph (7) to paragraph (b), by redesignating paragraph (d)(2) as (d)(3), with changes, and by adding to paragraph (d) a new subparagraph (2). The affected portions read as follows:

§ 19.530 **Creamed cottage cheese; identity; label statement of optional ingredients.**

* * * * *

(b) * * *

(4) A preparation of pasteurized skim milk or cottage cheese whey with added citric acid or sodium citrate, which preparation has been cultured with harmless flavor- and aroma-producing bacteria.

* * * * *

(7) Singly or in combination: Diacetyl, starter distillate, or other safe and suitable flavoring substances which contribute to the characteristic flavor and aroma associated with the food.

* * * * *

(d) * * *

(2) When any ingredient named under paragraph (b)(7) is used, the label shall bear the statement "artificially flavored" or "artificial flavor added" or "with added artificial flavoring".

(3) Wherever the name "creamed cottage cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the label declarations prescribed in subparagraphs (1) and (2) of this paragraph, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: May 9, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-5443; Filed, May 15, 1967; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted In the Feed and Drinking Water of Animals or For the Treatment of Food-Producing Animals

CONDENSED ANIMAL PROTEIN HYDROLYSATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6C1828) filed by Midwest Oil and Protein Co., Post Office Box 743, Milwaukee, Wis. 53201, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of condensed animal protein hydrolysate as a source of protein, phosphorus, and salt in animal feeds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.302 **Condensed animal protein hydrolysate.**

(a) *Identity.* The condensed animal protein hydrolysate is produced from the meat byproducts scraped from cured (salted) hides taken from cattle slaughtered for food consumption. The meat byproduct is hydrolyzed with heat and phosphoric acid.

(b) *Specifications.* The additive shall conform to the following percent-by-weight specifications:

Moisture, not less than 45 percent nor more than 50 percent.
Protein, not less than 24 percent.
Salt (NaCl), not more than 15 percent.
Phosphorus, not less than 2.25 percent.

(c) *Uses.* It is used or intended for use as a source of animal protein, phosphorus, and salt (NaCl) as follows:

(1) In poultry and swine feed in an amount not to exceed 5 percent by weight of the feed.

(2) In feed concentrates for cattle in an amount not to exceed 10 percent by weight of the concentrate.

(d) *Labeling.* The label and labeling shall bear, in addition to the other information required by the act:

(1) The name of the additive, condensed animal protein hydrolysate.

(2) Adequate directions for use including maximum quantities permitted for each species and a guaranteed analysis of the additive.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 9, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-5444; Filed, May 15, 1967; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1975) filed by the Dow Chemical Co., Post Office Box 467, Midland, Mich. 48640, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of ethylene-isobutyl acrylate copolymers in resinous and polymeric food-contact coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2514(b)(3)(xviii) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xviii) Polyethylene and its copolymers as the basic polymer:

* * * * *

Ethylene-isobutyl acrylate copolymers containing no more than 35 weight percent of total polymer units derived from isobutyl acrylate.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 9, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-5446; Filed, May 15, 1967; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYSTYRENE AND RUBBER-MODIFIED POLYSTYRENE

The Commissioner of Food and Drugs, having evaluated the data in petitions filed by the Dow Chemical Co., Midland, Mich. 48640 (FAP 2B0602, 4B1282); The Society of the Plastics Industry, Inc., 250 Park Avenue, New York, N.Y. 10017 (FAP 2B0662); and Monsanto Co., Plastics Division, Post Office Box 1531, Springfield, Mass. 01101 (FAP 3B0971), and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of polystyrene and rubber-modified polystyrene as components of articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2510 Polystyrene and rubber-modified polystyrene.

Polystyrene and rubber-modified polystyrene identified in this section may be safely used as components of articles intended for use in contact with food, subject to the provisions of this section.

(a) *Identity.* For the purposes of this section, polystyrene and rubber-modified polystyrene are basic polymers manufactured as described in this paragraph so as to meet the specifications prescribed in paragraph (c) of this section when tested by the method described in paragraph (d) of this section.

(1) Polystyrene consists of basic polymers produced by the polymerization of styrene.

(2) Rubber-modified polystyrene consists of basic polymers produced by combining styrene-butadiene copolymers and/or polybutadiene with polystyrene, either during or after polymerization of the polystyrene, such that the finished basic polymers contain not less than 75 weight percent of total polymer units derived from styrene monomer.

(b) *Optional adjuvants.* The basic polymers identified in paragraph (a) of this section may contain optional adjuvant substances required in the production of such basic polymers. Such optional adjuvant substances may include substances permitted for such use by regulations in this Part 121, substances generally recognized as safe in food, and substances used in accordance with a prior sanction or approval.

(c) *Specifications.* (1) Polystyrene basic polymers identified in paragraph (a)(1) of this section shall contain not more than 1 weight percent of total residual styrene monomer, as determined by the method described in paragraph (d) of this section, except that when used in contact with fatty foods of types III, IV-A, V, VII-A, and IX described in table 1 of § 121.2526(c), such polystyrene basic polymers shall contain not more than 0.5 weight percent of total residual styrene monomer.

(2) Rubber-modified polystyrene basic polymers identified in paragraph (a)(2) of this section shall contain not more than 0.5 weight percent of total residual styrene monomer, as determined by the method described in paragraph (d) of this section.

(d) *Analytical method for determination of total residual styrene monomer content*—(1) *Scope.* This method is suitable for the determination of residual styrene monomer in all types of styrene polymers.

(2) *Principle.* The sample is dissolved in methylene chloride. An aliquot of the solution is injected into a gas chromatograph. The amount of styrene monomer present is determined from the area of the resulting peak.

(3) *Apparatus*—(i) *Gas chromatograph,* Beckman GC-2A gas chromatograph with hydrogen flame detector or apparatus of equivalent sensitivity.

(ii) *Chromatograph column.* One-quarter inch outside diameter stainless steel tubing (0.028 inch wall thickness), 4 feet in length, packed with 20 percent polyethylene glycol (20,000 molecular weight) on alkaline treated 60-80 mesh firebrick.

(iii) *Recorder.* Millivolt range of 0–1, chart speed of 30 inches per hour.

(4) *Reagents.* Compressed air, purified; helium gas; hydrogen gas; methylene chloride, redistilled; and styrene monomer, redistilled.

(5) *Operating conditions for the gas chromatograph.* (i) The column is operated at a temperature of 100° C. with a helium flow rate of 82 milliliters per minute.

(ii) The hydrogen burner is operated with 15 pounds per square inch of air pressure and 7 pounds per square inch of hydrogen pressure.

(iii) The attenuation of the hydrogen flame detector is set at 2×10^2.

(6) *Standardization.* (i) Prepare a standard solution by weighing aecurately 15 to 20 milligrams of styrene monomer into a 2-ounce bottle containing 25.0 milliliters of methylene chloride. Cap the bottle tightly and shake to thoroughly mix the solution.

(ii) By means of a microliter syringe, inject 1 microliter of the standard solution into the gas chromatograph. Measure the area of the styrene monomer peak which emerges after approximately 12 minutes.

(7) *Procedure.* (i) Transfer 1 gram of sample (accurately weighed to the nearest 0.001 gram) to a 2-ounce bottle and add several glass beads. Pipette 25.0 milliliters of methylene chloride into the bottle. Cap the bottle tightly and place on a mechanical shaker. Shake until the polymer is completely dissolved. If any insoluble residue remains, allow the bottle to stand (or centrifuge at a low speed) until a clear supernatant layer appears.

(ii) By means of a mieroliter syringe, inject 3 microliters of the clear supernatant liquid into the gas chromatograph.

(iii) Measure the area of the resulting styrene monomer peak. Compare the sample peak area with the area produced by the standard styrene monomer solution. Calculation:

$$\text{Percent residual styrene monomer} = \frac{\text{Milligrams monomer in standard} \times \text{peak area of sample}}{\text{Peak area of monomer standard} \times \text{sample weight in grams} \times 30}$$

(e) *Other specifications and limitations.* The polystyrene and rubber-modified polystyrene identified in and complying with this section, when used as components of the food-contact surface of any article that is the subject of a regulation in this Subpart F, shall comply with any specifications and limitations prescribed by such regulation for the article in the finished form in which it is to contact food.

(f) *Nonapplicability.* The provisions of this section are not applicable to polystyrene and rubber-modified polystyrene used in food-packaging adhesives complying with § 121.2520.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 9, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-5445; Filed, May 15, 1967; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS FOR POLYOLEFIN FILMS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7B2131) filed by Pennsylvania Industrial Corp., 120 State Street, Clairton, Pa. 15025, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of α-methylstyrene-vinyltoluene copolymer resins as components of food-contact coatings for polyolefin films. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2569(b)(3) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2569 Resinous and polymeric coatings for polyolefin films.

* * * * * *

(b) * * *

(3) * * *

List of substances	*Limitations*
* * *	* * *
α-Methylstyrene-vinyltoluene copolymer resins.	For use only in coatings that contact food under conditions of use D, E, F, or G described in table 2 of § 121.2526(c), provided that the concentration of α-methylstyrene-vinyltoluene copolymer resins in the finished food-contact coating does not exceed 1.0 milligram per square inch of food-contact surface.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 9, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-5447; Filed, May 15, 1967; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 812—DELEGATIONS OF AUTHORITY

PART 822—BUREAUS AND OFFICES

Miscellaneous Amendments

In Parts 812 and 822 make the following changes:

I. In § 812.9, paragraph (a)(5) is revised to show delegation of authority to the Assistant Postmaster General, Bureau of Finance and Administration, to settle debts due the Department, not exceeding $20,000, that may be compromised, terminated, suspended, or referred pursuant to the provisions of Public Law 89-508, with concurrence by the General Counsel in cases involving questions of law or fact.

§ 812.9 **Authority for remission of fines, penalties, forfeitures, claims; and for Post Office Department fund transfers.**

(a) *Delegation.* * * *

(5) *39 U.S.C. 2401.* Collection of debts due the Department with the exception of those falling under the jurisdiction of the Chief Postal Inspector or the General Counsel. This redelegation includes the settlement of debts not exceeding $20,000 that may be compromised, terminated, suspended or referred pursuant to the provisions of Public Law 89–508, with concurrence by General Counsel in cases involving doubtful questions of law or fact.

* * * * *

NOTE: The corresponding Postal Manual section is 812.91e.

II. In § 822.4, paragraph (h) is revised to update the organization statement for the Transportation and Development Division of the Bureau of Transportation and International Services.

§ 822.4 **Bureau of Transportation and International Services.**

* * * * *

(h) *Transportation Economics and Development Division*—(1) *Director.* (i) Assists the Assistant Postmaster General and his deputy in carrying out the transportation policies of the Bureau.

(ii) Directs and coordinates the activities of the Transportation Rates and Economics, Bulk Mail, and Development and Special Contract Services Branch.

(2) *Transportation Rates and Economics Branch.* (i) Makes economic and statistical studies and develops operating data, cost formulas, and rate structures relating to mail transportation; applies these and other economic principles in special projects such as railroad biennial bin test; provides information and professional guidance in transport economics and statistics required in planning for overall mail transportation programs.

(ii) Develops sound methods and techniques for management review, analysis, and control of effectiveness of purchase and use of transportation services and facilities, including unit cost factors and mail transportation.

(iii) Establishes quality control standards and makes continuing review to maintain the integrity of, and improve economic and statistical studies.

(iv) Makes short- and long-range projections of mail traffic trends, in terms of priority and nonpriority movements, by type of transport and between areas.

(v) Makes comprehensive studies of carrier economics, including development of trends in carrier availability and transportation potential as well as carrier costs and operating data.

(vi) Analyzes commercial transportation rates and pricing practices to provide basic for rate negotiations with carriers and development of new methods of pricing for mail transportation.

(vii) Evaluates commercial carrier route change cases.

(viii) Provides economic support for legislative matters concerning mail transportation.

(ix) In cooperation with General Counsel and interested Bureaus or Departmental units, develops and coordinates Departmental presentations in transportation rate and route cases before regulatory agencies.

(x) Maintains necessary liaison with regulatory, rate, statistical, operational, and economic specialists in Department and other Government agencies.

(xi) Gives functional guidance and professional direction to regional transportation research personnel.

(xii) Performs liaison work with the Department's ADP function for utilizing ADP in research work.

(3) *Bulk Mail Branch.* (i) Performs continuing analysis of bulk mail traffic to determine areas of improved handling, dispatch, routing, and use of transport media. Manages and issues bulk mail dispatch lists.

(ii) Collects mail flow data and evaluates same relative to density and destination of mail dispatched between pairs of points or from and to sectional center facilities (SCF) and major points; evaluates various routings, costs and service standards applicable to bulk mail flows; recommends changes involving service and cost standards; recommends container applications.

(iii) Maintains continuing review of plant loadings to develop best dispatch and transportation procedures. Coordinates with mailers, mailers' groups, and Government agencies.

(iv) Reviews, with Bureau of Operations, all applications for changes or additional entry points for publications.

(v) Develops and maintains cost factors for terminal handling functions performed by postal or by contractor employees at major points including shuttle costs where transfers are involved.

(vi) Develops and manages programs to produce management statistics for traffic control over bulk mail movements by all modes and media of transportation.

(vii) Applies quality control system results to rail and intercity highway mail transportation to measure effective traffic movement and vehicle utilization.

(viii) Coordinates with Domestic Transportation and Distribution and Routing Divisions on proposed changes in storage car and container services; states labeling lists for bulk mailer and contract highway service utilization.

(ix) Reviews regional bulk mail dispatching and routing instructions for currency and effectiveness and issues appropriate changes thereto.

(x) Refers corrective service actions to Domestic Transportation or Distribution and Routing Divisions as appropriate.

(xi) Develops more efficient and less costly use of various modes of transportation for bulk mail movements.

(4) *Development and Special Contract Services Branch.* (i) Introduces new concepts for transportation of mail. Recommends transportation and terminal mail handling aspects of postal buildings, including airport mail facilities.

(ii) Maintains liaison with Departmental and other Government Bureaus and offices and with transportation industry and trade groups regarding application to the postal service of developments in transportation and terminal services.

(iii) Performs transportation coordination for building concept, function, site, layout, activation, and interrelation with the national transportation patterns with other Departmental bureaus and offices and with regions. Represents Bureau on Departmental facility planning groups.

(iv) Negotiates with carriers for experimental and test operations of transportation equipment and terminal systems, and, in conjunction with carriers, coordinates such experiments and tests with the Bureau of Research and Engineering as necessary.

(v) Negotiates with carriers and terminal companies for (*a*) special and experimental services; (*b*) exchange agreements for new and remodeled facilities; (*c*) new services; (*d*) special rates; (*e*) major diversions in cases which affect the national transportation pattern. Prepares contracts and formalized special agreements in accordance therewith.

(vi) Makes periodic in-depth reviews of special contracts for better service and pricing practices.

(vii) Develops and tests experimental contractual services for handling of bulk mail.

(viii) Develops and tests experimental contract transportation terminals for processing mail for intercity movement.

(ix) Develops improved transportation terminal handling methods for postal facilities, including improved loading and unloading techniques and work area container needs.

(x) Develops container uses for movement of mail in domestic and international services and coordinates as appropriate with the Bureau of Research and Engineering.

(xi) Evaluates proposals for major mail diversions, changes in transportation media, and changes in mail patterns.

(xii) Coordinates with International Service Division in development and use of transportation methods, facilities, carries and routing of international mail, incoming and outgoing.

NOTE: The corresponding Postal Manual section is 822.48.

As the foregoing revisions to Parts 812 and 822 do not affect substantive rights, public rule making procedures, advance notice, as well as a delayed effective date are unnecessary and would be contrary to the public interest.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY.
General Counsel.

MAY 10, 1967.

[F.R. Doc. 67–5394; Filed, May 15, 1967; 8:46 am.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8–1—GENERAL

Deviations; Procedure

Section 8–1.108–2 is revised as follows:

§ 8–1.108–2 Procedure.

(a) When a contracting officer, other than the Central Office Construction or Architect-Engineer Contracting Officer, considers it necessary to deviate from the policy, set forth in FPR or VAPR, a request will be submitted through channels to the Director, Supply Service, for review and recommendation to the approving official. The request will clearly set forth the circumstances warranting the deviation and the nature of the deviation required.

(b) The Central Office Construction or Architect-Engineer Contracting Officer will obtain prior authorization from the Assistant Administrator for Construction for a deviation in an individual case. Requests for deviations in other cases will be processed as provided in paragraphs (d), (e), and (f) of this section.

(c) When a deviation in an individual case is authorized by the appropriate department or staff head, the authorization will be placed in the purchase or contract file. A copy of the authorization will be furnished the Director, Supply Service, who will review the deviation authorized and, when considered necessary either prepare a change to the VAPR or recommend to the General Services Administration that the appropriate portion of the FPR be changed.

(d) Where deviations from the FPR in classes of cases are considered necessary, the Director, Supply Service, will prepare the submission to General Services Administration. Where circumstances preclude obtaining the prior concurrence of General Services Administration, and a deviation is authorized by the Deputy Administrator, the Director, Supply Service, will prepare a letter to General Services Administration stating the deviation authorized and the circumstances requiring the deviation. Deviations will be set forth in this Chapter 8 as provided in § 8–1.102(c).

(e) Where deviations from the VAPR are considered necessary in classes of cases, for those procurements effected under § 8–3.215 of this Chapter 8, the Director, Supply Service, will review the request and forward it with his recommendation through channels to the Deputy Administrator. The deviation, if granted, will be published in this Chapter 8.

(f) When a continuing deviation from the regulations in this Chapter 8, is requested, after authorization to deviate in an individual case has been granted, the Director, Supply Service, will forward the request with his recommendations, through channels, to the Deputy Administrator. The request, approved or disapproved, shall be returned through channels to the contracting officer. Such deviations when approved will not be published in this Chapter 8. The contract files will, in each instance, be annotated to show that such authority has been granted.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

This regulation is effective immediately.

Approved: May 10, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 67–5425; Filed, May 15, 1967; 8:48 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8–1—GENERAL

1. Section 8–1.311 is added to read as follows:

§ 8–1.311 Priorities, allocations, and allotments.

(a) Priorities, allocations, and allotments of critical materials are controlled by the Business and Defense Services Administration (BDSA), Department of Commerce. (See FPR 1–1.311.) Essentially such priorities, etc., are restricted to projects having a direct connection with supporting current defense needs. The Veterans Administration does not possess and therefore, is not authorized to assign a priority rating to its purchase orders or contracts involving the acquisition or use of critical materials.

(b) In those instances where it has been technically established that it is not feasible to use a substitute material, BDSA has agreed to assist us in obtaining critical materials for maintenance and repair projects. They will also, where possible, render assistance in connection with the purchase of new items, which may be in short supply because of their use in connection with the defense effort.

(c) Contracting officers having problems in acquiring critical materials will ascertain all the facts necessary to enable BDSA to render assistance to the Veterans Administration in acquiring, if possible, these materials. The contracting officer will submit a request for assistance containing the following information to the Chief Medical Director (134):

(1) A description of the maintenance and repair project, or, the new item, whichever is applicable.

(2) The critical material and the amount required.

(3) The contractor's source(s) of supply including his address(es). If this source is other than the manufacturer or producer list the manufacturer or producer and his address.

(4) The Veterans Administration contract or purchase order number.

(5) The contractor's purchase order number, if known, and the delivery time requirement as stated in the invitation or proposal.

(6) The additional time the contractor claims will be necessary to effect delivery if he cannot get priority assistance.

(7) The extent of the emergency that will be generated at the station, e.g., (i) damage to the physical plant, (ii) impairment of the patient care program, (iii) creation of safety hazards and (iv) any other pertinent condition that will result because of failure to secure assistance in obtaining the critical materials.

(d) When the materials are required for use in a construction contract which has been authorized by the Assistant Administrator for Construction to be awarded and administered by a field station contracting officer, the request containing the information in paragraph (c) of this section will be forwarded to the Assistant Administrator for Construction (08).

PART 8–2—PROCUREMENT BY FORMAL ADVERTISING

2. In § 8–2.201(c), the clause "Caution to Bidders—Bid Envelopes" is amended to read as follows:

§ 8–2.201 Preparation of invitations for bids.

* * * * *

(c) * * *

CAUTION TO BIDDERS—BID ENVELOPES

If a bid envelope is furnished with this invitation, the bidder is requested to use this envelope in submitting his bid. He may, however, when it suits his purpose, use any suitable envelope. It is the responsibility of each bidder to take all necessary precautions, including the use of a proper mailing cover, to insure that his bid price cannot be ascertained by anyone prior to bid opening. The bidder is also required to affix the attached optional form 17, Sealed Bid Label, to the lower left hand corner of the envelope used in submitting his bid.

3. Section 8–2.202–4 is revised to read as follows:

§ 8–2.202–4 Bid samples.

Where it has been determined that samples are necessary to the proper awarding of a contract the following subparagraph will be added to the provision in FPR 1–2.202–4(e):

BID SAMPLES

* * * * *

All samples furnished must be plainly marked with the complete lettering and numbering of the item or subitems to which it relates, the name of the commodity, the Invitation for Bids number, and the name of the bidder. Cases or packages containing samples must be plainly marked "Samples" and all charges incident to the preparation and transportation of samples must be prepaid by the bidder. Bids must not be enclosed with samples. (Par. 3(b), Submission of Bids of SF 33A, is amended accordingly.)

4. In § 8–2.203–1, paragraph (a) is amended to read as follows:

§ 8–2.203–1 Mailing or delivering to prospective bidders.

(a) The contracting officer shall complete optional form 17, Sealed Bid Label, to show the invitation number, date, and

time of opening and commodity or service to be furnished. The label shall be included in the package furnished to each prospective bidder.

* * * * *

5. Section 8–2.203–3 is revised to read as follows:

§ 8–2.203–3 Publicity in newspapers and trade journals.

Paid advertising for procurement of supplies, equipment, and services will be used only upon written approval of the Administrator (44 U.S.C. 324). Each request for approval will set forth the circumstances which preclude procurement being accomplished satisfactorily by normal advertising methods. The request will be submitted through channels and routed through the Director, Supply Service for preparation of appropriate recommendation to the Administrator. See §§ 8–3.210 and 8–16.301–50.

PART 8–6—FOREIGN PURCHASES

6. Section 8–6.105 is revised to read as follows:

§ 8–6.105 Excepted articles, materials, and supplies.

Pursuant to the "Buy American Act," the Administrator has determined that the articles, materials, and supplies listed in this section may be acquired by the Veterans Administration without regard to source, except as provided for in Subpart 8–6.53:

Acetylene, black.
Agar, bulk.
Anise.
Antimony, as metal or oxide.
Asbestos, amosite.
Bananas.
Beef extract.
Bismuth.
Books, trade, text, technical or scientific; newspapers; magazines; periodicals; printed briefs and films; not printed in the United States and for which domestic editions are not available.
Brazil nuts.
Cadmium ores and flue dust.
Calcium cyanamide.
Capers.
Cashew nuts.
Castor beans.
Chalk, English.
Chicle.
Chloral hydrate U.S.P. crystal.
Chrome ore or chromite.
Cinchona bark.
Cobalt, in cathodes, rondelles, or other primary forms.
Cocoa beans.
Coconut and coconut meat in shredded, desiccated, or similarly prepared form.
Coffee, raw or green bean.
Colchicine alkaloid, raw.
Copra.
Cork, wood or bark and waste.
Dammar gum.
Diamonds, industrial.
Emetine, bulk.
Ergot, crude.
Fiber, coir, abaca, and agave.
Flax.
Goat and kid skins.
Graphite, natural, crystalline, crucible grade.
Hemp.
Hog bristles for brushes.
Hyoscine, bulk.
Iodine, crude.
Ipecac, root.
Jute and jute burlaps.
Kaurigum.
Lac.
Lavender oil.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
Manganese.
Menthol, natural, bulk.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Nitroguanidine (also known as picrite).
Nux vomica, crude.
Oiticica oil.
Olive oil.
Olives, green; plain (unpitted) and stuffed, bulk.
Opium, crude.
Petroleum, crude oil; petroleum, finished products; and petroleum, unfinished oils.
Pine needle oil.
Platinum and platinum group metals refined, as sponge, powder, ingots, or cast bars.
Pyrethrum flowers.
Quartz crystals.
Quebracho.
Quinidine.
Quinine.
Radium salts.
Rubber, crude and latex.
Rutile.
Santonin, crude.
Shellac.
Silk, unmanufactured.
Sisal.
Sperm oil.
Spices and herbs.
Sugar.
Talc, block, steatite.
Tapioca, tapioca flour and cassava.
Tartar, crude, tartaric acid and cream of tartar.
Tea.
Thyme oil.
Tin, in bars, blocks and pigs.
Tungsten.
Vanilla beans.
Wax, carnauba.

PART 8–7—CONTRACT CLAUSES

7. In § 8–7.101–5, that portion of paragraph (b) preceding the clause is amended to read as follows:

§ 8–7.101–5 Inspection.

* * * * *

(b) Contracts for packinghouse and dairy products, bread and bakery products and for fresh and frozen fruits and vegetables will contain the following clause, as an amendment to clause 5, SF 32.

* * * * *

8. In § 8–7.150–6, paragraph (a) is amended to read as follows:

§ 8–7.150–6 Termination clauses.

(a) *General.* Except for contracts covering the rental of motion pictures for patient recreational purposes and as provided in paragraphs (b), (c), and (d) of this section, all requirements contracts will contain the following termination clause, with the number of days to be inserted by the contracting officer, normally not more than 30 days.

TERMINATION CLAUSE

Any contract made as a result of this proposal will remain in full force for the period accepted, unless terminated, in whole or in part, at the request of either party after ------ day's notice in writing.

* * * * *

9. Section 8–7.150–9 is added to read as follows:

§ 8–7.150–9 Bread and bakery products.

The following clause will be inserted in all contracts for bread and bakery products:

The bidder agrees to furnish up to 25 percent more or 25 percent less than the quantities awarded when ordered by the Veterans Administration.

10. In § 8–7.150–17, paragraph (a) is amended to read as follows:

§ 8–7.150–17 Aggregate awards.

(a) When in the opinion of the contracting officer an award should be made in the aggregate in lieu of an item by item basis, the following will be used:

AGGREGATE AWARDS

It is contemplated that items No. ------ through ------ will be awarded in the aggregate, but the right is reserved to cancel any item or items after the bids are opened, before making an award. The entire group will be awarded to the bidder quoting the lowest price for the complete group. In the event no bid is received for all items in the group, award will be made to the lowest bidder quoting the lowest aggregate price for the greatest number of items in the group.

To provide a basis for award when no bids are received on the entire group, it will be necessary for each bidder to quote a unit price on each item on which he is bidding. However, bidders quoting on all items in a group may quote a total aggregate price which is less than the total of the unit price quoted provided such aggregate bid is identified as being a discounted offer.

* * * * *

11. Section 8–7.150–20 is revoked.

§ 8–7.150–20 Supply contracts for $1 million [Revoked]

12. In § 8–7.650–5, paragraphs (a) and (b) are amended to read as follows:

§ 8–7.650–5 Inspection and acceptance.

Clause 10, General Provisions, SF 23A is supplemented as follows:

(a) Inspection of materials and articles furnished under this contract will be made at the site by the Resident Engineer, unless otherwise provided for in the specifications. Samples, when required, must be submitted for approval as hereinafter noted.

(b) Final inspection and acceptance of the work shown by the drawings and specifications forming a part of this contract, shall not be binding or conclusive on the United States if it shall be shown that (1) the Contractor has willfully or through collusion with persons or firms engaged in the performance of the contract, or with an employee of the Federal Government, supplied inferior materials, equipment, or workmanship, or (2) the Contractor has otherwise departed from the terms of the contract.

* * * * *

13. Section 8–7.650–6 is revised to read as follows:

§ 8–7.650–6 Guaranty.

GUARANTY

(a) Unless otherwise specifically provided for in the contract or specifications, the Contractor, notwithstanding any final inspection, acceptance or payment, guarantees that all work performed and materials and

equipment furnished under this contract are in accordance with the contract requirements. He also guarantees that when installed all materials and equipment were free from defects and will remain so for a period of at least 1 year from the date of acceptance by the Government.

(b) If defects of any kind should develop during the period such guaranties are in force, the Contracting Officer shall immediately notify the Contractor in writing of such defects. The Government thereupon shall have the right, by a written notice to that effect, to require the Contractor to repair or replace all inferior or defective work, material, or equipment or permit it to remain in place and assess the Contractor the costs he (the Contractor) would have incurred had he been required to effect repair or replacement.

(c) The Contractor guarantees to reimburse the Government for, or to repair or replace, any damages to the site, buildings, or contents thereof that is caused by inferior or defective workmanship, or the use of inferior or defective materials or equipment in the performance of this contract. The contracting Officer shall immediately notify the Contractor in writing when such damage occurs. The Government shall have the right to require the Contractor to repair or replace such damaged areas or equipment, or elect to permit such damage to remain as is and assess the Contractor the costs he would have incurred had he been required to effect repair or replacement.

(d) Should the Contractor fail to proceed promptly, after notification by the Contracting Officer, to repair or replace any inferior or defective work, material, or equipment, or damage to the site, buildings, or contents thereof, caused by inferior or defective work, or the use of inferior or defective materials, or equipment, the Government may have such work, material, equipment, or damage repaired or replaced and charge all costs incident thereto to the Contractor.

(e) Any special guaranties that may be required under the contract, shall be subject to the elections set forth above unless otherwise provided in such special guaranties.

(f) The decision of the Contracting Officer as to liability of the Contractor under this clause is subject to the appeal procedures provided for in the "Disputes Clause of this Contract."

14. Section 8–7.650–21 is revised to read as follows:

§ 8–7.650–21 Contract changes.

Clause 3, Changes, and Clause 4, Changed Conditions of General Provisions of SF 23A are supplemented as follows:

(a) When requested by the Contracting Officer, the Contractor shall submit proposals for changes in work to the Resident Engineer. Proposals shall be in legible form, original and five copies, with an itemized breakdown that will include material, quantities, and unit prices, labor costs (separated into trades), construction equipment, etc. (Labor costs are to be identified with specific material placed or operation performed.) The Contractor must obtain and furnish with his proposal an itemized breakdown, as described above, signed by each subcontractor participating in the change regardless of tier.

(b) When the necessity to proceed with a change does not allow sufficient time to check a proposal, or because of failure to reach an agreement, the Contracting Officer may order the Contractor to proceed on the basis of a tentative price, based on the best estimate available at the time, with the firm price to be determined at the earliest practicable date.

(c) Allowances not to exceed 10 percent each for overhead and profit for the party performing the work will be based upon the value of labor, material and use of construction equipment required to accomplish the change. As the value of the change increases, a declining scale will be used in negotiating the percentage of overhead and profit.

(d) When work is done by a subcontractor, the Prime Contractor's fee will be based upon the net increased cost to the Prime Contractor. The fee will be negotiated and will follow a declining scale which will not exceed 10 percent on the first $10,000 of the change and not over 7½ percent over $10,000.

(e) Not more than three percentages, none of which exceed 10 percent will be allowed regardless of the number of tier subcontractors, i.e., the markup on work subcontracted by a subcontractor will be limited to one overhead percentage and one profit percentage in addition to the Prime Contractor's commission percentage.

(f) Where the Contractor or subcontractor's portion of a change involves credit items, such items must be deducted prior to adding overhead and profit for the party performing the work. Where a change involves credit items only, such items will be net, i.e., overhead, profit, and fee are excluded. The Contractor's fee is limited to the net increase to him of subcontractor's portions computed in accordance herewith.

(g) Cost of Federal Old Age Benefit (Social Security) tax and of Workmen's Compensation and Public Liability insurance appertaining to changes are allowable. While no percentage will be allowed thereon for overhead or profit, Prime Contractor's fee will be allowed on such items in subcontractor's proposals.

(h) Overhead and Contractor's fee percentages shall be considered to include insurance other than mentioned herein, field and office supervisors and assistants, watchman, use of small tools, incidental job burdens, and general home office expenses, and no separate allowance will be made therefor.

(i) Bond premium adjustment, consequent upon changes ordered, will be made as elsewhere specified at the time of final settlement under the contract and will not be included in the individual change.

15. Sections 8–7.651–8 and 8–7.651–9 are added to read as follows:

§ 8–7.651–8 Payrolls and basic records.

Insert the clause set forth in § 8–7.650–16(c).

§ 8–7.651–9 Government supervision.

Insert the clause set forth in § 8–7.650–9.

PART 8–10—BONDS AND INSURANCE

16. Sections 8–10.103–1 and 8–10.103–3 are added to read as follows:

§ 8–10.103–1 Policy on use.

When the criteria set forth in FPR 1–10.103–1(a) are met and the contracting officer believes it is in the interest of the Government to require a bid guarantee on a contract estimated to cost not more than $10,000, such a requirement will be included in the invitation.

§ 8–10.103–3 Invitation for bids provisions.

In addition to the requirement set forth in FPR 1–10.103–3, each invitation for bids shall contain a statement substantially as follows:

If a bidder elects to furnish a bid bond issued by a Surety Company, the company issuing the bond must appear on the U.S. Treasury Department's approved list or otherwise be approved by that Department. If the Surety Company is not approved the bid will be rejected.

PART 8–12—LABOR

17. Section 8–12.404–1 is added to read as follows:

§ 8–12.404–1 General.

(a) Whenever the clauses under FPR 1–12.403–1, 1–12.403–2 or 1–12.403–3 are applicable, the contracting officer shall fully inform the contractor of the labor standards provisions of the contract and his responsibilities thereunder. This shall be accomplished either by preconstruction conference or by letter as soon as possible after award of the contract.

(b) The preconstruction conference or letter will explain the necessity of physically including labor standards provisions in all subcontracts. (29 CFR 5.5 (a)(6))

(1) Incorporation by reference does not constitute compliance with this section.

(2) Subcontracts by purchase order or other informal methods will be considered in compliance provided copies of the appropriate labor standards clauses are attached to the subcontract form and provided also that the subcontractor acknowledges receipt of the labor standards clause in writing to the contractor awarding the contract.

(3) Failure of the prime contractor or a subcontractor to incorporate the labor standards provisions in its subcontracts may, under certain circumstances, be a serious violation of the contract requirements which would warrant the imposition of sanctions under either the Davis-Bacon Act or Department of Labor Regulations.

18. In § 8–12.404–2, paragraphs (a) and (d) are amended to read as follows:

§ 8–12.404–2 Wage determinations.

(a) Contracting officers will to the greatest extent practicable, establish the opening date for bids subject to a wage determination, on a date that will permit award of the contract prior to the expiration date of the determination. If it is known in advance of the solicitation that an award cannot be made prior to the expiration of the current determination, the solicitation shall include a statement that wage rates are not included; however, each prospective bidder will be furnished an amendment to the invitation which will contain the wage rates that are applicable to the resultant contract. This amendment should be furnished each bidder not less than 14 calendar days prior to the bid opening date. If necessary, the amendment shall establish a new bid opening date. Where solicitation has been made and it becomes evident prior to bid opening that the wage rates will expire before an award can be made, each prospective bidder will be furnished an amendment to the invita-

tion setting forth the new wage rates and establishing a new opening date. This amendment should also be furnished each bidder not less than 14 calendar days prior to the new bid opening date.

* * * * *

(d) Where a construction project calls for a wage schedule that is applicable to only one type of construction, it is incumbent upon the contracting officer to submit his request to the Secretary of Labor, in sufficient detail to assure that the determination that is issued relates only to construction in question. If a general wage determination is used which contains more than one schedule, the invitation for bids shall, in clear, concise language, designate the particular wage schedule that is considered applicable to the contract work.

19. In § 8–12.404–6(b), subparagraph (5) is added to read as follows:

§ 8–12.404–6 Payrolls and statements.

* * * * *

(b) * * *

(5) The labor standards provisions of the contract are physically incorporated in all subcontracts.

* * * * *

20. In § 8–12.404–7, paragraph (c) is amended to read as follows:

§ 8–12.404–7 Investigations.

* * * * *

(c) When a routine review, conducted by a representative of the contracting officer, indicates that there is a need for a more thorough investigation, the contracting officer shall request that a special investigation be conducted. He will submit his request, together with the material, which he believes justifies the investigation, to the Director, Supply Service. The contracting officer shall inform the contractor that in accordance with the terms and conditions of his contract, funds are being withheld from payments due him to cover possible labor compliance violations and that he (the contractor) will be informed as the facts are developed.

21. Section 8–12.404–13 is revised to read as follows:

§ 8–12.404–13 Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work-Hours Standards Act.

The authority of the Administrator to make the determinations set forth in FPR 1–12.404–13, is delegated, without power of redelegation, to the Director, Supply Service. When the amount involved is in excess of $100, the Director, Supply Service, will submit his recommendation and that of the contracting officer to the Department of Labor for the Department's determination. The contracting officer will be advised of the final action to be taken and the contract file will be documented to show this action.

22. Section 8–12.803–1 is revised to read as follows:

§ 8–12.803–1 Government contracts.

(a) Government bills of lading shall contain the nondiscrimination in employment clause set forth in Executive Order 11246 (30 F.R. 12319, 12935). Pending revision of this form the following shall be placed on all copies of the bill of lading:

NONDISCRIMINATION IN EMPLOYMENT BY GOVERNMENT CONTRACTORS AND SUBCONTRACTORS

The provisions of the nondiscrimination in employment clause set forth in section 202 of Executive Order 11246, revised, are incorporated herein by reference.

(b) When a shipment is authorized to move on a commercial bill of lading with conversion to a Government bill of lading at destination, the shipper shall be instructed to insert the clause required by paragraph (a) of this section, on the face of the commercial bill of lading.

23. Sections 8–12.803–50 and 8–12.803–51 are added to read as follows:

§ 8–12.803–50 Preaward equal opportunity compliance review—bids or offers of $1 million or more.

(a) Upon receipt of a bid or offer for supplies in an amount of $1 million or more the contracting officer will immediately furnish the Veterans Administration Contracts Compliance Officer (09) the following information:

(1) The name and address of the apparent low bidder or offeror.

(2) The name of the official signing the bid or proposal.

(3) The dollar amount of the bid.

(4) Names and addresses of known first tier subcontractors.

(5) The date on which bidder's or offeror's bid proposal will expire.

(b) The Contracts Compliance Officer will, from information available to him, advise the contracting officer that:

(1) The Equal Employment Opportunity Programs of the prospective contractor and each of his known first tier subcontractors have been reviewed within 6 months of the expected date of award, therefore no preaward survey need be conducted; and

(2) Information available to the Contracts Compliance Officer indicated that the prospective contractor and his known first tier subcontractors are able to comply with the provisions of the Equal Employment clause; or

(3) No compliance review of the prospective contractor or his known first tier subcontractors having been made within 6 months of the expected date of award, action to accomplish such a review has been initiated. This review will be completed prior to the expected date of award and the contracting officer advised as to whether the award should or should not be made.

§ 8–12.803–51 Notification to Department of Labor.

The Veterans Administration Contracts Compliance Officer will forward to the Office of Federal Contracts Compliance, Department of Labor, a written notification on each preaward survey that is conducted. This notification shall be submitted within 30 days after completion of the survey.

24. Sections 8–12.805–1, 8–12.805–3, 8–12.805–4, 8–12.805–6, 8–12.812, and 8–12.850 are revised to read as follows:

§ 8–12.805–1 Duties of agencies.

The Director, Investigation and Security Service, Central Office, is the Veterans Administration Contracts Compliance Officer and is responsible to the Administrator for carrying out the responsibilities of the agency under FPR 1–12.8.

§ 8–12.805–3 Posting of notices.

(a) At the time of award, VA Form 3–2137, Instructions to Contractors Pertaining to Equal Employment Opportunity Poster and to the "Notice to Labor Unions or Other Organizations of Workers—Nondiscrimination in Employment," Standard Form 38, will be used to forward to the contractor the notices required by FPR 1–12.805–3 and to advise the contractor of his responsibilities under the Equal Opportunity clause of the contract.

(b) Each instance of a contractor's inability to utilize either the nondiscrimination poster or Standard Form 38, Notice to Labor Unions or Other Organizations of Workers—Nondiscrimination in Employment, shall be reported promptly by the contracting officer to the Veterans Administration Contracts Compliance Officer (09). A similar report shall be made of each instance that a labor union or other organization of workers refuses or declines to accept Standard Form 38 from the contractor concerned.

§ 8–12.805–4 Compliance reports.

The annual filing date for Standard Form 100 is March 31.

§ 8–12.805–6 Complaints.

All complaints involving the Equal Employment Opportunity Program received by the contracting officer shall be immediately forwarded to the Veterans Administration Contracts Compliance Officer (09) for resolution.

§ 8–12.812 Rulings and interpretations.

Questions concerning the application or interpretation of instructions on the Equal Employment Opportunity Program in Government contracting will be referred to the Veterans Administration Contracts Compliance Officer (09). If a ruling or interpretation by a higher authority is required it will be secured and the contracting officer advised.

§ 8–12.850 Report of contract award.

Within ten (10) work days after awarding a contract that is subject to Executive Order 11246, as amended, the contracting officer shall forward to the Veterans Administration Contracts Compliance Officer (09), VA Form 07–2140, Report of Contract Award.

25. In § 8–12.851, paragraphs (a) and (c) are amended to read as follows:

§ 8–12.851 Nonaward of contract.

(a) From time to time the Office of Federal Contracts Compliance may designate certain firms to whom no contract will be awarded until a satisfactory compliance report has been received.

The Veterans Administration Contracts Compliance Officer shall compile and keep current a list of all contractors so designated. This list shall be furnished to all Veterans Administration contracting officers.

* * * * *

(c) Where a prospective contractor indicates that he will not comply with the provisions of the clause, his bid or proposal must be rejected as nonresponsive. Reports of such instances and their consequences will be referred to the Veterans Administration Contracts Compliance Officer (09) for such further action as may be indicated.

26. Section 8–12.852 is revised to read as follows:

§ 8–12.852 Noncompliance.

Any apparent breach of the nondiscrimination provision will be reported promptly by the contracting officer, directly to the Veterans Administration Contracts Compliance Officer (09) who shall furnish the contractor an opportunity to take the correction action necessary to place him in compliance with the nondiscrimination provisions. The contracting officer will be advised as to any future action which must be taken by him with respect to the contractor and his present or future contracts.

27. Sections 8–12.853 and 8–12.854 are revoked:

§ 8–12.853 Preaward survey. [Revoked]

§ 8–12.854 Notification to Department of Labor. [Revoked]

PART 8–52—CONTRACT ADMINISTRATION

28. Section 8–52.101 is revised to read as follows:

§ 8–52.101 Scope.

This subpart applies to all contracts whether advertised or negotiated, except those construction contracts entered into by the Central Office Construction Contracting Officer and architect-engineer contracts, utility connection agreements and other site facilities agreements entered into by the Central Office Architect-Engineer Contracting Officer.

29. In § 8–52.106, paragraph (c) is amended to read as follows:

§ 8–52.106 Representatives of Contracting Officers; receipt of equipment, supplies, and nonpersonal services.

* * * * *

(c) The Chief, Medical and General Reference Library in Central Office is hereby designated as the representative of the contracting officer to receive, inspect, and accept library books, newspapers, and periodicals. Purchase documents will specify delivery direct to the library.

PART 8–75—DELEGATIONS OF AUTHORITY

30. In § 8–75.101, paragraphs (a) and (b) are amended to read as follows:

§ 8–75.101 Delegation.

(a) Except as otherwise provided for by law, VA Regulations and these procurement regulations, the authority vested in the Administrator to execute, award, and administer contracts, purchase orders, and other agreements for the expenditure of funds involved in the acquisition of personal property, or services (excluding construction and architect engineer service), and for the sale of personal property, is hereby delegated to those employees of the Veterans Administration appointed or designated to the following positions:

(1) Chief Medical Director.
(2) Manager, Administrative Services, Central Office.
(3) Director, Supply Service.
(4) Assistant Director, Supply Service for VA Supply Depots.
(5) Assistant Director, Supply Service for Marketing.
(6) Chief, Purchase and Contract Division, Central Office.
(7) Head of a Veterans Administration Field Station. (NOTE: Heads of field stations receiving supply support from another Veterans Administration station will exercise this authority only in an extreme emergency or when normal supply channels cannot be utilized.)
(8) Chief, Supply Division, Veterans Administration Field Station.
(9) Chief, Business Services Division, Veterans Administration Field Station.
(10) Director, Building and Supply Service, Central Office.
(11) Chiefs, Marketing Divisions, VA Marketing Center.

(b) The contracting officers named in paragraph (a) of this section may designate one or more of their subordinates as a contracting officer and authority is hereby delegated to such subordinates, to execute, award and administer contracts, purchase orders, and other agreements for the acquisition of supplies, equipment, nonpersonal services, and for the sale of personal property. Designations will be in writing, specially state the scope and limitation of the designee's contractual authority and shall be confined to only those subordinates who are actively engaged in purchasing and contracting functions.

* * * * *

(Sec. 205(c), 63 Stat. 390, as amended; 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114; 38 U.S.C. 210(c))

These regulations are effective 45 days after publication in the FEDERAL REGISTER.

Approved: May 10, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 67–5426; Filed, May 15, 1967; 8:48 a.m.]

Chapter 9—Atomic Energy Commission

PART 9–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 9–4.51—Washington-Designated Research Agreements and Contracts With Educational Institutions

Subpart 9–4.51 — Washington-Designated Research and Development Contracts with Educational Institutions, is revised to read as follows:

Subpart 9–4.51 — Washington-Designated Research Agreements and Contracts With Educational Institutions

Sec.

9–4.5100 Scope of subpart.
9–4.5101 Definitions.
9–4.5102 General.
9–4.5103 Research program objectives.
9–4.5104 Contract objectives.
9–4.5105 Submission of research proposals.
9–4.5106 Selection, preparation, and award of research contracts.
9–4.5106–1 General.
9–4.5106–2 Responsibilities.
9–4.5106–3 Review of research proposals.
9–4.5106–4 Notice of selection or rejection.
9–4.5106–5 Selection of AEC Field Office.
9–4.5106–6 Information to be furnished to Managers of AEC Field Offices.
9–4.5106–7 Changes in scope and level.
9–4.5106–8 Notification of contract execution.
9–4.5107 Standard contract forms.
9–4.5107–1 General.
9–4.5107–2 Special research support agreements.
9–4.5107–3 Cost-type contract.
9–4.5108 Ownership of property.
9–4.5109 Reporting requirements.
9–4.5109–1 Purpose of reports.
9–4.5109–2 Summary—200 words.
9–4.5109–3 Progress reports.
9–4.5109–4 Technical reports.
9–4.5109–5 Special reports.
9–4.5109–6 Final report.
9–4.5109–7 Equipment report.
9–4.5109–8 Summary and distribution of reports.
9–4.5110 Dissemination of results.
9–4.5110–1 Prompt dissemination.
9–4.5110–2 Publication.
9–4.5111 Extension of contracts.
9–4.5111–1 Renewal proposals.
9–4.5111–2 Evaluation of requests for renewals.
9–4.5111–3 Authorization to renew.
9–4.5112 Administration.
9–4.5112–1 Responsibilities of AEC Headquarters Program Divisions.
9–4.5112–2 Responsibilities of AEC Field Offices.
9–4.5112–3 Payments under special research support agreements.
9–4.5112–4 Payments under cost-type contracts.
9–4.5112–5 AEC approval of deviations in performance and other specified actions.
9–4.5112–6 Auditing.
9–4.5112–7 Security.
9–4.5112–8 Patents.

AUTHORITY: The provisions of this Subpart 9–4.51 issued under sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

§ 9–4.5100 Scope of subpart.

This subpart sets forth policies and procedures applicable to the negotiation and administration of Washington-designated special research support agreements and cost-type contracts for off-site basic research with educational institutions. To the extent applicable, these procedures should also be followed for Washington-designated contracts for off-site applied research with educational institutions, for basic or applied research with other "not-for-profit" institutions, and for educational and training activities with educational or other "not-for-profit" institutions.

§ 9–4.5101 Definitions.

(a) The term "Washington-designated contract" as used hereafter in this subpart means a special research support agreement or a cost-type contract which results from a directive to an AEC Field Office from any of the AEC Headquarters Program Divisions of Research, Biology and Medicine, Reactor Development and Technology, or Isotopes Development to enter into or continue such a contract on the basis of an approved research proposal.

(b) The term "contractor" means the educational or not-for-profit institution which enters into an agreement or contract with the Atomic Energy Commission for the performance of specified research.

(c) The term "research proposal" means a request by an institution for AEC support of a research project, together with a detailed description of the project and its relationship to the atomic energy program, and detailed information as to background and experience of principal investigators, facilities, and environment of the institution, and cost and cost-sharing arrangements, if any.

§ 9–4.5102 General.

The Atomic Energy Commission by statute is permitted to participate only in programs of research that are related to atomic energy.

§ 9–4.5103 Research program objectives.

(a) Under section 31a of the Atomic Energy Act of 1954, the AEC is directed to exercise its powers in such manner as to insure the continued conduct of research and training activities and to assist in the acquisition of an ever-expanding fund of theoretical and practical knowledge in the following fields:

(1) Nuclear processes;

(2) The theory and production of atomic energy, including processes, materials, and devices related to such production;

(3) Utilization of special nuclear material and radioactive material for medical, biological, agricultural, health, or military purposes;

(4) Utilization of special nuclear material, atomic energy, radioactive material, and processes for other purposes, including industrial uses, the generation of usable energy, and the demonstration of the practical value of utilization or production facilities for industrial or commercial purposes;

(5) The protection of health and the promotion of safety during research and production activities.

§ 9–4.5104 Contract objectives.

(a) Washington-designated research contracts are entered into by negotiation (as distinguished from formal advertising) under the authority of section 31c of the Atomic Energy Act of 1954 and section 302(c)(5) of the Federal Property and Administrative Services Act of 1949. In planning, negotiating, and administering such contracts, the objectives of AEC are to:

(1) Assure a continuing flow of new knowledge in fields related to the responsibilities of the AEC;

(2) Respect the traditions of the contracting institution and encourage the quest for new knowledge without restrictions on scientific initiative, to the extent compatible with the laws and the protection of the public interest;

(3) Provide reasonable levels of support which will increase the national capability in nuclear energy fields and enable the contracting institution to strengthen its research programs in areas of interest to AEC;

(4) Maintain effective contact with the scientific community so that:

(i) Scientists and students will be encouraged to expand their interests in fields of importance to the AEC program;

(ii) The scientific strength of the country can be brought to bear more effectively on AEC problems;

(iii) The AEC will be continuously aware of developments of value to its activities in the academic communities; and

(iv) An adequate supply of suitably trained scientists will be available for employment within the atomic energy program.

(b) The contractor is responsible for conducting the research and is expected to carry out the project or projects in a manner consistent with agreed-upon contract objectives and requirements; these include the obligation to comply with applicable laws and regulations, including the AEC's regulatory requirements. The contractor is generally expected to follow its normal business practices and to utilize its existing accounting system.

§ 9–4.5105 Submission of research proposals.

(a) Proposals for AEC assistance are usually initiated by scientists interested in doing the research. In some cases, however, the AEC may request investigators to undertake research of particular interest to the AEC. Prior to submitting a proposal, the interested scientist may discuss the project informally, either by letter, telephone, or personal visit with a member of the AEC Headquarters Program Division that has the greatest interest in the work. Also, following an informal discussion, a formal proposal may be requested. The proposal should be submitted to the appropriate AEC Headquarters Program Division and should indicate:

(1) Identity and background of the project;

(2) Objective of the investigation;

(3) Approximate types and number of personnel who would be utilized, and an approximation of the time to be devoted to the project work;

(4) Facilities, equipment, and other wherewithal to be used; and

(5) Amount of money sought from AEC which, together with the institution's contributions (if any), would enable the work to be performed.

(b) Each formal proposal shall be prepared in the manner and form outlined in the "Guide for the Submission of Research Proposals," copies of which may be obtained from the U.S. Atomic Energy Commission, Washington, D.C. 20545. Preliminary inquiries regarding support should be referred to the appropriate AEC Headquarters Division. (See AECPR 9–4.5101(a).)

§ 9–4.5106 Selection, preparation, and award of research contracts.

§ 9–4.5106–1 General.

In order to maintain a comprehensive and well-integrated research program, AEC evaluation of research proposals and selection of educational institutions to conduct scientific research is centralized in AEC Headquarters. However, AEC Field Offices in close proximity to the contractor are assigned responsibility for handling the final contract arrangements and nontechnical administration of such contracts.

§ 9–4.5106–2 Responsibilities.

(a) *Headquarters Program Divisions.* The AEC Headquarters Program Divisions interested in the particular research are responsible for evaluating the technical aspects of proposals and the amount of requested support. Such divisions also review the prospective contractor's cost and other estimates to determine the reasonableness, the propriety, and advisability of proceeding with the project, as proposed or as the proposal may in effect be amended. Specifically, Directors of AEC Headquarters Divisions are responsible for:

(1) Selecting and approving research proposals and determining the amount of AEC support;

(2) Reviewing the items in the proposal budget or itemized account of the proposed work, and, if necessary, the assistance of the appropriate AEC Field Office may be requested;

(3) Determining the ownership of property;

(4) Reviewing and following the technical progress of the work;

(5) Providing contractors with the technical guidance and direction as may be required to meet broad program objectives; and

(6) Keeping the AEC Field Offices fully informed of technical correspondence and discussions with contractors that may have contractual or nontechnical administrative implications.

(b) *Field Offices.* AEC Field Offices are responsible for the consummation

of contracts with the specified institution in accordance with directives from AEC Headquarters Program Divisions, and administering and making payments under such contracts. Specifically, Managers of AEC Field Offices are responsible for:

(1) Finalizing and executing the contract (where necessary, obtaining further instructions from the AEC Headquarters Program Division);

(2) Administering the contracts in accordance with their terms and conditions and making payments thereunder;

(3) Providing technical and administrative assistance requested by AEC Headquarters Division Directors.

§ 9–4.5106–3 Review of research proposals.

(a) *Use of consultants.* If, in the judgment of the AEC Headquarters Program Division, an appraisal from representatives of the scientific community is required, reviewers may be selected on the basis of their familiarity with either the field of research or the competence of the investigator.

(b) *Field participation in proposal evaluation.* Occasionally, the AEC Headquarters Program Division may find it necessary in considering research proposals to obtain additional information from the research institution or to visit the site. In some cases, the comments, assistance, or participation of staff members of the appropriate AEC Field Office will be requested.

(c) *Review of major elements.* At the time it reviews a research proposal, the sponsoring AEC Headquarters Program Division shall review the prospective contractor's budget or itemized account of the proposed work and activities and the materials, equipment, and facilities involved, for the purpose of reaching mutual understanding of the estimated cost of the research to be contracted for and the other major aspects of the contract in contemplation. Questions about the cost elements that require further investigation may be referred to the appropriate AEC Field Office when the contract is authorized.

§ 9–4.5106–4 Notice of selection or rejection.

The proposer shall be notified by the AEC Headquarters Program Division of the decision to support or reject the proposal. In the event of approval, this notification shall advise: (a) That the proposal has been selected for support subject to completion of a satisfactory contract, (b) which AEC Field Office will execute the contract, and (c) that the AEC assumes no obligations until a contract has been executed. A copy of the notice of approval shall be sent to the AEC Field Office concerned.

§ 9–4.5106–5 Selection of AEC Field Office.

When the AEC Headquarters Program Division has determined that a proposal will receive AEC support, an appropriate AEC Field Office will be requested to make the final contract arrangements with the institution concerned. Usually the AEC Field Office geographically nearest to the research institution will be selected, but occasionally other factors such as existing contractual relationships, will make the selection of some other AEC Field Office desirable.

§ 9–4.5106–6 Information to be furnished to Managers of AEC Field Offices.

The sponsoring AEC Headquarters Program Division shall provide the appropriate AEC Field Office with an authorizing directive early enough (usually 4 weeks) to permit timely consummation of the contract before the work is scheduled to start. The following shall be furnished:

(a) A copy of the detailed proposal and any modifications;

(b) Copies of correspondence with the research institution that are pertinent to the completion of the contract negotiation or that have some specific significance as to the preliminary review or arrangements made with the institution; and

(c) An authorizing directive (generally Form AEC–481, "Contract Authorization") which:

(1) Authorizes the execution of a specific type of contract for a specified term, with AEC support limited to a specified amount or a specified percentage of costs up to a specified Support Ceiling;

(2) Summarizes the background of the proposal and any pertinent discussion not reflected in the papers attached to the memorandum;

(3) Indicates the extent to which the scope of the work proposed has been approved;

(4) Indicates the principal investigator and other necessary details;

(5) Indicates the total estimated cost of the research and other major aspects of the contract, by reference to the proposal or otherwise;

(6) Indicates whether title to property to be acquired under the contract is to be vested in the AEC or the contractor;

(7) Indicates whether restricted data is likely to be used or developed in the course of the work and such classification and security determination as may be appropriate;

(8) Indicates directions for special reports, if any;

(9) Gives such additional information as may assist the Field Office in the finalization of the contract; and

(10) Designates the appropriate organizational unit of AEC Headquarters Program Division and individual that will have technical cognizance over the work under the contract.

§ 9–4.5106–7 Changes in scope and level.

After a contract has been authorized by the AEC Headquarters Program Division, and prior to execution of a contract, the Field Office shall not approve any significant change in technical scope, funding, specified result, performance, principal investigator, or other major aspect of the work without AEC Headquarters Program Division prior approval.

§ 9–4.5106–8 Notification of contract execution.

Promptly after execution of a contract, the appropriate AEC Headquarters Program Division should be notified of such action.

§ 9–4.5107 Standard contract forms.

§ 9–4.5107–1 General.

Outlines of standard contract forms for special research support agreements and cost-type contracts with educational institutions, for research performed in facilities owned or controlled by the contractor (as distinguished from Government-owned or -controlled facilities), are set forth in AECPR 9–16.5002–8 and 9–16.5002–9, respectively. It is intended to provide through these documents a vehicle by which research tasks can be accomplished with a minimum of administrative effort. It is therefore important that such contracts be written in such a manner as to assure the complete understanding of the parties as to the job to be performed and the financial and administrative details connected therewith. Of special consideration is the nature of research contracting in contrast to the procurement of supplies or activities of a production nature. It is recognized that wide research latitude in the conduct of research by the institutions is generally desirable and the standard contract forms were designed to permit such latitude in the overall establishment of the rights and obligations of the parties.

§ 9–4.5107–2 Special research support agreements.

(a) The special research support agreement, outlined in AECPR 9–16.5002–8, is generally used for basic research with educational institutions when the annual AEC support under the agreement does not exceed $250,000. It provides for payment to the contractor of a specified amount, which is referred to as the Support Ceiling, and for adjustment of the amount if total costs are less than expected. Payment shall be made in consideration for the contractor's performance of research activities described in the contract and in accordance with the provisions of the contract. In the majority of cases the contractor proposes to share, on a percentage basis, in the cost of the work conducted under the contract, although this is not a prerequisite for AEC support. Certain deviations in performance and other actions require AEC approval as stated in AECPR 9–4.5112–5.

(b) The contract will state in Appendix A the estimated total project cost for the specified contract period, with costs identified by principal categories, e.g., salaries, supplies, equipment, travel, and overhead costs. The percent of the total cost to be borne by the AEC will be set forth in Article III of the contract, with the provision that the charges to the AEC will not exceed the specified Support Ceiling set forth in the contract. The percent of total cost referred to above will be 100 percent when no cost-sharing is involved. The contractor shall have the

right to discontinue performance of research under the contract, upon written notice to the AEC, at any time when or after the costs chargeable to the AEC equal or exceed the Support Ceiling.

(c) The contractor will be required to furnish a certified statement (annually—within 3 months after the expiration of the annual contract period—and at the termination or expiration of the contract) signed by the principal investigator and an official of the institution showing the total cost (see definition of "total cost" in AECPR 9–16.5002–8, Article B–XXVII) of the project during the prior contract period. The statement should follow the format of Appendix C of the contract and provide a basis for comparison with the approved budget as provided in Appendix A of the contract (see AECPR 9–16.5002–8, Article B–XXVII).

(d) If the special research support agreement outlined in AECPR 9–16.5002–8 is to be used for not-for-profit organizations other than educational institutions, Article B–XXVII, Determination of Total Costs, should be revised to provide that the AEC's commercial cost principles (AECPR 9–15.50) will be used in determining actual cost, or the contract provisions may be revised at the direction of the cognizant AEC Program Division to provide for a lump-sum payment to the contractor in consideration for its commitment to perform particular research at a specified level of effort.

§ 9–4.5107–3 Cost-type contract.

The standard cost-type contract for research by educational institutions, outlined in AECPR 9–16.5002–9, is generally used when the annual AEC support under a contract exceeds $250,000, or when the cost of the project cannot be estimated in advance with reasonable accuracy. In many cases the contractor shares in the cost of the work conducted under the contract, although this is not a prerequisite for AEC support (see Article III of AECPR 9–16.5002–9). The contract provides for reimbursement to the contractor of allowable costs incurred, within a specified ceiling, for performance of the research in accordance with the provisions of the contract. Allowable costs are determined in accordance with Bureau of the Budget Circular A–21, FPR 1–15.3, and AECPR 9–15.103. (For cost-type contracts with not-for-profit institutions other than educational institutions, reimbursement of costs is in accordance with the applicable AEC commercial cost principles.) Certain deviations in performance and other actions under the contract require AEC approval as specified in the contract. Such approval requirements will be in accordance with AECPR 9–4.5112–5.

§ 9–4.5108 Ownership of property.

(a) Pursuant to Public Law 85–934, title to equipment purchased or fabricated with funds provided by AEC under contracts for the conduct of basic or applied scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research where it is deemed to be in furtherance of the objectives of AEC, may be vested in the contractor.

(b) In addition to the authority referred to in paragraph (a) of this section, title to items of equipment and other personal property acquired by the contractor performing research may also be vested in the contractor as part of the contract arrangement, when considered appropriate from the point of view of legal considerations and the best interest of the Government.

§ 9–4.5109 Reporting requirements.

§ 9–4.5109–1 Purpose of reports.

Research reports from contractors are necessary to provide AEC, and, where appropriate, the public, with a record showing the progress achieved under projects receiving AEC support. In many instances, the research reports are of value in making information available to scientists working on closely allied problems.

§ 9–4.5109–2 Summary—200 words.

Immediately after a contract is negotiated, a summary of approximately 200 words (SIE form) covering the purpose and scope of the project should be sent by the contractor to the appropriate AEC Field Office. In connection with each renewal proposal, the 200-word summary should be revised to include the significant results and conclusions of the former year's work and a statement of the scope and objectives of the following year.

§ 9–4.5109–3 Progress reports.

Progress reports should briefly describe the scope of the investigations undertaken and the significant results obtained. They should also explain any significant differences between the actual level of activity (expressed in the various categories of man months, facilities procured, travel performed, etc.) and that contemplated in the contract.

§ 9–4.5109–4 Technical reports.

Technical reports and articles prepared for publication during the period covered should be listed with bibliographic references. Reprints or preprints of all such material should be appended and material contained in them need not be duplicated in the report.

§ 9–4.5109–5 Special reports.

Special reports or additional progress, status, or topical reports may be requested when needed by the appropriate AEC Headquarters Program Division or AEC Field Office or may be submitted as deemed necessary by the contractor. For example, brief status reports may be requested when developments are of immediate interest or when a significant point in the investigation has been reached.

§ 9–4.5109–6 Final report.

A final report summarizing the entire investigation shall be required from the contractor upon expiration of each contract. Satisfactory completion of a contract will be contingent upon the receipt of this report. The final report should follow the outline agreed upon for progress reports or, when a project has extended over a long period of time, the final report may refer to previously submitted technical reports for details and may be a synopsis of the entire project. Manuscripts prepared for publication should be appended.

§ 9–4.5109–7 Equipment report.

(a) An equipment report itemizing equipment having an anticipated service life of 1 year or more and an acquisition cost in excess of $100, either purchased or fabricated, when title to such equipment is vested in the contractor pursuant to the Grant Act (P.L. 85–934—42 U.S.C. 1891–1893), shall be furnished by the contractor immediately following the expiration of the contract year, in accordance with Appendix A of the special research support agreement set forth in AECPR 9–16.5002–8 (omit any item covered by Article V, Government Property, of this contract), and in accordance with the requirements of Appendix A–III of the cost-type contract set forth in AECPR 9–16.5002–9. Where the cost of individual pieces of equipment exceeds $1,000, they shall be listed individually. Where individual items cost between $100 and $1,000, they shall also be listed individually to the extent practicable, or grouped in general categories, such as "electronics equipment" or "six motors," with the total dollar amount of such category. The cost of purchased items shall be determined by the actual invoice cost of such items, but the cost of fabricated items may be established by engineering estimates.

(b) In order to satisfy the requirements of the Grant Act (Public Law 85–934), Managers of Field Offices shall forward to the Controller, Headquarters, not later than March 15 of each year, the original and one copy of each equipment report referred to in paragraph (a) of this section identifying each item purchased with AEC funds, submitted by contractors for the preceding calendar year.

§ 9–4.5109–8 Summary and distribution of reports.

A table summarizing the various types of reports, time for submission, number of copies and distribution is set forth below. The distribution and schedule of reports shall be as prescribed in this table, unless the authorizing program division specifies otherwise. Frequently, an annual progress report and a 200-word summary are sufficient for fundamental research, but additional reporting may be required in many cases. These reports are prepared by the contractor and submitted to the appropriate AEC Field Office for distribution. The AEC Field Office shall transmit these reports with a covering memorandum indicating: (a) The other AEC offices receiving the documents, (b) the name of the contractor, and (c) the contract number. Each copy of the document should bear the contract number.

DISTRIBUTION AND SCHEDULE OF DOCUMENTS

Type	When due	No. of copies	Disposition of copies	Remarks
1. Summary: 200 words on scope and purpose (S.I.E. Form).	At start of initial contract and each renewal period.	4	Field office (1); appropriate HQ Division (3).	
2. Renewal proposal	Not later than 3 months nor earlier than 6 months before contract expires.	6	Field office (2); appropriate HQ Division (4).	Bind separately from annual progress report.
3. Annual progress report.	With renewal proposal	7	Field office (2); appropriate HQ Division (4); DTIE (1).[1]	Bind separately from renewal proposal.
4. Other progress reports (brief topical reports, etc.).	As deemed necessary by investigator or as specifically requested by appropriate HQ Division.	7, or as requested.	do	Desired when significant results develop or when work has direct programmatic impact.
5. Reprints	As soon as available	7	do	Form AEC-427 not required with DTIE copy.
6. Manuscripts of journal articles.	When submitted to journal.	7	do	
7. Manuscripts of oral presentations.	When submitted to conference.	7	do	Abstracts will suffice if manuscript not available.
8. Final report	When contract is completed.	6	Field office (2); appropriate HQ Division (2); DTIE (1);[1] HQ Patent Br. (1).	

[1] DTIE copies should be accompanied by one copy of Form AEC-427 (except as noted above for Item 5, reprints) and should be sent to the contract administrator for transmittal to DTIE.

§ 9–4.5110 Dissemination of results.

§ 9–4.5110–1 Prompt dissemination.

Prompt dissemination of research results to the scientific community is encouraged. Publication in open literature is recognized as the normal and most desirable means for reporting the finding of unclassified fundamental research. Although the AEC reserves the right to utilize, and have others utilize, to the extent it deems appropriate, the reports resulting from research contracts, the AEC will attempt, to the maximum extent reasonably practicable and consistent with the Government's best interest, to permit the institutions and the authors to effect their own publication in established technical journals. (See AECPR 9–9 for copyright requirements which must be observed.)

§ 9–4.5110–2 Publication.

(a) Contractors are urged to publish results through normal publication channels. As a further inducement, page charges or other printing assessments for publishing articles in recognized scientific journals or any additional costs incurred in obtaining a limited supply of reprints of articles will be considered an appropriate budget item under contracts receiving AEC support where:

(1) The document reports work supported by the Government;

(2) The charges are levied impartially on all research papers published by the journal, whether by non-Government or by Government authors;

(3) Payment of such charges is in no sense a condition for acceptance of manuscripts by the journal;

(4) The journals involved are not operated for profit;

(5) The author does not receive an emolument for the research paper.

(b) A credit line should be included in any such publication to indicate that the research has been supported, in whole or in part, by the AEC. A patent check shall be made in advance of release to the public of any material prepared for publication. Generally, however, in the case of most basic research projects, the principal investigator may publish without prior AEC approval, unless he determines that the material being released may disclose an invention. (See par. (b) in Appendix B–III of AECPR 9–16.5002–8 and Appendix B–6 of AECPR 9–16.5002–9.)

§ 9–4.5111 Extension of contracts.

§ 9–4.5111–1 Renewal of proposals.

(a) Where additional time, beyond the current expiration period, is required to continue or complete the work, the contractor should submit six copies of a renewal proposal to the AEC Field Office that has administrative jurisdiction of the existing contract, not later than 3 months nor earlier than 6 months before the date of expiration of the contract.

(b) The renewal proposal should outline and justify a proposed program and budget for the succeeding year, showing in detail the total estimated cost of the project, together with the amount that will be contributed by the contractor and the amount requested of the AEC. It should include the same type of information as that required for initial proposals or reference this information to the extent contained in earlier proposals. Any contemplated change in program or scope for the ensuing period should be justified and explained clearly, and the cost estimates and other items should be based upon past experience. In the event a particular item of equipment which is listed in Appendix A for purchase during the current contract period is not expected to be ordered until the subsequent period, the renewal proposal should clearly identify the item, and the proposed budget for the new period should include the cost of the item. In the event an item of equipment, not listed in Appendix A of the current contract, needs to be ordered for purposes of the new contract period before the new contract period starts, it should be specifically identified in the renewal proposal and the approval of the AEC sought so that it may be included in Appendix A for the new contract period. Any deviation from the contract during the current period requiring AEC approval as provided for in the contract, which has not received such AEC approval, should be explained in detail, and the AEC's right to approve or disapprove shall be the same as for a request timely made by the contractor.

(c) The renewal proposal should include a financial statement of the work under the current contract, including:

(1) Total project costs for the current period to date, indicating the amount chargeable to the AEC;

(2) An estimate of the total costs to be incurred during the remainder of the current contract period, indicating the amount chargeable to the AEC; and

(3) Under special research support agreements, the anticipated difference, if any, between the total cost chargeable to the AEC for the current contract period and the AEC Support Ceiling for the current period.

§ 9–4.5111–2 Evaluation of requests for renewals.

(a) Requests for renewals are evaluated by the appropriate AEC Headquarters Program Division in the light of:

(1) Progress report submitted by the contractor;

(2) Research results published in scientific media;

(3) Field visits to the research site by technical personnel;

(4) Contractor's performance; and

(5) Availability of funds and relative importance of projects in relation to other proposed research.

(b) Requests for renewals generally follow the same process of review and evaluation of technical aspects and funding, preparation and execution of the contract, and administration as a new project, although less use would normally be made of outside consultants. Contracts authorized by AEC Headquarters Program Divisions shall not be extended for a new term or on an interim basis or modified in scope without specific prior authorization from the appropriate AEC Headquarters Program Division, unless exceptions have been authorized by Headquarters.

§ 9–4.5111–3 Authorization to renew.

(a) When a determination has been made to extend a contract, the sponsoring AEC Headquarters Program Division shall provide the appropriate AEC Field Office with an authorizing directive early enough (usually about 4 weeks in advance of expiration) to permit an orderly completion of the extension agreement before the expiration date. The authorizing directive should include generally the same type of information provided in the authorization of a new contract,

including pertinent information concerning any changes in scope of work, level of funding, scheduled dates for completion of certain phases of work, target dates for submission of reports, etc.

(b) An authorization to renew a special research support agreement shall also state the estimated total costs for the renewal period, the percentage of costs to be reimbursed by the AEC, and the initial AEC Support Ceiling. In certain situations the initial AEC Support Ceiling may be less than an amount equal to the AEC's share of the total estimated cost. For example, if the renewal proposal indicated that current contract costs chargeable to the AEC would be less than the current AEC Support Ceiling, an equivalent amount may be deducted from the initial Support Ceiling for the renewal period, with the expectation that additional funds would become available after completion of the current period. Under such circumstances the new Support Ceiling would usually remain at the reduced level until actual costs chargeable to the AEC for the expired period have been certified by the contractor (within 3 months after the end of the contract period). Any AEC funds available from the previous period, because costs charged to AEC were less than the Support Ceiling, will be used to increase the Support Ceiling for the renewal period: *Provided*, That any increased Support Ceiling will not exceed an amount equal to the AEC's share of total estimated project costs for the renewal period. If the funds actually available from the previous period are equal to or greater than that originally estimated, the AEC Field Office will issue a written notice to the contractor, increasing the Support Ceiling so that it is equal to AEC's share of the total estimated cost, and will notify the cognizant AEC Headquarters Program Division of the increase and report any additional AEC funds available from the previous period for disposition by the Program Division. In the event the AEC funds available from the previous period are less than originally estimated, the Field Office will request guidance from the cognizant Headquarters Program Division regarding the amount by which to increase the Support Ceiling. Such an increase will include the AEC funds available from the previous period, and such additional amount as is authorized by the AEC Program Division. In no event shall the Government's monetary liability exceed the latest specified Support Ceiling or its specified share of total costs, whichever is less. The simplified example set forth below shows how the AEC Support Ceiling in the renewal period may be revised to reflect estimated and actual costs of the previous period.

	First year	Second year
Desired level of project	$100,000	$100,000
AEC's share of costs	90%	90%
Estimated balance of AEC funds available from previous period	0	$9,000
Amount of new AEC obligation and initial AEC support ceiling	$90,000	$81,000
Maximum possible AEC support ceiling (unless mutually agreed)	$90,000	$90,000
Actual total costs under contract (per certified statement)	$91,000	----------
Actual costs chargeable to AEC (90 percent of total costs)	$81,900	----------
Actual balance of AEC obligation available from previous year	0	$8,100
New AEC support ceiling will be increased to at least	----------	$89,100
Program division may make supplemental obligation of	----------	$900

§ 9–4.5112 Administration.

§ 9–4.5112–1 Responsibilities of AEC Headquarters Program Divisions.

(a) Technical representatives of AEC Headquarters Program Divisions will make, to the extent practicable, periodic site visits, at least once each year on larger projects, and no less than once every 3 years on smaller projects. A written summary of the results of all visits will be prepared and filed promptly upon return to AEC Headquarters. Copies of such reports shall be forwarded to the appropriate AEC Field Office whenever they contain information of administrative interest or other information that the AEC Headquarters Program Division determines is pertinent to the assigned responsibilities of the Field Office. These visits are for the purpose of:

(1) Determining that the research is being performed in accordance with the contract.

(2) Ascertaining that schedules are being met to insure timely submission of interim and final reports.

(3) Determining whether the project has adequate facilities, equipment, and scientific, technical, and other personnel for the specified research.

(4) Ascertaining that any equipment requested for purchase is not reasonably available within the institution.

(5) Assisting the principal investigator to clarify specific technical aspects as work progresses.

(6) Exploring future budget requirements, but without making any commitments either personal or on behalf of the AEC as to the future funding level.

(7) Obtaining information regarding the status of work for administrative and technical purposes of the Program Division sponsor.

(b) AEC Headquarters Program Divisions will provide guidance to the AEC Field Offices in connection with:

(1) Any contractor requests for approval of proposed deviations or other actions requiring AEC approval which are brought to their attention by AEC Field Offices, or which have been brought to their attention through site visits, progress reports, or other contacts with the contractor;

(2) Increasing the obligational authority under any special research support agreement or cost-type contract;

(3) The disposition of any AEC funds available from the previous period under special research support agreements, whenever such guidance is sought by the Field Office;

(4) Whether or not required contractor reports are satisfactory; and

(5) The renewal or closeout of contracts; instructions in this regard should be provided at least 4 weeks prior to the expiration date of a contract.

§ 9–4.5112–2 Responsibilities of AEC Field Offices.

AEC Field Offices are responsible for the following:

(a) Assisting AEC Headquarters Program Divisions, as requested, in carrying out the functions set forth in AECPR 9–4.5112–1.

(b) Performing the necessary administrative functions required by the terms of the contract, and making payments in accordance with the contract.

(c) Revising the Support Ceilings for renewal periods of special research support agreements in accordance with AECPR 9–4.5111–3(b), and requesting Headquarters Program Division guidance for such revisions whenever the AEC funds available from the previous period are less than estimated.

(d) Bringing to the attention of the appropriate AEC Headquarters Divisions:

(1) Any contractor requests for approval which are required by the contract;

(2) Any revision of the Support Ceiling in a renewal period of a special research support agreement which has been made by the Field Office, without Headquarters guidance, in accordance with AECPR 9–4.5111–3(b);

(3) Any funds available from the previous contract period, under any special research support agreement, which are not required to increase the Support Ceiling in a renewal period; and

(4) The upcoming expiration date of a contract whenever required instructions on renewal or closeout have not been received on a timely basis.

(e) Determining whether to use the Grant Act (P.L. 85–934) or the contractor's contribution to the research as the authority for vesting title to equipment in the contractor when authorized to do so pursuant to AECPR 9–4.5106–6(c)(6).

§ 9–4.5112–3 Payments under special research support agreements.

(a) Payments will be made to the contractor during the term of a special research support agreement in accordance with the contract provisions (see Article B–XI of AECPR 9–16.5002–8). The letter of credit procedure, as provided for by Treasury Department Circular No. 1075, Revised, of February 13, 1967, will generally be used when the total of AEC contracts at an institution provide for a continuing annual level of support of $250,000 or more. When the annual level of total AEC support to the institution is less than $250,000, payments will generally be made as follows:

(1) Forty-five percent of the Support Ceiling following execution of the contract;

(2) A maximum of an additional 45 percent of the Support Ceiling upon receipt of a written request from the contractor evidencing that the amount requested is required in connection with the work under the contract; and

(3) A final payment, if appropriate, following submission by the contractor of the annual progress report or final report in form and content satisfactory to the AEC and submission of a certified statement [see AECPR 9–4.5107–2(c)] showing the total cost of the project during the completed annual period and evidencing the institution's performance under the contract, or, at the discretion of the AEC, within a reasonable period of time following the expiration of the annual contract period.

(b) The final payment under both of the procedures referred to in paragraph (a) of this section shall be made on the basis of determinations by the contracting officer that (1) the annual progress or final report is satisfactory, (2) that the research was performed in accordance with the provisions of the contract, and (3) that an additional payment is required to meet the proportion of actual costs which are to be borne by the AEC. If necessary in making the determinations, the contracting officer should obtain advice from the technical personnel of the AEC Headquarters Program Division based upon their visits to and other contacts with the research project during the contract period as well as their technical review of the report. It is expected that the annual progress report and the contractor's certified cost statement will provide an adequate basis for making the determinations required by subparagraphs (2) and (3) of this paragraph. If the determinations cannot be made on the basis of a consideration of the report, visits to and other contacts with the research project during the contract period, and the contractor's certified statement, the contracting officer may invoke the audit provision of the contract. In the event the contracting officer determines that the contractor's performance does not satisfy the contractual undertakings, appropriate steps shall be taken to protect the Government's interests.

§ 9–4.5112–4 Payments under cost-type contracts.

Payments for allowable costs incurred under cost-type contracts will be made in accordance with the provisions of the contract. The letter of credit procedure, as provided for by Treasury Department Circular No. 1075, Revised, of February 13, 1967, will generally be used when the total of AEC contracts at an institution provide for a continuing annual level of support of $250,000 or more. When the annual level of AEC support to the institution is less than $250,000, payments will generally be made once each month upon submission by the contractor of an appropriate invoice or voucher. All payments under cost-type contracts are subject to subsequent audit adjustment.

§ 9–4.5112–5 AEC approval of deviations in performance and other specified actions.

(a) Contractors will be asked to inform the cognizant AEC Field Office as soon as possible of such contemplated deviations and other actions which require AEC approval. Specific deviations and actions which will require such AEC approval include the following:

(1) A change of principal investigator or a reduction of 15 percent or more in the amount of time or effort the principal investigator will devote to the work;

(2) Acquisition of:

(i) An item of equipment which is not specifically itemized in the contract, if the acquisition cost is in excess of $1,000 or 2 percent of the total estimated project cost specified in the contract, whichever is greater, unless such equipment is merely a different model of an item listed in the contract, or

(ii) Any equipment which is not specifically itemized in the contract, if the cost of acquisition will cause the total equipment dollar level shown in Appendix A of the contract to be increased by 10 percent or $500, whichever is less. (If plant and capital equipment funds are provided for the acquisition of equipment, with title to be vested in the Government, the total cost of such equipment acquisitions shall not exceed the amount budgeted for such equipment unless prior AEC approval has been obtained.)

(3) Purchase of any general-purpose equipment, such as office furniture, air conditioning, etc., not specifically provided for in Appendix A of the contract;

(4) The use of budgeted equipment money for travel purposes, or the use of budgeted junior investigator category funds for purchasing equipment (when plant and capital equipment funds are provided for the acquisition of Government property, such funds shall not be transferred to other budget categories, and, conversely, funds from other budget categories shall not be used to acquire such property);

(5) Any proposed foreign travel; and

(6) Such other items as in the judgment of the Program Division or the Field Office, in specific cases need to be separately identified in the contract. (When plant and capital equipment funds are provided for the acquisition of Government property, the Headquarters Program Divisions may require, in specific cases, that such funds shall be used only for acquiring the equipment designated in the contract unless prior AEC approval has been obtained.)

(b) No change in the phenomenon or phenomena under study, i.e., broad category of the research under the contract, shall be made without the specific written approval of the AEC; ordinarily, such changes, if approved by the AEC, will be accomplished through a new contract or a mutually agreed-to modification. The contractor may change the specific objectives in the research work described in the contract, provided it gives the AEC prompt notification of such changes; and the contractor may continue to follow the new objectives while the AEC determines whether it wishes to continue the program under the changed approach.

(c) The AEC Field Office will present (in any manner considered appropriate) all such requests for approval to the cognizant AEC Headquarters Division for consideration, and will issue such authorizations and modifications under the contract as are necessary and appropriate.

(d) Contractors may be requested by the AEC Field Office to provide such statements of the project's financial and program status as are believed necessary for considering requests for approval.

(e) The above approval requirements and procedures shall apply to all special research support agreements for basic research with educational institutions. They shall also apply to all cost-type contracts for basic research with educational institutions unless specifically waived or revised by the cognizant AEC Program Division or unless the Field Office determines that additional approval requirements are appropriate with regard to purchases under the contract. These approval requirements and procedures may also be applied to contracts for applied research with educational institutions and for research with other not-for-profit organizations to the extent deemed appropriate by the cognizant AEC Program Division and the AEC Field Office. In contracts for applied research, paragraph (b) of this section will generally be revised to require AEC prior approval of any change in the specific objectives of the research work.

§ 9–4.5112–6 Auditing.

(a) As a part of the AEC-wide management of the research program accomplished through these contracts, auditing of participating contractors should be carried out by the AEC Field Office administering the contract. The purpose of this program of audit, provision for which is contained in the contracts, is to corroborate that the participating institutions are properly using the funds and equipment provided by the contracts, and to point up any changes needed in the contractual arrangements or in related administrative requirements in order to further the effectiveness of the contracts in accomplishing their intended programmatic research purposes. In addition to the general objectives stated above, the principal specific objectives in the audits of special research support agreements should be to determine (1) that the amounts as submitted in the contractor's certified statement are accurate and were incurred in connection with the contract work; (2) that satisfactory documentary evidence is available in support of the costs incurred; (3) that AEC approval was obtained where required; and (4) that the proportion of total cost charged to AEC is in accordance with the percentage stipulated in the contract. For cost-type contracts, on the other hand, the audit should include a verification, by acceptable audit techniques, of the allowability,

applicability, and reasonableness of the costs charged to the contract work.

(b) The review of special research support agreements will be made on a selective basis with the selected sample including all special research support agreements where the contracting officer requested that an audit be performed pursuant to the provisions of AECPR 9–4.5112–3(b). The audit of cost-type contracts will be in accordance with criteria set forth in section 2.024 of the AEC Audit Handbook.

(c) In the event of termination prior to the expiration date of a cost-type contract or special research support agreement, unless the costs incurred by the contractor are relatively small or can be otherwise adequately corroborated, an audit should be made to determine the nature of the costs and other relevant data for use in arriving at a termination settlement.

(d) While audit is not a prerequisite to AEC's making payments under a contract, audit is necessary prior to making final payment under cost-type contracts and under any special research support agreement where the contracting officer specifically requests an audit to determine whether the research called for by the contract was performed or where other conditions indicate that such an audit is warranted. The results of such audits should be reported to the cognizant AEC Headquarters Program Division.

§ 9–4.5112–7 Security.

As a general rule, it is not anticipated that investigators will need access to classified security information in the conduct of basic research supported or sponsored by the AEC. When, in the judgment of the principal investigator, information is developed which should be classified, he or the contracting institution will notify the appropriate AEC Field Office immediately. When in the opinion of the cognizant AEC Headquarters Program Division, the work moves into a classified area, prompt steps should be taken to notify the contractor and the appropriate AEC Field Office.

§ 9–4.5112–8 Patents.

Article B–VIII(d) of the special research support agreement set forth in AECPR 9–16.5002–8 and Article B–7(d) of the cost-type contract set forth in AECPR 9–16.5002–9 provide for exceptions to the requirement for inclusion of this article in subcontracts, if authorized by the Commission in writing. A letter of exception may be issued, upon request with respect to purchase orders for standard or normal facilities, equipment, materials, and supplies, and other purchase orders for products where the consideration does not include compensation or other allowance for research.

Effective date. These regulations are effective September 1, 1967.

Dated at Germantown, Md., this 10th day of May 1967.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 67–5383; Filed, May 15, 1967; 8:45 a.m.]

PART 9–16—PROCUREMENT FORMS

Subpart 9–16.50—Contract Outlines

MISCELLANEOUS AMENDMENTS

1. Section 9–16.5002–8, *Outline of fixed-price contract for research and development with educational institutions,* is deleted and the following contract outline substituted therefor:

§ 9–16.5002–8 Outline of special research support agreement with educational institutions.

CONTRACT NO. ------.

This agreement, entered into the ------ day of ----------, 19--, effective the ------ day of ----------, 19--, by and between the United States of America (hereinafter referred to as the "Government"), as represented by the U.S. Atomic Energy Commission (hereinafter referred to as the "Commission"), and ----------
---
(hereinafter referred to as the "Contractor").

Witnesseth That:

Whereas, the Commission desires to have the Contractor perform certain research work, as hereinafter provided; and

Whereas, this agreement is authorized by the Atomic Energy Act of 1954, as amended, and section 302(c)(15) of the Federal Property and Administrative Services Act of 1949, as amended;

Now, therefore, the parties agree as follows:

ARTICLE I—THE RESEARCH TO BE PERFORMED

(a) The Contractor shall furnish the personnel, facilities, equipment, materials, and supplies as indicated in Appendix A, endeavor to procure or fabricate the items specified in A–II of Appendix A, and therewith perform to the best of its ability the research provided for in Appendix A and report thereon pursuant to the provisions of this contract (NOTE A). It is understood that Appendix A, a guide to the performance of this contract, may be deviated from by the Contractor subject to the specific requirements of this contract.

(b) This work shall be conducted under the direction of ----------
or such other member of the Contractor's staff as may be mutually satisfactory to the parties.

NOTE A: The description of the research in Appendix A may be omitted and Appendix A appropriately modified to incorporate, by pertinent references to the proposal or other documents, the type of data necessary to describe the research as called for by Appendix A; and where there is no cost-sharing, other features may be referenced in lieu of insertion in Appendix A. In such cases, the referenced material will be retained as part of the permanent contract file.

ARTICLE II—THE PERIOD FOR PERFORMANCE

The period of performance under this contract shall commence on ---------- 19-- and expire on ---------- 19--. Performance may be extended for additional periods by the mutual written agreement of the parties. It is presently expected that this contract will be extended by mutual agreement until ---------- 19--.[1]

ARTICLE III—CONSIDERATION

(a) In full consideration of the Contractor's performance hereunder, the Commission shall pay the Contractor the sum of $------, hereinafter called the "Support Ceiling," which sum shall be subject to adjustment as hereinafter provided.

[1a] (b) Payments to the Contractor shall equal ------ percent of the total cost of performance of this contract, as the term "total cost" is defined in Article B–XXVII: *Provided, however,* And notwithstanding any other provision of this contract, that the Government's monetary liability under this contract shall not exceed the Support Ceiling specified in (a) above. The Commission shall not pay more than the Support Ceiling or ------ percent of the total cost, whichever is less. The Contractor shall be obligated to perform under this contract throughout the pertinent annual period of performance, and to bear all costs which the Commission has not agreed to pay: *Provided, however,* That the Contractor shall have the right to cease to perform the research provided for in this contract, upon written notice to the Commission to that effect, at any time when or after the Support Ceiling on the Commission's liability for any pertinent annual period of performance is reached.

(c) At any time during an annual period of performance subsequent to the initial annual period of performance, the Commission, in its sole discretion, may increase the Support Ceiling for the pertinent annual period of performance by written notice to that effect to the Contractor: *Provided, however,* That the Commission may not unilaterally increase the Support Ceiling to an amount greater than ------ percent of the total estimated project cost specified in the pertinent Appendix A, for said period. No such increase in the Support Ceiling shall be deemed to increase or affect the percentage of total cost which the Commission has agreed to pay for the pertinent period.

(d) Except as provided in (e) below, at the end of each contract period, the Contractor will refund to the Commission, or make such disposition as the Commission may, in writing, otherwise direct, any sums advanced by the Commission to the Contractor under this contract through direct payment or under letter of credit in excess of ------ percent of the total cost of performance, as the term total cost is defined in Article B–XXVII.

(e) If the total amount the Commission is required to pay during an annual period of performance is less than the Support Ceiling established for said period, the difference between said total and the Support Ceiling will be added by the Commission to the Support Ceiling established for the next succeeding contract period, if any: *Provided,* That such addition does not raise the level of the Support Ceiling for the succeeding period above that percentage of the total estimated project cost which the Commission has agreed to pay during said period.

---

[1] This sentence is optional and may be omitted.

[1a] Particular items may be contributed by the Contractor and excluded from any proportioning of cost (e.g., the agreement may be that the Contractor will contribute all the computer time required for the research). Also, items of Government-owned property to be furnished under Article B–IX may be excluded from proportionate cost-sharing. Such exclusions should be shown in Appendix A. Normally, however, only the proportionate sharing method would be used, and it would be applied to all items.

(f) After receipt of an annual certified statement pursuant to Article B–XXVII, which establishes the difference referred to in (e) above, and upon subsequent determination of any amounts the Commission wants to add pursuant to (c) above, the Commission will send a letter notification to the Contractor stating the increased Support Ceiling for the pertinent period. For the purpose only of formalizing the increased Support Ceiling, said letter shall be considered a contractual document. In the same letter the Commission will endeavor to state, for convenient reference, the total amount which the Commission has obligated under the contract from the beginning of the first annual period to date, as adjusted in accordance with this Article, but said statement shall have no evidentiary or contractual effect.

ARTICLE IV—ADDITIONAL CONTRACT PROVISIONS

Appendix B attached hereto and made a part hereof, sets forth additional general contract provisions of this contract.

ARTICLE V—GOVERNMENT PROPERTY

The following items of property procured or fabricated by the Contractor are hereby listed as "Government Property." (List all property and equipment title to which is to remain in the Government. Insert the word "none" if title to all of the property is to be vested in the Contractor.)

[NOTE A.]

In Witness Whereof, the parties have executed this contract.

UNITED STATES OF AMERICA

By: UNITED STATES ATOMIC ENERGY COMMISSION

By: ----------

By: ----------

Title: ----------

NOTE A. If title to property procured or fabricated by the Contractor is to remain in the Government, add appropriate provisions for payment for such property from plant and equipment funds.

If the Contractor is a corporation, add the following:

I, ----------, certify that I am the ---------- of the corporation named as the Contractor herein; that ---------- who signed this contract on behalf of the Contractor was then ---------- of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In Witness Whereof, I have hereunto affixed my hand and the seal of said corporation.

[CORPORATE SEAL]

Contractor ---------- Contract No. ------

APPENDIX A

For the contract period ---------- through ----------.

A–I. *Research to be performed by Contractor.* (Insert description of research activity.)

A–II. *Ways and means of performance:*

(a) Items included in total estimated cost, e.g.:

(1) Salaries and wages.

(List by name(s) the principal investigator(s). List categories of other personnel, according to scientific discipline or other designation, and the number of personnel in each category expected to participate in the research work. Also show the estimated percentage of time or effort to be devoted to the contract work by the principal investigator(s) and each category of other personnel over the contract period.)

(2) Supplies and materials.

(List any significant items of a special nature necessary to carry out the research work. Group all others into a miscellaneous category.)

(3) Equipment to be purchased or fabricated by the Contractor.

(Set forth each piece of equipment to be purchased or fabricated by the Contractor irrespective of whether title is to remain in the Contractor. Where it is not practical to identify each individual piece of equipment, such equipment may be set forth in general classifications as specifically as possible with the total estimated cost of each group of items. However, any individual piece of equipment, the estimated cost of which is over $1,000, will be separately identified. The description of equipment should at least be as detailed as the approved proposal upon which the contract is based. Except where the contract may otherwise specifically provide, equipment for the purpose of this paragraph A–II shall mean an item of personal property having a useful life expectancy in excess of 1 year and an acquisition cost in excess of $100.)

(4) Publications.

(5) Travel.

(6) Other.

(List separately each significant type of cost included in this category. Indicate briefly the kinds of costs that will not be separately identified.)

(7) Indirect costs based upon predetermined rate of ------ percent.

(Show factor or factors of cost to which rate applies—e.g., direct salaries and wages, total cost, etc.)

(b) Items, if any, significant to the performance of this contract, but excluded from computation of total cost and from consideration in proportioning costs (see footnote, Article III):

(1) To be furnished by Contractor:

(2) To be furnished by Government:

A–III. The total estimated project cost of A–II(a) above for the contract period stated above is $------.

Contractor: ---------- Contract No. ------

APPENDIX B

For the contract period ---------- through ----------.

ARTICLE B–I—DEFINITIONS

(a) The term "Commission" means the U.S. Atomic Energy Commission or any duly authorized representative thereof, including the contracting officer except for the purpose of deciding an appeal under the article entitled "Disputes."

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government and includes his successors or any duly authorized representative of any such person.

(c) Except as otherwise provided in this contract, the term "subcontracts" includes purchase orders under this contract.

ARTICLE B–II—INSPECTION, REPORTS, RECORDS AND ACCOUNTS

(a) The Commission shall have the right to inspect, in such manner and at all reasonable times as it deems appropriate, all activities of the Contractor arising in the course of its undertakings under this contract.

(b) The Contractor shall make progress and other reports in such manner and at such times as specified in Article B–XXI. The Contractor shall also make such other reports to the Commission, with respect to its activities under this contract, as the Commission may reasonably require from time to time.

(c) The Contractor agrees to keep records and books of account, in accordance with generally accepted accounting principles and practices, covering its costs and expenditures for the research work under this contract.

(d) The Commission shall at all reasonable times be afforded access to the premises and to these books and records and to related correspondence, receipts, vouchers, memoranda, and other data of the Contractor; and the Contractor shall preserve such books and papers, without additional compensation therefor, for a period of three (3) years after completion of this contract.

ARTICLE B–III—PUBLICATION OF RESULTS

(a) Research results obtained under this contract shall be made available to all through normal and accepted channels without restriction except that no Restricted Data as defined in the Atomic Energy Act of 1954 or other classified information shall be disclosed to unauthorized persons. Published results shall indicate that the research was supported by the Commission. ------ copies of each article submitted by the Contractor for publication shall be promptly sent to the Commission. The Contractor shall also inform the Commission when the article is published and furnish ------ copies of the article as finally published.

NOTE: In determining the numbers of copies to be required, reference should be made to AECPR 9–4.5109–8.

(b) It is recognized that during the course of the work hereunder or subsequent thereto, the Contractor, its employees, or its subcontractors, may from time to time desire to publish, within the limit of security requirements, information regarding technical or scientific developments arising in the course of the contract. In order that public disclosure of such information will not adversely affect the patent interest of the Commission, patent approval for release shall be secured from the Commission prior to any such publication.

(In contracts for Theoretical Physics, High Energy Physics, Medium Energy and Neutron Physics, Mathematics, Computer Techniques and Programing, Medical Studies, Biological Studies, Ecological Studies, Meteorology, Solid State Physics, Geology, Radiation Effects, Theoretical Chemistry, Analytical Chemistry, Crystal Structure, Spectroscopy, Thermodynamics, Chemical Kinetics, Hazards Evaluation, Liquid State Studies, Cryogenics, Environmental Stream Pollution and Site Selection, the following provision may be substituted for the last sentence of Article B–III.)

"In order that public disclosure of such information will not adversely affect the patent interest of the Commission, such information shall be withheld from public disclosure if it discloses an invention, or discovery which shall be promptly reported to the Commission, and in such case, it shall be withheld for a period of four (4) months after submission of the information to the Commission for patent review and possible patent application, unless the Commission approves earlier release."

ARTICLE B–IV—DISCLOSURE OF INFORMATION

Insert AECPR 9–7.5004–22.

ARTICLE B–V—RESPONSIBILITY FOR THE WORK

(a) The Contractor is solely responsible for the conduct of the work.

(b) In instances where the carrying out of the contract work involves a Commission license, the provisions of the pertinent license shall prevail over any inconsistent provisions of this contract.

ARTICLE B–VI—FELLOWSHIPS

The Contractor agrees that, unless the Commission shall give its prior written approval, the Contractor shall not use any of the funds provided by the Commission under this contract to pay the stipend of any appointment for which commensurate services are not rendered under this contract or to

pay any part of the stipend of a fellowship of any kind.

ARTICLE B–VII—WRITTEN MATERIAL

(a) The Contractor hereby grants to the Government a royalty-free, nonexclusive, irrevocable license to reproduce, translate, publish, use and dispose of, and to authorize others to do so, all copyrightable material produced or composed or delivered to the Government or its designees under this contract, including work not first produced or composed by the Contractor in the course of performance under this contract but incorporated in the material produced or composed or delivered under this contract (but only to the extent that the Contractor now has, or prior to final settlement of the contract may have, the right to grant such license to such previously produced or composed work without becoming liable to pay compensation to others solely because of such grant).

(b) The Contractor agrees that except as the Commission may otherwise specifically authorize in writing, the Contractor will not include in any report or other material delivered under this contract, or in any published material relating to the work under this contract, any copyrighted material owned by others which such owners have not consented to have so included.

(c) The Commission will not publish in advance of the Contractor's publication without prior consultation with the Contractor.

ARTICLE B–VIII—PATENTS

Insert AECPR 9–9.5003 modified by deleting paragraphs (d) and (e) and substituting therefor the following paragraph (d):

"(d) Except as otherwise authorized in writing by the Commission, the Contractor will insert in all subcontracts and purchase orders other than purchase orders for standard commercial items, provisions making this article applicable to the subcontract or purchase order. Except as otherwise authorized in writing by the Commission, the Contractor will insert in purchase orders for standard commercial items a provision indemnifying the Government against liability for use of any invention or discovery and for the infringement of any Letters Patent arising by reason of the purchase, use, or disposal by or for the account of the Government of items manufactured or supplied under the purchase order."

ARTICLE B–IX—PROPERTY ITEMS

(a) Except as otherwise provided in this paragraph (a) and paragraph (b) of this Article B–IX, title to all material, supplies, and equipment purchased or otherwise acquired by the Contractor in the performance of its research activities shall be and remain in the Contractor. Said materials, supplies, and equipment shall be used for the benefit of research under this contract and any extensions or successor contracts hereto and, provided there is no interference with said research, shall be made available for use by investigators working on any Federal research agreement at the same location. Subject to these priorities, the materials, supplies, and equipment may be used as the Contractor wishes. Except as otherwise agreed in writing, title to any items of property listed as "Government property" shall pass directly to the Government; such property shall be subject to paragraphs (b), (c), (d), (e), and (f) of this Article B–IX.

(b) Subject to the mutual agreement of the Commission and the Contractor, the Government may furnish the Contractor items of equipment, materials, supplies, or facilities for use by the Contractor in the performance of the contract work; title to these items shall remain in the Government unless otherwise agreed in writing. Such items of property and the items of property listed elsewhere in this contract as Government property, are hereinafter referred to as "Government property." Title to Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government nor shall any such property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(c) To the extent practicable, the Contractor shall cause all items of Government property to be suitably marked with an identifying mark or symbol indicating that the items are the property of the Government. The Contractor shall maintain at all times and in a manner satisfactory to the Commission records showing the use and disposition of Government property. Such records shall be subject to Commission inspection at all reasonable times and the Commission shall at all reasonable times have access to the premises wherein any items of Government property are located. Unless otherwise authorized in writing by the Commission, the Contractor shall use Government property only for the purposes of this contract: *Provided, however,* That the Contractor is hereby authorized to use items of equipment constituting Government property for other Federal research agreements to the extent such use (1) does not interfere with its work under this contract, (2) is not prohibited by provisions of the other Federal agreements, and (3) is promptly reported by the Contractor to the Commission under this contract.

(d) The Contractor shall promptly notify the Commission of any loss or destruction of or damage to Government property. It is understood that the Contractor shall not be liable for any such loss, destruction, or damage, unless same results from wilful misconduct or lack of good faith on the part of any corporate officer of the Contractor, or of one or more of the Contractor's representatives having supervision or direction of all or substantially all of the activities under this contract. If the Contractor is liable for any such loss, destruction, or damage, it shall promptly account therefor to the satisfaction of the Commission; if the Contractor is not liable therefor, and is indemnified, reimbursed, or otherwise compensated for such loss, destruction, or damage, it shall promptly account therefor to the satisfaction of the Commission.

(e) With the written approval of the Commission, the Contractor may sell, transfer, or otherwise dispose of items of Government property to such parties and upon such terms as so approved, or itself acquire title to items of Government property upon such terms as may be mutually agreed upon in writing by the Contractor and the Commission. The proceeds of any such disposition, and any agreed price of any such Contractor acquisition, shall be paid by the Contractor to the Government, or credited on account of Commission payments to be made under this contract, as the Commission may direct. Subject to the other provisions of this contract, the Contractor shall deliver Government property to the Commission upon request (suitably packed and shipped at the Government's expense).

(f) The Contractor shall utilize for the benefit of the work under this contract such items of property available to the Contractor by reason of its activities under other Federal research agreements as are appropriate for utilization under this contract pursuant to the provisions of the pertinent Federal agreements.

ARTICLE B–X—TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

Insert FPR 1–8.704–1.

ARTICLE B–XI—PAYMENTS

(a) The Commission shall make payments to the Contractor with respect to the amount of consideration prescribed in paragraph (a) of Article III of this contract as follows:

(1) Forty-five percent following execution of this contract (and following the effectuation of each extended period).

(2) A maximum of an additional 45 percent upon receipt of a written request or requests from the Contractor evidencing that the amount requested is then required in connection with the work under the contract.

(3) A concluding payment for the pertinent period, if necessary, following submission by the Contractor of the annual Progress Report or final report, provided for in Article B–XXI, in form and content satisfactory to the Commission and submission of a certified statement showing the total cost for the contract period and evidencing the Contractor's performance under the contract.

(b) The payments made pursuant to paragraph (a) above shall not prejudice or otherwise affect adversely any of the Government's rights under the contract. For purposes of settlement in the event of termination pursuant to Article B–X hereof, these payments shall not be construed as evidentiary, and any excess payment in the light of Article B–X shall be promptly returned to the Commission.

(c) All payments under this contract, except the first payment provided in (a) above, will be subject to the submission by the Contractor to the Commission of such invoices or vouchers as are satisfactory to the Commission.

(d) The Commission, at its option, may invoke the following with respect to any amount of the contract consideration remaining to be paid at any given time:

(1) The Commission shall issue a letter of credit as provided for by Treasury Department Circular No. 1075, Revised, of February 13, 1967, under which payments to the Contractor with respect to the amount of consideration provided for in paragraph (a) of Article III of this contract will be made. The Contractor agrees that the first ninety (90) percent of the amount of consideration provided for in said paragraph (a) of Article III will be under the letter of credit and will be subject to the submission by the Contractor of a Payment Voucher on Letter of Credit (Standard Form 218), in accordance with procedures based upon Treasury Department Circular No. 1075, Revised, of February 13, 1967, which are agreed to by the parties. Following submission by the Contractor of a final report provided for in Article B–XXI, in form and content satisfactory to the Commission, and submission of a certified statement showing the total expenditures and evidencing the Contractor's performance under the contract, and upon submission by the Contractor to the Commission of such invoices or vouchers as are satisfactory to the Commission, the Commission shall pay the Contractor the concluding payment of the consideration provided for in Article III of this contract, or said concluding payment will be included under the letter of credit and will be subject to submission by the Contractor of a Payment Voucher on Letter of Credit, in accordance with the procedure described above. If, following an annual report, the contract is extended for an additional period of performance, said concluding payment will similarly be paid for the expired period, and ten (10) percent will be retained with respect to the added period of performance.

(2) The Commission reserves the right to increase, decrease, or cancel the amount covered by the letter of credit, provided that such action is required because of a change in the amount of consideration provided for in Article III or is taken pursuant to subparagraph (d)(1) of this Article. The issuance and use of a letter of credit and receipt of funds pursuant thereto shall not prejudice or otherwise adversely affect any of the Government's rights under the contract.

ARTICLE B–XII—EQUAL OPPORTUNITY

Insert FPR 1–12.803–2.

ARTICLE B–XIII—CONVICT LABOR

Insert FPR 1–12.203.

ARTICLE B–XIV—CONTRACT WORK HOURS STANDARDS ACT—OVERTIME COMPENSATION

Insert Article set forth in FPR 1–12.303.

ARTICLE B–XV—DISPUTES

Insert FPR 1–7.101–12, modified by substituting "Commission" for "Secretary."

ARTICLE B–XVI—OFFICIALS NOT TO BENEFIT

Insert FPR 1–7.101–19.

ARTICLE B–XVII—COVENANT AGAINST CONTINGENT FEES

Insert FPR 1–1.503.

ARTICLE B–XVIII—EXAMINATION OF RECORDS

Insert FPR 1–7.101–10.

ARTICLE B–XIX—BUY AMERICAN ACT

Insert FPR 1–7.101–14, modified in accordance with AECPR 9–7.5004–16.

ARTICLE B–XX—ASSIGNMENT: SUBCONTRACTING

Neither this contract nor any interest therein nor claim thereunder shall be assigned or transferred by the Contractor, except as expressly authorized in writing by the Commission. The Contractor shall not subcontract any research or development work under this contract, except as expressly authorized in writing by the Commission.

ARTICLE B–XXI—REPORTS AND RENEWAL PROPOSALS

The Contractor shall furnish six (6) copies of the following reports and renewal proposals, if any, addressed to appropriate Field Office.

PROGRESS REPORT

The progress report shall briefly describe the scope of investigations undertaken and the significant results obtained. It shall also indicate compliance with the contract requirements and any failures to comply. Technical reports and articles prepared for publication shall be listed with bibliographic references. Reprints or preprints of all such material shall be appended and material contained therein need not be duplicated in the report. Progress reports shall be submitted approximately three months in advance of the expiration of the current contract term and shall give the Contractor's best estimate of the probable events and occurrences in regard to the remainder of the current contract term. Except as the Commission may otherwise request, no further progress report will be required for any contract year unless there has been a significant change in scientific results or contract compliance between the latest progress report by the Contractor and its actual experience; this shall be reported promptly.

FINAL REPORT

Upon termination or expiration of the total period of performance, the contractor shall submit, promptly, a summary of its activities for the entire period, including a list of publications issued during the total term of the contract and copies of any reprints not previously submitted, as well as a comprehensive evaluation of progress in the area of research supported by the contract.

RENEWAL PROPOSALS

A renewal proposal, if any, shall be submitted along with the technical progress report, and each of the two documents shall be separately bound.

REPORT OF EQUIPMENT PURCHASED OR FABRICATED

The Contractor shall itemize equipment having a useful life expectancy in excess of 1 year and an acquisition cost in excess of $100 purchased or fabricated (omit any items appearing in Article V) and submit a report thereof immediately following the expiration of the contract year specified in Article II. Where the cost of individual pieces of equipment exceeds $1,000, they will be listed individually. Where individual items cost $100 to $1,000, they will also be individually listed to the extent practical or grouped in general categories, such as "electronic equipment" or "six motors," with the total dollar amount of such category. The cost of purchased items shall be determined by the actual invoice cost of such items, but the cost of fabricated items may be established by engineering estimates.

ARTICLE B–XXII—FOREIGN TRAVEL

Foreign travel shall be subject to the prior approval of the Contracting Officer.

ARTICLE B–XXIII—PRIORITIES, ALLOCATIONS, AND ALLOTMENTS

Insert AECPR 9–7.5006–52.

ARTICLE B–XXIV—UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS

Insert the clause set forth in FPR 1–1.805–3 (a) under the conditions and in the manner prescribed in FPR 1–1805–2.

ARTICLE B–XXV—UTILIZATION OF SMALL BUSINESS CONCERNS

Insert the clause set forth in FPR 1–1.710–3 (a) under the conditions and in the manner prescribed in FPR 1–1.710–2.

ARTICLE B–XXVII—SOVIET-BLOC CONTROLS

Insert the clause set forth in AECPR 9–7.5006–53.

ARTICLE B–XXVII—DETERMINATION OF TOTAL COSTS

(a) The term "total cost" as used in this contract means the sum of costs incurred by the Contractor in furtherance of the work hereunder and may include the following: Expenditures of cash, exclusive of cash payments relating to items included in the total cost of a prior period; the cost of material and supplies transferred from stores inventory; unpaid delivered orders for services, supplies, and equipment; unpaid undelivered orders (commitments) for items of equipment; unpaid undelivered orders (commitments) for materials and supplies purchased in normal and reasonable quantities; and the amount due the Contractor for indirect costs. Except as the parties may otherwise specifically agree in writing, total cost will apply separately to each annual (or lesser) period of performance. Total cost for a contract period shall be determined consistent with the principles of the Bureau of the Budget Circular A–21, as constituted on the effective commencement date of said period.

(b) Within 3 months after the end of each contract period and within 3 months after the expiration or termination of the contract, the Contractor shall furnish its certified statement, executed by an official of the Contractor and also signed by the principal investigator, showing the Contractor's total cost and evidencing its performance under the contract. The statement shall be in the form set forth in Appendix C. The Contractor understands that the Commission expects to rely on this certified statement. The Contractor is expected to maintain auditable records as contemplated by Article B–II(c) to substantiate the total costs incurred under this contract.

ARTICLE B–XXVIII—ADDITIONAL APPROVALS

(a) In addition to such approvals as are specifically required by other provisions of this contract, the Contractor shall obtain the Commission's approval for:

(1) Acquisition of:

(i) An item of equipment, not itemized in Appendix A, involving an acquisition cost in excess of $1,000 or 2 percent of the total estimated project cost specified in A–III of Appendix A, whichever is greater, unless such equipment is merely a different model of an item itemized in Appendix A. (When plant and equipment funds are provided for the acquisition of Government property, the Headquarters Program Divisions may require, in specific cases, that such funds be used only for acquiring the equipment designated in Article V, unless prior AEC approval has been obtained.)

(ii) Any equipment not itemized in Appendix A, the acquisition cost of which will cause the equipment dollar level shown in Appendix A to be increased by 10 percent or $500, whichever is less. (If plant and equipment funds are provided for the acquisition of equipment, with title to be vested in the Government, the total cost of such equipment acquisitions shall not exceed the amount budgeted for such equipment unless prior AEC approval has been obtained.)

(2) Purchase of any general-purpose equipment, such as office furniture or air conditioning, not specifically provided for in Appendix A.

(3) Transfer of:

(i) Funds from the equipment category to the travel category.

(ii) Funds for support of junior investigator category to the equipment category.

(When plant and equipment funds are provided for the acquisition of Government property, such funds shall not be transferred to other budget categories, and, conversely, funds from other budget categories shall not be used to acquire such equipment.)

(4) Change of the principal investigator or reduction of 15 percent or more in the amount of time and effort the principal investigator will devote to the work.[1]

(b) No change in the phenomenon or phenomena under study, i.e., broad category of the research under this contract, shall be made without the specific written approval of the Commission; ordinarily, such changes, if approved by the Commission, will be accomplished through a new contract or a mutually agreed-to modification. The Contractor may change the specific objectives in the research work described in this contract, provided it gives the Commission prompt notification of such changes; and the Contractor may continue to follow the new objectives while the Commission determines whether it wishes to continue the program under the changed approach.

APPENDIX C [1a]

U.S. ATOMIC ENERGY COMMISSION

STATEMENT OF ANNUAL COSTS

1. Name and address of contractor:_____

_____

2. Contract number:_____

3. Beginning and ending date of pertinent contract period:_____

4. Support ceiling for the pertinent contract period:_____

5. Costs incurred during the pertinent contract period:

[1] Add such other items as in the judgment of the program division or the Contracting Officer, in specific cases, need to be separately identified in the contract.

[1a] Appendix C is a sample statement. The actual statement furnished by the Contractor should be consistent with the itemization in Appendix A.

Cost categories	Amount
a. *Salaries and wages* (List principal investigator and other personnel in same detail as shown in Appendix A to the contract and indicate the related cost for each; and, in addition, indicate the approximate percentage of time or effort devoted to contract work by principal investigator.)	$------
b. *Supplies and materials* (Show in same detail as in Appendix A.)	-------
c. *Equipment* (List cost of each piece of equipment separately listed in Appendix A to the contract or for which separate approval was obtained from AEC.)	-------
d. *Publications*	-------
e. *Travel*	-------
f. *Other* (List separately each type of cost included in this category.)	-------
Total Direct Expenditures	-------
g. *Indirect charges* (Indicate percent and expenditures to which percent is applied.)	-------
h. *Orders delivered but not paid for* (Break down, by types of cost, items delivered or services provided that were not paid for at the close of the contract period.)	-------
i. *Unpaid undelivered orders for equipment, supplies, and materials* (Break down, by types of costs, items ordered but not delivered at the close of the contract period.)	-------
j. *Items of equipment specifically authorized by AEC for purchase in prior contract period and for inclusion in the total costs for this contract period*	-------
Total Costs	-------
Total costs as defined in Article B–XXVII of the contract chargeable to AEC (% of total using % shown in contract)	-------

6. Information regarding prior period costs (identify amounts of undelivered orders in prior periods where the cost claimed was not incurred and any other differences in costs incurred from those claimed.) - $------.

I hereby certify that this report is true and correct to the best of my knowledge and belief and that the costs and commitments listed herein were incurred, except as provided in j. above, during the period indicated, in connection with the performance of the research provided for under this contract and in accordance with the terms and conditions set forth therein.

Name and title of principal investigator

Signature Date

Name and title of business officer

Signature Date

2. In § 9–16.5002–9, *Outline of cost-type contract for research and development with educational institutions,* Appendix A and Article B–21—Buy American Act, are revised, and new Article B–42—Additional Approvals, is added, as follows:

§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.

* * * * *

APPENDIX A

Contractor: ----------

Contract No. ------

I. *Research to be performed.* (Insert description of research activity.)

II. *Equipment title to which is to be vested in the Contractor.* Title to the following equipment shall vest and remain in the Contractor. Title to additional items of equipment may be vested in the Contractor if approved in writing by the Contracting Officer. (List all equipment to be purchased or fabricated by the Contractor, where it is known at the time the contract is executed that title to such equipment will vest in and remain in the Contractor. Where the estimated cost of individual pieces of equipment exceeds $1,000, they will be listed individually. Where individual pieces cost between $100 and $1,000, they shall also be listed individually to the extent practicable, or grouped to general categories, such as "electronic equipment" or "six motors," with the total dollar amount of such category. Insert the word "none" if title to all property is to be vested in the Government.)

III. *Reports.* (Set forth reporting and report distribution requirements, including reports of equipment having a useful life expectancy in excess of 1 year and an acquisition cost in excess of $100 purchased or fabricated by the Contractor where title is to be vested in the Contractor. Where the cost of individual pieces of equipment exceeds $1,000 they will be listed individually. Where individual items cost $100 to $1,000, they will also be individually listed to the extent practicable, or grouped in general categories, such as "electronic equipment" or "six motors," with the total dollar amount of such category. The cost of purchased items shall be determined by the actual invoice cost of such items, but the cost of fabricated items may be established by engineering estimates. Reproduction of final reports shall be performed consistent with Government Printing and Binding Regulations.)

* * * * *

ARTICLE B–21—BUY AMERICAN ACT

Insert FPR 1–7.101–14, modified in accordance with AECPR 9–7.5004–16.

* * * * *

ARTICLE B–42—ADDITIONAL APPROVALS

In addition to such approvals as are specifically required by other provisions of this contract, the Contractor shall obtain the Commission's approval for:

Insert appropriate additional approval requirements in accordance with AECPR 9–4.5112–5.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These regulations are effective September 1, 1967.

Dated at Germantown, Md., this 10th day of May 1967.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 67–5382; Filed, May 15, 1967; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 20, Amdt. 2; Docket No. 66–70]

PART 540—SECURITY FOR THE PROTECTION OF THE PUBLIC

Subpart B—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages

On December 24, 1966, the Commission published a notice of proposed rule making in this proceeding in the FEDERAL REGISTER (31 F.R. 16497 et seq.) and invited comments from interested persons. The purpose of this proceeding is the promulgation of rules necessary to carry out the provisions of section 2 of Public Law 89–777, which requires that,

Each owner or charterer of an American or foreign vessel having berth or stateroom accommodations for 50 or more passengers, and embarking passengers at U.S. ports, shall establish, under regulations prescribed by the Federal Maritime Commission, his financial responsibility to meet any liability he may incur for death or injury to passengers or other persons on voyages to or from U.S. ports, in an amount based upon the number of passenger accommodations aboard the vessel, calculated as follows:

Twenty thousand dollars for each passenger accommodation up to and including 500; plus

Fifteen thousand dollars for each additional passenger accommodation between 501 and 1,000; plus

Ten thousand dollars for each additional passenger accommodation between 1,001 and 1,500; plus

Five thousand dollars for each passenger accommodation in excess of 1,500;

Provided, however, That if such owner or charterer is operating more than one vessel subject to this section, the foregoing amount shall be based upon the number of passenger accommodations on the vessel being so operated which has the largest number of passenger accommodations. This amount shall be available to pay any judgment for damages, whether in amount less than or more than $20,000 for death or injury occurring on such voyages to any passenger or other person. Such financial responsibility may be established by any one of, or a combination of, the following methods which is acceptable to the Commission: (1) Policies of insurance, (2) surety bonds, (3) qualifications as a self-insurer, or (4) other evidence of financial responsibility.

Comments on the proposed rules were submitted by interested parties. Hearing Counsel's reply to these comments was filed on behalf of the Commission's staff, and there were filed answers to this reply. On February 8, 1967, the Commission heard oral argument during which a request was made by one of the parties to leave the record open for 48 additional hours in order to give all interested

parties an opportunity to comment in writing on certain controversial issues which had arisen during the argument. The request was granted and some additional comments were received.

Certain issues common to both Subparts A and B of Part 540 of 46 CFR have previously been discussed in the preamble to Subpart A and will not be repeated here. Pertinent Subpart A discussions (32 F.R. 3986) not discussed herein are hereby incorporated by reference. Other comments and arguments not discussed have been considered and found not justified or not material.

During the course of this rule making proceeding, certain parties raised the question of the Commission involving itself in the rights or liabilities of the parties under Public Law 89–777. Sections 2 and 3 of this Act are concerned with evidence of financial responsibility of those persons subject to the jurisdiction of the statute. The question of rights and liabilities of the parties is a matter with which Public Law 89–777 does not concern itself. Since this Commission is authorized to prescribe such regulations as may be necessary to carry out the provisions of this Act, our rules involve only the establishment of financial responsibility and in no way are concerned with the question of rights and liabilities of the parties.

During oral argument, question was raised as to the power of the Commission to require evidence of financial responsibility in an amount based on the number of passenger accommodations aboard a vessel which embarks only a portion of its passengers at U.S. ports, with the remaining passengers being engaged in foreign-to-foreign travel. The ability of the Commission to require evidence of coverage for those persons engaged in the foreign-to-foreign travel was questioned.

In enacting Public Law 89–777, Congress determined that all vessels calling at U.S. ports should evidence their financial responsibility for the purposes of section 2 of the Act in an amount based upon the number of passenger accommodations aboard the vessel. This section does not base the financial requirements on the number of passengers embarking at U.S. ports. The Congressional intent as to its requirements on this point is quite clear. In prescribing regulations necessary to carry out the provisions of section 2 of the Act, the Commission must look to the statutory wording of Public Law 89–777 for guidance. The clarity of the section 2 financial requirements leaves no room for interpretation. In our rules and regulations, the Commission must require evidence of financial responsibility in an amount based upon the number of passenger accommodations aboard any vessel subject to this statutory section in order to carry out the Congressional mandate.

Section 540.27(e) provides that each applicant, insurer, and guarantor shall designate a person in the United States as his legal agent for service of process for the purposes of the rules of this subpart. There has been strenuous objection on the part of various interested parties that the rules cannot require such designations. The position of the Commission is that the Act itself contemplates recovery for death or injury to passengers or other persons. The intention of the statute will have gone for naught if the person injured cannot avail himself of the legal process which is contemplated for the recovery. The legal processes will be effectively closed to the injured party if he is unable to find someone who can be the recipient of legal service of process. The Commission does not understand Congress to have enacted such an empty statute.

Availability of assets in the United States. In the Commission's proposed rules published in the FEDERAL REGISTER on December 24, 1966 (31 F.R. 16497 et seq.), § 540.24(c) originally provided that "* * * the working capital and net worth required above will be available to cover suits in the United States for liability under the rules and regulations of this subpart." Section 540.26(d) originally provided that "Any securities under sets accepted by the Commission under the rules of this subpart must be available to satisfy judgments in the United States."

Comments have been received as to whether these securities and assets should be physically located in the United States. It is the position of the Commission that securities and assets submitted as evidence of financial responsibility by applicants, guarantors, insurers, escrow agents, and others must be physically located in the United States to meet their responsibilities under the rules of this subpart.

The Commission deems such a requirement necessary in order to adequately insure the protection of the travelling public since the lack of such a requirement might prevent or impede recovery for an injured party. Sections 540.24(c) and 540.27(d) of the final rules restate the Commission's position and provide that there will be assets physically located in this country which may be proceeded against as intended by the Congress in Public Law 89–777.

Therefore, pursuant to section 2 of Public Law 89–777 (80 Stat. 1357, 1358) Part 540 of 46 CFR is hereby amended by the addition of a new Subpart B as follows:

Subpart B—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility to Meet Liability Incurred For Death or Injury to Passengers or Other Persons On Voyages

Sec.

540.20 Scope.
540.21 Definitions.
540.22 Proof of financial responsibility, when required.
540.23 Procedure for establishing financial responsibility.
540.24 Insurance, surety bonds, self-insurance, guaranties, and escrow accounts.
540.25 Evidence of financial responsibility.
540.26 Denial, revocation, suspension, or modification.
540.27 Miscellaneous.

AUTHORITY: The provisions of this Subpart B issued under sec. 2, Public Law 89–777 (80 Stat. 1357, 1358).

§ 540.20 Scope.

The regulations contained in this subpart set forth the procedures whereby owners or charterers of vessels having berth or stateroom accommodations for 50 or more passengers and embarking passengers at U.S. ports shall establish their financial responsibility to meet any liability which may be incurred for death or injury to passengers or other persons on voyages to or from U.S. ports. Included also are the qualifications required by the Commission for issuance of a Certificate (Casualty) and the basis for the denial, revocation, suspension, or modification of such Certificates.

§ 540.21 Definitions.

As used in this subpart, the following terms shall have the following meanings:

(a) "Person" includes individuals, corporations, partnerships, associations, and other legal entities existing under or authorized by the laws of the United States or any state thereof or the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any territory or possession of the United States, or the laws of any foreign country.

(b) "Vessel" means any commercial vessel having berth or stateroom accommodations for 50 or more passengers and embarking passengers at U.S. ports.

(c) "Commission" means the Federal Maritime Commission.

(d) "United States" includes the Commonwealth of Puerto Rico, the Virgin Islands or any territory or possession of the United States.

(e) "Berth or stateroom accommodations" or "passenger accommodations" includes all temporary and all permanent passenger sleeping facilities.

(f) "Certificate (Casualty)" means a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages issued pursuant to this subpart.

(g) "Voyage" means voyage of a vessel to or from U.S. ports.

(h) "Insurer" means any insurance company, underwriters, corporation or association of underwriters, ship owners' protection and indemnity association, or other insurer acceptable to the Commission.

(i) "Evidence of insurance" means a policy, certificate of insurance, cover note, or other evidence of coverage acceptable to the Commission.

§ 540.22 Proof of financial responsibility, when required.

No vessel shall embark passengers at U.S. ports unless a Certificate (Casualty) has been issued to or covers the owner or charterer of such vessel.

§ 540.23 Procedure for establishing financial responsibility.

(a) In order to comply with section 2 of Public Law 89–777 (80 Stat. 1357, 1358) enacted November 6, 1966, there must be filed an Application on Form FMC–131 for a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages. Copies of Form

FMC–131 may be obtained from the Secretary, Federal Maritime Commission, Washington, D.C. 20573, or at the Commission's offices at New York, N.Y.; New Orleans, La.; and San Francisco, Calif.

(b) An application for a Certificate (Casualty) shall be filed in duplicate with the Secretary, Federal Maritime Commission, by the vessel owner or charterer at least 60 days in advance of the sailing. The rules of this subpart shall not apply to voyages embarking passengers at U.S. ports prior to August 7, 1967. Late filing of the application will be permitted only for good cause shown. All applications and evidence required to be filed with the Commission shall be in English, and any monetary terms shall be expressed in terms of U.S. currency. The Commission shall have the privilege of verifying any statements made or any evidence submitted under the rules of this subpart.

(c) The application shall be signed by a duly authorized officer or representative of the applicant with a copy of evidence of his authority. In the event of any material change in the facts as reflected in the application, an amendment to the application shall be filed no later than five (5) days following such change. For the purpose of this subpart, a material change shall be one which (1) results in a decrease in the amount submitted to establish financial responsibility to a level below that required to be maintained under the rules of this subpart, or (2) requires that the amount to be maintained be increased above the amount submitted to establish financial responsibility. Notice of the application for, insuance, denial, revocation, suspension, or modification of any such Certificate shall be published in the FEDERAL REGISTER.

§ 540.24 Insurance, surety bonds, self-insurance, guaranties, and escrow accounts.

Evidence of adequate financial responsibility for the purposes of this subpart may be established by one of the following methods:

(a) Filing with the Commission evidence of insurance issued by an insurer providing coverage for liability which may be incurred for death or injury to passengers or other persons on voyages in an amount based upon the number of passenger accommodations aboard the the vessel, calculated as follows:

Twenty thousand dollars for each passenger accommodation up to and including 500; plus

Fifteen thousand dollars for each additional passenger accommodation between 501 and 1,000; plus

Ten thousand dollars for each additional passenger accommodation between 1,001 and 1,500; plus

Five thousand dollars for each passenger accommodation in excess of 1,500;

Provided, however, That if the applicant is operating more than one vessel subject to this subpart, the amount prescribed by this paragraph shall be based upon the number of passenger accommodations on the vessel being so operated which has the largest number of passenger accommodations.

(1) Termination or cancellation of the evidence of insurance, whether by the assured or by the insurer, and whether for nonpayment of premiums, calls or assessments, or for other cause, shall not be effected (i) until notice in writing has been given to the assured or to the insurer and to the Secretary of the Commission at its office, 1321 H Street NW., Washington, D.C. 20573, by certified mail, and (ii) until after 30 days expire from the date notice is actually received by the Commission, or until after the Commission revokes the Certificate (Casualty), whichever occurs first. Notice of termination or cancellation to the assured or insurer shall be simultaneous to such notice given to the Commission. The insurer shall remain liable for claims covered by said evidence of insurance arising by virtue of an event which had occurred prior to the effective date of said termination or cancellation. No such termination or cancellation shall become effective while a voyage is in progress.

(2) The insolvency or bankruptcy of the assured shall not constitute a defense to the insurer as to claims included in said evidence of insurance and in the event of said insolvency or bankruptcy the insurer agrees to pay any unsatisfied final judgments obtained on such claims.

(3) No insurance shall be acceptable under these rules which restricts the liability of the insurer where privity of the owner or charterer has been shown to exist.

(4) Subparagraphs (1) through (3) of this paragraph shall apply to the guaranty as specified in paragraph (d) of this section.

(b) Filing with the Commission a surety bond on Form FMC–132B issued by a bonding company authorized to do business in the United States and acceptable to the Commission. Such surety bond shall evidence coverage for liability which may be incurred for death or injury to passengers or other persons on voyages in an amount calculated as in paragraph (a) of this section, and shall not be terminated while a voyage is in progress.

(c) Filing with the Commission for qualification as a self-insurer such evidence acceptable to the Commission as will demonstrate continued and stable passenger operations over an extended period of time in the foreign or domestic trade of the United States. In addition, applicant must demonstrate financial responsibility by maintenance of working capital and net worth each in an amount calculated as in paragraph (a) of this section. The Commission will take into consideration all current contractual requirements with respect to the maintenance of working capital and/or net worth to which the applicant is bound. Evidence must be submitted that the working capital and net worth required above is physically located in the United States. This evidence of financial responsibility shall be supported by and subject to the following which are to be submitted on a continuing basis for each year or portion thereof while the Certificate (Casualty) is in effect:

(1) A current quarterly balance sheet: *Provided, however,* The Commission for good cause shown may require only an annual balance sheet;

(2) A current quarterly statement of income and surplus: *Provided, however,* The Commission for good cause shown may require only an annual statement of income and surplus;

(3) An annual current balance sheet and an annual current statement of income and surplus to be certified by appropriate certified public accountants;

(4) An annual current statement of the book value or current market value of any assets physically located within the United States together with a certification as to the existence and amount of any encumbrances thereon;

(5) An annual current credit rating report by Dun and Bradstreet or any similar concern found acceptable to the Commission;

(6) A list of all contractual requirements or other encumbrances (and to whom the applicant is bound in this regard) relating to the maintenance of working capital and net worth;

(7) All financial statements required to be submitted under this § 540.24 shall be due within a reasonable time after the close of each pertinent accounting period;

(8) Such additional evidence of financial responsibility as the Commission may deem necessary in appropriate cases.

(d) Filing with the Commission a guaranty on Form FMC–133B by a guarantor acceptable to the Commission. Any such guaranty shall be in an amount calculated as in paragraph (a) of this section.

(e) Filing with the Commission evidence of an escrow account, acceptable to the Commission, the amount of such account to be calculated as in paragraph (a) of this section.

(f) The Commission will for good cause shown consider any combination of the above-mentioned alternatives for the purpose of establishing financial responsibility.

§ 540.25 Evidence of financial responsibility.

Where satisfactory proof of financial responsibility has been established, a Certificate (Casualty) covering specified vessels shall be issued evidencing the Commission's finding of adequate financial responsibility to meet any liability which may be incurred for death or injury to passengers or other persons on voyages. The period covered by the certificate shall be indeterminate unless a termination date has been specified thereon.

§ 540.26 Denial, revocation, suspension, or modification.

(a) Prior to the denial, revocation, suspension, or modification of a Certificate (Casualty), the Commission shall advise the applicant of its intention to deny, revoke, suspend, or modify, and shall state the reasons therefor. If the applicant, within 20 days after the receipt of such advice, requests a hearing to

show that the evidence of financial responsibility filed with the Commission does meet the rules of this subpart, such hearing shall be granted by the Commission: *Provided, however,* That a Certificate (Casualty) shall become null and void upon cancellation or termination of evidence of insurance, surety bond, guaranty, or escrow account.

(b) A Certificate (Casualty) may be denied, revoked, suspended, or modified for any of the following reasons:

(1) Making any willfully false statement to the Commission in connection with an application for a Certificate (Casualty);

(2) Circumstances whereby the party does not qualify as financially responsible in accordance with the requirements of the Commission;

(3) Failure to comply with or respond to lawful inquiries, rules, regulations, or orders of the Commission pursuant to the rules of this subpart.

If the applicant, within 20 days after notice of the proposed denial, revocation, suspension, or modification, requests a hearing to show that such denial, revocation, suspension, or modification, should not take place, such hearing shall be granted by the Commission.

§ 540.27 Miscellaneous.

(a) If any evidence filed with the application does not comply with the requirements of this subpart, or for any reason fails to provide adequate or satisfactory protection to the public, the Commission will notify the applicant stating the deficiencies thereof.

(b) Any financial evidence submitted to the Commission under the rules of this subpart shall be written in the full and correct name of the person to whom the Certificate (Casualty) is to be issued, and in case of a partnership, all partners shall be named.

(c) The Commission's bond (Form FMC–132B), guaranty (Form FMC–133B), and application (Form FMC–131 as set forth in Subpart A of this part) forms are hereby incorporated as a part of the rules of this subpart. Any such forms filed with the Commission under this subpart must be in duplicate.

(d) Any securities or assets accepted by the Commission (from applicants, insurers, guarantors, escrow agents, or others) under the rules of this subpart must be physically located in the United States.

(e) Each applicant, insurer, and guarantor shall designate a person in the United States as his legal agent for service of process for the purposes of the rules of this subpart.

(f) In the case of any charter arrangements involving a vessel subject to the regulations of this subpart, the vessel owner (in the event of a subcharter, the charterer shall file) must within 10 days file with the Secretary of the Commission evidence of any such arrangement.

(g) Financial data filed in connection with the rules of this subpart shall be confidential except in instances where information becomes relevant in connection with hearings which may be requested by applicant pursuant to § 540.26 (a) or (b).

(h) Every person who has been issued a Certificate (Casualty) must submit to the Commission a semiannual statement of any changes that have taken place with respect to the information contained in the application or documents submitted in support thereof. Negative statements are required to indicate no change. Such statements must cover every 6-month period commencing with the first 6-month period of the fiscal year immediately subsequent to the date of the issuance of the Certificate (Casualty). In addition, the statements will be due within 30 days after the close of every such 6-month period.

(i) Vessels operated by the Panama Canal Company are exempted from the provisions of the rules of this subpart.

Effective date. To enable the Commission to process applications and accomplish certification of financial responsibility by August 7, 1967, as required by Public Law 89–777, the Commission is of the opinion that good cause exists for these rules to be effective less than 30 days after publication. Accordingly, these rules shall become effective on June 1, 1967.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Special Assistant to the Secretary.

Form FMC—132B
(5–67)

FEDERAL MARITIME COMMISSION

Surety Co. Bond No. ------
FMC Certificate No. ------

PASSENGER VESSEL SURETY BOND (46 CFR 540)

Know all men by these presents, that we ----------, of ----------, (Name of Applicant) (City) ----------, as Principal (hereinafter called Principal), and ----------, (State and Country) (Name of Surety) a company created and existing under the laws of ---------- and authorized to do business in the United States as Surety (hereinafter called Surety) are held and firmly bound unto the United States of America in the penal sum of ----------, (State and Country) (Name of Surety) for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Whereas, the Principal intends to become a holder of a Certificate (Casualty) pursuant to the provisions of Subpart B of Part 540 of Title 46, Code of Federal Regulations and has elected to file with the Federal Maritime Commission such a bond to insure financial responsibility to meet any liability it may incur for death or injury to passengers or other persons on voyages to or from U.S. ports, and

Whereas, this bond is written to assure compliance by the Principal as an authorized holder of a Certificate (Casualty) pursuant to Subpart B of Part 540 of Title 46, Code of Federal Regulations, and shall inure to the benefit of any and all passengers or other persons to whom the Principal may be held legally liable for any of the damages herein described.

Now, therefore, the condition of this obligation is such that if the Principal shall pay or cause to be paid to passengers or other persons any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to meet any liability the Principal may incur for death or injury to passengers or other persons on voyages to or from U.S. ports, while this bond is in effect pursuant to and in accordance with the provisions of Subpart B of Part 540 of Title 46, Code of Federal Regulations, then this obligation shall be void, otherwise, to remain in full force and effect.

The liability of the Surety with respect to any passenger or other persons shall in no event exceed the amount of the Principal's legal liability under any final judgment or settlement agreement: *Provided, however,* That if the aggregate amount of such judgments and settlements exceeds an amount computed in accordance with the formula contained in section 2(a) of Public Law 89–777, then the Surety's total liability under this surety bond shall be limited to an amount computed in accordance with such formula.

The Surety agrees to furnish written notice to the Federal Maritime Commission forthwith of all suits filed, judgments rendered, and payments made by said Surety under this bond.

This bond is effective the ------ day of ----------, 19----, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice sent by certified mail to the other and to the Federal Maritime Commission at its Office in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of said notice by the Commission: *Provided, however,* No such termination shall become effective while a voyage is in progress. The Surety shall not be liable hereunder for any liability incurred for death or injury to passengers or other persons on voyages to or from U.S. ports after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for such liability incurred for death or injury to passengers or other persons on voyages to or from U.S. ports prior to the date such termination becomes effective.

In witness whereof, the said Principal and Surety have executed this instrument on the ------ day of ----------, 19----.

PRINCIPAL

Name ----------

By ---------- (Signature and title)

Witness ----------

SURETY

Name ----------

By ---------- [SEAL] (Signature and title)

Witness ----------

Only corporations or associations of individual insurers may qualify to act as Surety, and they must establish to the satisfaction of the Federal Maritime Commission legal authority to assume the obligations of surety and financial ability to discharge them.

Form FMC–133B
(5–67)

FEDERAL MARITIME COMMISSION

Guaranty No. ------
FMC Certificate No. ------

GUARANTY IN RESPECT OF LIABILITY FOR DEATH OR INJURY, SECTION 2 OF THE ACT

1. Whereas _____
(Name of Applicant)
(Hereinafter referred to as the "Applicant") is the Owner or Charterer of the passenger Vessel(s) specified in the annexed Schedule ("the Vessels"), which are or may become engaged on voyages to or from U.S. ports, and the Applicant desires to establish its financial responsibility in accordance with section 2 of Public Law 89–777, 89th Congress, approved November 6, 1966 ("the Act") then, provided that the Federal Maritime Commission ("FMC") shall have accepted, as sufficient for that purpose, the Applicant's application, supported by this Guaranty, and provided that FMC shall issue to the Applicant a Certificate (Casualty) ("Certificate"), the undersigned Guarantor hereby guarantees to discharge the Applicant's legal liability in respect of claims for damages for death or injury to passengers or other persons on voyages of the Vessels to or from U.S. ports, in the event that such legal liability has not been discharged by the Applicant within 21 days after any such passenger or other person, or, in the event of death, his personal representative, has obtained a final judgment (after appeal, if any) against the Applicant from a U.S. Federal or State Court of competent jurisdiction, or has become entitled to payment of a specified sum by virtue of a compromise settlement agreement made with the Applicant, with the approval of the Guarantor, whereby, upon payment of the agreed sum, the Applicant is to be fully, irrevocably and unconditionally discharged from all further liability to such passenger or other person, or to such personal representative, with respect to such claim.

2. The Guarantor's liability under this Guaranty shall in no event exceed the amount of the Applicant's legal liability under any such judgment or settlement agreement: *Provided, however,* That if the aggregate amount of such judgments and settlements exceeds an amount computed in accordance with the formula contained in section 2(a) of the Act, then the Guarantor's total liability under this Guaranty shall be limited to an amount computed in accordance with such formula.

3. The Guarantor's liability under this Guaranty shall attach only in respect of events giving rise to causes of action against the Applicant in respect of any of the Vessels for damages for death or injury within the meaning of section 2 of the Act, occurring after the Certificate has been granted to the Applicant and before the expiration date of this Guaranty, which shall be the earlier of the following dates:

(a) The date whereon the Certificate is withdrawn, or for any reason becomes invalid or ineffective;

(b) The date 30 days after the date of receipt by FMC of notice in writing (including telex or cable) that the Guarantor has elected to terminate this Guaranty.

Provided, however, That if, on the date which would otherwise have been the expiration date of this Guaranty under the foregoing provisions of this Clause 3, any of the Vessels is on a voyage in respect of which such Vessel would not have received clearance in accordance with section 2(e) of the Act without the Certificate, then the expiration date of this Guaranty shall, in respect of such Vessel, be postponed to the date on which the last passenger on such voyage shall have fully disembarked.

4. If, during the currency of this Guaranty, the Applicant requests that a vessel owned or operated by the Applicant, and not specified in the annexed Schedule, should become subject to this Guaranty, and if the Guarantor accedes to such request and so notifies FMC in writing (including telex or cable), then: *Provided,* That within 30 days of receipt of such notice FMC shall have granted a Certificate, such vessel shall thereupon be deemed to be one of the Vessels included in the said Schedule and subject to this Guaranty.

5. The Guarantor hereby designates _____, with offices at _____, as the Guarantor's legal agent for service of process for the purposes of the Rules of the Federal Maritime Commission, Subpart B of Part 540 of Title 46, Code of Federal Regulations issued under section 2 of Public Law 89–777 (80 Stat. 1357, 1358) entitled Security for the Protection of the Public.

_____
(Place and Date of Execution)

_____
(Name of Guarantor)

_____
(Address of Guarantor)

By _____
(Name and Title)

SCHEDULE OF VESSELS REFERRED TO IN CLAUSE 1

VESSELS ADDED TO THIS SCHEDULE IN ACCORDANCE WITH CLAUSE 4

[F.R. Doc. 67–5428; Filed, May 15, 1967; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 161]

RIGHTS-OF-WAY OVER INDIAN LAND

Extension of Time

In F.R. Doc. 67-3633, appearing at page 5512 of the issue for Tuesday, April 4, 1967, in the 9th line of the third paragraph, *Basis and purpose*, as preambled to 25 CFR Part 161, Rights-of-Way Over Indian Land, the words "within 30 days of the date of publication of this notice" should read "within 60 days of the date of publication of this notice." This correction is made in order to extend the notice period 30 days.

STEWART L. UDALL,
Secretary of the Interior.

MAY 9, 1967.

[F.R. Doc. 67-5393; Filed, May 15, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Notice of Determinations on Acreage or Acreage-Poundage Basis for 1968-69, 1969-70, and 1970-71 Marketing Years

Pursuant to the Agricultural Adjustment Act of 1938, as amended, and as further amended through the addition of section 317 by Public Law 89-12, approved April 12, 1965 (7 U.S.C. 1281 et seq.), herein referred to as the "Act", the Secretary is preparing, with respect to flue-cured tobacco, to proclaim a national marketing quota for each of the 3 marketing years 1968-69, 1969-70, and 1970-71, either on an acreage basis or on an acreage-poundage basis. If the Secretary determines to proclaim the marketing quotas on an acreage basis, he also will determine and announce the national marketing quota for 1968-69 marketing year; will apportion such quota, less a reserve for new farms, among the several States; and will convert the State quotas into State acreage allotments. If the Secretary determines to announce the marketing quotas on an acreage-poundage basis, he also will determine and announce for the 1968-69 marketing year the national marketing quota; the national average yield goal; the national acreage allotment; the reserve from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities and for establishing acreage allotments for new farms; the national acreage factor; and the national yield factor.

The Secretary will conduct within 30 days from the effective date of the announcement of national marketing quotas on either an acreage basis or on an acreage-poundage basis a referendum of farmers engaged in the 1967 production of flue-cured tobacco to determine whether they favor or oppose quotas on an acreage basis or on an acreage-poundage basis for 3 marketing years beginning July 1, 1968, July 1, 1969, and July 1, 1970. The Secretary will also determine the date or period of the referendum and whether such referendum shall be conducted at polling places rather than by mail ballot (31 F.R. 12011). Growers of flue-cured tobacco approved quotas on an acreage-poundage basis for the 1965-66, 1966-67, and 1967-68 marketing years (30 F.R. 9299).

Acreage basis. Section 312(b) of the Act (7 U.S.C. 1312(b)) requires that the Secretary determine and announce, not later than the 1st day of December 1967, the amount of the national marketing quota for flue-cured tobacco which will be in effect for the 1968-69 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of flue-cured tobacco equal to the reserve supply level. Section 312(b) provides further that the amount of the 1968-69 national marketing quota (determined pursuant to such section), may, not later than March 1, 1968, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of (flue-cured) tobacco for any marketing year as the carryover at the beginning of the marketing year plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 percentum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1313(a)) requires the Secretary to apportion the national marketing quota determined pursuant to section 312(b) of the Act, less the amount to be allotted under subsection (c) of section 313 for small farms and "new" farms, among the several States on the basis of the total production in each State during the 5 calendar years immediately preceding the calendar year in which the quota is proclaimed (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make corrections for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such 5-year period.

The Act (7 U.S.C. 1313(g)) provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent year shall not be taken into account in establishing State and farm acreage allotments.

Section 377 of the Act (7 U.S.C. 1377) reads in part as follows:

> In any case in which, during any year beginning with 1956, the acreage planted to a commodity on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm * * * shall, except as provided herein, be considered for the purpose of establishing future State, county, and farm acreage allotments to have been planted to such commodity in such year on such farm, but the 1956 acreage allotment of any commodity shall be regarded as planted under this section only if the owner or operator on such farm notified the county committee prior to the 60th day preceding the beginning of the marketing year for such commodity of his desire to preserve such allotment: *Provided*, That beginning with the 1960 crop, except for federally owned land, the current farm acreage allotments established for a commodity shall not be preserved as history acreage pursuant to the provisions of this section unless for the current year or either of the 2 preceding years an acreage equal to 75 per centum or more of the farm acreage allotment for such year * * * was actually planted or devoted to the commodity on the farm (or was regarded as planted under provisions of the Soil Bank Act or the Great Plains program) * * *.

Section 378 of the Act (7 U.S.C. 1378) provides that allotment acreage pooled under the provisions of such section shall be considered fully planted during the time it is in the pool within the period of eligibility for purposes of future State, county, and farm allotments.

The Soil Bank Act was repealed by section 601 of the Food and Agriculture

Act of 1965, but it remains in effect with respect to contracts entered into prior to such repeal.

Section 602(g) of the Food and Agriculture Act of 1965, approved November 3, 1965, reads as follows:

> Notwithstanding any other provision of law, the Secretary of Agriculture may, to the extent he deems it desirable, provide by appropriate regulations for preservation of cropland, crop acreage, and allotment history applicable to acreage diverted from the production of crops in order to establish or maintain vegetative cover or other approved practices for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program. Subsections (b) (3) and (4) and (e) (6) of section 16 of the Soil Conservation and Domestic Allotment Act, as amended, are repealed, except that all rights accruing thereunder to persons who entered into contracts or agreements prior to such repeal shall be preserved.

Under the provisions of section 602(g), such preservation of cropland, crop acreage, and allotment history, is provided, subject to the Secretary's regulations, with respect to acreage so diverted under the conservation reserve program, cropland conversion program, cropland adjustment program, regional conservation programs, agricultural conservation program, or vegetative cover established without Federal assistance and unrelated to any program.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the 5 years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

Acreage-poundage basis. Section 317 (a) of the Act contains, for the purposes of section 317, the following definitions (applicable to flue-cured tobacco):

1. "National marketing quota" for any kind of tobacco for a marketing year means the amount of the kind of tobacco produced in the United States which the Secretary estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 per centum of such estimated utilization and exports.

2. "National average yield goal" for any kind of tobacco means the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant.

3. "National acreage allotment" means the acreage determined by dividing the national marketing quota by the national average yield goal.

4. "Farm acreage allotment" for a tobacco farm, other than a new tobacco farm, means the acreage allotment determined by adjusting uniformly the acreage allotment established for such farm for the immediately preceding year, prior to any increase or decrease in such allotment due to undermarketings or overmarketings and prior to any reduction under subsection (f), so that the total of all allotments is equal to the national acreage allotment less the reserve provided in subsection (e) of this section with a further downward or upward adjustment to reflect any adjustment in the farm marketing quota for overmarketing or undermarketing and to reflect any reduction required under subsection (f) of this section, and including any adjustment for errors or inequities from the reserve * * *.

5. The "community average yield" means for Flue-cured tobacco the average yield per acre in the community designated by the Secretary as a local administrative area under the provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, which is determined by averaging the yields per acre for the 3 highest years of the 5 years 1959 to 1963, inclusive, except that if the yield for any of the 3 highest years is less than 80 per centum of the average for the 3 years then that year or years shall be eliminated and the average of the remaining years shall be the community average yield. (Community average yields have been determined for Flue-cured tobacco and published in the FEDERAL REGISTER, § 724.34u, 30 F.R. 6207, 9875, 14487.)

6. "Preliminary farm yield" for Flue-cured tobacco means a farm yield per acre determined by averaging the yield per acre for the 3 highest years of the 5 consecutive crop years beginning with the 1959 crop year except that if that average exceeds 120 per centum of the community average yield the preliminary farm yield shall be the sum of 50 per centum of the average of the 3 highest years and 50 per centum of the national average yield goal but not less than 120 per centum of the community average yield, and if the average of the 3 highest years is less than 80 per centum of the community average yield the preliminary farm yield shall be 80 per centum of the community average yield. In counties where less than 500 acres of Flue-cured tobacco were allotted for 1964, the county may be considered as one community. If Flue-cured tobacco was not produced on the farm for at least 3 years of the 5-year period the average of the yields for the years in which tobacco was produced shall be used instead of the 3-year average. If no Flue-cured tobacco was produced on the farm in the 5-year period but the farm is eligible for an allotment because Flue-cured tobacco was considered to have been produced under applicable provisions of law, a preliminary farm yield for the farm shall be determined under regulations of the Secretary taking into account preliminary farm yields of similar farms in the community.

7. "Farm yield" means the yield of tobacco per acre for a farm determined by multiplying the preliminary farm yield by a national yield factor which shall be obtained by dividing the national average yield goal by a weighted national average yield computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined pursuant to paragraph (4) for the farm prior to adjustments for overmarketing, undermarketing, or reductions required under subsection (f) and dividing the sum of the products by the national acreage allotment.

8. "Farm marketing quota" for any farm for any marketing year shall be the number of pounds of tobacco obtained by multiplying the farm yield by the acreage allotment prior to any adjustment for undermarketing or overmarketing, increased for undermarketing or decreased for overmarketing by the number of pounds by which marketings of tobacco from the farm during the immediately preceding marketing year, if marketing quotas were in effect under the program established by this section, is less than or exceeds the farm marketing quota for such year: *Provided*, That the farm marketing quota for any marketing year shall not be increased for undermarketing by an amount in excess of the number of pounds determined by multiplying the acreage allotment for the farm for the immediately preceding year prior to any increase or decrease for undermarketing or overmarketing by the farm yield. If on account of excess marketings in the preceding marketing year the farm marketing quota for the marketing year is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made for the subsequent marketing year or years. * * *

9. Subsection 317(d) of the Act provides that if marketing quotas have been made effective for a kind of tobacco on an acreage-poundage basis pursuant to subsections (b) or (c) the Secretary shall, not later than December 1 of any marketing year with respect to Flue-cured tobacco, * * *, proclaim a national marketing quota for that kind of tobacco for the next 3 succeeding marketing years if the marketing year is the last year of the 3 consecutive years for which marketing quotas previously proclaimed will be in effect. The Secretary, in his discretion, may proclaim the quota on an acreage-poundage basis as provided in this section or on an acreage allotment basis, whichever he determines would result in a more effective marketing quota for that kind of tobacco, and shall conduct a referendum in accordance with the provisions of section 312 (c) of this Act. If the Secretary determines that more than one-third of the farmers voting oppose the national marketing quotas the results shall be proclaimed and the national marketing quota so proclaimed shall not be in effect. If the Secretary proclaims the quotas on an acreage-poundage basis he shall determine and proclaim at the same time the national marketing quota, national

acreage allotment, and national averge yield goal for the first year of the 3 years for which quotas are proclaimed. Notice of the farm marketing qouta which will be in effect for his farm for the first marketing year covered by the referendum insofar as practicable shall be mailed to the farm operator prior to the holding of any special referendum under subsection (b) or a referendum on acreage-poundage quotas under this subsection, and at least 15 days prior to the holding of any special referendum under subsection (c). The Secretary shall determine and announce the national marketing quota, national acreage allotment and national average yield goal for the second and third marketing years of any 3-year period for which national marketing quotas on an acreage-poundage basis are in effect on or before the December 1 with respect to Flue-cured tobacco * * * immediately preceding the beginning of the marketing year to which they apply. Whenever a national marketing quota, national acreage allotment, and national average yield goal are determined and announced, the Secretary shall provide for the determination of farm acreage allotments and farm marketing quotas under the provisions of this section for the crop and marketing year covered by the determinations.

Section 317(e) of the Act provides that (1) no farm acreage allotment or farm yield shall be established for a farm on which no tobacco was produced or considered produced under applicable provisions of law for the immediately preceding 5 years, (2) for each marketing year for which acreage-poundage quotas are in effect under this section the Secretary in his discretion may establish a reserve from the national acreage allotment in an amount equivalent to not more than 1 per centum of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which tobacco was not produced or considered produced during the immediately preceding 5 years, (3) the part of the reserve held for apportionment to new farms shall be allotted on the basis of land, labor, and equipment available for the production of tobacco, crop rotation practices, soil and other physical factors affecting the production of tobacco and the past tobacco-producing experience of the farm operator, and (4) the farm yield for any farm for which a new farm acreage allotment is established shall be determined on the basis of available productivity data for the land involved and farm yields for similar farms, and shall not exceed the community average yield.

Subsection 317(f) provides that only the provisions of the last two sentences of subsection (g) of section 313 of the Act shall apply with respect to acreage-poundage programs established under section 317. The acreage reductions required under the last two sentences shall be in addition to any other adjustments made pursuant to section 317, and when acreage reductions are made the farm marketing quota shall be reduced to reflect such reductions. The provisions of the next to the last sentence of such section 313(g) pertaining to the filing of any false report with respect to the acreage of tobacco grown on the farm shall also be applicable to the filing of any false report with respect to the production or marketings of tobacco grown on a farm for which an acreage allotment and a farm yield are established as provided in section 317. In establishing acreage allotments and farm yields for other farms owned by the owner displaced by acquisition of his land by any agency, as provided in section 378 of this Act, increases or decreases in such acreage allotments and farm yields as provided in section 317 shall be made on account of marketings below or in excess of the farm marketing quota for the farm acquired by the agency.

The subjects and issues involved in the proposed determinations are:

1. Whether national marketing quotas for Flue-cured tobacco for the 1968–69, 1969–70, and 1970–71 marketing years shall be proclaimed on an acreage basis or acreage-poundage basis.

2. If proclaimed on an acreage basis, the amount of the national marketing quota on acreage basis for the 1968–69 marketing year; the apportionment of the national marketing quota (less reserve for new farms) on an acreage basis among the several States, and conversion of the State quotas into State acreage allotments for the 1968–69 marketing year; and the amount of the national marketing quota on an acreage basis to be reserved for new farms (it is not contemplated that any reserve from the national quota will be reserved for further increases in allotments for small farms under section 313(c)) for the 1968–69 marketing year.

3. If proclaimed on an acreage-poundage basis, the amount of the national marketing quota on an acreage-poundage basis for the 1968–69 marketing year; the amount of the national average yield goal; the amount of the national acreage allotment; the amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms; the national acreage factor; and the national yield factor.

4. Date or period of the referendum on acreage or acreage-poundage quotas, as applicable, and whether such referendum should be conducted at polling places rather than by mail ballot (31 F.R. 12011).

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules, and regulations covered by this notice which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to the notice will be made available for public inspection at such times and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must be postmarked not later than 30 days from the date of filing of this notice with the Director, Office of the Federal Register.

Signed at Washington, D.C. on May 11, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-5453; Filed, May 15, 1967; 8:50 a.m.]

Consumer and Marketing Service

[7 CFR Part 33]

EXPORT APPLES AND PEARS

Grades, Requirements, and Regulations

Notice is hereby given that the Department is considering the proposed amendment of the regulations (7 CFR Part 33), as hereinafter set forth, effective pursuant to the provisions of the Export Apple and Pear Act, as amended (48 Stat. 123; 7 U.S.C. 581–589), and the authority set forth in § 7.48 Stat. 124; 7 U.S.C. 587.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment would provide the option of marking packages of apples and pears with the name and address of the distributor in satisfaction of the marking requirement specified in § 33.10(d)(1). Currently this requirement specifies that such packages shall be marked with the name and address of either the grower or packer.

Exporters report that they furnish labels and containers for export shipments, and the proposed change would make possible their arranging for supplies of labels and containers early in the season before they know who the grower or packer of the fruit will be. Also they have indicated that printing costs per unit for a large number of identical units is less, and the flexibility provided by the proposal would assist their export operations materially.

As proposed to be amended § 33.10(d)-(1) reads as follows (for purposes of clarity the preamble text is included):

§ 33.10 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of apples or pears to any foreign destination unless:

* * * * *

(d) Each package of apples or pears is marked plainly and conspicuously with (1) the name and address of the grower,

packer, or domestic distributor: *Provided,* That the name of the foreign distributor may be placed on consumer unit packages shipped in a master container if such master container is marked with the name and address of the grower, packer, or domestic distributor;

* * * * *

Dated: May 10, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-5457; Filed, May 15, 1967; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airpspace Docket No. 67-AL-6]

CONTROL ZONE, CONTROL AREA EXTENSION, AND TRANSITION AREA

Proposed Alteration, Revocation, and Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Bethel, Alaska, terminal airspace structure.

The following controlled airspace is presently designated in the Bethel, Alaska, terminal area:

1. Bethel, Alaska, Control Zone, within a 5-mile radius of the Bethel Municipal Airport (latitude 60°46'55" N., longitude 161°49'-55" W.); within 2 miles either side of the Bethel VOR 007° and 214° radials extending from the 5-mile radius zone to 12 miles north and southwest of the VOR; within 2 miles either side of the 296° bearing from the Bethel RR extending from the 5-mile radius zone to the RR; and within 2 miles either side of the 023° bearing from the Bethel RBN extending from the 5-mile radius zone to 12 miles northeast of the RBN.

2. Bethel, Alaska, Control Area Extension, within a 30-mile radius of the Bethel VOR.

Conversion of the Bethel radio range to a radio beacon, establishment of continental control area, application of current criteria for establishment of control zones, and revised instrument approach procedures require a change to the Bethel terminal airspace structure.

The Federal Aviation Administration, having completed a comprehensive review of the controlled airspace requirements in the Bethel, Alaska, terminal area, proposes the following airspace action.

1. Alter the Bethel, Alaska, Control Zone by redesignating it to comprise that airspace within a 5-mile radius of the Bethel Municipal Airport (latitude 60°-47'01" N., longitude 161°49'59" W.); within 3 miles each side of the BEA RBN 014° T (356° M) bearing extending from the 5-mile radius zone to 8 miles north of the RBN; within 2 miles each side of the BET RBN 293° T (275° M) bearing extending from the 5-mile radius zone to 8 miles northwest of the RBN; and within 2 miles each side of the Bethel VORTAC 213° T (195° M) radial extending from the 5-mile radius zone to 8 miles southwest of the VORTAC.

2. Revoke the Bethel, Alaska, Control Area Extension.

3. Designate a transition area at Bethel, Alaska, described as that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the Bethel VORTAC.

The alteration of the control zone would provide protected airspace for aircraft conducting prescribed instrument approach and departure procedures and would decrease the control zone extensions to the north, northeast, and southwest by 4 miles. The proposed 1,200-foot transition area would provide protected airspace for aircraft executing portions of the prescribed instrument approach procedures, missed approaches, departures, and holding procedures conducted beyond the limits of the control zone. Revocation of the control area extension would release airspace for other aeronautical uses.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Public Docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Anchorage, Alaska, on May 4, 1967.

GEORGE M. GARY,
Director, Alaskan Region.

[F.R. Doc. 67-5415; Filed, May 15, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-EA-102]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the 700- and 1,200-foot floor Berlin, N.H., Transition Area.

A new instrument approach procedure has been authorized for Berlin Airport, Berlin, N.H. The present procedure has been modified to permit day and night operations. These procedures will require modification of the transition areas to provide protection for arrival and departing instrument aircraft.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the terminal airspace requirements for Berlin, N.H., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Berlin, N.H., Transition Area the description of the 700-foot floor transition area and insert in lieu thereof: "That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Berlin Airport, Berlin, N.H. (44°34'35" N., 71°10'-40" W.); within 2 miles each side of the Berlin, N.H., RBN (44°34'37" N., 71°10'-47" W.) 334° bearing extending from the 7-mile radius area to 8 miles northwest of the RBN; and within 2 miles each side of the Berlin, N.H., VOR (44°38'05" N., 71°11'12" W.) 355° radial extending from the 7-mile radius area to 8 miles north of the VOR;" and in the description of 1,200-foot floor transition area, between coordinates 44°54'00" N., 71°-10'00" W. and 44°31'00" N., 70°55'00" W., add, "to 44°50'00" N., 71°07'30" W.; to 44°50'30" N., 71°02'00" W.; to 44°40'-00" N., 71°00'30" W."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on April 25, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-5416; Filed, May 15, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket 66-EA-109]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is proposing to amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Dublin, Va., 700-foot floor transition area.

A review of airspace requirements for departure procedures at New River Valley Airport, Dublin, Va., indicates that the 6-mile radius area should be increased to 7 miles. Further a new runway has required a new reference point for the airport; a decommissioning of the Pulaski, Va., LFR permits elimination of the transition area extension based on the LFR.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Dublin, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the 700-foot floor Dublin, Va., transition area and insert in lieu thereof: "That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (37°08'10" N., 80°40'50" W.) of New River Valley Airport, Dublin, Va., and within 2 miles each side of Pulaski VOR 208° radial extending from the 7-mile radius area to 8 miles southwest of the VOR."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on May 1, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-5418; Filed, May 15, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-51]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Waycross, Ga., and Valdosta, Ga., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Waycross transition area is described in 32 F.R. 2148 and would be redesignated as follows:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Waycross-Ware County Airport (latitude 31°14'55" N., longitude 82°23'48" W.); within 2 miles each side of the Waycross VORTAC 099° radial, extending from the 8-mile radius area to the VORTAC. The portion within a 1½-mile radius of Bivins Airport (latitude 31°11'45" N., longitude 82°16'25" W.) is excluded.

The Valdosta transition area described in 32 F.R. 2148 would be altered as follows: Delete "* * * excluding that airspace which coincides with the Waycross, Ga., transition area * * *."

The classification of the Waycross-Ware County Airport has changed to Criteria III to include turbojet aircraft operations necessitating an increase in the basic radius circle to 8 miles.

A revision to AL-994-VOR-1 instrument approach procedure is proposed in conjunction with the alteration of the Waycross transition area, necessitating an alteration to the transition area extension.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on May 5, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-5419; Filed, May 15, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-EA-103]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Miami University Airport, Oxford, Ohio.

A new instrument procedure has been authorized for Miami University Airport and will require airspace protection for arriving and departing aircraft executing the instrument procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Oxford, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Oxford, Ohio, transition area described as follows:

OXFORD, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (39°30'10" N., 84°47'15" W.) of Miami University Airport, Oxford, Ohio, and within 2 miles each side of the Oxford, Ohio, RBN (39°30'27" N., 84°46'50" W.) 225° bearing extending from the 5-mile radius area to 11 miles southwest of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on April 27, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-5420; Filed, May 15, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket 66-EA-104]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Morrisville-Stowe State Airport, Morrisville, Vt.

A new ADF instrument approach procedure to Morrisville-Stowe State Airport has been authorized and this requires airspace protection for arriving and departing aircraft executing the new instrument procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Morrisville, Vt., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Morrisville, Vt., 700-foot floor transition area as follows:

MORRISVILLE, VT.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (44°32'10" N., 72°36'55" W.) of Morrisville-Stowe State Airport, Morrisville, Vt., and within 2 miles each side of the Morrisville RBN (44°35'13" N., 72°35'10" W.) 025° bearing extending from the 5-mile radius area to 8 miles northeast of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on April 27, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-5421; Filed, May 15, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[434.31]

TYPEFACE PROJECTION DEVICES

Tariff Classification

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d), the Bureau of Customs gave notice in the FEDERAL REGISTER on March 16, 1967, that it would review the existing established and uniform practice of classifying certain typeface projection devices free of duty under the provision for linotype and typesetting machines * * *, in Item 668.25, Tariff Schedules of the United States (TSUS). This review has been completed and all representations received carefully considered.

Typeface projection devices affected by this decision consists of enlargers, stands, film holders, and carriages, in which stencils containing letters are projected on film strips one at a time by manual operation. In a letter dated May 10, 1967, addressed to the district director of customs, Chicago, Ill., the Bureau held that such merchandise fails to correspond to the articles described in Item 668.25, TSUS, and is properly classifiable under the provision for enlargers and camera enlargers in Item 722.18, TSUS, with duty at the rate of 15 percent ad valorem.

As this ruling will result in the assessment of duties at a rate higher than that previously assessed on such typeface projection devices, the higher rate will be applied only to such merchandise entered, or withdrawn from warehouse, for consumption after the expiration of 90 days after the date of publication of an abstract of the Bureau letter to the district director of customs, Chicago, Ill., in the weekly Customs Bulletin.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 67-5409; Filed, May 15, 1967; 8:47 a.m.]

Fiscal Service

[Dept. Circular 570, 1966 Rev., Supp. No. 20]

FORUM INSURANCE CO.

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Forum Insurance Co., Providence, R.I., under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), to qualify as an acceptable surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States, is hereby terminated, effective April 27, 1967.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by the Forum Insurance Co.

Dated: May 11, 1967.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67-5433; Filed, May 15, 1967; 8:49 a.m.]

Office of the Secretary

[Antidumping—ATS 643.3-1]

TUBELESS TIRE VALVES FROM ITALY

Notice of Tentative Determination

MAY 8, 1967.

Information was received on April 26, 1966, that valves, tubeless tire, finished, imported from Italy were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)), in the FEDERAL REGISTER of July 19, 1966, on page 9751 thereof.

On October 14, 1966, the Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise which was published in the FEDERAL REGISTER dated October 20, 1966.

I hereby make a tentative determination that valves, tubeless tire, finished, imported from Italy are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. The sales to the U.S. purchasers were pursuant to arms-length transactions between parties not related within the meaning of section 207 of the Antidumping Act, as amended (19 U.S.C. 166).

The quantities of certain types of valves sold for home consumption were adequate to furnish a basis of comparison. Other types of valves were not sold for home consumption in quantities adequate to furnish a basis of comparison. As to the latter, sufficient quantities were sold to third countries.

Accordingly, purchase price was compared with adjusted home market price or with adjusted third country price as applicable.

Purchase price was computed on the basis of the c.i.f. or f.o.b. port price as applicable. From such price were deducted, as applicable, the ocean freight and insurance and inland freight. Refunded taxes were added as required by statute.

Calculation of the adjusted home market price was made on the basis of the delivered packed price. From such price were deducted the applicable foreign inland freight and the cost of the quality control differentials on those valves sold to the original equipment manufacturers in Italy.

Calculation of adjusted third country price was made on the basis of the c.i.f. Canadian port price. From this were deducted the foreign inland freight, ocean freight, and insurance. The refunded Imposta Generale Sull' Entrata tax (I.G.E. turnover tax) was added in conformity with the treatment accorded this factor in the calculation of purchase price.

Purchase price was found to be lower than adjusted home market price or adjusted third country prices on all items.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-5434; Filed, May 15, 1967; 8:49 a.m.]

[Antidumping—ATS 643.3-B]

TUBELESS TIRE VALVES FROM WEST GERMANY

Discontinuance of Investigation and Determination Regarding Fair Value

MAY 8, 1967.

Notice of intent to discontinue investigation, and of tentative determination that no sales exist below fair value as to certain valves and that sales exist below fair value as to other valves.

Information was received on April 26, 1966, that valves, tubeless tire, finished, imported from West Germany were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)),

in the FEDERAL REGISTER of July 19, 1966, on page 9751 thereof.

On October 6, 1966, the Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise which was published in the FEDERAL REGISTER dated October 12, 1966.

This document covers various types of actions with respect to valves from West Germany. Those actions are a notice of intent to discontinue investigation with respect to certain valves, and a tentative determination that (1) certain valves are not being, and are not likely to be, sold at less than fair value and (2) certain valves are being, or are likely to be, sold at less than fair value.

Notice is hereby given of intent to discontinue investigation. This notice of intent applies to valves TR 414, 418, 420, 423, and 425 produced by EHA Ventilfabrik, Muhlheim Am Main, West Germany, as to which the manufacturer has terminated shipments and given assurances that there would be no future sales at less than fair value regardless of the disposition of this complaint.

As to valves other than those to which the intent to discontinue investigation applies, I hereby make a tentative determination that—

(a) (1) Valves TR 413 and 415 produced by EHA Ventilfabrik, Muhlheim Am Main, West Germany, but only if purchased in quantities of over 33,000 units per month over a significant period of time, and (2) valves TR 413 and 415 produced by Alligator Ventilfabrik, Wurttemberg, Germany, are not being, and are not likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)); and

(b) All other valves, tubeless tire, finished, imported from West Germany are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. The sales to the U.S. purchasers were pursuant to outright, arms-length transactions between parties not financially related within the meaning of section 207 of the Antidumping Act, as amended (19 U.S.C. 166).

The quantities of certain types of valves sold for home consumption were adequate to furnish a basis of comparison. Other types of valves were not sold for home consumption in quantities adequate to furnish a basis of comparison. As to the latter, sufficient quantities were sold to third countries.

Accordingly, purchase price was compared with adjusted home market price or with adjusted third country price as applicable.

Purchase price was computed on the basis of the c.i.f. of f.o.b. port price as applicable. From such price there was deducted ocean freight and insurance, where pertinent, and inland freight. Refunded and uncollected taxes were added as required by statute.

Calculation of the adjusted home market price was made on the basis of the selling price, delivered, packed, with regard to one manufacturer, and on the basis of the weighted-average price, delivered, packed, with regard to another manufacturer. Consideration was given to the different quantities bought by various U.S. purchasers in selecting the effective home market prices for purchases in such quantities. The applicable trade and cash discounts and inland freight were deducted. As to one manufacturer, an adjustment for the difference in the cost of packing for export to the United States as compared with the cost of packing for home consumption was also made.

Calculation of adjusted third country price was made on the basis of the c.i.f. packed, or f.o.b. packed price, as applicable. From such price there was deducted ocean freight and insurance, where pertinent, and inland freight. Adjustment was made for the difference in the cost of packing for export to third countries as compared with the cost of packing for export to the United States. Adjustment was made for the taxes uncollected and refunded as the same tax treatment is accorded by West Germany to all exports, whether to the United States or to other countries.

Purchase price was found to be lower than adjusted home market price or adjusted third country price as applicable, as to all items except (1) valves TR 413 and 415 produced by EHA Ventilfabrik, Muhlheim Am Main, West Germany, but only if purchased in quantities of over 33,000 units per month over a significant period of time; and (2) valves TR 413 and 415 produced by Alligator Ventilfabrik, Wurttemberg, Germany.

With regard to valves TR 414, 418, 420, 423, and 425 produced by EHA Ventilfabrik, Muhlheim Am Main, West Germany, the manufacturer has terminated shipments and given assurances that there would be no future sales at less than fair value regardless of the disposition of this complaint.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the intent to discontinue investigation or the tentative determination are in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice and the statement of reasons therefor are published pursuant to §§ 14.7(b)(9) and 14.8(a) of the Customs Regulations (19 CFR 14.7(b)(9) and 14.8(a)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-5435; Filed, May 15, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ILLINOIS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Illinois natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ILLINOIS

Boone. McHenry.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5424; Filed, May 15, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

TEXAS A & M UNIVERSITY

Notice of Decision on Application for Duty Free Entry of Scientific Articles

The following is a decision on an application for duty free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00004-01-86500. Applicant: Texas A & M University, College Station, Tex. 77843. Article: Weissenberg rheogoniometer system model R. 17 consisting of basic instrument, oscillatory

mechanism, normal force, servo assembly, drive unit, low temperature control equipment, high temperature control equipment, electrical "platen touching" gap setting assembly, transducer changeover switch, panel and racking, and one S.E.L. ultra violet recorder, type SE. 2005 with matched pair of galvanometers. Manufacturer: Sangamo Controls, Ltd., England. Intended use of article: Basic research on rheological properties of materials and for graduate instruction. Decision: Application approved. No instrument or apparatus of equivalent scientific value to such article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: This is a unique instrument which measures normal stress as well as viscosity as a function of rate of shear. We know of no instrument manufactured in the United States that is capable of measuring normal stress as well as viscosity as a function of rate of shear. No comments have been received by the Department of Commerce concerning this application.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-5386; Filed, May 15, 1967; 8:45 a.m.]

Maritime Administration

[Report No. 80]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through May 4, 1967, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (259 ships)	1,846,314
British (75 ships)	563,940
**Amalia (now Maltese).	
**Amazon River (broken up)	7,234
Antarctica	8,785
Arctic Ocean	8,791
**Ardenode (now Tynlee—Panamanian)	7,036
Ardgem	6,981
**Ardmore (now Kali Elpis—British)	4,664
**Ardpatrick (now Haringhata—Pakistani)	7,054
Ardrossmore	5,820
Ardrowan	7,300
**Ardsirod (broken up)	7,025
**Ardstaffa (trip to Cuba under ex-name Inchstaffa—British).	
**Ardtara (now Hyperion—British)	5,795
**Arlington Court (now Southgate—British).	
Athelcrown (tanker)	11,149
Athelduke (tanker)	9,089
**Athelknight (tanker) (broken up)	9,087
Athelmere (tanker)	7,524
Athelmonarch (tanker)	11,182
**Athelsultan (tanker) (broken up)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cheung Chau	8,566
**Chipbee (broken up)	7,271
**Cosmo Trader (trips to Cuba under ex-name Ivy Fair—British).	
**Dairen (now Agate—Panamanian)	4,939
**East Breeze (now Maulabaksh—Pakistani).	
Eastfortune	8,789
**Elicos (broken up)	7,134
Formentor	8,424
Fortune Enterprise	7,284
**Free Enterprise (now Cypriot).	
**Frce Merchant (now Cypriot).	
**Garthdale (now Jeb Lee—British)	7,542
**Grosvenor Mariner (now Red Sea—British).	
Hazelmoor	7,907
Helka (now Anna Maria—Greek)	2,111
Hemisphere	8,718
Ho Fung	7,121
*Huntsfield	9,483
Huntsmore	5,678
Huntsville	9,486
**Hyperion (trips to Cuba under ex-name Ardtara—British).	
**Inchstaffa (now Ardstaffa—British)	5,255
Inchstuart	7,043
**Ivy Fair (now Cosmo Trader—British—broken up)	7,201
**Jeb Lee (trip to Cuba under ex-name Garthdale—British).	
Jollity	8,660
**Kali Elpis (trips to Cuba under ex-name Ardmore—British).	
Kinross	5,388
La Hortensia	9,486
Linkmoor	8,236
**Loradore (now Aliartos—Greek)	8,078
Magister	2,339
Nancy Dee	6,597
Nebula	8,924
**Newdene (now Free Navigator—Cypriot).	
**Newforest (now Cypriot).	
Newgate	6,743
Newglade	7,368
**Newgrove (now Cypriot).	
Newheath	7,643
Newhill	7,855
Newlane	7,043
**Newmeadow (now Cypriot).	
Newmoat	7,151
Newmoor	7,168
Oceantramp	6,185
Oceantravel	10,477
Peony	9,037
**Phoenician Dawn (now Maulabaksh — Pakistani — Previous trips to Cuba under ex-name East Breeze—British)	8,708
**Red Sea (previous trip to Cuba under ex-name Grosvenor Mariner—British)	7,026
**Redbrook (now E. Evangelia—Greek)	7,388
Ruthy Ann	7,361
**St. Antonio (now Maltese).	
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	8,941
Seasage	4,330
Shienfoon	7,127
**Shun Fung (wrecked)	7,148
**Soclyve (now Maltese).	
**Southgate (previous trips to Cuba under ex-name Arlington Court—British)	9,662
**Suva Breeze (now Cathay Trader—Panamanian)	4,970
**Swift River (now Kallithca—now Cypriot).	
**Timios Stavros (now Maltese flag—previous trips to Cuba—Greek).	
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Lebanese (50 ships)	340,287
Aiolos II	7,256
**Ais Giannis	6,997
**Akamas (now Cypriot).	
**Al Amin (now Fortune Sea—Panamanian)	7,186
Alaska	6,989
Anthas	7,044
Antonis	6,259
**Ares (constructive total loss)	4,557
**Areti (now Cypriot)	7,176
**Aristefs (now Tung Yih—Panamanian)	6,995
Astir	5,324
**Athamas (now Cypriot—broken up)	4,729
**Carnation (broken up)	4,884
Claire	5,411
Cris	6,032
**E. Myrtidiotissa (aground, trips to Cuba under ex-name, Kalliopi D. Lemos—Lebancse).	
**Free Trader (now Cypriot).	
Giannis	5,270
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
**Kalliopi D. Lemos (now E. Myrtidiotissa—Lebanese)	5,103
Katerina	9,357
Leftric	7,176
Mantric	7,255
**Maria Despina (broken in two)	7,254
Maria Renee (broken up)	7,203
Marichristina	7,124
**Marika (now Cypriot)	7,253
**Marymark (broken up)	4,383
**Mersinidi (broken up)	6,782
Mousse	9,307
Nictric	7,296
Noelle	7,251
**Noemi (aground—total loss)	7,070
**Olga (now Greek).	
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
**Reneka (now San Carlo—Panamanian—broken up)	7,250
Rio	7,194
**St. Anthony (broken up)	5,349
**St. Nicolas (broken up)	7,165
San Spyridon	7,260

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
Lebanese—Continued	
Stevo	7,066
Tertric	7,045
Theodoros Lemos	7,198
Tony	7,176
Touia	6,426
Troyan	7,243
**Vassiliki (now Cypriot).	
**Vastric (broken up)	6,751
Vergoiivada	6,339
Yanxiias	10,051
Greek (36 ships)	273,190
Agios Therapon	7,205
**Akastos (now Cypriot).	
**Aliartos (trip to Cuba under ex-name, Loradore—British).	
Aiice	7,189
**Ambassade (broken up)	8,600
**Americana (broken up)	7,104
Anacreon (now White Daisey—Panamanian)	7,359
**Anatoli (now Sunrise—Cypriot).	
**Andromachi (previous trips to Cuba under ex-name, Peneiope—Greek)	6,712
**Anna Maria (trips to Cuba under ex-name Helka—British).	
**Antonia (now Amfithea—Cypriot).	
Apolion	9,744
Athanassios K	7,216
Barbarino	7,084
Cailiopi Michalos	7,249
**Embassy (broken up)	8,418
**E. Evangelia (trips to Cuba under ex-name, Redbrook—British).	
Eftychia	10,865
Eretria	7,199
**Gloria (now Helen—Greek).	
**Helen (previous trips to Cuba under ex-name, Gloria—Greek—broken up)	7,128
Irena	7,232
**Istros II	7,275
**Kapetan Kostis (broken up)	5,032
**Kyra Harikiia (broken up)	6,888
**Maria Theresa (now Ingrid Anne—South African)	7,245
**Marigo (now Amfitriti—Cypriot)	7,147
**Maroudio (now Thaiie—Panamanian)	7,369
**Mastro-Steilos II (now Wendy H.—South African)	7,282
*Mery	7,258
**Nicolaos F. (previous trip to Cuba under ex-name, Nicoiaos Franglstas—Greek)	7,199
**Nicolaos Frangistas (now Nicolaos F.—Greek).	
Nikoiis M	7,176
**Oiga (previous trips to Cuba—Lebanese)	7,199
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek).	
**Presvia (broken up)	10,820
Redestos	5,911
Roula Maria (tanker)	10,608
**Seirios (broken up)	7,239
Sophia	7,030
**Styiianos N. Vlassopuios (now Antonia II—Cypriot)	7,303
**Timios Stavros (formeriy British flag—now Maitese).	
Tina	7,362
Western Trader	9,268
Polish (20 ships)	143,460
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	9,148
Chorzow	7,237
Energetyk	10,843
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Hutnik	10,897
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Rejowiec	3,401
Transportowiec	10,880
Cypriot (23 ships)	158,504
Acme	7,159
**Adeiphos Petrakis (broken up)	7,170
*Agenor	7,139
**Akamas (previous trips to Cuba—Lebanese)	7,285
**Akastos (previous trip to Cuba—Greek)	7,331
**Aktor (sunk)	6,993
Amfiali	7,110
**Amfithea (previous trip to Cuba under ex-name, Antonia—Greek)	5,171
**Amfitriti (trip to Cuba under ex-name, Marigo—Greek).	
Amon	7,229
**Antonia II (trip to Cuba under ex-name, Styiianos N. Viassopulos—Greek).	
*Apostolos Andreas	5,357
**Areti (trips to Cuba—Lebanese).	
Artemida	7,247
**Athamas (trips to Cuba—Lebanese—broken up).	
*E. D. Papaiios	9,431
El Toro	5,949
**Free Enterprise (previous trips to Cuba—British)	6,807
**Free Merchant (previous trips to Cuba—British)	5,237
**Free Navigator (previous trips to Cuba under ex-name, Newdene—British)	7,181
**Free Trader (previous trips to Cuba—Lebanese)	7,067
**Kallithea (previous trips to Cuba under ex-name, Swift River—British—broken up)	7,251
**Marika (trip to Cuba)—Lebanese).	
**Newforest (previous trips to Cuba—British)	7,185
**Newgrove (previous trips to Cuba—British and Haitian—constructive totai ioss)	7,172
**Newmeadow (previous trips to Cuba—British—sunk)	5,654
**Sunrise (previous trips to Cuba under ex-name, Anatoli—Greek)	7,187
**Vassiliki (previous trips to Cuba—Lebanese)	7,192
Italian (15 ships)	123,058
Achiile	6,950
Agostino Bertani	8,380
**Andrea Costa (tanker—broken up)	10,440
**Aspromonte (broken up)	7,154
Caprera	7,189
Eiia (tanker)	11,377
**Geremia (previous trips to Cuba under ex-name, Mariasusanna—Italian)	2,479
Giuseppe Giulietti (tanker)	17,519
**Grazieila Zeta (trips to Cuba under ex-name, Montiron—Italian).	
**Mariasusanna (now Geremia—Italian).	
**Montiron (now Graziella Zeta—Italian)	1,595
**Nazareno (broken up)	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (tanker)	12,461
Santa Lucia	9,278
**Somaila (now Chung Thai—Panamanian)	3,352
Yugosiav (9 ships)	61,033
**Bar (broken up)	7,233
Cetinje	7,200
**Dugi Otok (broken up)	6,997
Kolasin	7,217
Mojkovac	7,125
Piod	3,657
**Promina (broken up)	6,960
*Tara	7,499
**Trebisnjica (wrecked)	7,145
French (9 ships)	48,758
**Arsinoe (tanker—sunk)	10,426
**Avranches (now Avranchoise—Panamanian)	7,282
Circe	2,874
Enee	1,232
Foulaya	3,739
Mungo	4,820
Neiee	2,874
**Neve (now Drameoumar—Guinean)	852
Senanque (tanker)	14,659
Moroccan (5 ships)	35,828
Atias	10,392
**Banora (sunk)	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Maitese (5 ships)	33,788
**Amaiia (previous trips to Cuba—British)	7,304
Ispahan	7,156
**St. Antonio (broken up, previous trip to Cuba—British)	6,704
**Sociyve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Finnish (5 ships)	36,835
Atias	3,916
Augusta Pauiin	7,096
**Hermia (trip to Cuba under exname Amfred—Swedish).	
Margrethe Pauiin	7,251
Ragni Paulin	6,823
Sword (tanker)	11,749
Netheriands (2 ships)	999
Meike	500
Tempo	499
Norwegian (2 ships)	10,002
Oie Bratt	5,252
**Tine (now Jezreei—Panamanian flag—wrecked)	4,750
Swedish (2 ships)	9,318
**Amfred (now Hermia—Finnish)	2,828

See footnotes at end of document.

Swedish—Continued	Gross tonnage
**Dagmar (now Bali Mariner—Panamanian)	6,490
Monaco (1 ship)	7,314
Saint Lys (broken up)	7,314
Guinean:	
**Drame Oumar (trip to Cuba under ex-name, Neve—French).	
Haitian:	
**Newgrove (now Cypriot).	
Pakistani:	
**Haringhata (trip to Cuba under ex-name, Ardpatrick—British).	
**Maulabaksh (trip to Cuba under ex-name, Phoenician Dawn and East Breeze—British).	
Panamanian:	
**Agate (trips to Cuba under ex-name, Dairen—British).	
**Avranchoise (trip to Cuba under ex-name, Avranches—French).	
**Bali Mariner (trips to Cuba under ex-name, Dagmar—Swedish).	
**Cathay Trader (trips to Cuba under ex-name, Suva Breeze—British).	
**Chung Thai (trip to Cuba under ex-name, Somalia—Italian).	
**Fortune Sea (trips to Cuba under ex-name, Al Amin—Lebanese).	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian—wrecked).	
**San Carlo (trip to Cuba under ex-name, Reneka—Lebanese—broken up).	
**Thalie (trip to Cuba under ex-name, Maroudio—Greek).	
**Tung Yih (trip to Cuba under ex-name Aristefs—Lebanese).	
**Tynlee (trip to Cuba under ex-name, Ardenode—British).	
**White Daisey (trips to Cuba under ex-name, Anacreon—Greek).	
South African:	
**Ingrid Anne (trip to Cuba under ex-name, Maria Theresa—Greek).	
**Wendy H. (trip to Cuba under ex-name, Mastro-Stelios II—Greek).	

procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

None.

b. Previous reports:

Flag of registry (total)	Number of ships
	104
British	41
Cypriot	2
Danish	1
Finnish	2
French	1
German (West)	1
Greek	27
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	9
Norwegian	4
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through May 4, 1967.

Flag of registry	1963	1964	1965	1966	1967				Total
					Jan	Feb	Mar	Apr	
British	133	180	126	101	4	7	10	5	566
Lebanese	64	91	58	25	1	2	2		243
Greek	99	27	23	27	5	4	2	1	188
Italian	16	20	24	11	1		2		74
Yugoslav	12	11	15	10			2		50
Cypriot		1	17	27	2	1	3	3	54
French	8	9	9	10					36
Spanish	8	17							25
Norwegian	14	10							24
Moroccan	9	13	1						23
Finnish	1	4	5	11	1	1	1	1	25
Maltese		2	6	1		2			11
Netherlands		4	2						6
Swedish	3	3							6
Kuwaiti		2	1						3
Israeli			2						2
Danish	1								1
German (West)	1								1
Haitian			1						1
Japanese	1								1
Monaco				1					1
Subtotal	370	394	290	224	14	17	22	10	1,341
Polish	18	16	12	10	1	1	1		59
Grand total	388	410	302	234	15	18	23	10	1,400

NOTE: Trip totals in this section exceed ship totals in secs. 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data become available.

*Added to Report No. 79, appearing in the FEDERAL REGISTER issue of April 8, 1967.

**Ships appearing on the list that have been sunk, scrapped, or have had changes in name and/or flag of registry.

By order of the Acting Maritime Administrator.

Dated: May 9, 1967.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-5474; Filed; May 15, 1967; 8:51 a.m.]

Office of the Secretary

[Dept. Order 117-B; Amdt. 1]

MARITIME ADMINISTRATION

Organization and Functions

The following amendment to the order was issued by the Acting Secretary of Commerce on April 26, 1967. This material amends the material appearing at 31 F.R. 8246-8248 of June 11, 1966.

Department Order 117-B, dated May 20, 1966, is hereby amended as follows:

SEC. 3. *Functions of the Maritime Administration.* Paragraph "h." is amended to read:

"h. The Office of Personnel Management shall plan and administer personnel programs and activities relating to recruitment, placement, promotion, separation, employee performance evaluation, training and career development, employee recognition and incentives, employee relations and services, employee-management relations, classification, pay management, and various employee benefit programs. The Office of Personnel Management has the following divisions:

Division of Classification and Pay Management, Division of Employee Development, and Division of Career Management."

Effective date: April 26, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-5387; Filed, May 15, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Receipt of Application for Construction Permit and Facility License

Please take notice that Consolidated Edison Company of New York, Inc., 4 Irving Place, New York, N.Y. 10003, pursuant to section 104b. of the Atomic Energy Act of 1954, as amended, has filed an application, dated April 25, 1967, for a construction permit and facility license to authorize construction and operation of a pressurized water nuclear reactor at the applicant's Indian Point Station. The site comprises approximately 250 acres on the east bank of the Hudson River in the village of Buchanan, Westchester County, N.Y.

The proposed reactor, designated by the applicant as Indian Point Station Unit No. 3, is designed for initial operation at approximately 3,025 thermal megawatts with a net electrical output of approximately 965 megawatts. The reactor is to be located adjacent to and south of the existing Indian Point Station Unit No. 1. A second nuclear reactor, Indian Point Station Unit No. 2, is presently under construction on this site.

A copy of the application is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 9th day of May 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 67-5384; Filed, May 15, 1967; 8:45 a.m.]

[Docket Nos. 50-259, 50-260]

TENNESSEE VALLEY AUTHORITY

Notice of Issuance of Provisional Construction Permits

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated May 9, 1967, the Director of the Division of Reactor Licensing has issued Provisional Construction Permits Nos. CPPR-29 and CPPR-30 to the Tennessee Valley Authority for the construction of two boiling water nuclear reactors, designated respectively as the Browns Ferry Nuclear Power Station Units 1 and 2, to be located on the Tennessee Valley Authority's Browns Ferry site at Wheeler Lake, Limestone County, Ala., about 10 miles southwest of Athens, Ala.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 10th day of May 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 67-5385; Filed, May 15, 1967; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[OE Docket No. 66-SO-4]

BAY VIDEO, INC.

Grant of Additional Extension to Comment Period

On December 22, 1966, a notice of petition for and grant of review was issued in response to a petition received by the Federal Aviation Administration in opposition to a determination of hazard to air navigation concerning the proposed construction by Bay Video, Inc., of a tower 1,942 feet above mean sea level (1,797 feet above ground) near Woods, Fla.

Since the grant was issued, the proponent has been negotiating with Florida State University in an effort to establish a joint use structure. There have been numerous delays in the negotiations and the proponent has requested several extensions to the comment period. An extension beyond the present May 21, 1967, expiration date has now been requested. To grant this request appears to be in the public interest; however, to allow adequate time to complete the settlement of this matter, it is deemed advisable to extend the comment period for 3 additional months.

Therefore, pursuant to the authority delegated to me by the Administrator, notice is hereby given that the comment period for submitting relevant information for consideration in this review is extended to expire on August 21, 1967. Submission must be filed in triplicate with the Federal Aviation Administration. Obstruction Evaluation Branch, 800 Independence Avenue SW., Washington, D.C. 20590, and must be relevant to the effect of the proposed structure on sale air navigation.

Issued in Washington, D.C., on May 9, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-5414; Filed, May 15, 1967; 8:47 a.m.]

Federal Highway Administration

[Docket No. FHA-1]

MOTOR VEHICLE SAFETY

Reconsideration of Initial Motor Vehicle Safety Standard 201; Notice of Hearing

Notice is hereby given that a hearing in the above-entitled proceeding will be held May 22, 1967, at 9:30 a.m., e.d.s.t., at General Motors' Training Center, 30901 Van Dyke Avenue, Detroit (Warren), Mich.; and on May 24, 1967, at 9:30 a.m., e.d.s.t., in Hearing Room "A", Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested parties are referred to the Report of Prehearing Conference on file with Rules Dockets, Federal Aviation Administration, Room 915, 800 Independence Avenue SW., Washington, D.C.

Dated at Washington, D.C., May 10, 1967.

RUSSELL A. POTTER,
Presiding Officer.

[F.R. Doc. 67-5431; Filed, May 15, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17828; Order No. E-25127]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Delayed Inaugural Flights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of May 1967.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 2 and Joint Conferences 1-2 and 2-3 of the International Air Transport Association (IATA). The agreements have been adopted pursuant to the provisions of Resolution 200h (Free and Reduced Fare Transportation for Inaugural Flights) and have been assigned the CAB Agreement numbers, Agreement CAB 19563 and Agreement CAB 19584.

The agreements permit Air India to postpone inaugural flights for their new services between Bombay and Brussels, between London and Brussels, between Bombay and Teheran, and between New York and Teheran, to a date not later than December 31, 1967.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board finds that, on the basis of all facts presently known, the following resolutions, incorporated in the agreements indicated, do not affect air transportation within the meaning of the Act:

CAB agreement:	IATA resolution
19563	200(Mail 710)200h.
	JT23(Mail 710)200h.
19584	JT23(Mail 171)200h.

2. The Board does not find Resolution JT12(Mail 171)200h, which is incorporated in Agreement CAB 19584, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to Agreement CAB 19563 and that portion of Agreement CAB 19584 as set forth in finding paragraph 1; and

2. The portion of Agreement CAB 19584, as set forth in finding paragraph 2, is approved.

Any air carrier party to the agreements, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-5427; Filed, May 15, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17437; FCC 67M-792]

FRANK HOVIS HEMBY

Order Scheduling Hearing

In the matter of Frank Hovis Hemby, Zion Lutheran Church and School, 6121 East Lovers Lane, Dallas, Tex. 75214, Docket No. 17437; suspension of radiotelegraph first class operator license and radiotelephone first class operator license.

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding, and that the hearing therein shall be convened in the offices of the Commission, Washington, D.C., on June 19, 1967.

Issued: May 11, 1967.

Released: May 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN WAPLE,
Secretary.

[F.R. Doc. 67-5436; Filed, May 15, 1967; 8:49 a.m.]

[Docket No. 17243; FCC 67R-197]

KITTYHAWK BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Deleting Issue

In re applications of Kittyhawk Broadcasting Corp., Kettering, Ohio, et al., Docket No. 17243, File No. BP-16603, 17244, 17245, 17246, 17247, 17248, 17249, 17250; for construction permits.

1. This proceeding, involving eight applicants for new or changed standard broadcast facilities, was designated for hearing by memorandum opinion and order, FCC 67-256, released March 16, 1967. In the designation order, the Commission stated, among other things, that the application of Voice of the Ohio Valley, Inc. (Ohio Valley), reflected that it would require $113,697 in order to construct its proposal and operate for 1 year; that, in order to meet this requirement, Ohio Valley was relying upon a $99,000 stock subscription by John O. Bland, Jr., a stock subscription for $11,000 from Jack Gibson, and predicted revenues of $20,000; and that the subscribers' balance sheets indicated that neither had sufficient liquid assets to meet their subscriptions, and no data to support the revenue estimate had been furnished. A financial issue was therefore specified. Presently before the Board is a motion to delete issue, filed on March 27, 1967, by Ohio Valley, requesting the deletion of this financial issue.[1] Also before the Board is Bloomington Broadcasting Co.'s (Bloomington) motion to delete issue, filed on April 5, 1967, wherein that applicant requests the Board to delete an issue inquiring into whether its proposal would constitute a menace to air navigation.[2]

2. In support of its motion, Ohio Valley asserts that the Commission should have found that $110,010 would be required to finance Ohio Valley's proposal, not $113,697; and that this error resulted because the Commission considered the interest payment on the deferred credit arrangement ($3,687) as an additional expense, whereas this item was already included in Ohio Valley's estimate of $55,000 for its first year's operating expenses.[3] Ohio Valley also contends that the balance sheets for Bland and Gibson do indicate that they have sufficient funds to meet their commitments. With regard to Bland, Ohio Valley points out that his balance sheet reflects current assets of $41,618.39 in stocks listed on major exchanges; $5,086 in cash; $1,400 in U.S. bonds; and $98,000 in real estate, consisting of a residence and three commercial properties. These properties, Ohio Valley argues, should have been regarded as liquid assets because Ohio Valley submitted a copy of an offer to sell two of the parcels to the Urban Renewal and Development Agency for $56,000, and a closing statement reflecting that a third parcel was purchased for approximately $27,750. With regard to Gibson, Ohio Valley points out that his balance sheet reflects liquid assets of $10,300 and fixed assets in excess of $8,000. Citing Massillon Broadcasting Co., Inc., FCC 61-1164, 22 RR 218,[4] Ohio Valley submits that Gibson should have been credited with the additional $700 needed from his fixed assets. Up-dated balance sheets for both Bland (Bland's reflects the sale of two of the parcels of real property) and Gibson were filed with Ohio Valley's reply pleading. The Broadcast Bureau and The Gem City Broadcasting Co. (Gem City) oppose Ohio Valley's motion.

3. The Board does not agree with Ohio Valley's contention that its predesignation showing was adequate to establish its financial qualifications. Assuming that Ohio Valley will require only $110,010 to finance its proposal, and therefore that it will not have to rely upon anticipated revenues to any appreciable degree, we find the predesignation balance sheets of Bland and Gibson insufficient to support their stock subscriptions. As to Bland's $99,000 commitment, his balance sheet reflects approximately $48,104 in liquid assets,[5] other than the real estate, and we do not believe that the unsigned offer to sell two parcels of property to a Government agency (subject to the approval of another Government agency), or the closing sheet were adequate means of establishing the liquidity of the real estate relied upon. As to Gibson's $11,000 commitment, his balance sheet reflects approximately $10,300 in liquid assets and $8,000 in fixed assets. Although the Commission and the Board have refused to add financial issues where a small amount of money must be obtained from a large amount of fixed assets in several cases,[6] those cases involved applicants with fixed assets of far greater value than that relied upon by Gibson.[7] Thus,

[1] In response to Ohio Valley's motion, the following pleadings were filed: (a) Opposition, filed on Apr. 6, 1967, by The Gem City Broadcasting Co.; (b) opposition, filed on Apr. 6, 1967, by Bloomington Broadcasting Co.; (c) Broadcast Bureau's opposition, filed on Apr. 11, 1967; and (d) reply, filed on Apr. 28, 1967, by Ohio Valley.

[2] The Broadcast Bureau filed a pleading in support of Bloomington's motion on Apr. 17, 1967.

[3] With its reply pleading, Ohio Valley filed, for the first time, a breakdown of its estimated costs of first year's operations, which includes an item of $3,687 for "interest on bank loan." We assume that this actually refers to the interest on the deferred credit arrangement.

[4] The case is cited as Covington Broadcasting Co. in Ohio Valley's pleading.

[5] Bland's balance sheet also reflects $19,000 in liabilities, and no showing is made of whether these liabilities are current or long term.

[6] See Massillon Broadcasting Co., Inc., supra; United Artists Broadcasting, Inc., FCC 64R-551, released Dec. 8, 1964; Springfield Television Broadcasting Corp., FCC 64R-234, 2 RR 2d 841; and Garo W. Ray, FCC 63R-103, 23 RR 286.

[7] For example, in the Massillon case, cited by Ohio Valley, the Commission refused to add a financial issue regarding the ability of a stock subscriber to meet his $30,630 subscription where the subscriber had $11,000 in cash; a $15,000 bank loan commitment; a net worth of $180,000; and a net yearly income of $92,000. Compare Kent-Ravenna Broadcasting Co., FCC 61-1219, 22 RR 230.

the Board is unwilling to give an applicant credit for approximately $1,000[8] based upon a statement that he has $8,000 in fixed assets, particularly where, as here, there is no indication of the nature of those fixed assets.

4. With regard to the financial showing made with Ohio Valley's subject motion, the Board has followed a policy of refusing to delete issues, except in unusual circumstances, where the request is based upon material contained in post-designation amendments or pleadings.[9] Moreover, regardless of this policy, the Board would not delete the issue as requested here. There is no indication that the information relied upon by Ohio Valley has, by way of amendment, been made a part of Ohio Valley's application, and the Board has held that it must consider whether a financial issue is warranted on the basis of the proposal of record. Triad Stations, Inc., FCC 64R–540, 3 RR 2d 1064. Finally, Bland's updated balance sheet reflects less than $71,600 in liquid assets over current liabilities,[10] exclusive of real estate, and, as previously indicated, Ohio Valley has not established the liquidity of this real property.

5. Bloomington, in support of its request to delete the air hazard issue, submitted a copy of a determination of no hazard to air navigation for its proposal, issued by the FAA on November 26, 1965. It alleges that the Commission's staff has advised it that this letter was received by the Commission on December 8, 1965, but misplaced prior to the drafting of the designation order; and that it was subsequently found and is now in the Commission's files. Bloomington's unopposed request will be granted.

Accordingly, it is ordered, That the motion to delete issue, filed on March 27, 1967, by Voice of the Ohio Valley, Inc., is denied; that Bloomington Broadcasting Co.'s motion to delete issue, filed on April 5, 1967, is granted; and that the Commission's memorandum opinion and order (FCC 67–256), released March 16, 1967 is modified by the deletion of Issue 11.

Adopted: May 10, 1967.

Released: May 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5437; Filed, May 15, 1967; 8:49 a.m.]

[8] Ohio Valley did not subtract the $300 in current liabilities shown on Gibson's balance sheet from the $10,300 in liquid assets.

[9] See, e.g., Marion Moore, FCC 65R–53, released Feb. 8, 1965; and Nebraska Rural Radio Association, FCC 65R–158, 5 RR 2d 43.

[10] Bland's balance sheet shows $44,833.89 in stock; $33,044 in cash and U.S. bonds; accounts payable of $4,181; and $2,098 due in payroll taxes. Other assets, including an interest in Business Radio, Inc., trucks and autos, and accounts receivable, cannot be regarded as liquid in the absence of further information.

[Docket Nos. 17411, 17412]

MT. CARMEL BROADCASTING CO. AND K H RADIO CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Edward A. Romance, trading as Mt. Carmel Broadcasting Co., Mount Carmel, Pa., Docket No. 17411, File No. BP–16806; Requests: 1590 kc, 500 w, Day; Robert Kerris and Edward Helfrick, doing business as K H Radio Co., Mount Carmel, Pa., Docket No. 17412, File No. BP–17158; Requests: 1590 kc, 500 w, Day; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above applications.

2. The above proposals are mutually exclusive in that they request cochannel operation in the same community. Except as indicated by the issues specified below, the applicants are qualified to construct, own and operate as proposed. However, since the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would better serve the public interest, convenience, and necessity.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue which of the applications should be granted.

It is further ordered, That, in the event of a grant of either of the applications, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 10, 1967.

Released: May 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5438; Filed, May 15, 1967; 8:49 a.m.]

[Docket Nos. 17420–17422; FCC 67–529]

MICHAEL S. RICE ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Michael S. Rice, St. Charles, Mo., Docket No. 17420, File No. BP–17043; Requests: 1460 kc, 5 kw, Day DA, Class III; First Capitol Radio, Inc., St. Charles, Mo., Docket No. 17421, File No. BP–17155; Requests: 1460 kc, 5 kw, Day DA, Class III; Cecil W. Roberts, St. Charles, Mo., Docket No. 17422, File No. BP–17156; Requests: 1460 kc, 5 kw, Day, DA, Class III; for standard broadcast construction permits.

1. The Commission has before it for consideration: the above captioned and described applications; a "Request that (the First Capitol Radio, Inc.) Application Be Dismissed as Patently Defective," filed by Michael S. Rice; and pleadings in opposition and reply thereo.

2. Each of the applicants seeks to operate on the frequency vacated by former Station KADY, St. Charles, Mo. Their applications are mutually exclusive and must be designated for comparative consideration in a consolidated proceeding.

3. The First Capitol Radio, Inc., application is predicated upon the availability to First Capitol of the antenna-transmitter site and physical plant of former Station KADY. Michael S. Rice, a competing applicant, contends that KADY property is not available to First Capitol.

4. As evidence of the availability to it of the KADY site and physical plant, First Capitol includes in its application a letter to its president from John M. Drescher, Jr., a St. Louis, Mo., attorney. In his letter, Drescher states that he is authorized to act as attorney-in-fact for William R. Cady, Jr., the present holder of a mortgage executed by KADY's last licensee, and of the note secured thereby which is now in default. The mortgage, according to Drescher, covers substantially all the studio and broadcasting equipment of Radio Station KADY and the leasehold estate, together with all buildings, antenna systems, and other improvements thereon, comprising the station site.

5. After quoting from the foreclosure and sale provisions of the mortgage, Drescher states that "Mr. Cady * * * has offered to First Capitol Radio, Inc., * * * to foreclose said mortgage, take

possession of said studio and broadcasting equipment and said leasehold estate comprising said station site, on which are situated said buildings, antenna systems, and other improvements, and to sell all the same to First Capitol Radio, Inc., for a purchase price of $91,500, payable $15,000 in the first year after closing and the balance in equal increments over the following 4 years, with interest at 6½ percent on the unpaid balance."

6. Rice, in his "Request that (the First Capitol) Application Be Dismissed as Patently Defective," contends, first, that, "Under Missouri law, William R. Cady, Jr., cannot deliver a good leasehold right to the site of the * * * KADY facilities to First Capitol Radio, Inc., because the alleged mortgage is invalid and defective insofar as it purports to cover the leasehold estate and because Michael S. Rice has a prior right to a lease to said site from the owners of the fee"; second, that, under the terms of the Commission-approved transfer agreement between the last and next-to-last licensees of KADY—pursuant to which the mortgage and note now held by Cady were delivered—the proper remedy, in the event of default on the note, is not mortgage foreclosure (as contemplated by Cady's offer to First Capitol) but rather a sale, at public auction, of the last KADY licensee's stock; and, third, that "the letter from John M. Drescher, Jr., is, at best, an offer to make the site available to First Capitol Radio, Inc., and there is no indication of acceptance thereof by First Capitol Radio, Inc."

7. Rice's contention that First Capitol's failure thus far to accept Cady's offer raises a question of site availability, is without merit.[1] Rice's other contentions, however, do raise a substantial doubt as to Cady's ability to effectuate his offer to First Capitol. An issue will therefore be specified as to the availability to First Capitol of the site which it proposes.

8. For the following reasons, a question also exists as to the financial qualifications of First Capitol Radio, Inc., to construct and operate as proposed: First Capitol anticipates that the initial construction and other costs of its proposal, plus the proposed station's first-year operating expenses, will total $97,500.[2] It claims to have available $42,000 in liquid assets and a $50,000 bank line of credit, or a total of $92,000. This amount is $5,500 less than the applicant's own estimate of total initial, and first-year operating, costs. In addition, the bank letter (dated June 2, 1966) submitted by First Capitol in support of its application states that any loan made to the applicant shall be "on a regularly secured basis—without any specification of the security that would be required. Because of that, a question exists as to the availability to First Capitol of a $50,000 bank loan or line of credit.

9. A financial question is also presented by the Cecil W. Roberts application: Roberts estimates that the initial construction and other costs of his proposal, plus the proposed station's first-year operating expenses, will total $90,850.[3] To meet these expenses, he proposes to rely solely upon "existing capital, $50,000," and "profits from existing operations, $2,000 monthly"—or $24,000 per year. The sum of these two figures—$50,000 plus $24,000—is only $74,000, an amount $16,850 below Roberts' own estimate of the initial costs and first-year operating expenses of his proposed station. A financial issue regarding Roberts will be specified herein.

10. Examination of the engineering part of the Cecil W. Roberts application indicates that, in contravention of § 73.35 (a) of the Commission's rules, the 1 mv/m contour of the Roberts proposal would overlap the 1 mv/m contour of KREI, a Farmington, Mo., standard broadcast station licensed to Roberts. However, Roberts has submitted a statement, signed by him and his wife, advising the Commission that, if his application is granted, they will divest themselves of all interest in KREI before the proposed St. Charles, Mo., station commences operation. A construction permit condition to that effect will be specified in this order.

11. The Michael S. Rice application was amended on March 28, 1967, to propose a new antenna site approximately 3,400 feet from that of former station KADY. The applicant states that notification of this has been submitted to the Federal Aviation Agency; the Commission, however, has not yet received from the FAA a statement of its views as to the effect of such antenna tower relocation upon air navigation safety. Accordingly, an air safety issue will be specified with respect to the Rice proposal, and the FAA will be made a party to the proceeding.

12. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the transmitter-antenna site proposed by First Capitol Radio, Inc., is available to it.

2. To determine, with respect to the First Capitol Radio, Inc., financial proposal:

(a) The availability to the applicant of $50,000 which it proposes to obtain from bank loans.

(b) Assuming that all of the funds upon which the applicant relies will be available to it, how the applicant will obtain sufficient additional funds to construct and operate the proposed station for 1 year.

(c) Whether, in the light of the evidence adduced pursuant to Items 2–a and 2–b, First Capitol Radio, Inc., is financially qualified.

3. To determine, with respect to Cecil W. Roberts financial proposal:

(a) Assuming that all of the funds upon which the applicant relies will be available to him, how he will obtain sufficient additional funds to construct and operate as proposed.

(b) Whether, in the light of the evidence adduced pursuant to Item 3–a, Cecil W. Roberts is financially qualified.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by Michael S. Rice would constitute a menace to air navigation.

5. To determine which of the proposals would best serve the public interest, convenience and necessity.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

It is further ordered, That, in the event of a grant of the Cecil W. Roberts application, the construction permit shall also contain the following condition:

Program tests will not be authorized until the permittee and his wife have divested themselves of all interest in Station KREI, Farmington, Mo.

It is further ordered, That Michael S. Rice's "Request that (the First Capitol Radio, Inc.), Application Be Dismissed as Patently Defective" is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such

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[1] See Luis Prado Martorell, 5 FCC 2d 138 (1966); Greater New Castle Broadcasting Corp., 8 RR 291 (1952), Sheffield Broadcasting, 31 FCC 563, 21 RR 514a (1961), Suburban Broadcasting Co., Inc., FCC 60–182, 19 RR 956 (1960).

[2] (a) Initial payment for purchase of KADY leasehold and chattels, $15,000; (b) other items, $7,500; (c) first-year operating expenses, $75,000.

[3] I.e., (a) initial construction and other costs, $40,850; (b) first-year operating expenses, $50,000.

notice as required by § 1.594(g) of the rules.

Adopted: May 3, 1967.

Released: May 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[4]
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5439; Filed, May 15, 1967; 8:49 a.m.]

[Docket Nos. 17420-17422; FCC 67M-790]

MICHAEL S. RICE ET AL.

Order Scheduling Hearing

In re applications of Michael S. Rice, St. Charles, Mo., Docket No. 17420, File No. BP-17043; First Capitol Radio, Inc., St. Charles, Mo., Docket No. 17421, File No. BP-17155; Cecil W. Roberts, St. Charles, Mo., Docket No. 17422, File No. BP-17156; for standard broadcast construction permits.

It is ordered, That Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 5, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 9, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 9, 1967.

Released: May 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5440; Filed, May 15, 1967; 8:49 a.m.]

[Docket Nos. 17423, 17424; FCC 67-533]

SARASOTA-BRADENTON, FLORIDA TELEVISION CO., INC., AND TAMIAMI, T.V., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Sarasota-Bradenton, Florida Television Co., Inc., Sarasota, Fla., Docket No. 17423, File No. BPCT-3687; Tamiami T.V., Inc., Sarasota, Fla., Docket No. 17424, File No. BPCT-3798; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 40, Sarasota, Fla.

2. With respect to the issues set forth below the following considerations are pertinent:

Based on the information contained in the application of Tamiami T.V., Inc., cash in the amount of $554,208 will be needed for the construction and first-year operation of the proposed station, consisting of down payment on equipment—$137,500; first-year payments on equipment including interest—$117,545; cost of equipment not subject to deferred payment — $22,620; building — $30,000; first-year payments on building mortgage including interest—$4,543; other items—$42,000; first-year cost of operation—$200,000. To meet the cash requirements, the applicant relies upon the availability of $500 in existing capital, $249,500 in stock subscription agreements, and an agreement by Republic Investments, Inc., to purchase up to 75,000 additional shares of the applicant's stock at $1 per share. The applicant has demonstrated the availability of $500 in existing capital and $204,500 in stock subscription agreements. Since, the financial statements submitted by Robert S. Baynard, George E. Youngberg, Sr., John R. McDonald, and Louis H. La Motte, do not comply with the requirements of section III, paragraph 4(d), FCC Form 301, it cannot be determined whether they have available liquid and current assets in excess of current liabilities in sufficient amounts to meet their respective commitments to the applicant. In addition, since Republic Investments, Inc.'s agreement to purchase up to 75,000 additional shares of the applicant's stock is contingent upon the same amount of stock being purchased by residents of the Sarasota area, it cannot be determined whether such funds will be available to the applicant. Moreover, the applicant has made no showing as to the validity of its $200,000 revenue estimate for the first year. Accordingly, financial issues have been specified.

3. Since Federal Aviation Administration approval has not been obtained for Tamiami T.V., Inc.'s antenna structure, air menace issues has been specified.

4. Sarasota-Bradenton, Florida Television Co., Inc., proposes to locate its main studios outside of the corporate limits of Sarasota, Fla., for economic reasons. We believe that good cause has been shown for so locating the main studios and that the location proposed would not be inconsistent with the operation of the station in the public interest. We will provide, therefore, that in the event of a grant of the application of Sarasota-Bradenton Florida Television Co., Inc., the Commission's consent to the location will be granted, pursuant to § 73.613(b) of the rules.

5. There appears to be a significant disparity in the proposed Grade B contours of the applicants. In accordance with the Commission's policy evidence with respect to which of the proposals would represent a more efficient use of the frequency may be adduced under the comparative issue.[1]

6. Sarasota-Bradenton, Florida Television Co., Inc., is qualified to construct, own, and operate the proposed new television broadcast station and, except as indicated by the issues set forth below, Tamiami T.V., Inc., is qualified to construct, own, and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Sarasota-Bradenton, Florida Television Co., Inc., and Tamiami T.V., Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to the application of Tamiami, T.V., Inc:

(a) Whether Robert S. Baynard, George E. Youngberg, Sr., John R. McDonald, and Louis H. La Motte have liquid and current assets (as defined in sec. III, par. 4(d), FCC Form 301) in excess of current liabilities in sufficient amounts to meet their respective commitments to purchase the applicant's stock.

(b) Whether, in view of the contingent nature of Republic Investments, Inc.'s agreement to purchase up to 75,000 additional shares of the applicant's stock at $1 per share, such funds will be available to the applicant.

(c) Assuming that the applicant is able to demonstrate the availability of the funds specified in Issues (a) and (b) above, how the applicant will obtain sufficient additional funds to construct and operate the proposed station for 1 year.

(d) Whether, in the light of the evidence adduced pursuant to the foregoing, Tamiami T.V., Inc., is financially qualified.

(e) Whether there is a reasonable possibility that the tower height and location proposed by Tamiami T.V., Inc., would constitute a menace to air navigation.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of Sarasota-Bradenton, Florida Television Co., Inc., the applicant's request, pursuant to § 73.613(b) of the Commission's rules to locate its main studios outside the corporate limits of Sarasota, Fla., shall be granted.

It is further ordered, That the Federal Aviation Administration is made a party to this proceeding with respect to the application of Tamiami T.V., Inc.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules,

[4] Statement of Commissioner Bartley, concurring in part and dissenting in part, filed as part of original document.

[1] Harriscope, Inc., FCC 65-1165, 2 FCC 2d 223.

in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 3, 1967.

Released: May 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5441; Filed, May 15, 1967; 8:50 a.m.]

[Docket Nos. 17423, 17424; FCC 67M-791]

SARASOTA-BRADENTON, FLORIDA, TELEVISION CO., INC., AND TAMIAMI T.V., INC.

Order Scheduling Hearing

In re applications of Sarasota-Bradenton, Florida, Television Co., Inc., Sarasota, Fla., Docket No. 17423, File No. BPCT-3687; Tamiami T.V., Inc., Sarasota, Fla., Docket No. 17424, File No. BPCT-3798; for construction permit for new television broadcast station (Channel 40).

It is ordered, That Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 10, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 6, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 9, 1967.

Released: May 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5442; Filed, May 15, 1967; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

BAHAMA ISLANDS RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Stephen Doolos, Secretary, Bahama Islands Rate Agreement, 1 Whitehall Street, New York, N.Y. 10004.

Agreement 9558-1 between Atlantic Lines, Ltd., Blue Ribbon Line, Ltd., and United Fruit Co., common carriers operating in the trade between ports in the Bahama Islands and U.S. Atlantic and Gulf ports as refiled modifies the basic agreement so that (1) expenses incurred under the agreement shall be divided among the member lines in proportion to the degree that each has participated in the activities thereunder, (2) meetings shall be called at the request of the Secretary or of any member line, and (3) only those members who are currently active or who furnish satisfactory assurance of resumption of service shall be entitled to vote on matters pertaining to rates, charges, and practices governing the carriage of cargo in the trade. This notice supersedes notice of the filing of the original version of 9558-1 which appeared in the FEDERAL REGISTER on March 14, 1967, Volume 32, number 49, at page 4034.

Dated: May 10, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5429; Filed, May 15, 1967; 8:49 a.m.]

MARSEILLES NORTH ATLANTIC U.S.A. FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Burton H. White, Burlingham, Underwood, Barron, Wright and White, 25 Broadway, New York, N.Y. 10004.

Agreement 5660-8, between the member lines of the Marseilles North Atlantic U.S.A. Freight Conference, proposes (1) the revocation and cancellation of a pending modification, Agreement 5660-7, which is presently in docketed proceedings (Docket No. 67-17), and (2) amendment of the basic agreement to establish an admission fee of $5,000.

Dated: May 11, 1967.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 67-5430; Filed, May 15, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7308]

TOWN OF BELHAVEN, N.C., ET AL.

Order Denying Motion To Dismiss, Accepting Answer for Filing, Joining Additional Persons as Respondent Parties, and Providing for Hearing

MAY 8, 1967.

Town of Belhaven, N.C., et al. (complainants), v. Virginia Electric and Power Co. et al. (respondents); Docket No. E-7308.

This order directs a hearing on issues raised in a complaint filed August 30, 1966, by the town of Belhaven, N.C., and 10 other North Carolina municipalities,[1] as amended on February 20, 1967. The complaint, directed against Virginia Electric and Power Co. (VEPCO) as the named respondent, alleges, inter alia, that VEPCO's present rates to complainants are unlawful within the meaning of sections 205 and 206 of the Federal Power Act and seeks relief pursuant to sections 201, 202, 205, 206, 207, 208, and 209 of the Act. On October 3, 1966, VEPCO filed an answer and motion to dismiss. Complainants filed an objection to the motion to dismiss on October 10, 1966. The motion to dismiss argues that there is no "reasonable ground for in-

[1] The town of Edenton, N.C., and Board of Public Works, of Edenton; the city of Elizabeth City, N.C.; the town of Enfield, N.C.; the city of Greenville, N.C. and Greenville Utilities Commission; the town of Hertford, N.C.; the town of Robersonville, N.C.; the town of Scotland Neck, N.C.; the town of Tarboro, N.C.; the city of Washington, N.C.; and, the town of Windsor, N.C.

vestigating such complaint". We do not agree. In order that we may make determination as to the merits of the complaint, we are ordering a hearing on the issues raised by complainants as to the lawfulness of the rate schedules complained of.[2]

On February 20, 1967, the Complaint was amended by a motion for assignment to Trial Examiner for early hearing and an order directing answers to interrogatories (amendment). Complainants specifically requested that this filing be treated as an amendment to the Complaint. The Complaint and the amendment raise issues which appear to involve not only the named respondents but also the other members of the Carolina-Virginias Power Pool (CARVA Pool), Carolina Power and Light Co. (Carolina), Duke Power Co. (Duke), and South Carolina Electric and Gas Co. (South Carolina),[3] each a public utility and licensee within the meaning of the Federal Power Act. Therefore, in order to assure that all persons who may be affected by an order on this matter have an opportunity to be heard, we are ordering that Carolina, Duke, and South Carolina be joined as parties respondent in this proceeding, with opportunity for full participation in all hearings to be held in this case. To further facilitate the development of a complete record in this case, we are providing by this order that this investigation and hearing include the terms of the CARVA Pool Agreement[4] as they may pertain to the issues raised by the pleadings filed in this case.

The February 20, 1967 amendment requests an order directing answers to interrogatories, which were appended to the amendment. Complainants further request that if any of the interrogatories cannot be answered by VEPCO, that VEPCO be directed to notify other members of the CARVA Pool and that those other members be directed to answer within 10 days following notification. On March 16, 1967, VEPCO filed objections to Complainant's motion for interrogatories; on March 24, 1967, VEPCO filed a motion for extension of time to answer complainants' motion, asking that its March 16, 1967 objections be accepted for filing; and on March 29, 1967, Complainants filed objections to the motion for extension of time. There is good cause to grant VEPCO's motion for extension of time and accept its objections for filing. VEPCO contends in its objections that the totality of the demands made in the interrogatories are harassing, oppressive and unjustified by the Complaint as to their relevance and materiality. VEPCO also points out that some of the information requested is available in the files of this Commission or of State Commissions.

We believe that requests for interrogatories can be dealt with most expeditiously in the context of a prehearing conference before a hearing examiner. Therefore, we are not here passing on the motion for interrogatories but directing the examiner to be appointed to hear the case to do so. We are ordering a prehearing conference for the purpose of narrowing the issues to be heard, hearing requests for discovery by all parties, setting dates for service of testimony and cross examination and for such other matters as may be appropriate.

The Commission further finds:

(1) It is necessary and appropriate for the purposes of the Federal Power Act that VEPCO's motion to dismiss be denied.

(2) Good cause has been shown to grant VEPCO's motion for extension of time.

(3) It is necessary and appropriate for purposes of the Federal Power Act that a prehearing conference be held before a hearing examiner of this Commission for the purposes set forth in the recital above.

(4) It is appropriate for the purposes of the Federal Power Act that Carolina Power & Light Co., Duke Power Co., and South Carolina Electric & Gas Co., be joined as parties respondent to this proceeding, that they be served with copies of all pleadings filed in this docket and that they be afforded opportunity to answer the complaint and amendment and to participate in all hearings to be held on this matter.

The Commission orders:

(a) A hearing shall be held concerning the lawfulness of the rate schedules referred to in the recital above as they relate to isues raised in the pleadings heretofore filed in this case or as may be filed hereafter pursuant to paragraph (G) below; said hearing to commence with a prehearing conference to be held before a hearing examiner of the Commission at 10 a.m., e.d.t., June 8, 1967, in a hearing room of the Commission, 441 G Street NW., Washington, D.C.

(B) VEPCO's motion to dismiss is denied.

(C) VEPCO's objections to Complainants' motion for an early hearing and for an order directing answers to interrogatories is accepted for filing.

(D) Complainants' motion for an order directing answers to interrogatories is forwarded to the hearing examiner for action by him at the prehearing conference ordered herein.

(E) Carolina Power & Light Co., Duke Power Co., and South Carolina Electric & Gas Co. are joined as parties respondent in this proceeding.

(F) The Secretary of the Commission is directed to serve copies of all pleadings heretofore filed in this case on Carolina, Duke, and South Carolina.

(G) Answers to the Complaint, as amended, may be filed by parties to this proceeding on or before June 5, 1967.

(H) Notices of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37) on or before June 1, 1967.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5388; Filed, May 15, 1967; 8:45 a.m.]

[Docket No. E-7351]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

MAY 8, 1967.

Take notice that on May 2, 1967 Iowa Southern Utilities Co. (Applicant) filed an application for an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $8 million principal amount of first mortgage bonds.

Applicant is incorporated under the laws of Delaware with its principal business office at Centerville, Iowa, and is engaged in the electric utility business in 24 counties in Iowa.

The bonds which will mature in 1997 will bear interest at a rate to be determined by competitive bidding pursuant to the Commission's regulations. The bonds will be issued on the closing date tentatively fixed for June 20, 1967.

The proceeds from the issuance of the bonds will be used to repay bank loans incurred to finance in part the Applicant's 1967 and 1968 construction program, the principal item of which, construction work on Applicant's 212 mw Burlington generating station, will require an estimated expenditure of $18.3 million.

Any person desiring to be heard or to make any protest with reference to the application should on or before May 19, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-5389; Filed, May 15, 1967; 8:45 a.m.]

[Docket No. G-17371]

MONTANA POWER CO.

Notice of Postponement of Prehearing Conference

MAY 8, 1967.

Upon consideration of the motion filed May 1, 1967, by High Crest Oils, Inc.;

Notice is hereby given that the prehearing conference presently scheduled to commence on May 15, 1967, is post-

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[2] VEPCO's Rate Schedule FPC No. RS (Electric Tariff).

[3] Complainants Feb. 20, 1967 amendment states (pp. 1, 3): "* * * the relief requested herein may include the necessity of admission of complainants as members of said pool * * *;" and "Belhaven et al., move that * * * copies of the complaint * * * be served upon * * * Carolina Power * * * Duke Power * * * South Carolina Electric & Gas * * *."

[4] Carolina Power & Light Co. Rate Schedule FPC No. 92, Duke Power Co. Rate Schedule FPC No. 148, South Carolina Electric and Gas Co. Rate Schedule FPC No. 26, and Virginia Electric and Power Co. Rate Schedule FPC No. 72.

poned to May 17, 1967, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-5390; Filed, May 15, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of the First Virginia Corp., Arlington, Va., for approval of the acquisition of 80 percent or more of the outstanding voting shares of Cambria Bank, Inc., Christiansburg, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.4 (a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), an application by the First Virginia Corp., Arlington, Va., a registered bank holding company, for the Board's approval of the acquisition of 80 percent or more of the oustanding voting shares of Cambria Bank, Inc., Christiansburg, Va.

As required by section 3(b) of the Act, notice of receipt of the application was given to the Virginia Commissioner of Banking with a request for his views and recommendation. The Commissioner advised that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 13, 1967 (32 F.R. 398), providing an opportunity for submission of comments and views regarding the proposed acquisition. A copy of the application was forwarded to the Department of Justice for its consideration. The time for filing such comments and views has expired and all those received have been considered by the Board.

It is ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day after the date of this order or (b) later than 3 months after the date of the order.

Dated at Washington, D.C., this 9th day of May 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-5391; Filed, May 15, 1967; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Mitchell, Daane, Maisel, and Brimmer. Governor Sherrill did not participate in the Board's action in this matter.

SECURITIES AND EXCHANGE COMMISSION

[54-240]

AMERICAN GAS CO.

Notice of Filing and Order for Hearing

MAY 8, 1967.

Notice is hereby given that American Gas Co. ("American"), 546 South 24th Avenue, Omaha, Nebr. 68105, a registered holding company, has filed pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") Part II of an amended plan ("Part II"), regarding the liquidation of American by the distribution of its net assets to the holders of its debt and equity security holders and the dissolution of American. All interested persons are referred to Part II, which is summarized below, for a complete statement of the proposed transactions.

Pursuant to Part I of the amended plan, approved by the Commission on September 26, 1966 (Holding Company Act Release No. 15568), and enforced by order of the U.S. District Court for the District of Nebraska (Civil Action No. 02622, Dec. 2, 1966), American sold its gas utility properties and certain other assets to Northern Natural Gas Co., a nonaffiliated company, for a cash consideration of $2,383,717. As a result, American is no longer a public-utility company and is solely a holding company. Its sole subsidiary company is American Gas Company of Wisconsin ("Wisconsin"), which was organized by American in 1960 and is engaged in the sale of natural gas at retail in 18 communities in north-central Wisconsin.

As of January 31, 1967, American's assets, per books, totaled $2,717,960, including $1,590,500 representing the aggregate par value ($1 per share) of its holding of the common stock of Wisconsin and its cost to American, and $1,013,957 of temporary cash investments. As of the same date American's total capitalization included 382,370 shares of common stock, $1 par value per share, or an aggregate par value of $382,370, and $2,241,900 principal amount of 6½ percent sinking fund subordinated debentures ("Debentures") which are publicly held.

As of December 31, 1966, Wisconsin's net plant, less related valuation reserves, totaled $3,707,989; and its liabilities included $2,100,000 principal amount of 6½ percent first mortgage bonds, Series A, due 1986, held by the State of Wisconsin Investment Board ("Investment Board"), an agency of the State of Wisconsin. Current liabilities included bank loans in the aggregate amount of $360,000. As of the same date it had outstanding 1,806,500 shares ($1 par value) common stock, or an aggregate par value of $1,806,500, and its earned surplus deficit was $258,503.

American holdings of the 1,590,500 shares of Wisconsin stock amount to 88 percent of the total outstanding, and the balance is owned by the Investment Board. The proposed acquisition by American of an additional 400,000 of authorized and unissued shares of Wisconsin common stock, as noted below, will increase American's stock ownership to 90.2 percent of the total to be outstanding.

In further compliance with section 11(b) of the Act, Part II proposes the following transactions:

(a) Wisconsin proposes to issue, and American proposes to acquire for cash, 400,000 shares of Wisconsin common stock at the aggregate par value of $400,000. The proceeds of sale will be applied by Wisconsin towards construction, the total cost of which is estimated at $1 million. Wisconsin has secured from a bank a commitment for short-term loans totaling $600,000 on condition that Wisconsin obtain the balance of the required funds by the issue and sale of common stock. American states that the proposed construction will contribute to the continued growth of Wisconsin and is thus in the interest of the holders of American's common stock and debentures, who under part II will receive all the Wisconsin common stock held by American and other net assets of American.

(b) American proposes to make, pro rata, an initial cash payment of $448,300 to its debentureholders, or 20 percent of the principal amount of the outstanding debentures. Thereafter, to retire the remaining 80 percent principal amount of debentures, American proposes to distribute to its debentureholders a total of about 1,380,000 shares of the Wisconsin common stock, plus an estimated cash amount of $97,000. Accrued and unpaid interest on the debentures will be paid in cash. This proposed distribution gives effect to the proposed purchase by American of the 400,000 Wisconsin shares and assumes a value of about $1.20 for each share of Wisconsin common stock. The remaining shares of Wisconsin common stock, which are not required to satisfy the claims of the debentureholders, will be distributed among the stockholders of American.

No fractional shares of Wisconsin common stock will be distributed to American's debentureholders and stockholders in connection with Part II. American proposes to pay in cash an amount equal to the fair value of such fractional shares to persons otherwise entitled thereto.

American heretofore had outstanding $700,000 principal amount of 6½ percent first mortgage bonds, due 1985, all held by the Investment Board. Under Part I of the plan American retired these bonds on December 6, 1966, at the principal amount plus accrued interest, and deposited in escrow $42,000, an amount equal to the redemption premium. In its findings and opinion on Part I of the plan, the Commission stated that it would determine in the proceeding in Part II whether such premium should be paid. American states in Part II that as a matter of law no such premium is payable; that on payment of the principal plus accrued interest American had fully discharged its liability on the bonds;

and that the amount of $42,000, upon release from escrow, will become part of American's general funds.

American requests the Commission, pursuant to section 11(e) of the Act, to apply to an appropriate U.S. District Court to enforce and carry out the terms and provisions of Part II of the amended plan, except the provisions relating to the initial 20 percent cash distribution to the debentureholders and the sale of the 400,000 Wisconsin shares to American. American requests that, as soon as practicable after the hearing on Part II, the Commission authorize and approve these transactions, which American proposes to consummate promptly thereafter without court enforcement.

American requests that upon the effectuation of Part II of the plan, the Commission enter an order pursuant to section 5(d) of the Act declaring that American has ceased to be a holding company and terminating its registration.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to Part II of the amended plan, and that interested persons be afforded an opportunity to be heard at such hearing with respect to the matters proposed therein;

It is ordered, That a hearing be held with respect to Part II of the plan on June 8, 1967, at 10 a.m., at the office of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of Part II of the plan and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the proposed issue and sale by Wisconsin of 400,000 shares of its common stock, and the acquisition thereof by American, satisfies sections 6(b) and 10 of the Act.

2. Whether Part II of the plan, as filed or as it may be modified or amended, is necessary to effectuate the provisions of section 11(b) of the Act and is fair and equitable to all persons affected thereby.

3. Whether, in general, the transactions proposed in Part II of the plan satisfy the applicable provisions of the Act.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this notice and order by certified mail to American, Wisconsin, the Federal Power Commission, the Iowa State Commerce Commission, and the Wisconsin Public Service Commission; that American mail a copy of this notice and order to the Omaha National Bank, the Continental Illinois National Bank and Trust Company of Chicago, the State of Wisconsin Investment Board, and to all holders of record of the Debentures and of the common stock of American, at least 20 days prior to the date herein fixed as the date for hearing; and that notice to all other persons be given by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That, not later than 2 days prior to the date fixed herein for the hearing, any person desiring to participate at the hearing on Part II of the plan may make a request therefor in writing, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by Part II of the plan which he desires to controvert. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon American at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5395; Filed, May 15, 1967; 8:46 a.m.]

[File No. 1-3886]

AMERICAN STEEL & PUMP CORP.

Order Suspending Trading

MAY 10, 1967.

The 4 percent Income Bonds, Series A due December 1, 1994, listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the common stock, 47 cents par value of American Steel & Pump Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 11, 1967, through May 20, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5396; Filed, May 15, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 384]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 11, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1872 (Sub-No. 65 TA), filed May 9, 1967. Applicant: ASHWORTH TRANSFER, INC., 1526 South 600 W Street, Salt Lake City, Utah 84104. Applicant's representative: Keith E. Taylor, Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as require special handling or special equipment by reason of size or weight, and *commodities* which do not require special handling, or the use of special equipment, when moving in the same shipment on the same bill of lading and for the same consignee as commodities which because of size or weight require special handling or the use of special equipment, between points in Colorado and points in New Mexico, for 180 days. Supporting shippers: Mine & Smelter Supply Co., 3800 Race Street; C. S. Card Iron Works Co., 2501 West 16th Avenue; Denver Equipment Co., 1400 17th Street; Morse Brothers Machinery Co., 1400 West Evans; Armco Steel Corp., 130 East Fifth Avenue; and Colorado Builders Supply Co., 1300 West Evans; all of Denver, Colo. Send protests to:

John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 53965 (Sub-No. 57 TA), filed May 8, 1967. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Street, Post Office Box 838, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans., to points in Arkansas, Louisiana, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas; points in Laramie County, Wyo.; and points in Sedgwick, Logan, Weld, Larimer, Boulder, Morgan, Phillips, Yuma, Washington, Jefferson, Adams, Arapahoe, Douglas, Elbert, Kit Carson, Lincoln, El Paso, Cheyenne, Kiowa, Crowley, Pueblo, Heurfano, Las Animas, Baca, Prowers Bent, and Otero Counties, Colo., for 180 days. Supporting shipper: Griffith Provision Co., Inc., Highway 24 West, Downs, Kans. 67437. Send protests to: I. C. Peterson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 53965 (Sub-No. 58), filed May 8, 1967. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Street, Post Office Box 838, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Goodland, Kans., and the plantsite of Great Western Sugar Co., approximately 5 miles west of Goodland, Kans., for 180 days. Supporting shipper: Jens C. Jensen, G.T.M., Great Western Sugar Co., Post Office Box 5308, Terminal Annex Building, Denver, Colo. Send protests to: I. C. Peterson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans.

No. MC 66562 (Sub-No. 2234 TA), filed May 9, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: James C. Ingwersen, 1815 Egbert Avenue, San Francisco, Calif. 94124. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in express service, between Coeur d'Alene and Farragut State Park, Idaho, as follows: From Coeur d'Alene, over U.S. Highway 95 to junction Idaho Highway 54, thence over Idaho Highway 54 to Farragut State Park, and return over the same route; for 45 days, beginning July 15, 1967. Supporting shipper: Howard Boyd, Director of Registration, Boy Scouts of America, New Brunswick, N.J. 08903. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 108676 (Sub-No. 18 TA), filed May 9, 1967. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, Central Building, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products, prestressed, precast, and accessories*, from Knoxville, Tenn., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shippers: Hermitage Concrete Pipe, Inc., Post Office Box 3288, Knoxville, Tenn., and Southern Cast Stone Co., Inc., Post Office Box 1669, Knoxville, Tenn. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 118535 (Sub-No. 29 TA), filed May 8, 1967. Applicant: JIM TIONA, JR., 803 West Ohio Street, Post Office Box 127, Butler, Mo. 64730. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer ingredients, and urea*, in bulk, from the plantsite of Solar Nitrogen Chemicals, Inc., at Atlas, Mo., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Minnesota, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, for 150 days. Restriction: (1) Applicant shall not tack this authority with any other existing authority held by him. (2) Further restricted against the transportation of dry chemicals to Houston, Tex., and 50 miles thereof. Supporting shipper: Solar Nitrogen Chemicals, Inc., Midland Building, Cleveland, Ohio 44115. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 118831 (Sub-No. 52 TA), filed May 9, 1967. Applicant: CENTRAL TRANSPORT, INCORPORATED, 27263 Uwharrie Road, Post Office Box 5044, High Point, N.C. 27261. Applicant's representative: John Tabor (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bags, from Charlotte, N.C., to points in North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Southern Cement Co., Division of Martin Marietta Co., 16th Floor, Bank for Savings Building, Birmingham, Ala. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 118989 (Sub-No. 14 TA), filed May 9, 1967. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53221. Applicant's representative: Richard A. Heilprin, 222 South Hamilton Street, Post Office Box 941, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and incidental parts thereof, boxes and partitions*, between Ligonier, Ind., on the one hand, and, on the other, points in Illinois, for 180 days. Supporting shippers: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, and Alton Board Co., Alton, Ill., 62002. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 119211 (Sub-No. 10 TA), filed May 9, 1967. Applicant: MAU TRUCKING, INC., Early, Iowa 50535. Applicant's representative: Donald E. Leonard, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, for the account of Kent Feeds, Inc., from Estherville, Iowa, to points in Minnesota, for 180 days. Supporting shipper: Thomas D. Donis, Assistant Traffic Manager, Kent Feeds, Inc., Muscatine, Iowa 52761. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 127067 (Sub-No. 3 TA), filed May 9, 1967. Applicant: MCLEE TRUCKING COMPANY, INC., 1229 Kansas Street, Post Office Box 6363, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, between points in Tennessee, Alabama, Arkansas, Georgia, Mississippi, Ohio, North Carolina, South Carolina, Florida, Oklahoma, Kentucky, Louisiana, Texas, Missouri, Kansas, Illinois, and Indiana, for 180 days. Supporting shipper: Mid-South Milling Co., Inc., 1229 Kansas Avenue, Post Office Box 6366, Memphis, Tenn. 38106. Send protests to: William W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 129050 (Sub-No. 1 TA), filed May 9, 1967. Applicant: FAYETTEVILLE MOVING & STORAGE, INC., 3715 Ramsey Street, Post Office Box 3574, Fayetteville, N.C. 28301. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to shipments moving on the through bill of lading of a forwarder operating under section 402(B)(2) exemption, and having an immediate, prior or subsequent line haul movement by rail, motor, water, or air, between points in North Carolina, for 180 days. The proposed service is limited to providing a local service for a forwarder of used household goods. Supporting shipper: Four Winds Forwarding, Inc., 4600 Wheeler Avenue, Post Office Box 9056, Alexandria, Va. 22304. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 129066 (Sub-No. 1 TA), filed May 9, 1967. Applicant: BRIDGEWATER TRANSPORT, INC., Post Office Box 110, Main Street, Bound Brook, N.J. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude iron oxide*, in bulk, in dump vehicles, from ports of entry on the international boundary line between the United States and Canada, located at or near Buffalo, Niagara Falls, and Lewiston, N.Y., to Nixon, N.J., restricted to traffic originating in Canada, for 150 days. Supporting shipper: Stabilized Pigments, Inc., Saw Mill Road, Nixon, N.J. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1060 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-5449; Filed, May 15, 1967; 8:50 a.m.]

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PART II

Department of Commerce

National Bureau of Standards

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Test Fee Schedules

Electricity



Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 201—ELECTRICITY

Revision

Under the provisions of 15 U.S.C. 275(a) and 277, the test fee schedules of the National Bureau of Standards, Department of Commerce, pertaining to Part 201—Electricity are revised to increase the fees for most services. The fees have been revised to assure full recovery of the cost of providing calibration services.

This revision, effective upon publication in the FEDERAL REGISTER, supersedes in its entirety Part 201, Title 15 Code of Federal Regulations previously issued.

Part 201 is revised to read as follows:

NOTE: The calibration service covered by this part includes the determinations of the corrections for standard electrical and electronic measuring apparatus and their range-extending auxiliaries used at power and audio frequencies (up to 30 kHz (kc/s), high frequencies 30 kHz (kc/s) to 1000 MHz (Mc/s) and higher), and microwave frequencies (above 1000 MHz (Mc/s)).

The Bureau does not test, except occasionally for other agencies of the Federal Government, electrical devices or supplies not directly related to the field of measurement. Tests of power transformers, motors, generators, relays, wiring, appliances, etc., should not be requested.

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201.941 Waveguide fixed attenuators, insertion loss.
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AUTHORITY: The provisions of this Part 201 issued under sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277; interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.

RESISTANCE MEASUREMENTS INVOLVING PRECISION WIRE-WOUND RESISTORS

§ 201.100 General.

In general, §§ 201.101 and 201.102 apply only to apparatus embodying the following features:

(a) The resistance material should have a low temperature coefficient, should not change its resistance appreciably with time, and for low-valued coils should have a small thermoelectric power against copper.

(b) All wire standard resistors and the more important section of resistance apparatus for use in d-c circuits should be wound on metal or ceramic supports, preferably in a single layer. Electrical connections to the resistance material should be brazed in all cases in which the total resistance is less than 1,000 ohms. The resistance material should be protected against oxidation and other chemical action and should be annealed or aged by baking after winding.

(c) Precision standard resistors should be so adjusted as to give an accuracy of at least 0.02 percent without corrections. Precision resistance apparatus should be adjusted within 0.05 percent of nominal value.

(d) Because comparatively rapid changes in resistance take place in new apparatus, it is not advisable to calibrate new or repaired apparatus until at least two months after the resistors have been annealed and adjusted. Precision apparatus known to be a prototype will be held in the laboratory (in the absence of other instructions) for at least a month, when the measurements will be repeated to determine the drift in value, if any. No extra charge is made for these later measurements. Occasionally during the course of calibration it is discovered that the standard or instrument under observation is defective and in need of repair. In such instances the item in question will be rejected and a fee equal to the published fee, in whole or in part, will be assessed, commensurate with the effort expended before calibration was halted.

(e) Unless otherwise stated, the tests listed are generally made using a direct current of such magnitude as to cause only a negligible heating of the resistance material. Calibrations of standard resistors, bridges, and decade resistors consist of determinations of the resistance of the standards or of the resistance of the elements of the bridges or similar apparatus from which values corresponding to all possible readings can be computed. Precision standard

resistors are ordinarily measured at a temperature of 25° C., while resistance apparatus is measured at room temperatures, usually from 22 to 25° C.

(f) The Bureau does not calibrate portable self-contained test equipment having relatively low accuracy such as portable potentiometers, resistance test sets, and double-bridge ohmmeters. The accuracy of these devices is such that a complete detailed determination of corrections is not economically feasible. Apparatus of this type may be spot-checked by measuring known voltages or resistances with them. Adequate calibration services of this type can be obtained from a number of commercial testing laboratories.

§ 201.101 Precision standard resistors.

Standards of 10 ohms and less of the precision type provided with amalgamated current terminals and designed for oil immersion must be of the four-terminal type, that is, must have both current and potential terminals. The resistance of standards having nominal values in range 0.0001 ohm to 100,000 ohms will usually be given to the nearest 0.0001 percent in terms of the calibrating unit (the legal unit) maintained by the Bureau with a group of 1-ohm standard resistors. Each report of calibration will state the uncertainty of the reported value at the time of calibration. This uncertainty will vary from 0.0001 percent for Thomas-type 1-ohm standards to 0.002 percent for resistors of nominal value 0.0001 ohm. Additional information regarding standard resistors (is included with) the report of calibration.

Item	Description	Fee
	Determination of resistance in oil bath at 25° C. For all standards having resistances in the range 0.0001 to 100,000 ohms, inclusive, provided they are adjusted with 0.05 percent of a nominal value which is itself a decimal multiple (or submultiple) of 1 ohm:	
201.101a-1	Two-terminal measurements	$40.00
201.101a-2	Four-terminal measurements 0.01 ohm to 10 ohms (except Thomas type)	50.00
201.101a-3	Four-terminal measurements, Thomas-type 1 ohm and standards 0.001 ohm and less	70.00
	Determination of resistance in oil bath at 25° C. For odd-valued standards not falling within the scope of item 201.101a:	
201.101b-1	Two-terminal measurements	65.00
201.101b-2	Four-terminal measurements	75.00
	Measurement of resistance in oil bath at 20, 25, and 30° C., and determination of temperature coefficient. Such measurements are made only when it is shown that the small changes in resistance resulting from necessary variations of the temperature from 25° C. are of importance:	
201.101c-1	Two-terminal measurements	150.00
201.101c-2	Four-terminal measurements	175.00
201.101z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making the tests.	

§ 201.102 Precision resistance apparatus.

Corrections pertinent to apparatus of suitable quality submitted under this section will ordinarily be reported to a number of significant figures so chosen that normal variation of ambient conditions within the stated bounds of test conditions will not affect the corrections by more than a few units in the last place reported. Calibrations will be made at room temperature, usually 22 to 25° C.

Item	Description	Fee
201.102a	Precision decade and plug boxes. For decades not exceeding 10,000 ohms per step: (1) First point in each box	$20.00
	(2) Each additional point in same resistance box	5.00
201.102b	Megohm box, 10 sections each 100,000 ohms	195.00
201.102c	Megohm boxes, wire-wound, 10 equal sections. Calibrations with all sections in parallel giving nominal value 0.01 to 10 megohms	70.00
201.102d-1	Precision Wheatstone bridges	520.00
201.102d-2	Calorimetric bridges of all kinds	705.00
201.102e	Potentiometers, minimum steps $10\mu V$ or more	300.00
201.102f	Potentiometers, minimum steps less than $10\mu V$	555.00
201.102g	Kelvin bridge ratio box	215.00
201.102h	Double ratio set for Kelvin bridge, with double set of fixed and variable arms	630.00
201.102i-1	Four-dial precision resistive voltage divider	350.00
201.102i-2	Five-dial precision resistive voltage divider	435.00
201.102i-3	Six-dial precision resistive voltage divider or universal ratio set	475.00
201.102j	Quick resistance ratio test on any precision voltage divider. Linearity check in steps of one-ninth of input resistance	110.00
201.102k	Direct reading ratio set, 3 dials	110.00
201.102l	Direct reading ratio set, 4 dials	285.00
201.102m	Double direct reading ratio set	520.00
201.102z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making the tests.	

Resistance Standards Other Than Wire-Wound

§ 201.103 Multi-megohm resistance standards—except wire-wound.

Measurements made on resistors submitted under this section are accurate to 0.1 percent at the time of test if nominal values are in the range 10^6 to 10^{12} ohms; for higher-valued resistors the accuracy is 0.5 percent. In order that the reported results be of significance it is necessary that standards submitted for tests be made of suitable materials processed in such a manner that resistance values do not change rapidly with time. They should be so constructed and treated that the effect of relative humidity is minimized. The resistance of these standards usually depends on the magnitude of the applied voltage; the test voltage should therefore be specified. Each resistor should have an identifying number engraved on or permanently attached to it.

Item	Description	Fee
201.103a	Determination of resistance of a resistor at one voltage (1.5 to 250 V) at room temperature (23° C.) and humidity (50 percent rh or less) when the resistor has a nominal value between 10^6 and 10^{10} ohms	$60.00
201.103b	Determination of resistance of a resistor at one voltage (1.5 to 250 V) at standard laboratory temperature (23° C.) and humidity (50 percent rh or less) when the resistance is higher than 10^{10} ohms but the current involved is not less than 10^{-12} amp	70.00
201.103c	Determination of resistance of a resistor at each voltage (1.5 to 250 V) at standard laboratory temperature (23° C.) and humidity (50 percent rh or less) when the current involved is less than 10^{-12} amp but not less than 10^{-13} amp	80.00
201.103z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making the tests.	

Inductance and Capacitance Measurements

Note: Tests at radio frequencies are performed at the National Bureau of Standards, Boulder, Colo. 80302.

§ 201.104 Standard inductors.

(a) Inductors for use in a–c bridges are ordinarily tested at 100, 400, 1,000, or 10,000 Hz (c/s) at a room temperature of 23° C. and a relative humidity of 50 percent or less. Measurements at 10,000 Hz (c/s) are limited to standard inductors of 0.1 henry or less. Most inductors used at 60 Hz (c/s) can be tested at 100 Hz (c/s) since the variation of inductance with frequency in this range is usually negligible. Purchase orders should state which frequency or frequencies are to be used for calibration purposes. A metal-encased standard is calibrated with the case connected to the "low" terminal of the inductor unless other conditions are specified. Variable inductors used at circuit elements in laboratory setups are low-accuracy devices which do not come within the purview of this schedule and should not be submitted for calibration. Q values are not supplied for inductors calibrated under this schedule. Inductors intended for use as Q standards at radio frequency should be referred to the Bureau's Radio Standards Engineering Division at Boulder, Colorado 80302. Mutual inductors used in magnetic testing for calibrating ballistic galvanometers should be calibrated with direct current under item 201.403a.

(b) Accuracy: Inductance values and accuracy statements given in reports of calibration depend upon two factors: (1) The accuracy of the comparison of the client's inductor with the NBS working standards of inductance; (2) the uncertainty in the derivation of the unit of inductance which is embodied in the NBS working standards. In general, inductance values will be given to as many significant figures as are justified at the

time of measurement. The uncertainty figure given in each report of calibration takes into account factors (1) and (2) stated above and will vary from 0.02 percent to 0.2 percent depending upon the nominal value of the inductor and the frequency of the test current employed.

(c) Inductors can usually be shipped safely by express but should be carefully packed to avoid damage to the coil fastenings and terminals.

Item	Description	Fee
201.104a	Determination of self or mutual inductance of a fixed inductor with non-magnetic core at one frequency, 100, 400, 1,000, or 10,000 Hz (c/s)	$75.00
201.104b	Determination at an additional frequency 100, 400, 1,000, or 10,000 Hz (c/s) on an inductor tested under 201.104a	60.00
201.104z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the calibration.	

§ 201.105 Standard capacitors.

(a) Calibrations are ordinarily performed at 65, 100, 400, 1,000, and 10,000 Hz (c/s) with an ambient temperature of about 23° C. and a relative humidity of 50 percent or less.

(b) The accuracy stated in the report of calibration is determined in part by the accuracy of the NBS measurements and in part by the performance characteristics of the capacitor itself and is sufficiently broad to allow for variations in the stray capacitance at the connectors, variations in temperature of a few degrees Celsius, considerable variation in relative humidity and atmospheric pressure, and frequency deviations of a few percent from the stated test conditions. Over the above frequency range, and in the capacitance range from 0.001 pF to 100 μF, the uncertainty usually lies in the range 0.002 to 0.5 percent.

(c) The capacitance value given is the equivalent parallel capacitance. In general a determination of the equivalent parallel conductance with high accuracy is not feasible; however, for solid dielectric capacitors an approximate value is given without additional charge.

(d) Continuously adjustable ("variable") capacitors are no longer calibrated by the Bureau.

(e) In applying the following schedule to decade capacitance boxes the first entry (201.105a) applies to a determination of the zero capacitance and conductance of the box (all dials set at zero). The second entry applies to the determination of the capacitance and conductance added to the circuit when any one dial is advanced from zero to a specified setting, and at the frequency used in determining zero capacitance. For measurements at additional frequencies the schedule is applied in the same manner, i.e., the higher fee is used for the first point (zero calibration) at the new frequency, and the lower fee applies to additional points at that frequency.

Item	Description	Fee
201.105a	Determination of either direct or grounded capacitance of a fixed capacitor or one section of a subdivided capacitor, with alternating current at one frequency selected from those listed above (201.105)	$50.00
201.105b	Determination of either direct or grounded capacitance of each additional point on the same subdivided capacitor submitted under item 201.105a	20.00
201.105z	For special calibrations not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making the calibration.	

Electrochemistry

§ 201.201 Standard cells.

(a) Unsaturated standard cells will be accepted for calibration by the Bureau only from public utilities and others having operations of such a nature as to require calibrations by the Bureau.

(b) Unsaturated cells normally require about 2 weeks for a complete calibration. The cells are kept in a thermally insulated cabinet and readings of their emf are taken daily for a period of 10 days after the values have become reasonably constant. If the emf continues to fluctuate, or is unusually low, or if the cell shows other abnormal indications, the nature of the failure is stated. Unsaturated cells are not likely to be injured by normal transportation (mail or express), if they are carefully packed. Shipment during very cold weather should be avoided because of the possible hazard from freezing.

(c) Saturated cells should be transported by messenger because they should never be inverted nor tipped more than 45°. In order that the reported values are of the highest accuracy the emfs of saturated cells are measured while they are kept 6 to 8 weeks in an NBS temperature-controlled oil bath or in their own thermoregulated air bath.

Item	Description	Fee
201.201a	Cadmium standard cell (unsaturated type), determination of electromotive force with an uncertainty of 0.005 percent	$45.00
201.201b	Cadmium standard cell (saturated type), measurement of the first cell of a group at a fixed temperature of 28° C., in thermostatically controlled oil bath or at a fixed temperature in a thermoregulated air bath	95.00
201.201c	Each additional saturated cell of a group	50.00
201.201d	Cadmium standard cell (saturated type), measurement of the first cell of a group at any temperature between 20 and 35° C., except 28° C., in a thermostatically controlled oil bath	120.00
201.201e	Each additional cell of a group (at temperatures between 20 and 35° C., except 28° C., in a thermostatically controlled oil bath)	60.00
201.201z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

Electrical Instruments

§ 201.300 General.

(a) Indicating (pointer-and-scale) instruments should be calibrated quite frequently with d–c standards and ac–dc transfer instruments, or with stable d–c or a–c sources which are calibrated periodically in this way. Suitable standards and transfer instruments are now readily available commercially. Because of the necessity of frequent tests, a single d–c or a–c calibration of an indicating instrument has little permanent value. Thus in this category the Bureau ordinarily accepts for calibration only rms ac–dc instruments and thermal converters of 0.1 percent rated accuracy or better, for ac–dc difference tests only.

(b) The Bureau's ac–dc difference tests consist of determination of the difference between quantities (current, voltage, or power) required to give the same response (output) of an instrument or thermal converter on alternating current and on reversed direct current, as evaluated by comparison with an NBS ac–dc transfer standard. The alternating quantity, Q_a, required for a given response of the instrument or converter is then $Q_a = Q_d\ (1+S)$ where Q_d is the average quantity required for this response on reversed direct current, as determined by d–c standards, and S is the small fractional ac–dc difference. Usually NBS ac–dc difference tests are made on each range of the instrument or converter. The differences depend on the ratios of the reactances of the components, and increase with frequency, but are small and relatively permanent over the rated frequency range of a well-designed instrument. Therefore, NBS tests are normally made only at the upper rated frequency on each range and at the lower rated frequency on one range. Ordinarily, the tests need not be repeated at intervals of less than 5 years, and then only if the instrument is to be used over the upper part of its frequency range.

§ 201.301 Standard resistors for current measurements.

(a) *Calibration.* The Bureau normally calibrates only resistors of 0.04 percent accuracy or better. Test results for suitable standard resistors for current measurements are usually reported with an uncertainty of 0.01 percent.

(b) *Design.* A standard resistor for current measurements is a four-terminal resistor, for which the resistance is defined as the ratio of the open-circuit potential difference between the potential terminals to the current through the current terminals. The resistance value will be definite and reproducible only if the current flow pattern at the potential terminals is completely reproduced. This flow pattern should be fixed by resistor

design to be independent of the way in which current is introduced at the current terminals and of the location of leads on the potential terminals. In some instances where this has not been done the type and location of connections to the current terminals can be specified adequately to fix the flow pattern at the potential terminals.

(c) *High-current resistors.* (1) Resistors for high currents (above about 1,000 amperes) require considerable power, so that their temperature rise between low and rated current, and the resulting change in resistance, will depend not only on their design, including means provided for dissipating heat, but also on the connecting bus bars and their junctions to the resistor. Bus bars of generous cross section may carry away a significant part of the heat generated in the resistor; inadequate bus bars may actually contribute to the heating of the resistor. In addition, contact resistance at the points of connection to the bus bars, unless carefully minimized, may contribute appreciably to the heating. (Contact resistance of bolted connections depends on area of contact, cleanness of surfaces, and pressure.) Resistance determinations made in the laboratory at rated current may therefore be of little value because the working temperature conditions cannot be duplicated. The best experimental procedure to use in such cases is to place the standard in a temperature-controlled enclosure and measure its resistance with a comparatively low test current when it is heated uniformly to temperatures approximating that at which it will operate in service (201.301 d and e). From data at two or more elevated temperatures, combined with that at room temperature, a curve can be plotted from which the resistance at the operating temperature can be read, provided this temperature is determined by the user with the resistor under the actual operating conditions.

(2) Changes in the resistance may also result from strains in the resistance element produced by mechanical forces incidental to clamping the resistor connections, as well as from inherent internal expansion constraints on resistor parts, or forces from the magnetic field produced by the current.

(d) *Test schedule.* Resistors when first submitted for test should be tested with about 20 percent of rated current and with full rated current; normally when resubmitted for test, determinations need be made only with 20 percent of rated current; once stability is proved, the resistor need not be recalibrated at intervals of less than 2 years.

Item	Description	Fee
201.301a–1	Initial determination of resistance of a single-range resistor or one range of a multirange resistor, at 30 percent rated current or less (current rating not to exceed 300 amp)	$100.00
201.301a–2	Same as a–1, except current rating above 300 amp but not to exceed 1,000 amp	160.00
201.301b	Determination of resistance on another range of a multirange resistor, at 30 percent rated current or less (current rating not to exceed 300 amp)	30.00
201.301c	Test according to item 201.301a or 201.301b having been made, for an additional determination at another test current (not to exceed 1,000 amp)	45.00
201.301d	Additional determination of resistance at temperatures above room temperature at a current not greater than 30 percent rated, for first elevated temperature	160.00
201.301e	Additional determination of resistance of each additional elevated temperature, at a current not greater than 30 percent rated	45.00
201.301f	Twenty determinations of resistances corresponding to 9 plug positions and 11 slider positions of an adjustable low-resistance standard, at 30 amp	410.00
201.301z	For determinations of resistance at currents larger than 1,000 amp and requiring unusual setups or procedures, and for special tests not covered by the above schedule, advance arrangements must be made. Fees for such tests will depend upon the nature of the test.	

§ 201.302 Volt boxes (fixed ratio voltage dividers).

A volt box is a resistive voltage divider used to extend the range of the voltage measured by a potentiometer. Its ratio for any range is obtained by dividing the voltage across its input terminals by the open-circuit voltage across the section to be connected to the potentiometer.

(a) *Calibration.* The Bureau normally calibrates only volt boxes for which the maker's stated ratio accuracy is 0.04 percent or better. Values of ratio are normally reported with an uncertainty of 0.005 percent.

(b) *Humidity effects.* The insulating structure of a volt box is equivalent to a network of high resistances in parallel with one or more of its wire-wound precision resistance elements. Thus, changes in insulation resistance as a result of variations in surface or volume moisture may affect the ratios. Such ratio changes are normally less on low than on high ratios. This effect can be reduced or eliminated by constructions which provide built-in guard electrodes, maintained at appropriate potentials. Another effect of humidity is to produce changes in the values of the precision wire-wound resistors. The magnitude of this effect varies with coil construction and with wire size and coating. Because humidity effects may reach equilibrium only after days (or even weeks), it is recommended that laboratory humidity be held continuously at or below 50 percent.

(c) *Ambient temperature and self-heating effects.* Changes in ambient temperature should have little effect on ratio if all the resistance elements have the same temperature coefficient. However, self-heating as a result of sustained operation may significantly change the ratios because of unequal temperature rise in the various resistors. The magnitude of this effect depends on construction and coil arrangement, and on the power-dissipated. It should (1) be less for low than for high ranges, (2) be greater for volt boxes that require higher current at rated voltage, (3) increase approximately with the square of the applied voltage, and (4) be entirely negligible at 20 percent of rated voltage on all ranges.

(d) *Suggested test schedule.* (1) Volt boxes should be tested at rated voltage. The first calibration test should also include a test at 20 percent rated voltage on one or more of the higher ranges, which are preferably selected by the Bureau. The equilibrium values at 20 and 100 percent rated voltage may be used to estimate the magnitude of the self-heating effects for the various ranges. Tests having once been made at 20 and 100 percent rated voltage, subsequent determinations need be made only at rated voltage, since the self-heating effect should not change with time.

(2) Once stability has been established, a volt box should not require recalibrations at intervals less than 2 years.

Item	Description	Fee
201.302a	Determination of ratio on one range at rated voltage, not to exceed 1,500 V, and at a ratio not to exceed 10,000/1	$150.00
201.302b	Determination of ratio at rated voltage on an additional range	30.00
201.302c	Determination at a reduced voltage on a range tested in 201.302a or b	10.00
201.302d	Determination of each ratio, at rated voltage, of a multirange guarded standard voltage divider. (Design of standard and its calibration similar to that described in NBS RP1419.) Values normally reported with an uncertainty of 0.001 percent	30.00
201.302z	For tests on volt boxes not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test.	

§ 201.303 Ac–dc instruments and thermal converters (20 to 50,000 Hz (c/s), up to 20 A and 600 V).

Ordinarily rms ac–dc instruments or converters of 0.1 percent rated accuracy or better are accepted for test, which consists of the ac–dc difference determinations by the procedures of items 201.303 a to c. See 201.300.

Item	Description	Fee
201.303a	Initial determination of ac-dc difference of an instrument or converter at one applied voltage or current, one frequency from 20 through 50,000 Hz (c/s)	$80.00
201.303b	Each additional determination of ac-dc difference of the same instrument, converter or set of converters, one frequency from 20 through 20,000 Hz (c/s)	20.00
201.303c	Each additional determination of ac-dc difference of the same instrument, converter, or set of converters, one frequency from 20,000 through 50,000 Hz (c/s)	35.00
201.303z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test. For tests at higher voltages see 201.604.	

§ 201.304 Ac–dc wattmeters (single phase (20 to 2,000 Hz (c/s), up to 15 A and 500 V).

Ordinarily only single-phase ac–dc wattmeters of 0.1 percent rated accuracy or better are accepted for test, which consists of ac–dc difference determinations by the procedures of items 201.304 a to c. See 201.300. Unless otherwise specified, these tests are made at two scale points at 0.5 power factor on a base range and one scale point at other combinations of ranges, followed by tests at unity power factor at one scale point on one or more ranges, depending upon the results obtained.

Item	Description	Fee
201.304a	Determination of the difference between the reading on reversed direct current and the reading on alternating current at the first scale point at which this difference is determined, at currents not to exceed 15 amp	$95.00
201.304b	Determination of this difference at one scale point on an additional range, frequency, or power factor, at currents not to exceed 15 amp	35.00
201.304c	Determination at each additional scale point with the same combination of range, frequency, and power factor, at currents not to exceed 15 amp	15.00
201.304z	For frequencies greater than 70 Hz (c/s) and for special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test.	

§ 201.305 Watthour meters.

Except under unusual circumstances, only portable standard watthour meters (rotating standards) will be accepted for test. Tests consist of determinations of the percentage registration of the meter "as received." If meters are to be cleaned and adjusted this must be done before they are submitted for test. The Bureau does not undertake the cleaning and adjustment of meters and does not knowingly begin tests on faulty meters. Before tests can be started the test conditions must be completely specified by the user as to current and voltage ranges to be tested, frequency, applied voltage and current, and power factor. A guide listing a limited yet adequate schedule of tests is available at no charge. Test voltages should be chosen from the following values: 1, 2, or 4 times 110, 115, 120, 125, and 130 V. Test current should be chosen from the following values: 1, 10, or 100 times 0.25, 0.5, 0.75, 1, 1.25, 1.5, 2, 2.5, 3, 3.75, 4, 5, 7.5 amperes (but not to exceed 100 amperes). Tests at other voltages or currents, or at power factors other than 1.0 and 0.5 current lagging, will be considered as special tests, because rearrangements of circuits are required (see 201.305z). Unless otherwise specified, test runs on portable standard watthour meters (rotating standards) are of approximately 100 seconds duration. The meters are energized for at least 30 minutes at rated voltage and current on one range before starting the test.

Item	Description	Fee
201.305a	Test at 60 Hz (c/s) on one combination of range, applied voltage, and power factor, at not more than five current loads	$115.00
201.305b	Additional test on the same or an additional combination of range, applied current, voltage, and power factor	15.00
201.305c	Test of one or two additional meters simultaneously with the first, under the same conditions as 201.305a, per meter	60.00
201.305d	Test of each additional meter simultaneously with the first, under the same conditions as 201.305b, per meter	10.00
201.305z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the time required for the test.	

§ 201.306 Current transformers.

(a) Calibration: The Bureau normally calibrates only current transformers of high quality for use as reference standards. The Bureau may decline requests for tests which are not to be used for establishing or checking a reference standard. If the transformer quality is stated in terms of ASA accuracy classes, calibration will normally be limited to transformers stated to be in the 0.3 percent class for one or more ASA burdens. Bureau equipment is primarily designed for testing current transformers whose rated secondary current is 5 amperes. Results obtained at frequencies near 60 Hz (c/s) will normally be reported with an uncertainty of 0.05 percent in ratio and 1 min in phase angle. However, in some instances the ratio can be reported with an uncertainty of 0.02 percent and the phase angle to 0.5 minute.

(b) Test information: Tests cannot be started until information is furnished concerning the following conditions: (1) Test frequency, (2) secondary test currents, (3) secondary burdens, (4) ranges to be tested. It is customary to make tests at secondary currents of 0.5, 1, 2, 3, 4, and 5 amperes.

(c) Transformer burden: (1) Current transformers should be tested with burdens equivalent to the impedance imposed when the transformer is used as a reference standard. Inclusion of tests at ASA burdens is not recommended. The burdens listed in the American Standard for Instrument Transformers, C–57.13, are for rating purposes only and differ from the instrument burdens imposed on a reference standard. Large errors in measurement can result if the values of ratio and phase angle obtained with an ASA burden are used for the transformer when it supplies only an instrument burden.

(2) Preferably the burden should be specified in terms of the measured resistance and inductance, including the leads to connect the instruments to the secondary of the transformer. If this measurement cannot be made conveniently, it will suffice in most cases to state the name of the maker, the type, range, and serial number of each instrument used in the burden, and the length and size of the leads used in the secondary circuit. Alternatively the burden may be stated in terms of the volt-amperes and power factor of the secondary circuit at the test frequency.

(3) The test equipment regularly used at the Bureau imposes a minimum test burden of about 0.16 ohm with a minimum inductance of about 10 μH (if the burden inductance is larger than 10 μH, the minimum resistance is increased above 0.16 ohm). Special test equipment and procedures must be used for burdens lower than 0.16 ohm, so that advance arrangements must be made and higher fees must be charged. In planning for the tests of a transformer it is therefore desirable to select a low burden, but one larger than this minimum, preferably not less than 0.2 ohm. The required total may be made up by incorporating resistance in the leads to the instruments.

(d) Multirange current transformers, in which the same sections of primary windings are used in series and in parallel, usually have phase angles and ratio factors which are equal on the several ranges to within the accuracy needed for almost any measurement purpose. Hence a test at six values of secondary current on one range is nearly always sufficient to determine the characteristics of the transformer. Further tests, often made at 0.5 and 5 secondary amperes on each additional range, merely serve as a safeguard by means of which mistakes in winding may be detected. When the various ranges of a multirange transformer are obtained by taps on either winding, this relation does not necessarily hold, particularly in the case of secondary taps; and tests in addition to the initial six-point test on one range should be made, using two values of secondary current on each of the ranges so obtained. Transformers of some designs, however, show very little difference in ratio factor and phase angle on the various ranges, and the Bureau should be consulted before tests on a large number of ranges are requested.

(e) Demagnetization: Unless otherwise specified, current transformers will be demagnetized before being tested. If it is desired to have a transformer tested as submitted (without demagnetization), this fact should specifically be stated.

(f) Test limitation at frequencies greater than 60 Hz (c/s): At 400 Hz (c/s), the maximum current range for which tests are made is about 200 amperes and the phase angle values are

normally reported to an accuracy of 3 minutes; at 800 Hz (c/s) there is a further reduction in the current range and accuracy. If the burdens at these higher frequencies are specified in terms of volt-amperes and power factor, the frequency for which these values are stated must be clearly indicated so that the proper burden resistance and inductance can be duplicated.

(g) Recalibration: At room temperature the ratio and phase angle under a specified test condition should be repeatable unless the core is magnetized. Once stability has been demonstrated a current transformer should not require recalibration at intervals less than 5 years.

Item	Description	Fee
201.306a–1	Determinations of the ratio and phase angle of a current transformer on one range at one frequency and one burden (not less than 0.2 ohm resistance) at not more than six values of secondary current, namely, 0.5, 1, 2, 3, 4, and 5 amp unless otherwise specified; primary current not to exceed 500 amp	$180.00
201.306a–2	Same as a–1 except primary current greater than 500 amp but not to exceed 8,000 amp	210.00
201.306b–1	Determinations of the ratio and phase angle at one value of secondary current on an additional combination of frequency, range, and burden (not less than 0.2 ohm resistance); primary current not to exceed 500 amp	30.00
201.306b–2	Same as b–1 except primary current greater than 500 amp but not to exceed 8,000 amp	5.00
201.306c	Determinations of ratio and phase angle at an additional value of secondary current with the same combination of frequency, range, and burden used in 201.306 a or b, primary current not to exceed 8,000 amp	10.00
201.306z	For tests of current transformers at frequencies other than 25, 50, or 60 Hz (c/s), or with burdens less than 0.2 ohm resistance, or with primary currents greater than 8,000 amp, and for special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test.	

§ 201.307 Current transformer comparators (testing sets).

Item	Description	Fee
201.307a	Determination of the values of current ratio and phase angle for settings of the dials of a current transformer comparator for 60 Hz (c/s) (not exceeding 13 points on ratio dial and 15 on phase angle dial)	$540.00
201.307b	Determination according to 201.307a having been made, for 10 determinations at 25 Hz (c/s) or for determinations on the second range of a double-range comparator	60.00
201.307z	For special test not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test.	

Magnetic Measurements

§ 201.400 General.

(a) A general discussion of magnetic principles and methods used in magnetic testing is given in NBS Monograph 47, Basic Magnetic Quantities and the Measurement of the Magnetic Properties of Materials. Price 30 cents. Available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(b) Tests in this field are for the most part made on samples which serve as standards to coordinate work in various laboratories and thus secure uniformity in commercial testing. For this purpose it is essential that the standard bars be very uniform in their magnetic properties. The Bureau does not normally make routine acceptance tests of magnetic materials unless these specimens are to be used, at least temporarily, as standards. The standard dimensions of magnetic test specimens are given in §§ 201.401 and 201.402. It is occasionally possible to test specimens of unusual materials or shapes where the services of the Bureau are needed in the development of new test procedures which are likely to be of importance in the industry. In such cases a full understanding of the problem should be developed by correspondence, or preferably by a visit which will permit direct discussion between engineers concerned and the Bureau staff.

§ 201.401 General magnetic measurements; normal induction and hysteresis.

Specimens submitted for test should be of rectangular cross section, width not to exceed 3.0 cm (1⅛ in.); thickness not to exceed 1.0 cm (⅜ in.); for magnetizing forces from 0 to 300 or 0 to 5,000 oersteds, length to be not less than 25.4 cm (10 in.); for magnetizing forces in the range 100 to 5,000 oersteds, length to be not less than 7 cm (2⅝ in.). Specimens whose permeability is not greater than 4 may be of circular cross section, diameter not to exceed 1.27 cm (½ in.) but in any event cross-sectional area must be not less than 0.2 cm^2 (0.031 $in.^2$).

Item	Description	Fee
201.401a	Determination of data for normal induction curve in the range 0 to 300 oersteds	$70.00
201.401b	Determination of data for normal induction curve in the range 100 to 5,000 oersteds	80.00
201.401c	Determination of data for normal induction curve in the range 0 to 5,000 oersteds	140.00
201.401d	Determination of data for demagnetization curve, one value of magnetizing force	70.00
201.401e	Same as 201.401d, each additional value of maximum magnetizing force	50.00
201.401f	Determination of permeability for specimens whose permeability is less than 4, first specimen	25.00
201.401g	Each additional specimen submitted at the same time	10.00
201.401z	For examination of material found to be unsuitable for test, or for special tests not covered by the above schedule, fees will be charged dependent on the cost of such examination or special test.	

§ 201.402 Magnetic materials; a–c permeability and core loss.

Test specimens should consist of the proper number of strips 3 cm (1³⁄₁₆ in.) wide and either 28 cm (11³¹⁄₃₂ in.) to 30.5 cm (12 in.), or 50 cm (19¹¹⁄₁₆ in.) long prepared in accordance with the specifications of the American Society for Testing and Materials, A–34.

Item	Description	Fee
201.402a	Determination of total core loss at 60 Hz (c/s) at one value of maximum induction	$45.00
201.402b	Same as 201.402a, each additional value of maximum induction	15.00
201.402c	Determination of a-c permeability at 60 Hz (c/s) at one value of maximum induction	45.00
201.402d	Same as 201.402c, each additional value of maximum induction	15.00
201.402z	For examination of material found to be unsuitable for test, or for special tests not covered by the above schedule, fees will be charged dependent on the cost of such examination or special test.	

§ 201.403 Magnetic testing apparatus; mutual inductors, search coils, and fluxmeters.

Item	Description	Fee
201.403a	Determination of mutual induction by direct current	$35.00
201.403b	Same at 201.403a, each additional inductor submitted at the same time or each additional value for variable or tapped inductors	20.00
201.403c	Determination of the area-turns of a search coil, first coil	40.00
201.403d	Each additional search coil submitted at the same time	25.00
201.403e	Calibration of fluxmeter at not more than five points on one range	45.00
201.403f	Calibration of fluxmeter at one scale point on an additional range	10.00
201.403g	Calibration of standard magnets	30.00–70.00
201.403z	For examination of apparatus unsuitable for test, or for special tests not covered by the above schedule, fees will be charged dependent on the cost of such examination or special test.	

Dielectric Measurements

§ 201.500 Dielectric constant and dissipation factor.

In general, the Bureau will make tests of insulating and dielectric properties of materials only on (1) specimens of known composition of pure materials for which values are considered of use by the Bureau, or by other government agencies; and (2) dielectric reference standards made from materials exhibiting reproducible behavior under specified environmental conditions (such as humidity), when such standards are needed for improving methods of measurement. Measurements are not made on the effective insulation resistances, dielectric constant or dissipation factor of structures and assemblies of insulation, or on electric breakdown generally. Inquiries giving comprehensive information regarding any tests desired from low frequencies up to 30 kHz (kc/s) should be directed to the National Bureau of Standards, Washington, D.C. 20234. Inquiries concerning tests above 30 kHz (kc/s) should be addressed to the National Bureau of Standards, Boulder, Colo. 80302.

Voltage Ratio and High-Voltage Measurements

Note: See § 201.102 for information relative to the calibration of resistive voltage

dividers with direct current. See § 201.302 for information relative to the calibration of volt boxes.

§ 201.601 Voltage dividers.

(a) The calibration of ratio devices such as voltage dividers need not be referred to the national standards of inductance or resistance or to any other national standard. However, methods and equipment are available at the Bureau for the measurement of alternating-voltage ratios with high accuracy, and a routine calibration service for first-quality decade inductive voltage dividers is provided. Inductive voltage dividers which incorporate a resistive divider as a fine adjustment are not accepted for calibration.

(b) The largest contribution to instability in inductive voltage dividers often arises in the decade switches. Variable contact resistance in these switches sometimes affects the stability of voltage-ratio measurements to a significant extent but is most evident by its effect on the phase angle. When a decade inductive voltage divider exhibits large changes in phase angle on repeated measurements after the switches have been disturbed, the divider should no longer be considered satisfactory for use as a standard of voltage ratio.

(c) Corrections for the separate decades of an inductive divider, in general, cannot be simply combined; however, the correction to a step setting of one of the higher decades is usually independent of the setting of the lowest decades. Stray impedances must be fixed by connecting the case to the divider at one point; and unless otherwise specified, the case will be connected to one of the common terminals. Calibration intervals of 3 years should be satisfactory for good quality inductive voltage dividers which have not been abused.

(d) Decade inductive voltage dividers are calibrated at the Bureau by a comparison method, using as a working standard a well-constructed inductive divider which has previously been calibrated by capacitance-ratio or other suitable methods. The comparison method is simple and convenient and can be used in other laboratories for the rapid calibration of other voltage dividers. Accordingly, it is recommended that, in general, only one divider from a laboratory be submitted to the Bureau for calibration and that other dividers be calibrated by a comparison method using it as a standard.

Item	Description	Fee
201.601a	Determination of the ratio and phase angle of an inductive voltage divider for each setting of the three highest decades (all decades except the one under calibration being set at 0) and for two other arbitrary settings to be selected by NBS, at one frequency (50, 100, 400 and 1,000 Hz (c/s) services are available at NBS Washington; 400 and 1,000 Hz (c/s) services are available at NBS-Boulder) and with an input voltage not exceeding 150 volts rms (calibrations are ordinarily made with an input voltage of 100 volts rms)	$140.00
201.601b	Determination of the ratio and phase angle of an inductive voltage divider for each setting of the highest decade (all other decades being set at 0) and for one arbitrary setting of each of the 2d and 3d decades to be selected by NBS, at one frequency and with an input voltage not exceeding 150 volts rms (see 201.601a above)	85.00
201.601z	Determination of the ratios and phase angles of resistive or capacitive voltage dividers and of inductive voltage dividers at frequencies (other than those listed) up to 10 k Hz (kc/s) or in other respects beyond those covered in items 201.601a and 201.601b are handled on a special test basis, and advance arrangements must be made. Fees will be charged dependent upon the nature of the test.	

§ 201.602 Voltage transformers.

(a) *Acceptance.* The Bureau normally accepts voltage transformers for calibration only if they are suitable for use as reference standards. Results of tests at or near 60 Hz (c/s) will normally be reported to 0.01 percent in ratio and 1 minute in phase angle.

(b) *Test information.* Tests cannot be started until information is furnished concerning the following test conditions: (1) Test frequency; (2) secondary test voltages; (3) secondary burdens; (4) ranges to be tested.

(c) *Transformer burdens.* The ratio and phase angle of a voltage transformer vary linearly with secondary current under conditions of constant voltage, frequency, and power factor within its rating. Hence, if values of ratio and phase angle are determined on open circuit (zero burden) and at one burden having a particular power factor, values at other burdens with the same power factor (and at the same voltage and frequency) can be found by linear interpolation. If the ratio and phase angle of a voltage transformer are known both on open circuit (zero burden) and at a single unity power-factor burden, the ratio and phase angle for any burden within its rating at any power factor (at the same voltage and frequency) can be computed with sufficient accuracy for many measurement purposes by the following formulas:

$$F=F_0+\frac{I}{I_1}[(F_1-F_0)\cos\Phi+(\gamma_0-\gamma_1)\sin\Phi],$$

and

$$\gamma=\gamma_0+\frac{I}{I_1}[(F_1-F_0)\sin\Phi-(\gamma_0-\gamma_1)\cos\Phi].$$

where I_1 and I are the secondary current at the known unity power-factor burden and the desired burden, respectively; F_0, F_1, and F are the ratio correction factors at zero burden, the known unity power-factor burden, and the desired burden, respectively; γ_0, γ_1, and γ are the corresponding phase angles in radians; and cos Φ is the power factor of the desired burden (Φ being taken as positive for inductive burdens). The following conversion factors apply:

1 minute = 0.000291 radian
1 radian = 3438 minutes

The "standard burdens" of the ASA Standard for Instrument Transformers (C57.13) are for rating purposes only, and are not recommended for use as test burdens in calibrating a voltage transformer for use as a reference standard. Values of ratio and phase angle at any ASA burden can be computed with sufficient accuracy for rating purposes by using the above formulas. The test burdens recommended are stated in item 201.602a–1, below. In this item, the instrument burden "to be specified by the user" should preferably be the burden with which the transformer will be used as a reference standard, in the test circuit, and may be stated either in terms of volt-amperes and power factor at a specified voltage and frequency, or the resistance and reactance of the test circuit elements.

(d) *Test voltages.* When a secondary burden of fixed impedance is used, the ratio and phase angle of a well-designed voltage transformer are nearly independent of the secondary voltage within its normal operating range. Hence, tests at a single voltage are sufficient unless the transformer is to be operated over an extended voltage range. In extended-range operation the variations of ratio factor and phase angle with voltage are identical for any constant-impedance burden. Hence, it should be sufficient to make ratio and phase-angle determinations at the extremes of the expected voltage-range of operation and at one or perhaps two intermediate voltage points on one burden (preferably zero burden). Tests at all additional burdens need be made at only a single voltage.

(e) *Multirange transformer.* When multiple ranges are provided by series-parallel primary connections, the ratio correction factors and phase angles (for constant secondary voltage, burden, and frequency) are practically identical for all ranges so obtained. (Hence a single determination on each range after the first serves to completely define the transformer performance when the added ranges are obtained by primary series-parallel combinations.) When multiple ranges are obtained by tapping a portion of one of the windings, or by secondary series-parallel combinations, the ratio correction factors and phase angles are not necessarily the same on the various ranges.

(f) *Fuses.* It is recommended that voltage transformers intended as refer-

ence standards be used without fuses, because fuse resistance affects both ratio and phase angle values so that fuse deterioration or replacement may alter the values. When a fused transformer is submitted, tests with the fuses in place will be made only if this is specifically requested by the customer.

(g) *Tests at 400 Hz (c/s).* Ratio and phase angle determinations at 400 Hz (c/s) can be made up to 9,000 volts. Results of such tests will normally be reported to 0.03 percent in ratio and 3 minutes in phase angle.

(h) *Recalibration.* The ratio and phase angle of a voltage transformer for a given burden, voltage, and frequency should not change significantly with time unless the transformer is damaged. Once stability has been demonstrated, a transformer should not require recalibration at intervals less than 5 years.

(i) *Shipment.* Heavy transformers should be shipped in wooden boxes and held in place, if necessary, by checks or cleats. Large transformers, especially those having oil-filled iron cases, should be crated separately and arranged, whenever possible, so that the terminals can be made accessible for tests without removing the entire crate. The tops of boxes should be marked "this side up." Large transformers (those more than 12 ft. high including crating, or weighing more than 6,000 lbs.) require special handling; advance arrangements, including provision for delivery inside the laboratory, must be made.

Item	Description	Fee
	NOTE: It is recommended that a voltage transformer be calibrated under schedule 201.602a–1 or 201.602a–2 the first time it is submitted to NBS for calibration. In view of the performance characteristics discussed above, it is believed that subsequent calibrations under schedule 201.602a–3 or 201.602a–4 should meet most requirements.	
201.602a–1	Determinations of the ratio and phase angle of a voltage transformer at one frequency (25, 50, or 60 Hz (c/s)), one range, and one secondary voltage, with not more than four values of secondary burden; namely those giving zero, half, and full rated noninductive load at rated voltage, and with one instrument burden of approximately unity power factor to be specified by the user; primary voltage not to exceed 25,000 V	$120.00
201.602a–2	As in a–1 except primary voltage greater than 25,000 V but not to exceed 100,000 V	165.00
201.602a–3	Determination of the ratio and phase angle of a voltage transformer at one frequency (25, 50, or 60 Hz (c/s)), one range, one secondary voltage and with one unity power factor burden; primary voltage not to exceed 25,000 V	90.00
201.602a–4	Determination of the ratio and phase angle of a voltage transformer at one frequency (25, 50, or 60 Hz (c/s)), one range, one secondary voltage and with one unity power factor burden; primary voltage not to exceed 100,000 V	130.00
201.602b	Determination of ratio and phase angle at one value of secondary voltage on an additional range or frequency, and with any of the burdens used in 201.602a	22.00
201.602c	Determination of ratio and phase angle with an additional burden (already used in 201.602a) and with the same combination of range, frequency, and voltage used in 201.602b	20.00
201.602d	Determination of ratio and phase angle at an additional burden of approximately unity power factor other than those used in 201.602a	33.00
201.602e	Determination of ratio and phase angle at an additional value of secondary voltage on the same combination of range, frequency, and burden used in 201.602 a, b, c, or d	11.00
201.602z	For tests of voltage transformers at other frequencies, with primary voltage greater than 100,000 V, or with other than unity power factor burdens, and for other special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending on the nature of the test. At 400 Hz (c/s), test fees are approximately double those at 60 Hz (c/s).	

§ 201.603 Voltage transformer comparators.

Item	Description	Fee
201.603z	Calibrations of voltage transformer comparators are bandied on a specal test basis; however, advance arrangements need not be made. Fees will be charged dependent upon the nature of the calibration required.	

§ 201.604 Kilovoltmeters.

Item	Description	Fee
201.604a	Calibration of kilovotmeters at five scale points on one range using 60 Hz (c/s) alternating voltage (up to 60 kV)	$110.00
201.604b	Calibration of kilovoltmeters at five scale points on one range using direct voltage of one polarity to ground (up to 60 kV)	90.00
201.604c	Calibration at one scale point on an additional range (up to 60 kV) for 201.604 a or b	28.00
201.604d	Calibration of each additional scale point on one of the ranges calibrated under 201.604 a, b, or c	11.00
201.604z	For calibrations at voltages above 60 kV, advance arrangements must be made. Fees will be charged dependent upon the nature of the calibration required.	

LOW-FREQUENCY REGION

§ 201.701 Frequency stability of signal sources, to 30 kHz.

(Services available only at the NBS Radio Standards Laboratory, Boulder, Colo.)

(a) Frequency stability calibrations are made on signal sources up to 30 kHz. (See § 201.860 for calibration service at higher frequencies.)

(b) The signal source should have a power output of at least 10 mW (into a matched load).

(c) Frequency stability of the signal source should be better than approximately one part in 10^7.

Item	Description	Fee
201.701a	Measurement of frequency stability of signal sources, up to 30 kHz	(*)
201.701z	Special calibrations not covered by the above schedule	(*)

*As fixed prices have not been established for these services, charges will be made for actual costs incurred. Upon request, estimates will be furnished for specific tasks which should provide a close approximation of actual costs.

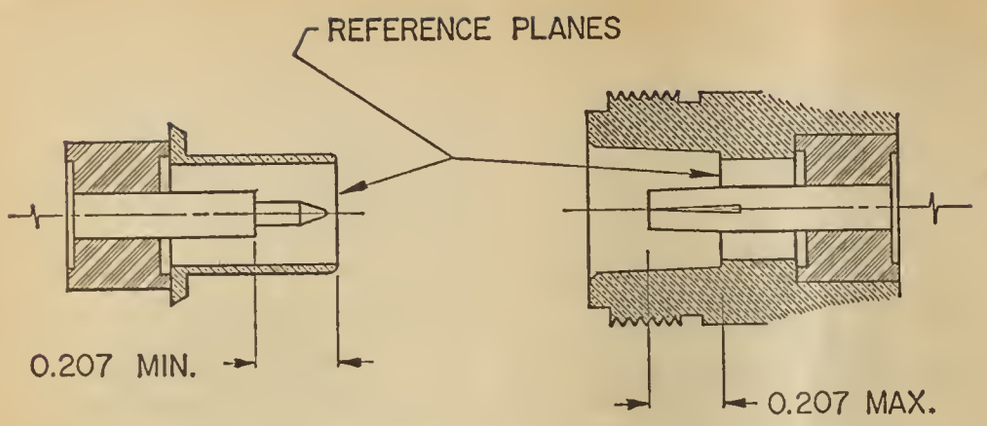
HIGH-FREQUENCY REGION

§ 201.800 General.

(a) The "High-Frequency Region" for purposes of this schedule, extends approximately from 30 kHz to 18 GHz. As the "Microwave Region" starts at approximately 1 GHz, the two regions overlap in that portion of the spectrum between 1 GHz and 18 GHz. The present coverage in the "High-Frequency Region" above 1 GHz is quite limited and involves only coaxial structures. It should be noted that some calibration services for coaxial instruments are listed in the "Microwave Region" sections of this schedule in addition to the waveguide services listed therein.

(b) In the "High-Frequency Region" the Radio Standards Laboratory, Boulder, Colo., is equipped to calibrate standards of pulse and CW voltage, pulse and CW power, immittance, attenuation, and field strength. Calibrations are performed at discrete frequencies as well as continuously over certain frequency bands (depending upon the particular item).

(c) Connectors limit the accuracy of measurements in the high-frequency region to some extent, particularly at the higher frequencies. To avoid uncertainty from this cause, all interlaboratory standards submitted for calibration, fitted with coaxial connectors, should be equipped with Type N connectors complying with the MIL C 39012/1, 2 specification, or with the new precision 7 or 14 mm. connectors. The critical mating dimensions required by NBS for Type N connectors are shown in the following diagram.



NOTE: DIMENSIONS IN INCHES

§ 201.810 Rf–dc voltmeters, and thermal converters in the frequency range of 30 kHz to 1000 MHz, from 0.1 to 300 V.

Ordinarily instruments equally suitable for use on dc and rf will be calibrated only for rf–dc difference by the procedure of Item 201.810a, since periodic calibrations can be made by the user on reversed direct current. Such reversed dc calibrations will be made only under unusual circumstances and by advance arrangement. Instruments suitable for use only on rf will be given rf calibrations by the procedures of Items 201.810 a, b, c, d. Instruments which respond to average or peak values or which are not in ASA accuracy class one-quarter percent or better are not usually accepted for calibration below 30 MHz.

Item	Description	Fee
201.810a	Measurement of a voltage or an rf-dc difference at 30, 100, 300 kHz, 1, 3, 10, 30, or 100 MHz in the range of 0.1 to 300 V	(*)
201.810b	Each measurement additional to 201.810a at a different frequency or voltage	(*)
201.810c	Measurement of a voltage at 300, 400, 500, 700, or 1000 MHz, in the range of 0.2 to 20 V	(*)
201.810d	Each measurement additional to 201.810c at a different frequency or voltage	(*)
201.810z	Special calibrations not covered by the above schedule	(*)

*See footnote. § 201.701.

§ 201.811 Rf micropotentiometers, voltmeters, and signal sources in the frequency range of 30 kHz to 1000 MHz, from 1 μV to 0.1 V.

Only high-quality voltmeters, suitable for use as interlaboratory standards, are normally accepted for calibration. These instruments should have a stability of 1 percent or better and an accuracy of 3 percent or better. Rf voltmeters will be calibrated by the procedures of Items 201.811 a, b, c, d. Only signal sources high enough in quality to be considered as interlaboratory standards are accepted for calibration. If these instruments are equally suitable for use on dc and rf, they will be calibrated for rf–dc difference by the procedures of Items 201.811 a, b, c, d. Signal sources suitable for use only on rf will be calibrated by the procedures of Items 201.811 a, b.

Item	Description	Fee
201.811a	Measurement of a voltage for micropotentiometers, voltmeters, and signal sources in the range of 50 kHz to 900 MHz, from 1 μV to 0.1 V	(*)
201.811b	Each measurement additional to 201.811a at a different frequency or voltage	(*)
201.811c	Measurement of a voltage for voltmeters in the range of 900 to 1000 MHz, from 100 μV to 0.1 V	(*)
201.811d	Each measurement additional to 201.811c at a different frequency or voltage	(*)
201.811z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.812 Pulse voltage, peak measurement, coaxial systems.

(a) For general information on pulse terminology reference is made to the following:

Standards on Pulses: Definition of Terms—Part I, 1951, Proc. IRE, Vol. 39, No. 6, June 1951.

Standards on Pulses: Definition of Terms—Part II, 1952, Proc. IRE, Vol. 40, No. 5, May 1952.

Specifically, in this schedule, the term "peak duration for a trapezoidal pulse" denotes the time interval between the leading edge and trailing edge at 99.8 percent of maximum pulse amplitude. "Pulse duration for a trapezoidal pulse" denotes the time interval between the leading edge and trailing edge at 50 percent of maximum pulse amplitude.

(b) Measurements are made with unidirectional, trapezoidal pulses with a rise and fall time of 10 nanoseconds or greater and with a peak duration of 10 nsec or greater for pulse amplitudes less than 100 V.

(c) For amplitudes greater than 100 V, the pulses have a rise and fall time of 30 nsec or greater and a peak duration of 30 nsec or greater.

Item	Description	Fee
201.812a	Calibration of instrument for peak voltage measurement of pulse waveforms in coaxial systems in the voltage range of 5 to 100 V; pulse duration 20 nsec to 100 μsec; pulse repetition rate 60 to 2×10^6 pps, with a maximum duty cycle of 0.1	(*)
201.812b	Calibration of each additional instrument for peak voltage measurement, performed under conditions of 201.812a	(*)
201.812c	Calibration of instrument for peak voltage measurement of pulse waveforms in coaxial systems in the voltage range of 100 to 1000 V; pulse duration 60 nsec to 5 μsec; pulse repetition rate, 60 to 1.66×10^5 pps, with a maximum duty cycle of 0.01	(*)
201.812d	Calibration of each additional instrument for peak voltage measurement, performed under conditions of 201.812c	(*)
201.812z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.820 Rf calorimeters, 30 kHz to 500 MHz.

(a) For maximum calibration accuracy, interlaboratory rf calorimeters should repeat readings to one-half percent or better with a constant power input.

(b) At present only rf calorimeters utilizing Type N or precision connectors for rf power input can be calibrated. Refer to 201.800 for special requirements for the connectors used on interlaboratory standards.

Item	Description	Fee
201.820a	Measurement of rf calorimeter at one frequency at 100 or 300 kHz, 1, 3, 10, or 30 MHz; and at one power level, from 0.001 to 200 W	(*)
201.820b	Measurement of each additional power level at the same frequency as for 201.820a	(*)
201.820c	Measurement of rf calorimeter at one frequency at 100, 200, 300, 400, or 500 MHz; at one power level, from 0.001 to 100 W	(*)
201.820d	Measurement of each additional power level at the same frequency as for 201.820c	(*)
201.820z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.821 Coaxial bolometer units and bolometer-coupler units, continuous wave, low-level power.

(a) A bolometer unit includes both the bolometer element or elements and the bolometer mount in which they are supported.

(b) Power measurements are made on barretter-type bolometer units having nominal resistance of 50, 100, or 200 ohms at a bias current between 3.5 and 10 mA; and on thermistor-type bolometer units having a nominal resistance of 50, 100, or 200 ohms at a bias current between 5 and 15 mA. Bolometer units should

band type and must have suitable [13] male be of the fixed tuned or untuned broad- or female Type N or precision connectors.

(c) Power measurements are made on bolometer units at cw power levels of 1 and 10 mW only.

(d) Power measurements are made on bolometer-coupler combinations having coupling ratios from 3 to 30 dB. A bolometer unit of the fixed tuned or untuned broadband type should be permanently attached to the side arm of the directional coupler. The directional coupler should have good design features, with a directivity of 30 dB or greater, and a VSWR no greater than 1.10 for the input and output ports of the main arm of the coupler.

(e) Effective efficiency for bolometer units is defined as the ratio of the substituted dc power in the bolometer unit to the power dissipated within the bolometer unit.[14]

(f) Calibration factor for bolometer units is defined as the ratio of the substituted dc power in the bolometer unit to the rf power incident upon the bolometer unit.[14]

(g) Calibration factor for bolometer-coupler units is defined as the ratio of the substituted dc power in the bolometer unit on the side arm of the directional coupler to the rf power incident upon a 50-ohm load (with a VSWR less than 1.05) attached to the output port of the main arm.[14]

Item	Description	Fee
201.821a	Determination of calibration factor of coaxial bolometer unit at one frequency at 100 MHz or 1 GHz; and at one power level, 1 or 10 mW	(*)
201.821b	Determination at each additional power level at the same frequency as for 201.821a	(*)
201.821c	Determination of calibration factor of coaxial bolometer unit at 3** GHz; and at one power level, 1 or 10 mW	(*)
201.821d	Determination at each additional power level at 3** GHz, as for 201.821c	(*)
201.821e	Determination of calibration factor of coaxial bolometer-coupler unit at one frequency at 30, 100, 200, 300, 400, 500 MHz, or 1 GHz; and at one power level	(*)
201.821f	Determination at each additional power level at the same frequency as for 201.821e	(*)
201.821z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

**For measurements on coaxial bolometer units at 4 GHz and higher frequencies, see 201.912.

§ 201.822 Pulse power, peak measurement, coaxial systems.

(a) Instruments submitted for calibration should have a nominal impedance of 50 ohms, and be fitted with Type N, BNC, HN, or precision input connectors.[13]

(b) Measurements are made with pulsed rf signals having a rectangular envelope.

Item	Description	Fee
201.822a	Calibration of instrument for measuring peak power of pulsed signals in coaxial systems, in the frequency range of 950 to 1200 MHz, at a peak power in the range of 1 mW to 3 kW; at a pulse width in the range of 2 to 10 μsec, and at a pulse repetition rate in the range of 100 to 1600 pps with a maximum duty cycle of 0.0033	(*)
201.822b	Calibration of instrument for measuring peak power of pulsed signals in coaxial systems at each additional peak power level or a different pulse width or pulse repetition rate, at the same frequency as for 201.822a	(*)
201.822z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.830 Immittance, two-terminal devices, 30 kHz to 8 GHz.

(a) Maximum accuracy can be achieved only in the case of instruments and components equipped with connectors having a plane of reference directly compatible with the NBS system with no necessity for special adapters. In the interest of preserving higher calibration accuracies, coaxial connectors should be utilized on standard instruments and components wherever possible. Calibrations are not performed on capacitors with unshielded terminals; e.g., binding posts and banana-plug connectors.

(b) Power applied to any item under test will normally not exceed 1 W. Where caution in this respect is necessary it should be clearly stated in the calibration request. All calibrations described in this section are performed under ambient conditions of 23±2 degrees C and 40±2 percent relative humidity.

Item	Description	Fee
201.830a-1	Two-terminal impedance measurement at one point in the frequency range 30 to 400 kHz, 0 to 10,000 ohms resistance, and 0 to 1100 μH inductance	(*)
201.830a-2	Two-terminal impedance measurement at each additional point within limits of 201.830a-1	(*)
201.830b-1	Two-terminal impedance measurement at one point in the frequency range 30 kHz to 1 MHz, 0 to 1000 ohms resistance, and 0 to 110 μH inductance	(*)
201.830b-2	Two-terminal impedance measurement at each additional point within limits of 201.830b-1	(*)
201.830c-1	Two-terminal admittance measurement at one point in the frequency range 30 kHz to 1 MHz, 0 to 1100 μmhos conductance, and 0 to 1100 pF capacitance	(*)
201.830c-2	Two-terminal admittance measurement at each additional point within limits of 201.830c-1	(*)
201.830d-1	Two-terminal admittance measurement at one point in the frequency range 5 to 300 MHz, 0 to 50 mmhos conductance, and 0 to 50 pF capacitance	(*)
201.830d-2	Two-terminal admittance measurement at each additional point within limits of 201.830d-1	(*)
201.830e-1	Q-Standard measurement in the frequency range 50 kHz to 45 MHz, 0 to 1000 for effective Q, and 30 to 450 pF for effective resonating capacitance	(*)
201.830f-1	Two-terminal impedance measurement of coaxial component at one point in frequency range 50 MHz to 8 GHz, within range of 0.5 to 5000 ohms for magnitude and 0 to 90° for phase angle	(*)
201.830g-1	Measurement of magnitude of reflection coefficient of a coaxial matched termination in 50-ohm line at one point in frequency range 1 to 4 GHz, by coaxial reflectometer to provide greater accuracy than provided by 201.830f-1	(*)
201.830g-2	Each additional point within limits of 201.830g-1	(*)
201.830z	Special two-terminal immittance measurements not covered by the above	(*)

*See footnote, § 201.701

§ 201.831 Immittance, three-terminal devices, 100 kHz to 1 MHz.

(a) Three-terminal techniques are required for the measurement of extremely low admittance so that unwanted admittance to ground (especially capacitances) do not significantly affect the measurements. Conductance or dissipation factor is not included in Reports of Calibration for three-terminal capacitance.

(b) All measurements described in this section are performed under ambient conditions of 23±2 degrees C and 40±2 percent relative humidity.

Item	Description	Fee
201.831a-1	Three-terminal capacitance measurement at 100 kHz, 465 kHz, or 1 MHz for fixed nominal values of 10^{-2}, 10^{-1}, 10^{0}, 10^{1}, 10^{2}, and 10^{3} pF, per frequency	(*)
201.831b-1	Three-terminal capacitance measurement at 465 kHz at one point in the range 0.001 to 100 pF	(*)
201.831b-2	Three-terminal capacitance measurement of 465 kHz at each additional point within limits of 201.831b-1	(*)
201.831z	Special three-terminal immittance measurements not covered by above schedule	(*)

*See footnote, § 201.701.

§ 201.840 Dissipative fixed coaxial attenuators.

(a) Dissipative fixed coaxial attenuators are normally calibrated in a system having a characteristic impedance of 50 ohms. Since the accuracy of the calibration is degraded by any deviation or uncertainty in this characteristic impedance, the types of allowable connectors are limited. Connectors having a known plane of reference, or the Type N or precision connectors [13] are required. All measurements are made by the substitution method, which requires that the connectors used be asexual or the attenuator have a male connector at one port and a female connector at the other port. If an adapter is required to comply with the foregoing, it must be sup-

[13] See sec. 201.800.

[14] Desch, R. F., and R. E. Larson, Bolometric microwave power calibration techniques at NBS, IEEE Trans. Instr. Meas., IM-12, No. 2, 29 (June 1963).

[13] See § 201.800.

plied with the attenuator and the combination will be calibrated as one unit.

(b) Maximum power to any attenuator will not exceed 20 mW unless prior arrangements for higher power levels have been made.

(c) Insertion loss is defined as the loss encountered when a standard connector [15] pair is broken and the attenuator under test is inserted. The parameters of the standard connector pair must be known, and the generator and load impedances have been adjusted so that the system is nonreflecting. These conditions cannot be strictly realized and an allowance for mismatch must be made.

Item	Description	Fee
201.840a-1	Measurement of insertion loss of fixed coaxial attenuator at one of the following frequencies: 1, 10, 60, and 100 MHz, in the range of 0 to 80 dB	(*)
201.840a-2	Measurement of insertion loss of fixed coaxial attenuator at a frequency of 30 MHz, in the range of 0 to 100 dB	(*)
201.840a-3	Measurement of insertion loss of each additional fixed coaxial attenuator at the same frequency and over the same ranges as for 201.840a-1 to 201.840a-2	(*)
201.840b-1	Measurement of insertion loss of fixed coaxial attenuator at any frequency from 0.100 to 8.19 GHz in the range of 0 to 60 dB (†)	(*)
201.840b-2	Measurement of insertion loss of fixed coaxial attenuator at any frequency from 8.2 to 12.39 GHz, in the range of 0 to 60 dB (†)	(*)
201.840b-3	Measurement of insertion loss of fixed coaxial attenuator at any frequency from 12.4 to 18.0 GHz, in the range of 0 to 60 dB (†)	(*)
201.840b-4	Measurement of insertion loss of each additional fixed coaxial attenuator at the same frequency and over the same ranges as for 201.840b-1 to 201.840b-3	(*)
201.840z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.
(†) Measurement of insertion loss available to 80 dB at reduced accuracy.

§ 201.841 Dissipative variable coaxial attenuators.

(a) These attenuators are calibrated in accordance with Item 201.840 except that the zero or other specified setting is used as the reference. Because attenuation difference only is measured, both ports may have the same connector.

(b) Variable attenuators must have a repeatability of setting better than 0.1 dB; incremental attenuators must have a repeatability of 0.01 dB or better.

[15] Beatty, Robert W., Effects of connectors and adapters on accurate attenuation measurements at microwave frequencies, IEEE Trans. Instr. Meas., IM-13, No. 4, 272 (December 1964). In this referenced publication a "standard connector" is defined as one which is made precisely to standard specifications for the particular type of connector under consideration. Standard connector pairs usually have low but appreciable loss and reflection.

Item	Description	Fee
201.841a-1	Measurement of one increment on a dissipative variable attenuator at one of the following frequencies: 1, 10, 60, and 100 MHz, in the range of 0 to 80 dB	(*)
201.841a-2	Measurement of one increment on a dissipative variable attenuator at a frequency of 30 MHz, in the range of 0 to 100 dB	(*)
201.841a-3	Measurement of each additional increment on a dissipative variable attenuator at the same frequency and over the same ranges as for 201.841a-1 to 201.841a-2	(*)
201.841b-1	Measurement of one increment on a dissipative variable attenuator at any frequency from 0.100 to 8.19 GHz, in the range of 0 to 60 dB	(*)
201.841b-2	Measurement of one increment on a dissipative variable attenuator at any frequency from 8.2 to 12.39 GHz, in the range of 0 to 60 dB	(*)
201.841b-3	Measurement of one increment on a dissipative variable attenuator at any frequency from 12.4 to 18.0 GHz, in the range of 0 to 60 dB	(*)
201.841b-4	Measurement of each additional increment on a dissipative variable attenuator at same frequency and over the same ranges as for 201.841b-1 to 201.841b-3	(*)
201.841z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.842 Waveguide below-cutoff (piston) attenuators.

(a) Waveguide below-cutoff attenuators are calibrated normally in a system having a characteristic impedance of 50 ohms. As only attenuation difference measurements are made on this type of attenuator, Type BNC, C, TNC connectors and other types are acceptable but precision connectors are preferred.

(b) An insertion loss measurement at the attenuator zero setting can be made. Maximum power to any attenuator will not exceed 20 mW unless prior arrangements for higher power levels have been made.

(c) Calibrations are performed at the following frequencies: 1, 10, 30, 60, and 100 MHz.

Item	Description	Fee
201.842a-1	Measurement of one increment on a waveguide below-cutoff attenuator at one of the following frequencies: 1, 10, 60, and 100 MHz, in the attenuation range (including initial insertion loss) of 0 to 120 dB	(*)
201.842a-2	Measurement of one increment on a waveguide below-cutoff attenuator at 30 MHz, in the attenuation range (including initial insertion loss) of 0 to 140 dB	(*)
201.842a-3	Measurement of each additional increment on a waveguide below-cutoff attenuator at the same frequency and over the same ranges as for 201.842a-1 to 201.842a-2	(*)
201.842z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.843 Coaxial fixed directional couplers.

Coaxial fixed directional couplers are calibrated in accordance with Item 201.840. Terminations must be supplied for any arm not used during a measurement.

Item	Description	Fee
201.843a-1	Measurement of insertion loss between any two ports of a coaxial fixed directional coupler at any one of the following frequencies: 1, 10, 60, and 100 MHz, in the range of 0 to 80 dB	(*)
201.843a-2	Measurement of insertion loss between any two ports of a coaxial fixed directional coupler at a frequency of 30 MHz, in the range of 0 to 100 dB	(*)
201.843a-3	Each additional measurement of insertion loss between any two ports of a coaxial fixed directional coupler at same frequency and over the same range as for 201.843a-1 to 201.843a-2	(*)
201.843b-1	Measurement of insertion loss between any two ports of a coaxial fixed directional coupler at any frequency from 0.100 to 8.19 GHz, in the range of 0 to 60 dB	(*)
201.843b-2	Measurement of insertion loss between any two ports of a coaxial fixed directional coupler at any frequency from 8.2 to 12.39 GHz, in the range of 0 to 60 dB	(*)
201.843b-3	Measurement of insertion loss between any two ports of a coaxial fixed directional coupler at any frequency from 12.4 to 18.0 GHz, in the range of 0 to 60 dB	(*)
201.843b-4	Each additional measurement of insertion loss between same two ports of a coaxial fixed directional coupler, and at the same frequency, and over the same range as for 201.843b-1 to 201.843b-3	(*)
201.843z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.844 Coaxial variable directional couplers.

(a) Coaxial variable directional couplers are calibrated in accordance with Item 201.841. Terminations must be supplied for any arm not used during a measurement.

(b) The change in coupling to the side-arm relative to the minimum setting on the device is normally measured.

Item	Description	Fee
201.844a-1	Measurement of single coupling increment between input and variable arm of coaxial variable directional coupler at one of the following frequencies: 1, 10, 60, and 100 MHz, in the range (including initial coupling loss) of 0 to 80 dB	(*)
201.844a-2	Measurement of single coupling increment between input and variable arm of coaxial variable directional coupler at a frequency of 30 MHz, in the range of 0 to 100 dB	(*)
201.844a-3	Each additional measurement of coupling increment between input and variable arm of coaxial variable directional coupler at same frequency and over the same ranges as for 201.844a-1 to 201.844a-2	(*)
201.844b-1	Measurement of single coupling increment between input and variable arm of coaxial variable directional coupler at any frequency from 0.100 to 8.19 GHz, in the range of 0 to 60 dB (including initial coupling loss)	(*)

Item	Description	Fee
201.844b–2	Measurement of single coupling increment between input and variable arm of coaxial variable directional coupler at any frequency from 8.2 to 12.39 GHz, in the range of 0 to 60 dB (including initial coupling loss)	(*)
201.844b–3	Measurement of single coupling increment between input and variable arm of coaxial variable directional coupler at any frequency from 12.4 to 18.0 GHz, in the range of 0 to 60 dB (including initial coupling loss)	(*)
201.844b–4	Each additional measurement of coupling increment between input and variable arm of coaxial variable directional coupler at the same frequency and over the same ranges as for 201.844b–1 to 201.844b–3	(*)
201.844z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.850 Electric and magnetic field strength measurements.

(a) Field-strength standards and field-strength meters are calibrated in terms of rms cw signals in the frequency range of 30 Hz to 1000 MHz. Loop antennas are calibrated from 30 Hz to 30 MHz, and horizontally polarized dipole antennas are calibrated from 30 to 1000 MHz. The antennas of field-strength meters are calibrated normally when terminated in their respective field-strength receivers. The field-strength receivers are calibrated normally for use in a 50-ohm system.

(b) When field-strength standards or meters are submitted for calibration an instruction manual and all accessories should be included, and the instrument must be in excellent operating condition.

§ 201.851 Field-strength receivers (0 to 1000 MHz).

There are three basic calibrations that can be performed on a field-strength receiver:

1. Calibration of the receiver as a two-terminal rf voltmeter.
2. Calibration of the signal input attenuators.
3. Determination of overall linearity of the receiver in terms of the output indicating circuits.

Although these measurements are not required for antenna calibrations, they are recommended in order that the field-strength meter can be used more accurately over its measurement range.

Item	Description	Fee
201.851a–1	Calibration of receiver as a two-terminal rf voltmeter, 1 to 10,000 μV, 0 to 1000 MHz, at one frequency	(*)
201.851a–2	Calibration of receiver as a two-terminal rf voltmeter at each frequency additional to Item 201.851a–1, 0 to 400 MHz	(*)
201.851a–3	Calibration of receiver as a two-terminal rf voltmeter at each frequency additional to Item 201.851–a, 400 to 1000 MHz	(*)
201.851b–1	Calibration of initial step of the input attenuator at one frequency, 0 to 1000 MHz	(*)
201.851b–2	Calibration of each additional step of the input attenuator, additional to Item 201.851b–1, 0 to 1000 MHz	(*)
201.851c–1	Determination of overall linearity of receiver and output circuit, at one frequency and one attenuator setting, initial point, 0 to 1000 MHz	(*)
201.851c–2	Determination of overall linearity at each additional point, at same frequency and at same attenuator setting as for 201.851c–1	(*)
201.851z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.852 Loop antennas (30 Hz to 30 MHz).

Loop antennas are calibrated in terms of a quasi-static magnetic field at frequencies from 30 Hz to 30 MHz. The magnitude of the calibrating field varies from approximately 20 to 200 mV/m.

Item	Description	Fee
201.852a	Calibration of loop antenna at one frequency, 30 Hz to 30 MHz	(*)
201.852b	Calibration of loop antenna at each frequency additional to Item 201.852a, 30 Hz to 30 MHz	(*)
201.852z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.853 Dipole antennas (30 to 1000 MHz).

Dipole antennas are calibrated in terms of horizontally polarized fields at frequencies from 30 to 1000 MHz. The magnitude of the calibrating field varies from approximately 20 to 400 mV/m.

Item	Description	Fee
201.853a	Calibration of dipole antenna at one frequency, 30 to 400 MHz	(*)
201.853b	Calibration of dipole antenna at one frequency, 400 to 1000 MHz	(*)
201.853c	Calibration of dipole antenna at each frequency additional to Items 201.853a and 201.853b, 30 to 1000 MHz	(*)
201.853z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.860 Frequency stability of signal sources, 30 kHz to 500 MHz.

(a) Frequency stability calibrations are made on signal sources from 30 kHz to 500 MHz. (See Schedule 201.701 for calibration service at lower frequencies.)

(b) The signal source should have a power output of at least 10 mW (into a matched load).

(c) Frequency stability of the signal source should be better than approximately one part in 10^7.

Item	Description	Fee
201.860a	Measurement of frequency stability of precision fixed-frequency signal source in the frequency range of 30 kHz to 500 MHz	(*)
201.860z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.861 Power spectral analysis of signal sources.

(a) Power spectral analysis of frequency-modulation components of frequency standards and other high-quality signal sources are made at nominal frequencies of 1, 2.5, 5, and 10 MHz.

(b) Frequency-modulation components are measured to limits of ±10 kHz from the carrier frequency for magnitudes greater than 6 dB above the continuous noise spectrum.

(c) Noise power level of the continuous spectrum relative to the power level of the carrier frequency is measured at any selected frequency within ±10 kHz of the carrier frequency.

(d) The signal source should have a power output of at least 20 mW (into a matched load).

Item	Description	Fee
201.861a	Measurement of the power spectrum of a fixed signal source	(*)
201.861z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.870 Coaxial phase shifters, precision air- or dielectric-filled line.

(a) Phase shifters are calibrated by insertion into a 50-ohm coaxial line. A VSWR of any reasonable magnitude for the phase shifter is acceptable; the measurement uncertainty will be adjusted to the VSWR relation.

(b) The phase shifter must be fitted with Type N or TNC connectors or precision-type connectors.

Item	Description	Fee
201.870a	Measurement of phase angle shift by insertion of a coaxial phase shifter (precision air- or dielectric-filled line) in coaxial line, at 30 MHz	(*)
201.870z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.871 Coaxial phase shifters, variable type.

(a) Phase shifters are calibrated by insertion into a 50-ohm coaxial line. A VSWR of any reasonable magnitude for the phase shifter is acceptable; the measurement uncertainty will be adjusted to the VSWR relation.

(b) Measurements will be performed at any specified phase angle(s).

(c) Phase shifters should have a repeatability of setting better than 0.1 degree.

(d) The phase shifter must be fitted with Type N or TNC connectors or precision-type connectors.

Item	Description	Fee
201.871a	Measurement of phase angle shift at initial setting by insertion of variable-type coaxial phase shifter in coaxial line, at 30 MHz	(*)
201.871b	Measurement of phase angle shift at each setting additional to the initial setting as for 201.871a	(*)
201.871z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

Microwave Region

§ 201.900 General.

(a) Microwave calibration services presently available include measurements of power, impedance, frequency, attenuation, and noise. The frequency range covered for each of the waveguide measurements is given below. While most of the calibration services are for waveguide, it should be noted there are a few services listed in the "Microwave Region" for coaxial instruments. Additional services in the 1 GHz to 18 GHz range for coaxial instruments are listed in the "High-Frequency Region" sections of this schedule.

(b) In performing microwave calibrations, a considerable amount of time is needed to prepare the system for measurement operation. Much of this preparation is related to the adjustment of the system to the frequency of operation selected for the calibration. Time and cost often can be reduced by minimizing the number of times the operating frequency of the calibration system must be readjusted. To help in achieving this reduction in costs, a list of suggested calibration frequencies is presented in the following table. These frequencies are suggested for use in connection with this schedule and for interlaboratory standards utilizing terminations consisting of the standard waveguide sizes given below in the table of suggested calibration frequencies. It should be emphasized that the suggested frequencies are primarily for economy and for convenience to those requesting calibrations. In general the calibration instrumentation for the microwave region is intended to provide complete and continuous frequency coverage as appropriate for the various waveguide sizes. Those having need for calibrations at other than suggested frequencies can be accommodated.

EIA waveguide designation	Frequency range, GHz	Suggested calibration frequencies GHz		
		No. 1	No. 2	No. 3
WR430	1.70– 2.60	1.80	2.20	2.50
WR284	2.60– 3.95	2.85	3.25	3.55
WR187	3.95– 5.85	4.35	4.90	5.25
WR137	5.85– 8.20	6.45	7.00	7.40
WR112	7.05–10.0	7.75	8.50	9.00
WR90	8.20–12.4	9.00	9.80	11.2
WR62	12.4 –18.0	13.5	15.0	17.0
WR42	18.0 –26.5	19.8	22.0	23.8
WR28	26.5 –40.0	29.0	33.0	37.0

§ 201.910 Waveguide bolometer units and bolometer-coupler units, continuous wave, low-level power.

(a) Power measurements are made on barretter-type bolometer units having nominal resistance of either 100 or 200 ohms at a bias current between 3.5 and 10 mA, and on thermistor-type bolometer units having a nominal resistance of either 100 or 200 ohms at a bias current between 5 and 15 mA. Bolometer units should be of the fixed tuned or untuned broadband type.

(b) Power measurements are made on waveguide bolometer units at power levels from 0.1 to 10 mW.

(c) Power measurements are made on bolometer-coupler combinations having coupling ratios from 3 to 20 dB. A bolometer unit of the fixed tuned or untuned broadband type should be permanently attached to the side arm of the coupler. The three-port directional coupler should have good design features, with a directivity of 40 dB or greater and a VSWR no greater than 1.05 for the input and output ports of the main arm of the coupler.

(d) Efficiency for bolometer units is defined as the ratio of the microwave power absorbed by the barretter element to the microwave power dissipated within the bolometer unit.[14]

(e) Calibration factor for bolometer units is defined as the ratio of the substituted dc power in the bolometer unit to the microwave power incident upon the bolometer unit.[14]

(f) Calibration factor for bolometer-coupler units is defined as the ratio of the substituted dc power in the bolometer unit on the side arm of the directional coupler to the microwave power incident upon a nonreflecting load attached to the output port of the main arm.[14]

(g) Effective efficiency for bolometer units is defined as the ratio of the substituted dc power in the bolometer unit to the microwave power dissipated within the bolometer unit.[14]

[14] Desch, R. F., and R. E. Larson, Bolometric microwave power calibration techniques at NBS, IEEE Trans. Instr. Meas., IM–12, No. 1, 29 (June 1963).

Item	Description	Fee
	Determination of effective efficiency of bolometer unit at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.910a–1	WR90 (8.20–12.4 GHz)	(*)
201.910a–2	WR62 (12.4–18.0 GHz)	(*)
201.910a–3	WR137 (5.85–8.20 GHz)	(*)
201.910a–4	WR112 (7.05–10.0 GHz)	(*)
201.910a–5	WR187 (3.95–5.85 GHz)	(*)
201.910a–6	Measurement of effective efficiency of bolometer unit at a single frequency of the following waveguide size terminated with standard waveguide connector: WR42 (18.0–26.5 GHz)	(*)
201.910a–20	Determination of effective efficiency of each additional bolometer unit at the same frequency as for 201.910a–1	(*)
201.910a–21	Determination of effective efficiency of each additional bolometer unit at the same frequency as for 201.910a–2 to 201.910a–5	(*)
	Determination of calibration factor of bolometer unit at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.910b–1	WR90 (8.20–12.4 GHz)	(*)
201.910b–2	WR62(12.4–18.0 GHz)	(*)
201.910b–3	WR137 (5.85–8.20 GHz)	(*)
201.910b–4	WR112 (7.05–10.0 GHz)	(*)
201.910b–5	WR187 (3.95–5.85 GHz)	(*)
201.910b–6	Measurement of calibration factor of bolometer unit at a single frequency of the following waveguide size terminated with standard waveguide connector: WR42 (18.0–26.5 GHz)	(*)
201.910b–20	Determination of calibration factor of each additional bolometer unit at the same frequency as for 201.910b–1 to 201.910b–5	(*)
	Determination of calibration factor of bolometer-coupler unit at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.910c–1	WR90 (8.20–12.4 GHz)	(*)
201.910c–2	WR62 (12.4–18.0 GHz)	(*)
201.910c–3	WR137 (5.85–8.20 GHz)	(*)
201.910c–4	WR112 (7.05–10.0 GHz)	(*)
201.910c–5	WR187 (3.95–5.85 GHz)	(*)
201.910c–6	Determination of efficiency of bolometer unit at a single frequency of the following waveguide sizes terminated with standard waveguide connectors: Measurement of calibration factor of bolometer-coupler unit at a single frequency of the following waveguide size terminated with standard waveguide connectors: WR42 (18.0–26.5 GHz)	(*)
201.910d–1	WR137 (5.85–8.20 GHz)	(*)
201.910d–2	WR187 (3.95–5.85 GHz)	(*)
201.910d–20	Determination of efficiency of each additional bolometer unit at the same frequency as for 201.910d–1 to 201.910d–2	(*)
201.910z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.911 Waveguide dry calorimeters, continuous wave, low-level power.

Item	Description	Fee
201.911a–1	Measurement of output voltage versus input microwave power for dry calorimeter at a single frequency of WR90 waveguide (8.20–12.4 GHz) terminated with a standard waveguide connector at power levels from 10 mW to 1 W	(*)
201.911a–2	Each additional power level at the same frequency as for 201.911a–1	(*)
201.911z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.912 Coaxial bolometer units, continuous wave, low-level power.

Item	Description	Fee
201.912a-1	Determination of effective efficiency of a coaxial holometer unit at a single frequency in the range 4** to 10 GHz and a power level of 10 mW. Bolometer unit must he fitted with male Type N connector and thermistor-type element of nominal operating resistance of 200 ohms	(*)
201.912a-2	Determination of effective efficiency of a coaxial holometer unit at a single frequency in the range of 4** to 8.5 GHz and a power level of 10 mW. Bolometer unit must he fitted with a 14 mm general precision connector† and a thermistor-type element for nominal operating resistance of 200 ohms	(*)
201.912a-20	Determination of effective efficiency of each additional coaxial bolometer unit at the same frequency** as for 201.912a-1	(*)
201.912a-21	Determination of effective efficiency of each additional coaxial holometer unit at the same frequency as for 201.912a-2	(*)
201.912z	Special calibrations not covered hy the above schedule	(*)

*See footnote, § 201.701.

**For measurements on coaxial bolometer units below 4 GHz, see section 201.821.

† "Precision Coaxial Connectors," Recommendations of the IEEE I-M Group Subcommittee on Precision Coaxial Connectors, Revised July 10, 1966. This report describes the mechanical, electrical, and environmental requirements for precision coaxial connectors. It is available from: Chairman, IEEE G-IM Technical Committee on High Frequency Instruments and Measurements, The Institute of Electrical and Electronic Engineers, Inc., 345 East 47th Street, New York, N.Y. 10017.

§ 201.920 Waveguide reflectors (mismatches), reflection coefficient magnitude.

(a) Reflection coefficient measurements are made on reflectors producing a reflection coefficient magnitude in the range of 0.24 to 0.2.

(b) Reflectors must be fitted with standard types of waveguide flanges. The faces of these flanges should be machined flat and smooth and should not contain protrusions or indentations. The connecting holes of the flange should be symmetrically and accurately aligned to the rectangular waveguide opening.

Item	Description	Fee
	Measurement of reflection coefficient magnitude of reflector at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.920a-1	WR90 (8.20-12.4 GHz)	(*)
201.920a-2	WR62 (12.4-18.0 GHz)	(*)
201.920a-3	WR137 (5.85-8.20 GHz)	(*)
201.920a-4	WR112 (7.05-10.0 GHz)	(*)
201.920a-5	WR187 (3.95-5.85 GHz)	(*)
201.920a-20	Measurement of reflection coefficient magnitude of each additional reflector at the same frequency as for 201.920a-1 to 201.920a-5	(*)
201.920z	Special calibrations not covered hy the above schedule	(*)

*See footnote, § 201.701.

§ 201.930 Cavity wavemeters, frequency measurement.

(a) Frequency measurements are made on fixed or variable cavity wavemeters of either the reaction (one-port) type or the transmission (two-port) type.

(b) Frequency measurements are made on fixed or variable cavity wavemeters having coaxial terminals with Type N connectors (male or female) in the frequency range of 1000 MHz to 10 GHz.

(c) Frequency measurements are made on fixed or variable cavity wavemeters having standard type waveguide terminals in the frequency range of 2.6 to 90 GHz.

Item	Description	Fee
201.930a	Measurement of resonance frequency of fixed cavity wavemeter	(*)
201.930b	Setting of adjustable cavity wavemeter at prescribed resonance frequency	(*)
201.930c-1	Calibration of dial setting versus resonance frequency of variable cavity wavemeter at initial prescribed frequency	(*)
201.930c-2	Calibration of dial setting versus resonance frequency of variable cavity wavemeter at each prescribed frequency additional to the intial frequency and on the same wavemeter as 201.930c-1	(*)
201.930z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

§ 201.940 Waveguide variable attenuators, attenuation difference.

(a) Attenuation difference measurements are made on step or continuously variable attenuators, usually with the zero dial setting used as the reference position.

(b) Attenuation measurements are made for attenuation values from 0 to 50 dB. This range of attenuation values can be extended to 70 dB in some frequency ranges.

(c) Variable attenuators should have a repeatability of dial setting better than ±0.1 dB.

(d) Variable attenuators should have a VSWR less than 1.1 at each waveguide port.

Item	Description	Fee
	Measurement of attenuation difference of direct-reading variable attenuator at an initial prescribed dial setting at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.940a-1	WR284 (2.60-3.95 GHz)	(*)
201.940a-2	WR187 (3.95-5.85 GHz)	(*)
201.940a-3	WR137 (5.85-8.20 GHz)	(*)
201.940a-4	WR112 (7.05-10.0 GHz)	(*)
201.940a-5	WR90 (8.20-12.4 GHz)	(*)
201.940a-6	WR62 (12.4-18.0 GHz)	(*)
201.940a-7	WR42 (18.0-26.5 GHz)	(*)
201.940a-8	WR28 (26.5-40.0 GHz)	(*)
201.940a-9	WR430 (1.70-2.60 GHz)	(*)
201.940a-20	Measurement of attenuation difference of direct-reading variable attenuator at each prescribed dial setting additional to the initial dial setting at the same frequency and on the same attenuator as for 201.940a-1 to 201.940a-9	(*)
201.940a-21	Measurement of attenuation difference of direct-reading variable attenuator at an initial prescribed dial setting at a single frequency as for 201.940a-5 to 201.940a-6, by means of modulated subcarrier method to obtain greater accuracy of measurement	(*)
201.940a-22	Measurement of attenuation difference of direct-reading attenuator at each prescribed dial setting additional to the initial dial setting at the same frequency and on the same attenuator as 201.940a-21, by means of modulated subcarrier method to obtain greater accuracy of measurement	(*)
	Calibration of dial setting versus attenuation difference for indirect-reading variable attenuator at an initial prescribed attenuation difference value at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.940b-1	WR284 (2.60-3.95 GHz)	(*)
201.940b-2	WR187 (3.95-5.85 GHz)	(*)
201.940b-3	WR137 (5.85-8.20 GHz)	(*)
201.940b-4	WR112 (7.05-10.0 GHz)	(*)
201.940b-5	WR90 (8.20-12.4 GHz)	(*)
201.940b-6	WR62 (12.4-18.0 GHz)	(*)
201.940b-7	WR42 (18.0-26.5 GHz)	(*)
201.940b-8	WR28 (26.5-40.0 GHz)	(*)
201.940b-9	WR430 (1.70-2.60 GHz)	(*)
201.940b-20	Calibration of dial setting versus attenuation difference for indirect-reading variable attenuator at each prescribed attenuation difference value additional to the initial attenuation difference value at the same frequency and on the same attenuator as 201.940b-1 to 201.940b-9	(*)
291.940b-21	Measurement of attenuation difference of indirect-reading variable attenuator at an initial prescribed dial setting at a single frequency as for 201.940b-5 to 201.940b-6, by means of modulated subcarrier method to obtain greater accuracy of measurement	(*)
201.940b-22	Measurement of attenuation difference of indirect-reading attenuator at each prescribed dial setting additional to the initial dial setting at the same frequency and on the same attenuator as 201.940b-20, by means of modulated subcarrier method to obtain greater accuracy of measurement	(*)
201.940z	Special calibrations not included in the above schedule	(*)

*See footnote, § 201.701.

§ 201.941 Waveguide fixed attenuators, insertion loss.

(a) Insertion loss measurements are made on fixed two-port attenuators.

(b) Insertion loss measurements are made for insertion loss values from 0 to 50 dB. This range of attenuation values can be extended to 70 dB in some frequency ranges.

(c) Fixed attenuators should have a VSWR less than 1.1 at each waveguide port.

Item	Description	Fee
	Measurement of insertion loss of fixed attenuator at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.941a-1	WR284 (2.60-3.95 GHz)	(*)
201.941a-2	WR187 (3.95-5.85 GHz)	(*)
201.941a-3	WR137 (5.85-8.20 GHz)	(*)
201.941a-4	WR112 (7.05-10.0 GHz)	(*)
201.941a-5	WR90 (8.20-12.4 GHz)	(*)
201.941a-6	WR62 (12.4-18.0 GHz)	(*)
201.941a-7	WR42 (18.0-26.5 GHz)	(*)
201.941a-8	WR28 (26.5-40.0 GHz)	(*)
201.941a-9	WR430 (1.70-2.60 GHz)	(*)
201.941a-20	Measurement of insertion loss of additional fixed attenuator at the same frequency as for 201.941a-1 to 201.941a-9	(*)
201.941z	Special calibrations not included in the above schedule	(*)

*See footnote, § 201.701.

§ 201.950 Waveguide noise sources, effective noise temperature.

(a) Effective noise temperature measurements are made on waveguide noise sources (usually a gas-discharge tube) under conditions of continuous, unmodulated operation in the range 1000 to 300,000° K (excess noise ratio range 3.8 to 30 dB).

(b) The direct current required for normal operation of the gas-discharge tube should not exceed 300 mA but should be sufficient to prevent excessive plasma oscillations.

(c) The waveguide noise source must have an input VSWR no greater than 1.2.

(d) The gas-discharge tube should be secure in the mount, and the output port of the unit should be terminated with a matched load.

Item	Description	Fee
	Measurement of effective noise temperature of noise source at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.950a-1	WR90 (8.20–12.4 GHz)	(*)
201.950a-2	WR62 (12.4–18.0 GHz)	(*)
201.950a-20	Measurement of effective noise temperature of each additional noise source at the same frequency as for 201.950a-1 to 201.950a-2	(*)
201.950z	Special calibrations not covered by the above schedule	(*)

*See footnote, § 201.701.

Dated: May 8, 1967.

A. V. ASTIN,
Director.

[F.R. Doc. 67-5333; Filed, May 15, 1967; 8:45 a.m.]

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PART 991—HOPS OF DOMESTIC PRODUCTION

Filling Deficiencies in Salable Quantity

Notice was published in the April 27, 1967, issue of the FEDERAL REGISTER (32 F.R. 6501) regarding a proposal based upon the unanimous recommendation of the Hop Administrative Committee to modify requirements with respect to the filling of deficits in producers' annual allotments by prescribing additional requirements. The establishment of such additional requirements is pursuant to § 991.38 of Marketing Order No. 991 (7 CFR Part 991; 31 F.R. 9713, 10072), regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time. Section 991.138d, as contained in the notice, has been revised to clarify the intent thereof.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee and other available information, it is hereby found that the requirements hereinafter set forth with respect to filling deficiencies in producers' annual allotments, pursuant to § 991.38 are in accordance with the Marketing Order and will provide an equitable and uniform basis for producers' to fill deficits in their annual allotments and enable them to plan their cultural practices accordingly and with certainty, and will tend to effectuate the declared policy of the act. The requirements shall be as follows:

§ 991.138d **Filling deficiencies in salable quantity.**

Pursuant to § 991.38(d), the requirements therein with respect to the filling of deficiencies in annual allotments are modified as follows:

(a) Except as limited by paragraph (d) of this section, a producer otherwise eligible pursuant to § 991.38(d) to fill such a deficit in his annual allotment may do so only if: (1) Such producer experiences conditions beyond his control, as defined in paragraph (c) of this section; (2) he notifies the Committee within 48 hours, or such other time as the Committee may prescribe, of such conditions; (3) he furnishes proof, satisfactory to the Committee, of the conditions beyond his control within the time prescribed by the Committee; and (4) the quantity of hops he acquires to fill the deficit does not exceed the amount specified in paragraph (b) of this section.

(b) The amount of the deficit in any producer's annual allotment that may be filled shall be the lesser of: (1) The difference between his annual allotment and his harvested quantity, or (2) the difference between his harvested quantity, if any, from acreage affected by conditions beyond his control and the quantity obtained by multiplying the producer's base yield per acre, adjusted by the allotment percentage, by the number of acres so affected.

(c) Conditions beyond his control may include, but are not necessarily limited to, adverse climatic conditions such as frost, hail, excessive wind or heat which are beyond normal hazards of producing hops in the particular location and excesses or shortages of water not due to faulty irrigation practices.

(d) Where a producer's production of hops on all or a part of his hop acreage is below normal by industry standards due to an overall "less than normal yield" not caused by conditions beyond his control, as defined in paragraph (c) of this section, the producer shall not be eligible to fill any portion of his annual allotment deficit not caused by conditions beyond his control, as defined in paragraph (c) of this section.

(Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674)

Dated: May 12, 1967, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 67–5479; Filed, May 16, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8159; Amdt. 171–3]

PART 171—NON-FEDERAL NAVIGATIONAL FACILITIES

Alternative Formats of Reports

The purpose of this amendment is to authorize the Regional Directors to accept the reports that this part requires to be made on FAA forms, in other equivalent formats. The owners of some facilities approved under this part make out reports, containing all the information required on the FAA forms, in formats that facilitate machine processing. There is no reason why a report should not be accepted by FAA in such a format if it is equivalent to the FAA form both in contents and in convenience with respect to FAA processing.

This amendment is made on the authority of sections 305, 307, 313(a), 601, and 606 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1346, 1348, 1354(a), 1421, 1426). Since it relaxes existing requirements and does not put a burden on any person, notice and public procedure thereon are not required and the amendment may be made effective upon publication.

In consideration of the foregoing, FAR Part 171 (14 CFR Part 171) is amended by adding, in Subpart E—General, the following new section:

§ 171.73 **Alternative forms of reports.**

On a case-by-case basis, a Regional Director may accept any report (except a facility outage and failure report, Form FAA–3092) in a format other than the FAA form required by this part if he is satisfied that the report contains all the information required on the FAA form and can be processed by FAA as conveniently as the FAA form.

Issued in Washington, D.C., on May 10, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67–5473; Filed, May 16, 1967; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–322; Order No. 345]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

System Flow Diagrams; Discontinuing Reporting of Certain Information

MAY 9, 1967.

Section 260.8 of the Commission's regulations [1] requires certain Class A natural gas pipeline companies to file annually a flow diagram reflecting the operating conditions on their main transmission systems during the previous year. One of the items of information now required to be submitted by paragraph (b) of the section is—

[1] Promulgated by Order No. 303–A issued May 10, 1966 in Docket No. R–257, 35 FPC ———, 31 F.R. 7226.

(12) The average and maximum (coincidental and non-coincidental) daily volumes delivered at each takeoff point during the reporting year. * * *

A part of Item (12), the maximum noncoincidental daily volume delivered at each takeoff point, was required originally to enable the Commission to study the feasibility of a proposed method of allocation of pipeline company costs. That particular study is now completed and since we recognize that to obtain data on the maximum noncoincidental daily deliveries imposes a substantial burden on the reporting companies, we are deleting that requirement from the regulations.

The subparagraph also provides that small deliveries, i.e., those less than 100 Mcf per day, may be grouped for reporting purposes in an appropriate manner. Since this applies in any event to deliveries which have little or no effect on the operation of the pipeline, we have determined that our purposes will be adequately served if the breaking point for grouping deliveries be raised to 200 Mcf.

The Commission finds:

(1) Since the amendment relieves the affected parties of an existing reporting requirement and we now have no indication that any person or agency has any use for the information, it is unnecessary to comply with the notice and effective date provisions of section 4 of the Administrative Procedure Act.

(2) The amendment herein adopted is necessary and appropriate in the administration of the Natural Gas Act.

The Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 825; 56 Stat. 83; 15 U.S.C. 717c, 717d, 717f, 717o), orders:

(A) Part 260, Subchapter G, Chapter I of Title 18 of the Code of Federal Regulations is amended by revising subparagraph (12) of § 260.8(b). As revised, the subparagraph reads as follows:

§ 260.8 System flow diagrams.

* * * * *

(b) * * *

(12) Volumes delivered: (i) The average daily volumes delivered at each takeoff point, (ii) the volumes delivered at each takeoff point on the day of maximum coincidental delivery, and (iii) the maximum daily volumes (noncoincidental) delivered to each customer under rates subject to FPC jurisdiction. Where deliveries to a single customer are made at two or more points and conjunctive billing is used to determine charges, the volumes delivered shall be reported on the conjunctive basis. Small deliveries (less than 200 Mcf per day) which have little or no effect upon the operation of the pipeline may be grouped in an appropriate manner, i.e., between compressor stations or the last mainline compressor station and the end of the pipeline. If an estimate is used for a delivery, so indicate.

* * * * *

(Secs. 4, 5, 16, 52 Stat. 823, 824, 825, 830; 15 U.S.C. 717c, 717d, 717f, 717o)

(B) This amendment shall be effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5459; Filed, May 16, 1967; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950 _____)

Subpart L—Family Relationships

DEFINITIONS

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended to read as follows:

1. Section 404.1103 is revised to read as follows:

§ 404.1103 Definition of wife.

"Wife" means a claimant who has the legal relationship or the status, as described in § 404.1101, of wife of the man on whose earnings record her application is based, and who:

(a) Is the natural mother of his son or daughter (see § 404.1108); or

(b) Was married to him (or had the status of his wife as described in § 404.1101, or had been ceremonially married to him under the conditions described in § 404.1101(c)(2)) for a period of not less than 1 year immediately preceding the day on which her application is filed; or

(c) In the month prior to the month of her marriage to him:

(1) Was entitled to wife's (effective for benefits for months after August 1965), widow's, or parent's insurance benefits, or upon application therefor and attainment of age 62 in such prior month, would have been entitled to such benefits; or

(2) Had attained age 18 and was entitled to child's insurance benefits based on disability or met all requirements for entitlement to child's insurance benefits based on disability other than filing an application; or

(3) Was entitled under section 5 of the Railroad Retirement Act of 1937 to a widow's, child's (after attainment of age 18), or parent's insurance annuity or met all requirements for entitlement to such an annuity other than filing an application and attainment of the required age (if any). (This subparagraph is effective for benefits for months after August 1965.)

2. Section 404.1104 is revised to read as follows:

§ 404.1104 Definition of widow.

"Widow" means a claimant who has the legal relationship or the status, as described in § 404.1101, of widow of the man on whose earnings record her application is based, and (except for the purpose of entitlement to a lump-sum death payment) who:

(a) Is the natural mother of his son or daughter (see § 404.1108); or

(b) Legally adopted his son or daughter while she was married to him and while such son or daughter was under age 18; or

(c) Was married to him when he legally adopted her son or daughter and such son or daughter was under age 18; or

(d) Was married to him at the time both of them legally adopted a child under age 18; or

(e) Was married to him (or had the status of his wife as described in § 404.1101, or had been ceremonially married to him under the conditions described in § 404.1101(c)(2)) for a period of not less than 1 year immediately before the day he died; or

(f) In the month prior to the month of her marriage to him, she:

(1) Was entitled to wife's (effective for benefits for months after August 1965), widow's or parent's insurance benefits or met all the requirements for entitlement to such benefits other than filing an application and attainment of age 62 in such prior month; or

(2) Had attained age 18 and was entitled to child's insurance benefits based on disability or met all the requirements for entitlement to child's insurance benefits based on disability other than filing an application; or

(3) Was entitled under section 5 of the Railroad Retirement Act of 1937 to a widow's, child's (after attainment of age 18), or parent's insurance annuity or met all requirements for entitlement to such an annuity other than filing an application and attainment of the required age (if any). (This subparagraph is effective for benefits for months after August 1965.)

3. Section 404.1105 is revised to read as follows:

§ 404.1105 Definition of divorced wife, surviving divorced wife, and surviving divorced mother.

(a) "Divorced wife" means a claimant whose marriage to the man on whose earnings record her application is based has been terminated by a final divorce on or after the 20th anniversary of the marriage: *Provided*, That, if she was married to and divorced from him more than once, she was married to him in each calendar year of the period beginning 20 years immediately before the date any divorce became final and ending with the year that divorce became final.

(b) "Surviving divorced wife" means a claimant whose marriage to the deceased individual on whose earnings record her application is based had been terminated by a final divorce on or after the 20th anniversary of the marriage: *Provided,* That, if she was married to and divorced from him more than once, she was married to him in each calendar year of the period beginning 20 years immediately before the date any divorce became final and ending with the year that divorce became final.

(c) "Surviving divorced mother" means a claimant whose marriage to the deceased individual on whose earnings record her application is based had been terminated by divorce and who:

(1) Is the mother of his son or daughter; or

(2) Legally adopted his son or daughter while she was married to him and while such son or daughter was under age 18; or

(3) Was married to such individual when he legally adopted her son or daughter while such son or daughter was under age 18; or

(4) Was married to him at the time both of them legally adopted a child under age 18.

(d) For purposes of this section, "divorce" and "divorced" refer to a divorce from the bonds of matrimony.

4. Section 404.1106 is revised to read as follows:

§ 404.1106 Definition of husband.

"Husband" means a claimant who has the legal relationship or the status, as described in § 404.1101, of husband of the woman upon whose earnings record his application is based and who:

(a) Is the natural father of her son or daughter (see § 404.1108); or

(b) Was married to her (or had the status of her husband as described in § 404.1101, or had been ceremonially married to her under the conditions described in § 404.1101(c)(2)) for a period of not less than 1 year immediately preceding the day his application is filed; or

(c) In the month prior to the month of his marriage to her, he:

(1) Was entitled to widower's or parent's insurance benefits or met all the requirements for entitlement to such benefits other than filing an application and attainment of age 62 in such prior month; or

(2) Had attained age 18 and was entitled to child's insurance benefits based on disability or met all the requirements for entitlement to child's insurance benefits based on disability other than filing an application; or

(3) Was entitled under section 5 of the Railroad Retirement Act of 1937 to a widower's, child's (after attainment of age 18), or parent's insurance annuity or met all requirements for entitlement to such an annuity other than filing an application and attainment of the required age (if any). (This subparagraph is effective for benefits for months after August 1965.)

5. Section 404.1107 is revised to read as follows:

§ 404.1107 Definition of widower.

"Widower" means a claimant who has the legal relationship or the status, as described in § 404.1101, of widower of the woman on whose earnings record his application is based and (except for the purpose of entitlement to a lump-sum death payment) who:

(a) Is the natural father of her son or daughter (see § 404.1108); or

(b) Legally adopted her son or daughter while he was married to her and while such son or daughter was under age 18; or

(c) Was married to her when she legally adopted his son or daughter while such son or daughter was under age 18; or

(d) Was married to her at the time both of them legally adopted a child under age 18; or

(e) Was married to her (or had the status of her husband as described in § 404.1101, or had been ceremonially married to her under the conditions described in § 404.1101(c)(2)) for a period of not less than 1 year immediately before the day she died; or

(f) In the month prior to the month of his marriage to her, he:

(1) Was entitled to widower's or parent's insurance benefits or met all the requirements for entitlement to such benefits other than filing an application and attainment of age 62 in such prior month; or

(2) Had attained age 18 and was entitled to child's insurance benefits based on disability or met all the requirements for entitlement to child's insurance benefits based on disability other than filing an application; or

(3) Was entitled under section 5 of the Railroad Retirement Act of 1937 to a widower's, child's (after attainment of age 18), or parent's insurance annuity or he met all requirements for entitlement to such an annuity other than filing an application and attainment of the required age (if any). (This subparagraph is effective for benefits for months after August 1965.)

(Secs. 202, 205, 216, 1102, 49 Stat. 623, 53 Stat. 1368, as amended, 64 Stat. 510, 49 Stat. 647, as amended; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 402, 405, 416, 1302)

Dated: April 24, 1967.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: May 10, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-5482; Filed, May 16, 1967; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Miscellaneous Amendments

Correction

In F.R. Doc. 67-5028 appearing at page 6932 in the issue of Friday, May 5, 1967, the following entries in the Note to Part 7 are corrected to read:

Colonial National Historical Park, Va	7.1
Crater Lake National Park, Oreg	7.2
Glacier National Park, Mont	7.3
Grand Canyon National Park, Ariz	7.4
Mount Rainier National Park, Wash	7.5
Muir Woods National Monument, Calif	7.6
Rocky Mountain National Park, Colo	7.7
Sequoia—Kings Canyon National Parks, Calif	7.8
Shiloh National Military Park, Tenn	7.9

Title 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

PART 308—MERGERS OF FEDERAL CREDIT UNIONS

Approval by Members

On pages 3778 and 3779 of the FEDERAL REGISTER of March 7, 1967, there was published a notice of proposed rule making to amend § 308.4 of Part 308—Mergers of Federal Credit Unions, to provide that a proposed merger may be approved by a majority of the members of each Federal credit union involved who cast their votes at a membership meeting or file written ballots within 30 days following the meeting.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. The response has been overwhelmingly in favor of the proposal. The one objection received was unsupported and necessitated no revision of the proposal.

The proposed amendment is hereby adopted without change.

Dated: April 6, 1967.

[SEAL] J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved: April 24, 1967.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: May 10, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

Part 308, Chapter III, Title 45 of the Code of Federal Regulations is amended by revising § 308.4 to read as follows:

§ 308.4 Approval by members.

Upon approval of the plan of the proposed merger by the Director it may be submitted to the members of each Federal credit union at their annual meetings if such are scheduled within 120 days after such approval, or it shall be submitted to the members of each Federal credit union at special meetings to be called within 120 days after such approval; it shall be submitted to the members of any State credit union included in the proposed merger, and acted upon thereby, in accordance with the requirements of applicable State law. Federal credit union members shall have the right to vote on the proposition in person at the meeting, or by written ballot to be filed not later than 30 days following the date of the meeting. Written notice of the Federal credit union meetings, annual or special, at which the proposed merger is to be considered, shall include a summary of the plan of the proposed merger, shall inform the members of the opportunity to vote on the proposition by written ballot, and when and where such written ballots may be filed, and shall contain a form of written ballot for the use of those members who will vote thereby instead of in person at the meeting. The written notice shall be handed to each member in person, or mailed to each member at his address as the same appears on the records of the credit union, as provided in the bylaws. In order for the plan to be approved and acted upon further by the Federal credit unions it must receive the affirmative vote of a majority of the members of each such Federal credit union, who have cast their votes at the membership meeting or have filed a written ballot not later than 30 days following the date of the meeting The results of the votes shall be certified to the Regional Representative by the president and secretary of each of the credit unions promptly after expiration of the period for the voting.

(Sec. 21, 73 Stat. 635; 12 U.S.C. 1766)

[F.R. Doc. 67-5481; Filed, May 16, 1967; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16662; FCC 67-578]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations, (Leitchfield, Ky., Rolla and Columbia, Mo., Bakersfield, Calif., Sandusky, Mich., Enterprise and Troy, Ala., Ladysmith, Wis., and Ironwood, Mich., Sturgeon Bay, Wis., Morris, Minn., Jerseyville, Ill., Augusta, Ga., Brewton and Andalusia, Ala., Wickenburg, Ariz., Potsdam, N.Y., New Albany, Ohio, and Circleville, Ohio), RM-957, RM-940, RM-941, RM-878, RM-944, RM-948, RM-949, RM-956, RM-958, RM-959.

1. The Commission has under consideration the further notice of proposed rule making issued herein on November 4, 1966 (FCC 66-963), proposing to amend the FM Table of Assignments (§ 73.242 of the rules) by assigning Channel 285A at Columbus, Ohio, and substituting Channel 296A for 285A at Circleville, Ohio. The proposal was supported by The Christian Voice of Central Ohio (Christian Voice), a potential applicant for the Columbus assignment, and opposed by Honor L. Greenawalt and Nelson R. Embrey II, doing business as Circleville Broadcasting Co., licensee of Station WNRE(FM), on Channel 285A at Circleville (WNRE). This station would change channels under the proposal. These were the only commenting parties.

Background. 2. A brief account of the background of this matter will be helpful. The Table of FM Assignments (§ 73.202 of the rules), adopted in mid-1963,[1] contained seven channels at Columbus, six Class B channels on which stations were in operation, and Channel 285A, designed to provide an additional channel in line with the general population criteria used in preparing the Table.[2] Channel 292A was assigned to Circleville (1960 Census population 11,059), some 25 miles south of Columbus. No immediate demand developed for the additional Columbus assignment, and in mid-1964 it was deleted and assigned to Circleville as a substitute for 292A, which was being deleted there for use as a first assignment at another community (Docket 15424, 2 R.R. 2d 1695, 1698, FCC 64-616). No replacement at Columbus could be found. In October 1964, an application was granted for Channel 285A at Circleville, becoming Station WNRE.

3. In December 1964, Christian Voice filed a petition for rulemaking looking toward returning 285A to Columbus by shifting the Circleville assignment and WNRE to Channel 296A, which could be used at that city. When WNRE (then a new CP holder) opposed the change, Christian Voice amended its petition to specify instead Channel 280A for New Albany, Ohio, a small community some 12 miles from Columbus. It was represented that this assignment could be used consistent with all mileage separation requirements with respect to other assignments, and on this basis we proposed in Docket 16006 to assign Channel 280A to New Albany, and later adopted the proposal (report and order in Docket 16006, 1 FCC 2d 1060, adopted Oct. 20, 1965). Christian Voice tendered an application for a station on this channel in April 1966. It was then discovered that any use of the New Albany assignment would involve a short separation with Station WPAY-FM on adjacent Channel 281 at Portsmouth, Ohio, since that station's transmitter is in Zone II (Kentucky) and it is thus a Class C station requiring a 105-mile separation with respect to Class A stations on first adjacent channels (about 11 miles more than the distance to the proposed New Albany site). Accordingly, in the initial notice herein (issued May 27, 1966) we proposed on our own motion to delete the New Albany assignment. Christian Voice opposed this in comments. In August 1966, Christian Voice filed supplemental comments (with a petition to accept them), requesting 280A for New Albany for use on a short-spaced "equivalent protection" basis, but also advancing, as an alternative, its earlier proposal to return Channel 285A to Columbus by making the Circleville shift. An opposition by WNRE and reply by Christian Voice were filed, and on the basis of these pleadings we issued the Further Notice herein, stating that the short-spaced New Albany assignment is not warranted and setting forth the Columbus-Circleville proposal.

4. Christian Voice, a nonprofit corporation formed to operate a religious station, reasserts the need of Columbus for a seventh commercial channel, calling attention to the 1960 Census population of that city (471,316) and its standard metropolitan statistical area (Franklin County, 682,962). In particular, it is urged that there is need for a station of the sort Christian Voice would operate, largely devoted to religious broadcasting (discussions by members of the clergy, programs for shut-ins and persons in institutions, Bible study, religious drama, classical religious music, church services, and sermonettes from time to time during the day). It claims that other area stations do not meet the need for religious programing other than on Sundays. It lists 45 Roman Catholic and Protestant churches supporting its proposal, and attaches letters from the Radio and TV Director of the Roman Catholic Archdiocese, the head of the Ohio Council of Churches, and 14 other ministers supporting its cause, as well as letters from the Mayor of Columbus and other individuals to the same effect (a total of 300 are said to have been received).

5. In opposition, WNRE asserts that there is no substantial need for an additional Columbus assignment, since there are now eight FM stations there (including two educational stations) and since other stations present a substantial

[1] Third report, memorandum opinion and order in Docket 14185, 23 R.R. 1859, FCC 63-735, released Aug. 1, 1963.

[2] Further notice of proposed rule making in Docket 14185, FCC 62-867, released Aug. 14, 1962. Cities of from 250,000 to 1,000,000 population were to be assigned, if possible, six to 10 commercial channels. Since Columbus had a 1960 population of about 475,000 and thus was not near the bottom of the bracket, the assignment of more than six channels appeared appropriate.

amount of religious programing.[3] It is also claimed that Christian Voice's operation would be by no means entirely of this character, since in its application for Channel 280A at New Albany it proposed about 35 percent of other types of programing, and 64 percent of its programing would be commercial. In opposition to having to change channel, WNRE asserts that it had to amend its pending application in 1964 because of the substitution of channels at Circleville (at a cost of some $1,300), and that this proposed second shift would be disruptive of the stability to which a licensee is entitled. It is claimed that the station is just getting established (it commenced operation in September 1965), and that the change "could mean the difference between survival and demise" of Circleville's only station, especially since its former frequency would be used only a short distance away in Columbus. It is said that listener confusion and loss of revenue would result. WNRE refers to two cases in which we have made new assignments by requiring stations in other cities to change channels, and asserts that neither applies here because in both of those cases the new channel would be the first in the community.

6. A good deal of the arguments of the parties relates to reimbursement to WNRE for the cost of changing channels, which here, as in other similar cases, will be expected in a reasonable amount. Christian Voice, as it had earlier, states that if it becomes the permittee, it is ready to reimburse WNRE for the legitimate and prudent out-of-pocket expenses incurred in the move, engineering costs or otherwise, and to have the Commission decide the matter if the parties cannot agree. WNRE questions Christian Voice's ability to pay and urges that it should pay regardless of whether it ultimately gets the channel or not, since it is the party causing the shift if one is required. This party asks that, if the proposal is adopted despite its opposition, Christian Voice be required to commit itself to pay the reasonable and prudent costs of the change in frequency. WNRE sets forth a list of cost items it believes to be appropriate for reimbursement, set forth below and totaling over $15,000, and asks for a Commission determination as to which of these Christian Voice should be required to pay. In reply, Christian Voice restates its willingness to pay reasonable costs but only if it gets the channels, questions both the amounts set forth by WNRE and whether certain items are properly includible at all, and reasserts its ability to pay (showing cash in bank of more than $5,000). An engineering affidavit is attached in support of Christian Voice's lower cost figures.

Conclusions. 7. After careful consideration of the facts and arguments urged by the parties, we conclude that the proposal should be adopted, and Channel 285A assigned to Columbus and Channel 296A substituted for 285A at Circleville. As mentioned (footnotes 1 and 2), Columbus was assigned seven commercial channels when the FM Table was adopted, and its size and importance clearly warrant that number, in light of the general population criteria used.[4] The number was temporarily reduced by our 1964 action removing one assignment, for which no demand had developed, in order to make a needed first assignment in another community; but now that a demand has been demonstrated and addition of a channel is possible without loss of assignments elsewhere, we believe the proposed addition is clearly desirable. The public interest in the new Columbus assignment, in our view, clearly outweighs whatever disruption of service may occur temporarily in connection with the Circleville operation. Economic injury is, of course, a relevant consideration only insofar as it affects the public interest rather than the private interest of the licensee;[5] and we are not persuaded that the effect of the channel shift is likely to be great enough to force the demise of Circleville's only local station or a significant deterioration in its service. We believe that 2 years of operation, which the station will have accumulated by October 1967, when this action becomes effective, should have given the station sufficient identity with its listeners so that they will continue to listen to it on its new channel. The October 1967 date should give adequate time for WNRE to acquaint its audience with the forthcoming change and engage in suitable promotion.

8. WNRE points to two cases in which we ordered stations to change channels in order to provide first assignments in other communities (Kenton-Bellefontaine, Ohio, and Miami-Hialeah, Fla.), and asserts that the same high degree of need is not present here. However, these are by no means the only two cases in which we have taken such action, nor has it been confined to situations where a first assignment was involved. For example, in Docket 15937, we ordered a station at Prosser, Wash., to change in order to make a third assignment (first Class C) at Wenatchee; and in Docket 15911 we ordered a station at Cocoa, Fla., to change in order to provide a second assignment at West Palm Beach (see 2 FCC 2d 828, 7 R.R. 1541, 6 R.R. 1514). As in those cases (as well as those mentioned by WNRE) the public interest in the new Columbus assignment outweighs the amount of public detriment which may be involved. We also note the argument that this is the second channel shift at Circleville. This might be a consideration if an authorized station had been involved both times; but that is not the case here. As far as the public is concerned, this will be the first change.

9. We have reached the above decision on the basis of general allocation principles. As a general principle, channel assignment questions cannot be decided on the basis of programing to any substantial extent, for one reason because it cannot be determined who the grantee will ultimately turn out to be, and for another because programing is subject to change. However, if it does develop that Christian Voice becomes the licensee on the new Columbus channel, it appears that a significant contribution to the programing available in that area would be made.

10. Accordingly, we conclude that the public interest would be served by adoption of the proposal. As mentioned in the background discussion earlier, at one time there appeared to be another means of providing another channel in the Columbus area, and Channel 280A was assigned at nearby New Albany. It later developed that this assignment could not be used in compliance with the mileage separation and principal-city coverage rule. In the further notice we indicated that we regarded assignment of that channel on what would necessarily be a short-spaced basis as inappropriate, especially when an additional Columbus assignment can be provided consistently with the rules. We adhere to that decision here, and Channel 280A is being deleted from New Albany. There is no reason to make assignments in derrogation of the rules when an assignment can be provided which meets standard separation requirements. See Danville and Gretna, Va., Docket 15987, 5 FCC 2d 333, 8 R.R. 2d 1595 (1966).

11. Reimbursement; who should pay: WNRE claims that it should be reimbursed by Christian Voice whether or not that party becomes the permittee on the new Columbus channel; Christian Voice asserts that it should be responsible only if it gets the channel and that whoever becomes the permittee should be the source of reimbursement. We agree with Christian Voice. In the Kenton-Bellefontaine case cited by WNRE, and in other such cases, we have repeatedly stated that the reimbursement should come from the party benefiting from the change, i.e., whoever becomes the permittee on the new channel (see 3 FCC 2d 605).

12. Cost items claimed: As mentioned above, WNRE sets forth a total of $15,409 which it believes to be "legitimate and necessary out-of-pocket expenses" and asks the Commission to rule on which items we believe are reasonable and prudent, and require Christian Voice to commit itself to pay them. Christian Voice in

[3] We note that one Columbus FM station, WCOL–FM, which was required to program separately from the companion AM station 50 percent of the time starting Jan. 1, 1967, has turned to a format largely devoted to religious music of various kinds. However, religious music is only one of the several types of religious programing proposed by Christian Voice. There is particular reference in the opposition to a station at Springfield, Ohio, licensed to a religious group and devoted primarily to religious programing, which WNRE claims is clearly received in Columbus. However, we note that, 43 miles away, this station does not put into Columbus a signal of anything like the 1 mv/m intensity specified in § 73.315(b) of the rules as necessary to provide service in metropolitan areas.

[4] Of the 27 cities with 1960 Census populations larger than Columbus, only two (Atlanta and Memphis) are assigned six commercial channels; the rest have seven or more. Several cities smaller than Columbus have seven or more, including Birmingham, Oklahoma City, Omaha, and Portland (Oreg.).

[5] FCC v. Sanders Brothers Radio Station, 309 U.S. 470 (1940).

reply comments (supported by an engineering affidavit) questions several of the cost figures and asserts that one item—losses in revenue—should not be included at all. We do not here pass upon the amounts set forth, since it cannot now be determined what they will actually prove to be; it appears at this point that Christian Voice's lower figures will likely be closer to the mark. The largest sum we have approved in these cases is $2,800. We believe it appropriate, for the guidance of the parties here and in similar cases, to make certain observations as to what items may be the subject of reimbursement:

(a) *Engineering, legal, and equipment.* WNRE claims a total of about $6,700 in engineering and technical costs ($5,000 for a new antenna and installation, $175 for monitors, $15 for a frequency-measuring service, $1,000 in consulting engineering fees, $500 in legal fees). Christian Voice questions the amount for the antenna and the consulting engineering fees. We believe that the items mentioned are all appropriate for reimbursement, though, as stated, not necessarily the amounts claimed.[6] We make one observation: A licensee required to change frequency is entitled to reimbursement for equipment only to the extent new equipment is actually required (i.e., some antennas can be retuned for a relatively small shift), and only for equipment corresponding to that previously in use. In other words, the benefitting party should not be required to pay for improving and modernizing the existing station's facilities.

(b) *Printing* (logs and stationery), $89. Assuming new logs have to be printed, this appears appropriate.

(c) *Out-of-pocket nonreducible expenses while station is off the air.* WNRE claims it will be off the air 1 to 2 weeks, with expenses continuing at the rate of $983 a week, which is claimed (salaries $850, telephone, rent, etc.). Christian Voice asserts the changeover can be made in a 12-hour period, certainly no more than 1 to 2 days of off-air time, or $382 at the rate mentioned. These expenses appear appropriate for reimbursement for whatever silent period is actually needed to make the required adjustment. It is expected that the licensee will attempt to resume operation as soon as possible.

(d) *Advertising promotion for new frequency.* WNRE claims $4,511 for newspaper advertising, including advertising for a 6-month period in a Columbus daily, a Circleville paper and four other area papers. Christian Voice criticizes this figure, asserting that 6 months' advertising is not necessary, since most of the informational job could be done by announcements over the station. We agree with WNRE that a certain amount of newspaper advertising should be reimbursable, but as mentioned above in connection with equipment, we do not believe the benefiting party should be required to pay for improving the situation of the existing station. While we do not now decide the question, it appears unlikely that more than $1,000 would be appropriate on this score.

(e) *Loss of revenue.* WNRE estimates its loss of revenue—both during off-air time and subsequently through failure of advertisers to renew until listeners become familiar with the new dial position—at $3,000. Christian Voice asserts that the Commission should adhere to its position in the Kenton-Bellefontaine case that such losses are not properly the subject of reimbursement, because they are speculative and conjuctural at best, the holding of a license is not a guarantee of profits or revenues, and the holder is not entitled to reimbursement for loss thereof if the public interest requires a change in facilities. (See 3 FCC 52d 605, 7 R.R. 2d 1608–1609.) We adhere to this position. See Nelson Bros. Bond and Mortgage Co. v. FRC, 289 U.S. 266 (1932).

(f) *Miscellaneous* (telephone calls, etc.). $100. Reimbursement for such items appears appropriate.

13. We expect the parties to be guided in their negotiations by these observations. It is expected that they will attempt in good faith to reach agreement.

14. Procedural matters: We are making the new Columbus and Circleville assignments adopted herein effective October 1, 1967, a period of nearly 5 months which should be adequate to prepare for the changeover. Since this is the expiration date of WNRE's license, that station can be directed to change frequency without following the requirements of section 316 of the Communications Act concerning modification of license. See Transcontinent Television Corp. v. FCC, 308 F. 2d 339 (1962). The renewal application for WNRE shall specify Channel 296A instead of Channel 285A.

15. WNRE may continue to operate on Channel 285A until at least October 1, 1967, unless it wishes to change over at an earlier date, in which case it may apply and will be given temporary authority to do so. As to operation after October 1, 1967, if action on an application for the Columbus assignment is not imminent (e.g., if a comparative hearing situation develops) it would be appropriate to permit WNRE to continue to operate on Channel 285A if it desires to do so. We are providing that it may continue on Channel 285A until 45 days after grant of an application for that channel at Columbus.

16. In view of the foregoing: *It is ordered,* That:

(a) Section 73.202 of the Commission's rules, the Table of FM Assignments, is amended, effective June 19, 1967, to delete the reference to New Albany, Ohio;

(b) Section 73.202 is amended, effective October 1, 1967, to read as follows with respect to the cities listed:

City	*Channel No.*
Circleville, Ohio	296A
Columbus, Ohio	222, 234, 242, 246, 250, 259, 285A

(c) An application for renewal of license of Station WNRE, Circleville, Ohio, shall specify Channel 296A instead of Channel 285A;

(d) Station WNRE, Circleville, Ohio, may continue to operate on Channel 285A until October 1, 1967, or 45 days after grant of an application for a station on Channel 285A at Columbus, Ohio, whichever is later; or the licensee thereof may apply for temporary authority to operate on Channel 296A prior to October 1, 1967;

(e) At least 30 days before it wishes to commence operation on Channel 296A, or within 30 days after it receives notification from the Commission that its operating authority on Channel 296A under paragraph 15(d) above, is about to terminate, the licensee of Station WNRE shall submit to the Commission the technical information normally required of an applicant for construction permit on Channel 296A, including any changes in antenna and transmission line; and within 30 days after receiving Commission authority to operate on Channel 296A it shall submit the measurement data normally required of an applicant for FM station license.

17. Authority for the adoption of the amendments is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended. *It is further ordered,* That, this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat. 1066, 1082, 1083, as amended, sec. 316, 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316)

Adopted: May 10, 1967.

Released: May 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5489; Filed, May 16, 1967; 8:47 a.m.]

[6] It is noted that the WNRE antenna could be used at Columbus and that a large portion of the cost of a new antenna could be recovered.

[7] Commissioners Bartley and Cox dessenting; Commissioners Wadsworth and Johnson absent.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 24]

PRORATION OF OVERTIME CHARGES AT AIRPORTS

Notice of Proposed Rule Making

A notice of proposed rule making was published in the FEDERAL REGISTER on December 9, 1966 (31 F.R. 15544), designed to establish a standard formula for prorating among aircraft operators the charges for customs overtime services rendered at airports under the customs overtime laws (19 U.S.C. 267, 1451) when such charges could not be readily attributed to a specific aircraft on a time basis.

The notice stated that prior to final action on the proposal, consideration would be given to all relevant data, views, or arguments submitted in writing to the Commissioner of Customs. Comments received from interested parties indicated that the proposed ratio in distributing total overtime charges was not considered equitable according to the majority of responses received. After careful consideration of all responses received, it is proposed to now amend § 24.16(j) of the Customs regulations to read as follows:

§ 24.16 **Overtime services; overtime compensation; rate of compensation.**

* * * * *

(j) *Proration of charges*—(1) *General.* If services are performed for two or more applicants during one continuous tour of overtime duty, the charge for the extra compensation earned shall be prorated equitably according to the time attributed to the services performed for each applicant. For the purpose of this paragraph the Government shall be considered the applicant for nonreimbursable overtime services.

(2) *Aircraft.* When any services performed by customs employees for two or more applicants during the 24-hour period of a Sunday or holiday or during the night hours of 5 p.m. of any day and 8 a.m. of the following day cannot be readily attributed on a time basis to specific aircraft in the judgment of the district director having customs supervision of the airport, the total charge of the overtime compensation for such services during the entire period of the Sunday, holiday, or night hours shall be prorated to the aircraft receiving such services during each such period on the following basis.

(i) Five percent of such total customs overtime charge for the period shall be distributed equally among the operators of the aircraft.

(ii) Ten percent of such total customs overtime charge for the period shall be distributed among the operators of the aircraft proportionally as the number of entrances and clearances made by each aircraft operator requiring customs service bears to the total number of entrances and clearances serviced during the period.

(iii) Eighty-five percent of such total customs overtime charge for the period shall be distributed among the operators of the aircraft proportionally as the number of passengers and/or crew serviced for each aircraft operator bears to the total number of passengers and/or crew serviced during the period.

This proration formula shall apply only to overtime services rendered aircraft carrying cargo and/or passengers for hire and in no case shall the prorated charge to an aircraft operator be more than the charge would have been had the services been rendered as a separate assignment for the aircraft operator.

* * * * *

Prior to final action on this revised proposal to use the foregoing proration formula in distributing charges for customs overtime services, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington, D.C., and received not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: May 8, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-5487; Filed, May 16, 1967; 8:47 a.m.]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Treatment of Income From Unrelated Trade or Business

The proposed amendment to the regulations under sections 512 and 513 of the Internal Revenue Code relating to the treatment of income from unrelated trade or business was published in the FEDERAL REGISTER for April 14, 1967. Interested persons are requested to submit any written comments prior to July 13, 1967.

A public hearing on the provisions of this proposed amendment to the regulations will be held starting on Tuesday, July 18, 1967, at 10 a.m., e.d.s.t., and continuing if necessary on July 19 and 20 to hear oral comments from those who may desire to make an oral presentation in addition to commenting in writing. The hearing will be held in Hearing Room A, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by July 13, 1967. Telephone (Washington, D.C.—area code 202) 964-3935.

In order to provide an orderly schedule of appearances at a convenient time, it will be appreciated if all persons who desire an opportunity to present oral comments will so notify the Commissioner at the earliest practicable date, even if they expect to defer submission of their written comments until a date nearer the end of the period provided therefor (July 13, 1967). It will also be appreciated if such persons will notify the Commissioner of the number of persons who will represent them at the hearing.

In order to facilitate the conduct of the hearing, it is requested that the oral comments be presented to the extent practicable by one representative from each central organization which is comprised of several local organizations.

Lester R. Uretz,
Chief Counsel.

[SEAL] By: JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 67-5561; Filed, May 16, 1967; 10:15 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 777]

PROCESSOR WHEAT MARKETING CERTIFICATES

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4a, Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553), that the Agricultural Stabilization and Conservation Service proposes to issue Amendment 2 to the Republication of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502). The amendment originally proposed as Amendment 2 will be published as Amendment 1 to the regulations.

Consideration will be given to all written comments or suggestions in connection with the proposed amendment filed in duplicate, with the Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, during the 15-day

period beginning with the date this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

The proposed amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see sec. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j), to provide miscellaneous changes in the Processor Wheat Marketing Certificate Regulations as follows:

(1) Amend the definition of a plant so that any unit in which further processing of the food product first derived from the wheat occurs shall be considered a separate plant.

(2) Extend the marketing certificate cost of 75 cents per bushel through the marketing year beginning July 1, 1967.

(3) Change the conversion factor for flour derived in a 72 percent extraction rate type operation to reflect the actual average extraction of those processors reporting on the conversion factor basis during the marketing year beginning July 1, 1965.

(4) Change the conversion factor for semolina and farina to reflect the same conversion factor provided for flour since these products are often produced as coproducts of flour.

(5) Change the refund rate for flour second clears not used for human consumption to reflect the most recent (1966 calendar year) actual industry average extraction rate.

The proposed amendment would read as follows:

Section 777.3(g) is amended by adding the following:

(6) Any such unit in which further processing of the food product first derived from the wheat occurs shall be considered a separate plant (for example, a bakery located in the same building or adjacent to a processing plant). The blending of a food product with another product or any other ingredient is not considered further processing for the purpose of this subparagraph (6).

Section 777.4(a) is amended by changing the last sentence to read as follows: "The cost of domestic certificates for the marketing years beginning July 1, 1965, July 1, 1966, and July 1, 1967, shall be 75 cents per bushel."

Section 777.14(c) is amended by changing the conversion factors of the following products to read as follows:

A—Food product	*B—Bushels of wheat equivalent per 100 pounds of product (conversion factor)*
Flour (including clears) derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction rate operation	2.315
Semolina	2.315
Farina	2.315

Section 777.19(e) is amended to read as follows:

(e) *Refund rate.* The refund rate for the marketing years beginning July 1, 1965, and July 1, 1966, shall be $1.71 per cwt. which was determined on the basis of the conversion factor 2.283, multiplied by the applicable certificate cost rounded to the nearest cent. The refund rate for the marketing year beginning July 1, 1967, shall be $1.69 per cwt. which was determined on the basis of a conversion factor of 2.252, multiplied by the applicable certificate cost rounded to the nearest cent. The refund rate to be used is the rate applicable to the marketing year in which the flour second clears were produced as shown by the processor on Form CCC–165.

Effective date. It is proposed that the provisions of this amendment shall be effective on July 1, 1967.

Signed at Washington, D.C., on May 12, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67–5507; Filed, May 16, 1967; 8:49 a.m.]

Consumer and Marketing Service

[7 CFR Part 1103]

[Docket No. AO–346–A3]

MILK IN MISSISSIPPI MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Mississippi marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Jackson, Miss., on September 13, 1966, pursuant to notice thereof which was issued August 18, 1966 (31 F.R. 11153).

The material issues on the record of the hearing relate to:

1. Qualifying standards for pool plants.
2. Diversion provisions and producer status of new dairy farmers entering the market.
3. Inventory classification.
4. Classification of transfers from pool plants to nonpool plants.
5. An appropriate Class I price level after October 1966.
6. Location differentials.

A decision concerning Issue 5 was issued October 28, 1966 (31 F.R. 14081), and an order effective December 1, 1966, was issued November 10, 1966 (31 F.R. 14586). Findings and conclusions on the remaining issues are included herein.

Findings and conclusions. The following findings and conclusions on the material Issues, 1 through 4, and 6, are based on evidence presented at the hearing and the record thereof:

1. *Qualifying standards for pool plants.* The four proposals made concerning standards for pooling distributing and supply plants are dealt with in the following findings and conclusions designated as (a), (b), and (c) under this issue.

(a) The pool plant definition should be amended to include receipts of Grade A milk from other plants, as well as from dairy farmers, as the basis for determining pool plant qualification of a distributing plant.

This method of defining pool distributing plants will make their regulated status depend on Class I utilization of at least 50 percent of all qualified Grade A receipts rather than Class I utilization of the plant in relation to receipts only from producers' farms. With this modification the pool plant definition will have a more uniform application among distributing plants which have varying proportions of receipts direct from producers and from other plants.

Another effect of the definition change is that it will accord pool status to several distributing plants which handle only milk received from pool plants. The effect on these plants will be minor, if any, since all milk they now handle is presently regulated by virtue of being received as transfers from regulated plants. Occasionally such a plant may have overage which would be assigned a value as part of the handler's obligation if the plant is pooled. Most of the route disposition of each of the plants which would become a pool plant is within the marketing area.

There was no objection on the record to extending full regulation to these plants. The proposal for the amendment was made by a group of cooperative associations including one operating a plant to be regulated. Cooperative associations expressed concern that the plants in question with most of their sales in the marketing area are presently treated as partially regulated distributing plants. As partially regulated distributing plants there would be a possibility that they could use milk from unregulated sources without accounting for its use in sales outside the regulated area.

Plants presently regulated would be unaffected by this change.

(b) No change should be made in the definition of supply plant or cooperative standby plant.

Amendments to the pool supply plant provisions were proposed to allow credit for Class I shipments outside the market as part of the qualification for pool status, and to allow cooperative standby plants to qualify in some months on the basis of prior performance. Under the first proposal a supply plant could qualify if half of the required shipments were to nonpool plants. With a total shipping requirement of 50 percent of the plant's receipts, as now provided in the order, the proposal would allow for shipment of up to 25 percent of receipts as Class I milk to nonpool plants to count toward qualification.

Under the second proposal, a cooperative association could maintain its plant in pool status during February through August if during each of the prior months of September through January 60 percent of the milk of its member producers had been delivered from farms to pool distributing plants.

One of the objectives of the proponents in this connection was to attain greater flexibility so as to take advantage of opportuntities to make Class I sales outside the market. Such sales would be to the benefit of members, and of benefit to other producers if the sales were pooled.

Supply plant requirements, whether higher or lower than now in the order, must be related to the particular situation in the market. The essential purpose is to assure an adequate supply of milk for this fluid market. Once this objective is met, there is no restriction as to sales by the plant to other markets. But since sales outside the market are not a supply to the market, they cannot be used as a basis for qualifying a plant for pooling.

The record does not provide a basis to judge whether the percentage shipping requirement of pool supply plants or the monthly delivery requirements for a cooperative operating a standby plant should be modified. Since cooperatives operating standby plants normally have member milk moving to other handlers' pool plants each month, a performance requirement each month is a proper basis for qualifying such plants. Thus, to consider modification of requirements for cooperative standby plants would require evidence as to whether the present percentage requirement is too high or too low, and whether the percentage should vary seasonally.

(c) The pool distributing plant definition should not be amended to qualify distributing plants on the basis of a daily average of 1,000 pounds of route disposition in the marketing area.

A proprietary handler complained that the present pooling standard, 7,000 pounds daily of route disposition in the marketing area, permits partially regulated distributing plants to expand their operations in the regulated territory. He claimed that this represents an undue advantage to unregulated plants, allowing them to expand their sales in the marketing area to the detriment of fully regulated handlers.

There are partially regulated plants at Tupelo, Miss., and Tuscaloosa, Ala., with sales extending into the northern part of the marketing area. The proponent regulated handler indicated he encountcred competition from these two plants in route disposition and in milk procurement. These partially regulated handlers procure their supply outside of order sources. Other partially regulated plants with similar operations have sales areas in the southern part of the State. Total sales in the marketing area by such operators average less than 1 percent compared to Class I sales of regulated handlers.

The order affords certain alternatives to the operators of partially regulated distributing plants. One of these, based on what his obligation would be if fully regulated, requires payment into the producer-settlement fund of any excess of this amount over his payments made to Grade A dairy farmers. The other alternative is to make payments to the producer-settlement fund at the rate of the difference between the Class I price and the weighted average price on the quantity of route disposition in the marketing area less Class I milk the plant receives from pool plants.

These obligations placed upon partially regulated handlers reduce the advantage that they may have compared to regulated handlers. The provisions of the Mississippi order applicable to such handlers are similar to those used in most Federal orders.

Reducing the measure of sales in the marketing area to an average of 1,000 pounds daily would tend to bring about the full regulation of the plants now partially regulated which have their principal business outside the marketing area. The handler with a plant at Tupelo stated that his plant would become regulated on the basis of the 1.5 percent of his total route disposition which is in the marketing area. Data for other handlers similarly situated show that their route disposition in the marketing area is generally less than 2 percent of their total route disposition.

The sales in the marketing area by plants with milk supplies from nonorder sources thus is small relative to total sales of such handlers. Their sales in the area also represent a relatively minor portion of all marketing area sales.

The proposed change in the qualifying provision was opposed by producer associations supplying the market. They claimed that its adoption would result in regulation of plants not sufficiently identified with the market, and dissipate returns to producers by the addition of dairy farmers who do not constitute part of the regular market supply.

It is concluded that under current conditions the presencc of somc sales of nonorder milk in thc market does not constitute sufficient threat to the stability of the market to require adoption of thc proposal.

2. *Diversion provisions.* The ordcr should be amcnded so that the diversion of producer milk to nonpool plants: (1) During the months of September through Novembcr will bc limited to a quantity of milk not to exceed 30 percent of the producer milk physically reccived at pool plants; and (2) during the months of December through August will be limited to the milk of dairy farmers who held producer status during each of the 2 immediately preccding months or delivered at least 8 days production during each of the 2 months.

The order now allows diversion of a producer's milk on any day during December through August, subject to the proviso that the dairy farmer was a producer under the order for the entire 2 preceding months. During the months of September through November the present limit is 15 percent of producer milk physically received at pool plants. In the case of diversion by a cooperative the limitation applies as a percentage of member milk delivered to pool plants. In the case of divcrsions by a proprietary handler it applies as a percent of nonmember milk received at the handler's plant. An alternative provision on an individual producer basis allows diversion of 10 days of production.

Cooperativc associations in the market proposed that the percentage limitation, as applied to diversions by cooperatives, should be increased to 30 percent. Proponent cooperatives are responsible for the marketing of most of the market's milk supply. This includes handling of reserve milk by diversion as well as directing the day-to-day supply to pool plants. Changes in the buying habits of consumers havc resulted in changes of handlers' plant operations on certain days of the week. This has resulted in an increased volume of milk each wcekend that must be moved to nonpool plants by handlers and cooperative associations for manufacturing purposes.

The efficient handling of the reserve supplies of milk under current marketing conditions requires greater ficxibility than the ordcr now provides. The proposal made by the cooperative associations to increase the amount of milk which may be diverted to 30 percent of producer milk reccived at pool plants should be adopted. The samc percentagc should apply in the case of diversion by proprietary handlcrs.

There is no percentage or quantity limit on divcrsions in the December through August period. Producers eligible for diversion, however, are only those who were producers for the entire 2 preceding months. Cooperativc associations held that becausc additional flexibility in diversion is needed, the diversion privilege should apply to producers who held producer status 20 days in each of thc 2 preceding months. While it is appropriate that a morc flcxiblc rcquircmcnt be adopted, accounting for an individual farmer's producer status in terms of number of days may involvc practical difficultics. For this reason the rcquirement is modified to apply in terms of days of dclivery to pool plants. Delivery of 8 days' production in cach of thc prior

2 months should be sufficient to assure association with the market. The existing provision of producer status in the entire 2 preceding months is retained as an alternative. The provisions so modified will also tend to accommodate the handling of the milk of any dairy farmer qualifying as a producer for the first time.

3. *Inventory classification.* Fluid milk products on hand in packaged form at the end of the month should be classified as Class I milk. Fluid milk products on hand at the end of the month in bulk form should continue to be classified as Class II.

This change in the handling of packaged product inventory will improve the order accounting in several respects. Most of the month-end inventory of fluid milk products in packaged form will be used in the following month as Class I disposition. The amendment, therefore, would eliminate reclassification of such inventories of packaged products in the subsequent month. Further, this method will provide a basis for including as inventory all of the packaged fluid milk products held by the handler at the end of the month, whether in his processing plant or at other locations such as distribution points. The amendment will, therefore, provide a method of pricing such fluid milk products in the month in which disposed of by the handler, whether from his plant or from distribution points.

In the long run, the proposed technique will affect neither handlers' costs nor producers' returns. In the first month in which it is effective, it will increase handlers' costs by the difference between the Class I and Class II prices on the volume of packaged fluid milk products previously classified as Class II ending inventory. This amounts merely to establishing a Class I value at an earlier date for such products which would be entirely or very substantially valued at the Class I price in the succeeding month under existing order provisions.

To insure that all handlers pay the current month's Class I price for producer milk disposed of during the month, it is provided that if the Class I milk price increases over the previous month, the handler will be charged the difference between the Class I milk price for the current month and the Class I milk price for the preceding month on the quantity of packaged fluid milk products carried over as inventory. If the Class I milk price decreases, the handler will receive a credit.

The allocation section of the order should be amended to provide that inventory of such packaged fluid milk products on hand at the beginning of the month be subtracted from Class I milk utilization immediately after the allocation of shrinkage and packaged fluid milk products from other orders, and before making the other assignments therein provided. Except in unusual circumstances, this would result in assignment of all packaged inventory to Class I.

In the first month the amendment becomes effective, however, inventories of packaged fluid milk products on hand at the beginning of the month should be allocated to any available Class II utilization of the plant during the month. This is done because such products would be classified as Class II ending inventory in the month prior to the effective date of the amendment.

Ending inventory of bulk fluid milk products should continue to be Class II. Carrying bulk product inventory at a Class II value is merely an accounting procedure, and does not increase or decrease returns to producers over other classification. Generally this method would be expected to result in a minimum of reclassification charges.

4. *Classification of transfers from pool plants to nonpool plants.* The order should be amended to provide that milk transferred from a nonpool plant to a second nonpool plant may be classified in the same manner as milk transferred or diverted from a pool plant to the first nonpool plant.

A proprietary handler who assembles small loads of milk at a nonpool receiving station for bulk movement to a second nonpool plant for manufacturing requested an amendment which would classify the milk as used in the second nonpool plant. In this case the first nonpool plant has holding tanks and cooling facilities, but does not otherwise process the milk. This type of handling is economical for assembling the milk of a number of producers located near the first plant for movement in large tank loads to the manufacturing plant.

The handler pointed out, however, that the order would classify the milk leaving the first nonpool plant as Class I, based on the form in which it leaves the plant. Thus the milk would be charged as Class I although its ultimate disposition is use for manufacturing in the second nonpool plant.

In this case the milk is not changed in form in the first nonpool plant, but is only assembled, cooled and reshipped. It is appropriate to allow the classification to depend on utilization in the second nonpool plant to which the milk is shipped, providing proper records are available at the second nonpool plant substantiating the class use.

The classification of transfers out of the first nonpool plant should be made in the same manner as under the provisions which now apply to transfers from a pool plant to a nonpool plant. In this case, applying the same provisions, the determination of classification would depend on total utilization at the second nonpool plant.

The order should be amended in this manner.

6. *Location differentials.* The handler and producer location differentials should be changed to provide a single location adjustment of minus 16 cents per hundredweight in the two areas where minus adjustments of 10 and 26 cents now apply.

Producer cooperative associations requested that Class I and producer prices be at the same level throughout the entire marketing area, except in Harrison County where a 16-cent higher price would apply. Proponents asserted that the present differential pricing scheme is no longer necessary. They contended present location pricing tends to hinder the efficient movement of milk to locations where it is needed for Class I disposition.

The present location adjustment provisions were established at the inception of the Mississippi milk order effective May 1, 1965. The basic Class I price was established at the Gulf Coast locations of Gulfport and Pascagoula, and prices for other locations were established at differentials below such basic price. At locations in central Mississippi, the Class I price is 10 cents under the Gulf Coast locations. Similarly, for the former Delta order area the price is 26 cents per hundredweight under the Gulf Coast locations. This, in effect, continues the same geographic pricing pattern as existed under the prior separate orders.

The farms of producers in the southern half of the present Delta pricing area are so situated as to make it economically possible to deliver milk to either Delta or Central zone plants. Formerly, under the separate orders, a difference in the blend prices of the two orders provided an incentive to deliver milk to plants under the order with the less ample supply. Under the single order for both Central and Delta areas this incentive no longer exists. During 1963, for instance, which was the last full year in which separate orders applied in the Central Mississippi and Delta areas, the Delta order uniform price averaged 11 cents higher than the Central Mississippi order price. This was due to a higher utilization in Class I in the Delta area although the Class I price in Central Mississippi averaged 17 cents per hundredweight higher than the Delta Class I price.[1]

The present order, however, provides a uniform price 16 cents higher for delivery to a plant in the central zone than in the Delta area. For producers situated so as to be able to ship either way, there thus is incentive to ship to central zone plants rather than to Delta area plants. This has occurred without regard to need for milk supplies at the particular point of delivery and to the extent that some milk so delivered is returned to the Delta area.

The populated areas to be served within the marketing area are widely spread throughout the area. Slightly more than 40 percent of the total population of the Central and Delta areas is within the Delta area. Thus, the most economic delivery of milk to this portion of the market population is significant to an efficient marketing system.

Most of the milk for the market is produced within the marketing area. The heaviest concentration of the production is in the central portion of the area. Thus, for the purpose of meeting consumption requirements, there would not ordinarily be need to move consider-

[1] Official notice is taken of published data for the Delta and Central Mississippi markets.

able quantities of milk out of the Delta area into the Central area.

It is concluded that the present difference in prices between the Central and Delta areas is unnecessary and should be deleted.

The new location differential system, provided herein, is designed to produce the same average returns to producers as under the existing system. This is accomplished by providing a location differential of minus 16 cents which will apply in the two areas where minus 10- and 26-cent differentials now apply.

One handler with plants at Grenada and Greenville objected to this change in the location pricing. He was concerned about the relationship of the Delta zone Class I price to the Class I price under the Memphis order. The action herein contemplated would increase the price at his plant locations 10 cents per hundredweight.

The nearest Memphis order plant is at Oxford, Miss. The Memphis Class I price adjusted to this location is 12 cents higher than at Memphis. During 1966 the Memphis Class I price at this location averaged $6.08, which is identical with the Mississippi order 1966 Class I price in the Delta area if adjusted as proposed herein.[2]

Also, if plants located at Memphis disposed of milk in Grenada or Greenville, they would incur transportation cost on such a movement. The distance to Grenada is about 97 miles and to Greenville about 136 miles. The cost of moving milk from Memphis to these points, at 1.5 cents per hundredweight per 10 miles would be about 15 and 21 cents, respectively.

Such transportation cost added to the Memphis order Class I price would make a total cost per hundredweight delivered to Grenada or Greenville 3 cents and 9 cents more, respectively, than the Mississippi order price under the proposed amendment.

It is concluded that the location differential provisions recommended herein will not impair the competitive relationship between Memphis and Mississippi handlers located in the northern part of the marketing area.

The proponent cooperative associations further requested that for the purpose of calculating location adjustment credit, transfers between pool plants should be assigned to Class I disposition at the transferee plant which is in excess of the sum of 95 percent of receipts at such plant from producers and receipts from a cooperative association as a bulk tank handler, plus the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. The cooperatives requested that such Class I assignment should be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

[2] Official notice is taken of Class I price announcements by the Market Administrator of orders No. 103 and 97 for the months of October 1966 through January 1967.

Proponents stated that not all of the producer milk at a pool plant is physically available for Class I due to normal plant loss and route returns which receive a Class II utilization.

Under the present application of location differential provisions, direct receipts of producer milk at the transferee plant are assigned to Class I before location adjustment is allowed on milk received as a transfer from other pool plants. The proposal to assign 95 percent rather than all of the direct receipts to Class I before allowing location adjustment on transfers recognizes that even under optimum management not all direct receipts could be used in Class I. In view of such circumstances the order should be amended to allow this increase in the amount of transferred milk on which transportation credit may apply.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Mississippi marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended.

1. Section 1103.11(a) is revised to read as follows:

§ 1103.11 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1103.61, from which during the month route disposition of fluid milk products is not less than 50 percent of its total receipts of Grade A milk and the volume so disposed of in the marketing area is at least 20 percent of the total route disposition of fluid milk products or a daily average during the month of 7,000 pounds, whichever is less;

* * * * *

2. In § 1103.15, paragraphs (b), (d) and (e) are revised to read as follows:

§ 1103.15 Producer.

* * * * *

(b) Diverted to a nonpool plant(s) (except a plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) by the operator of a pool plant or by a cooperative association as a handler pursuant to § 1103.13(c) during any of the months of December through August: *Provided,* That this diversion privilege shall be applicable only to the milk of those dairy farmers whose milk was delivered for 8 days of production during each of the 2 immediately preceding months to pool plants, or who held producer status throughout the entire 2 immediately preceding months, except that only for the purpose of determining eligibility for diversion during any month of December through August a dairy farmer who was in noncompliance with the Grade A requirements of a duly constituted health authority during any part of the 2 immediately preceding months shall be considered to have maintained producer status during the period of such noncompliance;

* * * * *

(d) Diverted during any month of September through November to a nonpool plant(s) (except a nonpool plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) as milk of a member of a cooperative association for the account of such association if the amount of milk so diverted does not exceed 30 percent of the volume of Grade A milk from all producer members of such cooperative association received at pool plants during such month; or

(e) Diverted during any month of September through November to a nonpool plant(s) (except a nonpool plant at which such milk is fully subject to the

pricing and pooling provisions of another order issued pursuant to the Act) as milk of a producer who is not a member of a cooperative association, for the account of a handler in his capacity as the operator of a pool plant from which the quantity of milk of nonmember producers so diverted does not exceed 30 percent of the total Grade A receipts of milk at such plant from nonmember producers.

* * * * *

3. Section 1103.30(a)(1)(iv) is revised to read as follows:

§ 1103.30 Reports of receipts and utilization.

(a) * * *

(1) * * *

(iv) Inventories of fluid milk products on hand at the beginning and end of the month, separately in bulk and in packaged form;

* * * * *

4. In § 1103.41, paragraphs (a) and (b)(4) are revised to read as follows:

§ 1103.41 Classes of utilization.

* * * * *

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat.

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2) and (3) of this section;

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not accounted for as Class II milk; and

(b) * * *

(4) Contained in inventories of bulk fluid milk products on hand at the end of the month;

* * * * *

5. In § 1103.44(c)(3)(iv), a new (*g*) is added to read as follows:

§ 1103.44 Transfers.

* * * * *

(c) * * *

(3) * * *

(iv) * * *

(*g*) For the purpose of determining the classification of milk disposed of from a nonpool plant to a second nonpool plant that is neither an other order plant nor a producer-handler plant and located not more than 200 miles by the shortest hard-surfaced highway distance as determined by the market administrator from the nearest of the new State Capitol in Jackson or the county courthouse in Columbus, Gulfport, or Meridian, Miss., the milk disposed of by the first nonpool plant shall be classified in the same manner as a transfer from a pool plant to a nonpool plant: *Provided,* That the operator of the second nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such nonpool plant which are made available if requested by the market administrator and are adequate for verification of the Class II usage claimed;

* * * * *

6. In § 1103.46(a), a new subparagraph (2–a) is added immediately following subparagraph (2) and subparagraph (5) is revised, all of which to read as follows:

§ 1103.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2–a) Except for the first month this order amendment is effective, subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

* * * * *

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month this order amendment is effective, the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

* * * * *

7. Section 1103.53 is revised to read as follows:

§ 1103.53 Location differential to handlers.

(a) For that milk which is received from producers at a pool plant or at such plant from a cooperative association as a handler pursuant to § 1103.13 (d) and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1103.51(a) shall be reduced at the following rates (where mileage determinations are applicable these distances shall be determined by the market administrator by applying the shortest hard-surfaced highway distance open to commercial truck traffic):

Location:	*Rate per hundredweight (cents)*
(1) For milk received at a pool plant located in the Mississippi marketing area except that part in Harrison County	16.0
(2) For milk received at a pool plant located outside the marketing area, and:	
(i) More than 60 but not more than 160 miles from the courthouse in Gulfport, or Pascagoula, Miss., whichever is nearer	10.0
(ii) For each additional 10 miles or fraction thereof, an additional	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of receipts at such plant from producers and receipts from a cooperative association in its capacity as a handler pursuant to § 1103.13 (d) and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

8. In § 1103.70, a new paragraph (c–1) is added immediately following paragraph (c) to read as follows:

§ 1103.70 Computation of the net pool obligation of each pool handler.

* * * * *

(c–1) Add an amount determined by multiplying the difference between the Class I price for the preceding month, and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1103.46(a)(2–a) and the corresponding step of § 1103.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount;

* * * * *

Signed at Washington, D.C., on May 12, 1967.

S. R. SMITH,
Administrator.

[F.R. Doc. 67–5508; Filed, May 16, 1967; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED APPLESAUCE

Standards of Identity and Fill of Container

Notice is given that the Commissioner of Food and Drugs, on his own initiative, proposes to establish standards of identity and fill of container for canned applesauce. Accordingly, it is proposed that two new sections be added to Part 27, as follows:

§ 27.80 Canned applesauce; identity.

(a) Canned applesauce is the food prepared from comminuted or chopped apples (*Pyrus malus*), which may be peeled or cored, or both, and which may have added thereto one or more of the optional ingredients specified in paragraph (b) of this section. The apple ingredient is processed, with or without heating, so as to exclude bruised apple particles, peel, seed, core material, carpel tissue, and other coarse, hard, or extraneous material. The food is sealed in containers. It is processed by heat, either before or after sealing, so as to prevent spoilage. The soluble solids content is not less than 9 percent (exclusive of the solids of any added optional nutritive sweeteners) as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Tenth Edition, page 309, section 20.016, under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—Official,

First Action," except that no correction is made for water-insoluble solids.

(b) The optional ingredients referred to in paragraph (a) of this section are:

(1) Water.
(2) Apple juice.
(3) Salt.
(4) Citric acid, malic acid.
(5) Nutritive sweetners.
(6) Spices.
(7) Flavoring, other than artificial flavoring.
(8) An antioxidant preservative consisting of ascorbic acid or erythorbic acid or both. The weight of such preservative added does not exceed 150 parts per million.
(9) Artificial red or green color.

(c) The name of the food is "applesauce." If a nutritive sweetener as provided for in paragraph (b)(5) of this section is added, and the soluble solids content of the finished food is not less than 16.5 percent as determined by the method referred to in paragraph (a) of this section, the name may include the word "sweetened." If no such sweetener is added, the name may include the word "unsweetened." Artifically colored applesauce shall be declared on the label by words that accurately describe the color of the food and such words shall immediately precede or follow the name of the food; for example, "colored red" or "colored green," as the case may be.

(d) Optional ingredients used in the finished food, as provided for in paragraph (b) of this section, shall be declared as follows:

(1) Added water, apple juice, salt, nutritive sweeteners, citric acid, and malic acid shall be declared by the common name or names of such ingredients used.

(2) Spices shall be declared by the statement "spiced" or "spice added" or "with added spice," or in lieu of the word "spice," the common name of the spice.

(3) Flavoring shall be declared by the statement "flavoring added" or "with added flavoring," or in lieu of the word "flavoring," the common name of the flavoring.

(4) Antioxidant preservatives shall be declared by the statement "_____ added as a preservative" the blank being filled in with "ascorbic acid," "erythorbic acid," or both, as appropriate.

(5) Artificial color shall be declared by the statement "artificially colored" or "artificial coloring added" or "with added artificial coloring."

In cases for which two or more of the statements set forth in this paragraph are required, the words "with" or "added" need appear only once, either at the beginning or end of the list of ingredients declared.

(e) Statements naming the optional ingredients present as specified in paragraph (d) of this section shall be listed on the principal display panel or panels on the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase.

§ 27.81 Canned applesauce; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned applesauce is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter.

(b) If canned applesauce falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue, SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: May 9, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-5480; Filed, May 16, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 18548]

CERTIFICATED AIR CARRIERS

Reporting of Charter Travel

MAY 11, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendement of Part 241 of the Economic Regulations (14 CFR Part 241) which would require the reporting of civilian charter travel information by all the certificated air carriers in a new schedule T-6 of the CAB Form 41 report, to be submitted quarterly.

The principal features of the proposed amendment are described in the explanatory statement below and the proposed amendment is set forth in the proposed rule below. The revised regulation is proposed under authority of sections 204(a) and 407(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Comments are invited particularly with respect to alternative approaches to both the substantive contents and the methodology through which information about the market distribution of charter services may be reasonably collected. Particular comments are also solicited concerning: (1) The use of mechanized techniques in assembling the information for transmission to the Board and (2) the feasibility of making the report retroactive so as to include information for the whole year 1967. All relevant material received on or before June 16, 1967, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Although civilian charter operations are taking on an increasingly important role in the air transportation market, the Board presently has only limited reporting requirements as to the nature and volume of charter operations. These primarily relate to the total charter operations of the certificated supplemental and route carriers, and for the latter are designed to enable enforcement of the Part 207 off-route charter limitation. Accordingly, the Board is proposing to require recurrent reporting of data concerning the type and volume of charters performed on a point-to-point basis, thus alleviating the most basic information deficiency. Such data would be required of all supplemental and route air carriers, and would be reported on a new schedule T-6 of CAB Form 41, the details of which appear in the proposed rule.

Proposed rule. It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241), effective January 1, 1967, as follows:

1. By amending section 22, by inserting schedule T-6 in the list of schedules in paragraph (a) to read as follows:

Section 22—General Reporting Instructions

(a) • • •

Schedule No.		Filing	
		Frequency	Postmark Interval (days)
• • •	• • •	• • •	• • •
T-5	Monthly listing of summarized passenger loads by flight stages—local service air carriers.	Monthly	
T-6	Summary of civil aircraft charters.	Quarterly	40
T-41	Charter and special service revenue aircraft miles flown.	Annually	90
• • •	• • •	• • •	• • •

2. By amending Section 25—"Traffic and Capacity Elements" by inserting after the text of schedule T–5 the following:

Schedule T–6—Summary of Civil Aircraft Charters

(a) This schedule[1] shall be filed by each route air carrier.

(b) A complete report shall be made on this schedule for the overall or system operations conducted by the air carrier.

(c) Separate reports shall be filed for each of the below-named types of charter contracts and the type shall be inserted opposite the caption "Type of Charter."

(1) Single entity charter, as defined in Part 208 of the Board's Economic Regulations. Mixed charters, as defined in Part 207, are to be reported as single entity charters.

(2) Pro rata charter, as defined in Part 208 of the Board's Economic Regulations. Mixed charters, as defined in Part 208, are to be reported as pro rata charters.

(3) All-cargo charter.

(d) Each flight shall be reported in the quarter in which its performance begins. If the contract calls for more than one flight, each of the flights shall be reported in the quarter in which the particular flight begins.

(e) All points included in the report shall be identified by the three-letter airport code used in the Official Airline Guide.

(f) Military contracts shall not be reported.

(g) Columns 1 and 2 shall reflect the origin and destination, respectively, of the charter flight. For round-trip charters, the origin point shall be shown also as the destination point.

(h) Columns 3, 4 and 5 shall reflect, respectively, the number of flights, the aggregate number of seats and the aggregate cargo capacity in tons contracted for. Round trips shall be reported as a single service without breakdown by directional components.

(i) Columns 6 through 12 shall reflect the intermediate points (where a portion of the charter traffic is either enplaned or deplaned) in operating sequence between origin and destination. On round-trip flights, all stopover points other than the common origin and destination shall be shown as intermediate points. Indicate instances where there is a break in air transportation, such as surface travel, by placing an asterisk between the pairs of points where such a break occurs.

3. By amending section 32 by inserting schedule T–6 in the list of schedules in paragraph (a), to read as follows:

Section 32—General Reporting Instructions

(a) * * *

Schedule No.		Filing	
		Frequency	Postmark interval (days)
* * *	* * *	* * *	* * *
T-3.1	Statement of traffic and capacity statistics.	do	30
T-6	Summary of civil aircraft charters.	Quarterly	40
G-41	Persons holding more than 5 per centum of respondent's capital stock or capital.	Annually	90
* * *	* * *	* * *	* * *

4. By amending Section 35—"Traffic and Capacity Elements" by inserting after the text of schedule T–3.1 the following:

Schedule T–6—Summary of Civil Aircraft Charters

(a) This schedule[1] shall be filed by each supplemental air carrier.

(b) Separate reports shall be filed for each of the below-named types of charter contracts and the type shall be inserted opposite the caption "Type of Charter."

(1) Inclusive tour charter, as defined in Part 378 of the Board's Special Regulations.

(2) Single entity charter, as defined in Part 208 of the Board's Economic Regulations. Mixed charters, as defined in Part 207, are to be reported as single entity charters.

(3) Split charter, as defined in § 208.3 (s) (2) (ii) or § 295.2 (b) (2) of the Board's Economic Regulations, as applicable. For reporting purposes, a split charter is to be listed as one flight, and listed only on the split charter report even though a portion of the split charter may be pro rata and the other portion single entity.

(4) Pro rata charter, as defined in Part 208 of the Board's Economic Regulations. Mixed charters, as defined in Part 208, are to be reported as pro rata charters.

(5) All-cargo charter.

(c) Each flight shall be reported in the quarter in which its performance begins. If the contract calls for more than one flight, each of the flights shall be reported in the quarter in which the particular flight begins.

(d) All points included in the report shall be identified by the three-letter airport code used in the Official Airline Guide.

(e) Military contracts shall not be reported.

(f) Columns 1 and 2 shall reflect the origination and destination, respectively, of the charter flight. For round-trip charters, the origin point shall be shown also as the destination point.

(g) Columns 3, 4 and 5 shall reflect, respectively, the number of flights, the aggregate number of seats and the aggregate cargo capacity in tons contracted for. Round trips shall be reported as a single service without breakdown by directional components.

(h) Columns 6 through 12 shall reflect the intermediate points (where a portion of the charter traffic is either enplaned or deplaned) in operating sequence between origin and destination. On round-trip flights, all stopover points other than the common origin and destination shall be shown as intermediate points. Indicate instances where there is a break in air transportation, such as surface travel, by placing an asterisk between the pairs of points where such a break occurs.

[F.R. Doc. 67–5484; Filed, May 16, 1967; 8:47 a.m.]

[1] Schedule form filed as part of original document.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17435; FCC 67–567]

TELEVISION BROADCAST STATIONS

Table of Assignments; Tulare, Calif.

In the matter of amendment of § 73.606 *Table of Assignments,* Television Broadcast Stations (Tulare, Calif.); Docket No. 17435, RM–1118.

1. On February 15, 1967, Pappas Electronics, Inc., licensee of Stations KGEN (AM) and KGEN–FM, Tulare, Calif., filed a petition (RM–1118) for rule making requesting that Channel 26 be assigned to Tulare, Calif. In support thereof, petitioner states that at the present time there is no TV channel assigned to Tulare. Petitioner has submitted an engineering statement showing that Channel 26 could be assigned to Tulare in complete compliance with the Commission's allocation standards, and will not require any other amendments to the television table of assignments. Tulare Union High School District filed comments in support of the subject proposal. Petitioner asserts that if Channel 26 is assigned to Tulare, it will promptly apply for authority to construct and operate a new television station on that channel.

2. Tulare, located in Tulare County, is approximately 42 miles southeast of Fresno. According to the 1960 U.S. Census, it had a population of 13,824. Growth since 1960 has increased the population to 15,950 in 1965.[1] The estimated population of Tulare County in 1965 was 190,000. Normally we have not assigned UHF channels to communities with a population under 25,000 except where a showing was made that there was a need for the assignment and that an interested party stated a station would be built on an assigned channel. Other potential UHF assignments are available in the Tulare area, and the assignment of Channel 26 to Tulare will not preclude future needed assignments in other communities. In view of the statements made in the subject petition, we are of the view that comments should be invited on the petitioner's proposal.

[1] California Statistical Abstract, 1966, State of California, Documents Section, p. 16.

3. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission's rules by assigning Channel 26 to Tulare, Calif.

4. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before June 19, 1967, and reply comments on or before June 29, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

5. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: May 10, 1967.

Released: May 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5490; Filed, May 16, 1967; 8:47 a.m.]

[47 CFR Part 87]

[Docket No. 17430; FCC 67-554]

AIRCRAFT IDENTIFICATION IN RADIO COMMUNICATIONS

Notice of Proposed Rule Making

In the matter of amendment of Part 87 of the Commission's rules to change the requirements for aircraft identification in radio communications.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The instant proposal is intended to provide for a more orderly and efficient administration of the Aviation Radio Service by specifically providing for complete and standardized methods of aircraft identification and use of call sign and other means of identification in Part 87 of the Commission's rules. This requirement arises from the evolution of aviation from the FCC and International Telecommunication Union (ITU) requirements with respect to identification of radio stations, and from the findings of such meetings as the International Civil Aviation Organization (ICAO) Communications/Operations Division meeting of 1966 and the 5th ICAO Air Traffic Control Automation Panel (ATCAP). In order to insure that aircrews and aeronautical stations adhere to safe and uniform procedures regarding radiotelephony call signs, to minimize confusion, it is necessary that fully defined call signs and other recognized means of identification and their abbreviations be set forth in the rules. It is also necessary that the identification procedures, as defined in the rules, be in conformity with international practice since many U.S. aircraft fly international air routes.

3. The proposed amendment to the rules, as set forth below, is issued pursuant to authority contained in section 303 (o), (p), and (r) of the Communications Act of 1934, as amended.

4. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 19, 1967, and reply comments on or before June 29, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other than relevant information before it, in addition to the specific comments invited by this notice.

5. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: May 10, 1967.

Released: May 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Section 87.115(e)(1) is amended to read as follows:

§ 87.115 Station identification.

* * * * *

(e) * * *

(1) Aircraft raidotelephony stations shall be identified either by a call sign or other recognized means of identification. Such recognized means of identification may be one or more of the following necessary for complete identification:

(i) The radiotelephony designator of the aircraft operating agency followed by the flight identification number; or

(ii) The characters corresponding to the registration marking of the aircraft preceded by the type of the aircraft; or

(iii) The five-character call sign corresponding to the registration marking of the aircraft; or

(iv) The five-character call sign referred to in subdivision (iii) of this subparagraph preceded by the radiotelephony designator of the aircraft operating agency; or

(v) The five-character call sign referred to in subdivision (iii) of this subparagraph preceded by the type of the aircraft.

NOTE. The operating agency radiotelephony designators referred to in subdivision (i) of this subparagraph are designators assigned and authorized by the Federal Aviation Administration. The five-character call signs referred to in subdivisions (iii), (iv), and (v) of this subparagraph comprise either five letters or one figure followed by four letters in accordance with ITU Radio Regulations (Geneva 1959, RR 762) and apply only to aircraft of foreign registry.

(*a*) Aircraft radio stations shall use full call signs or complete identification as shown in subdivisions (i) through (v) of this subparagraph when establishing communications during initial contact.

(*b*) Abbreviated radiotelephone call signs or identification may be used after satisfactory communication has been established and provided that no confusion is likely to arise. An aircraft station shall use its abbreviated identification only after it has been addressed in this manner by the ground station. The ground station operator shall determine whether or not conditions warrant the use of abbreviations and shall initiate their use at his discretion. The appropriate abbreviations, depending on the call signs and other identification listed in this subparagraph (1).

(*1*) No abbreviation is authorized for operating agency designators and flight numbers;

(*2*) The type of aircraft followed by the last three characters of the registration marking;

(*3*) The first letter or figure and the last two letters of the call sign;

(*4*) The radiotelephony designator of the aircraft operating agency followed by the last two letters of the call sign;

(*5*) The type of the aircraft followed by the last two letters of the call sign.

(*c*) After satisfactory communication and correct identification has been established, continuous two-way communication is permissible without further identification only if no mistake in identity is likely to occur.

(*d*) An aircraft shall not change the type of its radiotelephony full identification during flight except that the abbreviation of that same full identification may be used.

* * * * *

[F.R. Doc. 67-5491; Filed, May 16, 1967; 8:47 a.m.]

[1] Commissioner Wadsworth absent.

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

FLOYD W. JORN

Notice of Granting of Relief Pursuant to Federal Firearms Act

Notice is hereby given that Floyd W. Jorn, 3866 South Broadway, Englewood, Colo., has applied, pursuant to section 10 of the Federal Firearms Act (15 U.S.C. 910), for relief from disabilities under the Act incurred by reason of his convictions, October 9, 1945, November 19, 1955, and December 7, 1961, respectively, at the District Courts of Larimer, Mesa, and Garfield Counties, Colo., for crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Floyd W. Jorn, because of such convictions, to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearms or ammunition or to receive firearms or ammunition so shipped, and he would be prevented from obtaining a license under the Act as a firearms dealer or firearms manufacturer. Notice is further given that having considered Floyd W. Jorn's application and by reason of having found that—

(1) The convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of the Federal Firearms Act or of the National Firearms Act; and

(2) The circumstances regarding the convictions and Floyd W. Jorn's record and reputation subsequent to his convictions are such that the granting to Floyd W. Jorn of relief from disabilities under the Federal Firearms Act incurred by reason of his convictions would not be contrary to the public interest: *It is ordered*, That, pursuant to the authority vested in the Secretary of the Treasury by section 10 of the Federal Firearms Act (15 U.S.C. 910) and delegated to me by Treasury Decision 6897, as set out in § 177.31(c) of Internal Revenue Regulations (26 CFR 177.31(c)), that Floyd W. Jorn be, and he hereby is, granted relief from any and all disabilities under the Federal Firearms Act, as amended, incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 10th day of May 1967.

[SEAL] SHLEDON S. COHEN,
Commissioner of Internal Revenue.

[F.R. Doc. 67-5488; Filed, May 16, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Nevada 054578]

NEVADA

Proposed Modification of National Forest Boundaries

MAY 8, 1967.

The U.S. Department of Agriculture, Forest Service, has filed the above application to modify the boundaries of the Humboldt National Forest.

The applicant desires to include the land described below, which excepting the reserved school and park sites in East Mountain City Townsite in the Humboldt National Forest, is privately owned, thereby facilitating forest management and administration.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed boundary adjustment may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the boundary adjustment will be made as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

EAST MOUNTAIN CITY TOWNSITE

T. 45 N., R. 53 E.,
Sec. 1, inclusive.
T. 46 N., R. 53 E.,
Sec. 36, inclusive.

This area contains approximately 63 acres.

JARBIDGE TOWNSITE

T. 46 N., R. 58 E.,
Sec. 16, inclusive.

This area contains approximately 105 acres according to Townsite Survey No. 1 of the Townsite of Jarbidge.

DANIEL P. BAKER,
Land Office Manager.

[F.R. Doc. 67-5466; Filed, May 16, 1967; 8:45 a.m.]

[Serial No. N-216]

NEVADA

Notice of Public Sale

MAY 9, 1967.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder, but at not less than the appraised value plus the publication costs, at a public sale to be held at 1:30 p.m., local time, on Tuesday, June 20, 1967, at the Winnemucca District Office, Bureau of Land Management, East Highway 40, Winnemucca, Nev.

The land to be offered for sale is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 34 N., R. 43 E.,
Sec. 16, W½.

The area described contains 320 acres. The appraised value of the tract is $3,800, and the publication costs to be assessed are $10.

The land will be sold subject to all valid existing rights and reservations for rights-of-way. Reservations will be made to the United States for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All mineral rights are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by the principal or his agent, either personally at the sale, or by mail. Bids must be for all the lands in the parcel. Bids sent by mail will be considered only if received at the Winnemucca District Office, Bureau of Land Management, East Highway 40, Post Office Box 71, Winnemucca, Nev. 89445, prior to 1:30 p.m., on Tuesday, June 20, 1967. Bids made prior to the public auction will be submitted in sealed envelopes, accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, made payable to the Bureau of Land Management, for the full amount of the bid, which may not be less than the appraised value plus the publication costs. The envelopes must be marked in the lower left-hand corner "Publication Sale Bid, Parcel No. 1, Sale held June 20, 1967."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in increments specified by the authorized officer. After oral bids are received, the authorized officer shall declare the highest qualifying bid. The person declared to have entered the highest qualifying bid shall be required to make full payment for the tract plus the cost of publication at the close of bidding.

All bids, sealed and oral, must be accompanied by a certified statement indicating that the principal is a citizen or otherwise a national of the United States (or who has declared his intention to become a citizen) aged 21 years or more. A partnership or association must show that each of the members is a qualified individual, as stated above. Agents must furnish the principal's certification of qualification, as stated above.

Any adverse claimants to the above-described land should file their claims, or objections, with the undersigned on or before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the proposed classification decision. Inquiries concerning this sale shall be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

DANIEL P. BAKER,
Manager, Nevada Land Office.

[F.R. Doc. 67-5467; Filed, May 16, 1967; 8:46 a.m.]

[Serial No. Nevada 067313]

NEVADA

Notice of Public Sale

MAY 9, 1967.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder, but at not less than the appraised value plus the publication costs, at a public sale to be held at 2 p.m., local time, on Tuesday, June 27, 1967, at the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, Nev. The land to be offered for sale is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 35 N., R. 23 E.,
Sec. 2, Lots 3 and 4, SW¼;
Sec. 11, E½NW¼.
T. 36 N., R. 23 E.,
Sec. 36, SW¼.

The areas described aggregate 428.70 acres. The appraised value of the tract is $4,300, and the publication costs to be assessed are $10.

The land will be sold subject to all valid existing rights and reservations for rights-of-way. Reservations will be made to the United States for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All mineral rights are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by the principal or his agent, either personally at the sale, or by mail. Bids must be for all the lands in the parcel. Bids sent by mail will be considered only if received at the Nevada Land Office, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502, prior to 2 p.m., on Tuesday, June 27, 1967. Bids made prior to the public auction must be submitted in sealed envelopes, accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, made payable to the Bureau of Land Management, for the full amount of the bid, which may not be less than the appraised value plus the publication costs. The envelopes must be marked in the lower left-hand corner "Publication Sale Bid, Parcel No. 1, Sale held June 27, 1967, at 2 p.m."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in increments specified by the authorized officer. After oral bids are received, the authorized officer shall declare the highest qualifying bid. The person declared to have entered the highest qualifying bid shall be required to make full payment for the tract plus the cost of publication at the close of bidding.

All bids, sealed and oral, must be accompanied by a certified statement indicating that the principal is a citizen or otherwise a national of the United States (or who has declared his intention to become a citizen) aged 21 years or more. A partnership or association must show that each of the members is a qualified individual, as stated above. Agents must furnish the principal's certification of qualification, as stated above.

Any adverse claimants to the above-described land should file their claims, or objections, with the undersigned on or before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the proposed classification decision. Inquiries concerning this sale shall be addressed to the Land Officer Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

DANIEL P. BAKER,
Manager, Nevada Land Office.

[F.R. Doc. 67-5468; Filed, May 16, 1967; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. Sub-G-15]

PIONEER SHRIMP CO., INC.

Notice of Hearing

MAY 12, 1967.

Pioneer Shrimp Co., Inc., Post Office Box 1308, Tampa, Fla. 33601, has applied for a fishing vessel construction differential subsidy to aid in the construction of a 89-foot overall length aluminum vessel to engage in the fishery for all commercial species of shrimp, including royal red shrimp, spiny lobster, snapper, and grouper.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on June 20, 1967, at 10 a.m., e.d.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

HAROLD E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 67-5465; Filed, May 16, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 22]

DRY BEANS, MICHIGAN

Extension of Closing Date for Filing of Applications for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7 of the Code of Federal Regulations, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for dry bean crop insurance for the 1967 crop year in all counties in Michigan where such insurance is otherwise authorized to be offered is hereby extended until the close of business on May 31, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-5509; Filed, May 16, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 89-B]

PATENT OFFICE

Organization and Functions

The following material supersedes the material appearing at 31 F.R. 6751-6752 of May 5, 1966; 31 F.R. 10702 of August 11, 1966; and 31 F.R. 15550 of December 9, 1966.

SECTION 1. *Purpose.* The purpose of this order is to prescribe the organization and assignment of functions within the Patent Office.

SEC. 2. *Organization structure.* The organization structure and line of authority of the Patent Office shall be as depicted in the attached organization chart.

SEC. 3. *Functions of the Office of the Commissioner.* .01 The Commissioner determines the policies and directs the programs of the Patent Office and is responsible for the conduct of all activities of the Patent Office.

.02 The Assistant Commissioners shall perform the duties pertaining to the Office of the Commissioner assigned to them by the Commissioner under his prior and continuing authority. Principal functions assigned to the Assistant Commissioners are:

a. The First Assistant Commissioner shall provide administrative and policy direction to the Office of the Solicitor, the Board of Appeals, the Board of Patent Interferences, the Trademark Trial and Appeal Board, and the Trademark Examining Operation.

b. An Assistant Commissioner shall provide administrative and policy direction to the Office of Patent Classification, Office of Patent Services, Office of Examining and Classifying Control, and to each of three patent examining operations (Chemical, Electrical, and Mechanical).

c. An Assistant Commissioner shall provide administrative and policy direction to the Office of Information Services, the Office of Legislative Planning, and the Office of International Patent and Trademark Affairs.

.03 Administrative and policy direction of organization components of the Patent Office not delegated to an Assistant Commissioner in paragraph .02 of this section, is reserved in the Commissioner.

SEC. 4. *Functions of offices reporting to the Commissioner.* .01 The Office of Planning and Programing shall provide the principal assistance to the Commissioner in planning and developing the major programs of the Patent Office to accomplish its objectives and enhance its role and effectiveness in carrying out the purposes of the patent system; provide overall coordination of internal program planning in support of Office-wide objectives, preparing pertinent guidelines governing such effort including PPBS as well as immediate and extended range program stages; initiate and conduct or coordinate the conduct of special studies and analyses required for formulating, reviewing, and appraising program plans and projections of goals, making use of the Organization and Systems Analysis Division or other most appropriate available resources for this purpose.

.02 The Office of Internal Audit shall conduct a continuing program of independent, objective, and constructive comprehensive internal audits of the operating, administrative, and financial activities of the Patent Office to determine whether in the direction and execution of these activities they are being carried out effectively, efficiently, and economically and in conformance with applicable laws, administrative rules and regulations, operating procedures, policy, and sound administrative practice; report findings and make appropriate recommendations for corrective action.

.03 The Office of Research, Development, and Analysis shall plan and conduct a comprehensive operations improvement program aimed at achieving maximum effectiveness in fulfilling the current and future objectives of the Patent Office. The responsibilities of this Office shall be carried out through the Office of the Director and the following Divisions:

a. The Research and Development Division shall identify areas of needed research, formulate approaches to research problems, conduct research (or monitor research carried out under contract), design and install experimental systems, new equipment, or other products of research, and evaluate their effectiveness after installation. Major research and development efforts are aimed at development of automated search and retrieval systems and more effective dissemination of stored information to Patent Office examiners, the patent profession, and the scientific community.

b. The Organization and Systems Analysis Division, a staff organization serving the entire Patent Office, shall provide analytical and system research for management in developing and implementing improvements in methods, procedures, systems, organization and corresponding functional alignment, and manpower and equipment utilization to resolve operational problems, achieve efficiency, economy, and effectiveness in operations, and strengthen management practices; develop information systems providing data for management in planning and programing future requirements, in exercising day-to-day operational control, and in measuring and evaluating the effectiveness of programs and policies; develop cost-benefit data and apply new system concepts; design and develop systems utilizing automatic data processing equipment; analyze and interpret systems data; and perform related activities and functions.

c. The Automatic Data Processing Division shall provide data processing services to other elements of the Patent Office. It shall be responsible for operation, support, and maintenance of all general purpose automatic data processing equipment except that which may be assigned to other elements for data collection or which is integral to process control systems of the Patent Office. Its functions shall also include writing and testing of computer programs, maintaining a comprehensive library of programs including those provided by other elements of the Office, developing special utility routines, and defining needs for new equipment or modification of existing units.

.04 The Office of Administration shall be responsible for overall Patent Office administrative functions. These functions shall be carried out, as indicated, in the following Divisions which constitute the Office of Administration:

a. Administrative Services Division shall provide Office-wide services including the procurement and supply of equipment, furnishings, and consumable items; the procurement of property and services through formally advertised and negotiated contracts; space and facilities management; communications; travel and transportation services; mail, messenger, and general correspondence services; procurement and supply of graphic services and administrative printing, including office forms and publications. This Division is also responsible for carrying out a comprehensive paperwork management program in the Patent Office, embracing forms, reports, directives and records.

b. Budget and Finance Division shall provide staff assistance in the development, application and execution of budgetary and fiscal policies and programs; conduct accounting operations for revenue, trust funds, and the Patent Office appropriation; and administer payroll and related employee accounts.

c. Personnel Division shall administer activities relating to recruitment, placement, employee relations, training and career development, incentive awards, performance rating, position classification and wage administration, group-management relations, and various employee benefit programs.

SEC. 5. *Functions of offices reporting to the First Assistant Commissioner.* .01 The Office of the Solicitor comprises the Solicitor, who is the chief legal Officer for the Patent Office and his professional associates. This Office shall handle all litigation to which the Commissioner is a party and provide all other required legal services including drafting of legislation and advice and assistance on legislative matters.

.02 The Board of Appeals shall conduct hearings and render decisions on appeals from adverse decisions of examiners rejecting claims in patent applications.

.03 The Board of Patent Interferences shall conduct patent interference proceedings and make final determination in the Patent Office as to priority of invention. The Board, also, shall decide questions concerning property rights in inventions in the atomic energy and space fields brought before it under the provisions of 42 U.S.C. 2182 and 2457 (d) and (e).

.04 The Trademark Trial and Appeal Board shall be responsible for hearing and deciding adversary proceedings involving interfering applications, oppositions to registration, cancellation petitions, and concurrent use proceedings; and for hearing and deciding appeals from final refusals of the trademark examiners to allow the registration of trademarks.

.05 The Trademark Examining Operation shall be responsible for the classification and examination of applications for the registration of trademarks and service marks and the maintenance of the principal and supplemental registers of trademarks.

SEC. 6. *Functions of offices reporting to an Assistant Commissioner.* .01 The Office of Examining and Classifying Control shall develop procedures and quality and quantity standards relating to the conduct of the examination function; evaluate examiner compliance with such standards; train new examiners in patent practice and procedure; formulate and provide general direction for

implementing classification programs; and provide logistic support for documenting and effecting search file revisions.

.02 There are three Examining and Classifying Operations, respectively titled: Chemical, Electrical, and Mechanical, each of which shall examine patent applications falling in its generic category and shall have technical responsibility for perfecting and updating the classification of patents within its cognizance, subject to overall plans and policies. An Examining Operation comprises an Office of the Director, including a division charged with the classification functions, and a number of examining groups, each representing a broad field of invention within a generic category and having jurisdiction over several examining subdivisions representing art groupings.

.03 The Office of Patent Services shall review incoming applications for compliance as to form, assign applications to appropriate examining units, issue patent grants, record instruments transferring property rights in patents and trademarks, provide drafting services, furnish copies of patents and office records, maintain a search room for public use in searching and examining patents, coordinate the mailing of examiner's actions and cited reference matter, and maintain a Scientific Library to provide pertinent technical and scientific information to patent and trademark examiners and for public reference.

SEC. 7. *Functions of offices reporting to an assistant commissioner.* .01 The Office of Information Services shall advise and represent the Commissioner on information matters; conduct programs fostering public understanding of the American patent system and the functions, services and publications of the Patent Office; develop publication policies; provide direction and assistance in developing new and revised publications; and assure conformity with policies, regulations, and standards concerning publications and publication practices.

.02 The Office of Legislative Planning shall make studies and advise the Commissioner on matters which may require legislative action and, in cooperation with the Office of the Solicitor, shall plan and conduct the legislative program of the Patent Office under applicable Department and Administrative Orders.

.03 The Office of International Patent and Trademark Affairs shall make studies and advise on policy and action concerning international patent and trademark matters.

Effective date: May 4, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-5458; Filed, May 16, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17831, etc.; Order E-25135]

NORTHERN CONSOLIDATED AIRLINES, INC., ET AL.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of May 1967.

Application of Northern Consolidated Airlines, Inc., Docket 17831, for consolidation of segments 1 and 2 of Route 126 so as to eliminate mandatory stop at the segment junction point of McGrath, Alaska, and authorize it to engage in nonstop service between Anchorage and Fairbanks; petition of Wien Alaska Airlines, Inc., Docket 18311, doing business as Wien Air Alaska under section 401 of the Federal Aviation Act of 1958, as amended, for amendment of its certificate of public convenience and necessity so as to authorize it to engage in air transportation with respect to mail, persons, and property between the terminal point Fairbanks, Alaska, and the terminal point Anchorage, Alaska; and application of Pacific Northern Airlines, Inc., Docket 18319, for authority to engage in air transportation between Anchorage and Fairbanks, Alaska.

There are on file with the Board the applications of Northern Consolidated Airlines, Inc. (NCA), Docket 17831; Pacific Northern Airlines, Inc. (PNA), Docket 18319 and Wien Alaska Airlines, Inc. (Wien), Docket 18311, which request unrestricted nonstop authority in the Anchorage-Fairbanks market.

The Anchorage-Fairbanks segment is a sizable route in the interior of Alaska involving a passenger flow of 180 passengers daily over a half of whom are Anchorage-Fairbanks passengers. Alaska Airlines, Inc. (ASA), is the only carrier certificated to provide nonstop service in this important market. Moreover, it appears that this market is growing at an extremely rapid pace. Although we considered the traffic needs of this market in the Pacific-Northwest Alaska Air Service Investigation (Order E-21955, March 26, 1965), it appears that the traffic has substantially increased over this segment since the record was made in that proceeding.

The volume of traffic in this market is well in excess of that in markets which we have recently found required investigation as to the need for competitive service.[1] In addition, the increase in tourist traffic generated by the Alaska Centennial Celebration this year could have, even after the close of the Centennial, a long-range stimulating effect on traffic in this important market. Under these circumstances we deem an investigation into the need for competitive service in this market to be warranted.

It appears that this market is of sufficient size and has sufficient traffic potential to justify consideration of awards on a subsidy-ineligible basis. Consequently, the issues in the investigation will be so limited. In addition, we will investigate the question of whether ASA's existing Anchorage-Fairbanks authority should also contain a subsidy-ineligible provision.

Accordingly, it is ordered, That:

1. An investigation designated the Anchorage-Fairbanks Service Case be and it hereby is instituted in Docket 18552 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended to determine:

(1) Whether the public convenience and necessity require the alteration, amendment, or modification of carrier authorizations so as to authorize unrestricted nonstop service in the Anchorage-Fairbanks market;

(2) Whether the public convenience and necessity require and the Board should order the alteration, amendment or modification of the certificate of public convenience and necessity of Alaska Airlines, Inc., for Route 138 in such a manner as to make Anchorage-Fairbanks flights ineligible for subsidy;

2. The applications of Northern Consolidated Airlines, Docket 17831, Pacific Northern Airlines, Docket 18319, and Wien Alaska Airlines, Docket 18311 be and they hereby are consolidated with the above investigation;

3. Any authority awarded in this proceeding shall be ineligible for subsidy;

4. Motions to consolidate applications, motions or petitions seeking modification or reconsideration of this order be filed no later than 20 days after the date of service of this order and that answers to such pleadings be filed no later than 10 days thereafter;

5. This proceeding shall be set down for hearing before an examiner of the Board at a time and place hereafter designated; and

6. A copy of this order shall be served upon the cities of Anchorage and Fairbanks and the carriers certificated to serve these cities, who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-5483; Filed, May 16, 1967; 8:47 a.m.]

[1] Gulf States-Midwest Points Service Investigation, Order E-24202, Sept. 19, 1966.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 67-577]

REQUESTS FOR ADDITIONAL FM ASSIGNMENTS

Statement of Policy

The Commission has noted an increasing number of petitions for rule making seeking additional assignments in the FM Table for large markets where there are already several assignments, and also

for multiple assignments in smaller communities. Possible new assignments are becoming scarce in large portions of the country and the Commission has decided that any future changes in the Table will only be made consistent with a convincing showing that the proposal will result in a fair and equitable distribution of available facilities, with due regard to the future needs of other communities. Specifically, with the exception of requests for a first assignment in small communities not located near large population centers, the showing should include an outline of the areas which may be precluded from the use of the channel proposed and the six pertinent adjacent channels. A convincing showing of need for the additional assignment should also be included, especially in communities of under 10,000 population where a request for a second assignment is made, and for additional assignments in larger markets. A request for an additional assignment merely to eliminate a comparative hearing will not normally be considered a sufficient showing.

As to requests for wide-coverage Class B or Class C channels in places where a Class A is or could be assigned (particularly relatively small communites), if the request is based on need for a large facility to serve a "white" or "gray" area, it should include a showing as to the extent of such underserved area. This is particularly important if the requested assignment would mean the deletion of a present assignment without replacement. Such showings should be based on the facilities the petitioner expects to apply for and construct if the requested assignment is made.

Adopted: May 10, 1967.

Released: May 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5492; Filed, May 16, 1967; 8:47 a.m.]

[Docket Nos. 17357-17359; FCC 67M-794]

AKRON TELERAMA, INC., ET AL.

Order Scheduling Prehearing Conference

In re petitions by Akron Telerama, Inc., Akron, Ohio, Docket No. 17357, File No. CATV 100-16; Lorain Cable TV, Inc., Lorain, Ohio, Docket No. 17358, File No. CATV 100-128; Telerama, Inc., Cleveland Heights, Richmond Heights, South Euclid, Beachwood, Oakwood, East Cleveland, Garfield Heights, Euclid, Highland Heights, University Heights, Bedford Heights, Maple Heights, Lyndhurst, Bedford, and North Randall; also Shaker Heights, Warrensville Heights, and Warrensville Township, Ohio, Docket No. 17359, File No. CATV 100-146; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Cleveland television market:

It is ordered, That the date of June 12, 1967 which is now scheduled for commencement of hearing is converted to a further prehearing conference at 10 a.m.

Issued: May 10, 1967.

Released: May 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5494; Filed, May 16, 1967; 8:48 a.m.]

[Docket Nos. 16258, 15011; FCC 67M-793]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Regarding Procedural Dates

In the matter of American Telephone and Telegraph Co. and the Associated Bell System Cos., charges for interstate and foreign communication service, Docket No. 16258; in the matter of American Telephone and Telegraph Co., charges, practices, classifications, and regulations for and in connection with teletypewriter exchange service, Docket No. 15011.

1. With the completion of the record and oral argument with respect to jurisdictional separations and rate of return in accordance with prior orders of the Commission herein, it is now appropriate to establish procedural dates for the submission of evidence with respect to rate making principles and factors which, although part of Phase 1, had been temporarily deferred.

2. The Telephone Committee has requested, and Respondents have agreed to supply, certain additional data with respect to costs to be considered in connection with the evidence on rate making principles and factors. At such time as it is known when this data will be available, appropriate dates for its introduction into this record will be established.

3. Where provision is made for distribution of exhibits, copies shall be served upon the members of the Telephone Committee, the Cooperating State Commissioners, the Hearing Examiner, the FCC staff, and all parties of record.

Accordingly, it is ordered, That:

(1) On or before September 15, 1967, except as provided in paragraph 2 above, Respondents shall distribute any additional evidence on rate making principles and factors which they intend to introduce into this record in addition to Bell Exhibits Numbers 23, 23A, 24, 24A, and 25 to 30 which have already been supplied.

(2) All other parties, including the FCC staff, shall distribute written testimony on rate making principles and factors on November 6, 1967.

(3) Hearing sessions will be held for the purpose of cross-examination on Respondents' evidence relating to rate making principles and factors, including Bell Exhibits Numbers 23, 23A, 24, 24A, and 25 to 30, beginnning on October 9, 1967, at 10 a.m.

(4) Hearing sessions for cross-examination on the evidence submitted by parties other than Respondents shall begin on November 27, 1967, at 10 a.m.

(5) If Respondents wish to offer rebuttal to the testimony submitted by other parties, such rebuttal shall be distributed on or before January 18, 1968.

(6) Hearing sessions for cross-examination on such rebuttal testimony will begin February 5, 1968, at 10 a.m.

Adopted: May 11, 1967.

Released: May 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5495; Filed, May 16, 1967; 8:48 a.m.]

[Docket No. 15752; FCC 67R-194]

CHARLES W. JOBBINS ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Charles W. Jobbins, Costa Mesa-Newport Beach, Calif., Docket No. 15752, File No. BP-16157; et al., 15754, 15755, 15756, 15758, 15759, 15760, 15762, 15764, 15765, 15766; for construction permits.

1. Five of the applicants in this proceeding seek addition of three issues to determine the effect on the character qualifications of California Regional Broadcasting Corp. (Regional) of the acts of two of its shareholders, William and Howard Ahmanson, "in connection with monetary contributions made to or through Robert G. "Bobby" Baker during 1962 * * *"[1] The history of this proceeding is of particular relevance to disposition of the instant request for issues.

2. Petitioners are among 11 applicants seeking authorization for the frequency 1110 kc/s vacated by the Commission's 1962 refusal to renew the license of Sta-

[1] Commissioners Wadsworth and Johnson absent.

[1] Before the Review Board for consideration are: Petition to enlarge issues, filed Mar. 2, 1967, by Charles W. Jobbins, Pacific Fine Music, Inc., Storer Broadcasting Co. (KGBS), Pasadena Broadcasting Co., and Orange Radio, Inc., opposition to petition to enlarge issues, filed Mar. 29, 1967, by California Regional Broadcasting Corp.; Broadcast Bureau's comments on petition to enlarge issues, filed Mar. 29, 1967; motion to certify "Petition to enlarge issues" to the Commission, filed by Regional on Mar. 29, 1967; Broadcast Bureau's comments on motion to certify petition to enlarge issues to the Commission, filed Apr. 4, 1967; reply to opposition to petition to enlarge issues and opposition to motion to certify, filed by Jobbins et al. on Apr. 11, 1967; request for leave to file opposition to Broadcast Bureau's comments on petition to enlarge issues, and opposition to Broadcast Bureau's comments on petition to enlarge, filed by Regional on Apr. 13, 1967; Broadcast Bureau's statement supporting Regional's request for leave to file an additional pleading, filed on Apr. 17, 1967; and reply to comments and opposition to motion to certify, filed on Apr. 19, 1967, by Regional.

tion KRLA.[2] Their applications were among 19 originally filed in response to the Commission's 1964 Public Notice (FCC 64–142). Only two of the original 19 applications complied with note to Rule 1.571 as then in force; the Commission (FCC 64–743), in accepting the applications for filing, therefore waived the freeze to the extent necessary to permit consideration of all applications on the question of which would best satisfy the provisions of section 307(b). The two applications in compliance with the freeze criteria were subsequently amended to specify another frequency and deleted from this proceeding. Because all applicants then remaining sought authorization to operate within 40 miles of Pasadena, the Commission (FCC 64–1195) determined that the freeze should be completely waived and that a contingent comparative issue should be added. In the same order issues were also specified, insofar as concerns Regional, to ascertain whether: (1) Its proposed operation would be in compliance with Rule 73.37 (because of 2 and 25 mv/m overlap); (2) whether its proposed antenna site would be suitable; (3) whether its directional antenna array can be adjusted and maintained as proposed; (4) and (5) whether objectionable nighttime interference would be caused to Station KFAB, Omaha, Nebr., or the pending application (BP–12555) of Donnelly C. Reeves for a new standard broadcast station at Roseville, Calif. In addition, areas and populations issues and a section 307(b) issue were designated as to all applicants. Subsequent to adoption of its policy statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities; 2 FCC 2d 190, 6 RR 2d 1901 (1965), reconsideration denied 2 FCC 2d 866, 6 RR 2d 1908, the Commission also added section 307(b) suburban community issues against Regional and other applicants (2 FCC 2d 197, 6 RR 2d 574 (1965)). The Review Board (3 FCC 2d 564, 8 RR 2d 189) declined to add waiver issues in the event of adverse resolution of these issues.

3. The first prehearing conference in this proceeding was held on January 28, 1965; other prehearing sessions were held on February 18, March 15, April 22, and June 21, 1965. Hearing commenced on September 29, 1965. Since January 1965 over 7,500 pages of transcript have been compiled, thousands of pages of exhibits have been introduced, over 1,200 pages of depositions have been taken and more than 100 Commission orders have been released on matters raised by the remaining 11 applicants; the record on the designated issues is not yet complete. While the untimeliness of the instant request for addition of still other issues to this proceeding is abundantly clear in light of the foregoing, good cause is apparent in petitioners' factual allegations that: The specific facts relied upon were first discovered on January 12, 1967 during the Baker trial; counsel for petitioners studied the transcript and unsuccessfully attempted to reach a stipulation with Regional; on February 20, 1967, the Examiner ruled the evidence inadmissible under existing issues; and within 11 days of that ruling the instant petition was filed. The merits of the request will accordingly be considered.[3]

4. The petitioners' request for issues herein results from certain January 12, 1967 testimony of William Ahmanson and Kenneth Childs in the case of United States v. Robert G. Baker (U.S. District Court for the District of Columbia. Criminal No. 39–66). William Ahmanson is a Director of Home Savings and Loan Association (Home Savings), substantially all of the stock of which is owned or controlled by his uncle, Howard Ahmanson.[4] In 1962, when the events here at issue occurred, Kenneth Childs was president of Home Savings. The testimony upon which reliance is placed indicates that in 1962 Childs visited Washington to learn more about pending tax legislation which would affect the savings and loan business; that he was introduced to Baker, whom he informed of the size and importance of Home Savings; that Baker recommended that the savings and loan industry recognize the necessity of becoming politically active by making friends and contacts, so that they would find "an open door and an attentive ear" for the viewpoint of savings and loan groups "when legislation came along that affected that business"; and that Baker indicated that a $100,000 campaign contribution from the California industry would be "very impressive." Childs testified that after his return to California he met with other savings and loan officials at Howard Ahmanson's home; that political contributions were discussed; and that William Ahmanson was delegated to raise money. According to William Ahmanson's testimony, he did in fact raise $33,000 in cash, including his own contribution of $10,000, all of which was turned over by him to Stuart Davis, in the office of Kenneth Childs. Petitioners note that this money was identified during Baker's trial as part of a sum of $99,600 delivered to Baker in 1962.

5. Petitioners state that violations of the following provisions of the United States Code are in question: Title 18, section 204—prohibiting contributions intended to influence "action, vote, or decision" on tax legislation; Title 18, section 201—prohibiting contributions intended to "influence any official act" of a member of Congress; Title 2, Chapter 8—requiring an accounting of contributions received and amounts expended by individuals to influence Congressional election; Title 18, section 608—prohibiting individual contributions to or on behalf of any candidate for elective Federal office in excess of $5,000 in any calendar year; and Title 18, section 610—prohibiting certain corporate contributions in connection with any Congressional election (assuming that the individual contributions herein can be imputed to the corporation). A full evidentiary record on the substance of the matters raised during the Baker trial is sought by petitioners to determine whether any conduct occurred which would either disqualify Regional or require assessment of a comparative demerit.

6. Commission inquiry into the effects on applicant qualifications of statutory violations is governed generally by the 1951 Uniform Policy as to Violation by Applicants of Laws of United States, 1 RR (Part 3) 91:495. The Commission there notes that it is not precluded from considering violations of statutes initially administered by other agencies because in so doing it is neither attempting "to apply the * * * laws as such" nor "to impose penalties for violations of laws administered by" other agencies, "but rather consider[ing] such violations along with other conduct pertinent to a determination" of applicant qualifications. Because of the difficulties inherent in consideration of even such previously established statutory violations, however, the Commission's Uniform Policy established no blanket policy; "we must and will decide each case on its individual merits." Thus, while addition of the issues here sought by petitioners is not barred because administration of the statutes in question is within the province of the Justice Department rather than the FCC, neither is the Board's consideration of this request necessarily controlled by actions taken in other cases involving different statutes and factual situations. Disposition of the instant request must be governed by the specific circumstances of the proceeding as well as the general considerations enunciated in the Uniform Policy.

7. Recognizing this necessity, the Broadcast Bureau has urged that because of the great length and complexity of this proceeding; the equally lengthy and complex "hearing within a hearing" called for by the requested issues; and the existence of five threshold basic issues, a section 307(b) suburban community issue, and a standard section 307(b) issue, any one of which might prove fatal to Regional's application, the Board should withhold action on petitioners' request until such time, if ever, as it becomes clear that Regional's application is otherwise eligible for comparative consideration. The Bureau cites the potential "administrative advantages" of substantial savings in time and expense, and the possibility of more expeditious inauguration of service on

[2] Eleven Ten Broadcasting Corp., 32 FCC 706, 22 RR 699, reconsideration denied 33 FCC 92, 22 RR 702n (1962), affirmed sub nom. Immaculate Conception Church of Los Angeles v. FCC, 320 F. 2d 795, 25 RR 2128a (D.C. Cir. 1963), cert. denied 375 U.S. 904 (1963). The station is presently in operation pursuant to an interim authorization.

[3] Since the Board's delegated authority permits consideration of the merits herein, and such policy questions as would require certification pursuant to Rule 0.341 (see e.g., Midwest Television, Inc. (KFMB–TV), FCC 66R–410, 5 FCC 2d 391) are not raised, Regional's motion to certify will be denied.

[4] According to William Ahmanson, his uncle is the principal owner of H. F. Ahmanson & Co., which is in turn the principal owner of Home Savings & Loan. Howard Ahmanson is a 33.33 percent stockholder in Regional; William Ahmanson is a 28.33 percent stockholder.

1110 kc/s resulting from such action, which would obviate further hearing in the event Regional is held disqualified under any of the existing issues. Finally, it is noted that by withholding action the Board might ultimately be in a better position to act on the merits of the petitioners' request if, "as an outgrowth of the Baker trial, further facts are brought to light regarding such potential violations * * *."

8. The Bureau's position is assailed by Regional[5] on the grounds that the Bureau's suggested advantages are essentially chimerical; and more important, that "affirmative prejudice to Regional * * * would result from that procedure" because the requested issues are of a character nature. The recommended procedure is characterized by Regional as bordering on "administrative blackmail: It says, in effect, that the Board can avoid confronting the merits of the petition * * * by disqualifying * * * Regional under one of the existing issues, and, sub silentio, it counsels * * * Regional that it cannot prevail in the hearing, and that only the means of its ultimate demise remain in doubt." The Board is unable to agree with Regional that the Examiner's ability to determine the existence, for example, of objectionable nighttime interference would be impaired by the pendency of a request for character issues. However, the Board does agree that the present record offers insufficient justification for postponement of action on the merits of the petition.

9. While the foregoing considerations preclude adoption of the course suggested by the Bureau, several of the matters cited in the Bureau's pleading do bear on resolution of the question whether a basic qualifications issue should here be added. Addition of such an issue would necessitate trial, by the FCC, of facts in the hands of the Justice Department and of laws whose interpretation is peculiarly within the expertise of that Department; would involve protraction of an already overlong proceeding (see Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901, reconsideration denied 1 FCC 2d 918 (1965)), with concomitant increased expense to the Commission and all parties; and would further postpone inauguration of a permanent service on 1110 kc/s to the public detriment. So far as the Board is aware, the Justice Department has taken no action on the facts here involved, and whether they would establish the occurrence of prohibited or improper conduct depends to some extent upon the construction placed upon the relevant statutes. This proceeding is already an unusually involved and extensive one (see pars. 1 and 2, supra) directed toward the restoration of a permanent service, lost to the public some 5 years ago. Finally, the matters here raised would ultimately prove to have been without decisional significance if (a) Regional carried the burden under the added issues, (b) Regional were in any case not technically qualified, (c) Regional failed to rebut the presumption inherent in the section 307 (b) suburban community issue, or (d) an applicant other than Regional would have been preferred pursuant to standard section 307(b) criteria. For all these reasons, the Board is unable to find that the public interest would be served by addition, at this time, of issues which would require immediate further hearing on Regional's application. The request for basic qualifications issues will accordingly be denied.

10. The foregoing conclusion does not, however, end the matter. Regional would have the Board conclude that petitioners' charges are purely speculative and totally lacking in substantive merit. This, despite the above noted difficulties of fact and law inherent in the matters raised, the Board is unable to do. Before the Commission can grant any application it must make an affirmative finding that such a grant would be in the public interest. If the facts here alleged, some of which are admitted, were proven correct, and if these facts or others not now established, were found to demonstrate improper conduct in light of the cited statutes, then such determination would necessarily affect a decision whether grant of the Regional application, if not otherwise barred, would serve the public interest as well as that of another basically qualified applicant. Even in cases where the substantive inadequacy of character allegations precluded addition of basic issues, such comparative consideration has been authorized. See e.g., Spanish International Television Co., Inc., FCC 64R–239, 2 RR 2d 853.[6] The Board has therefore determined that while present consideration of the matters raised by petitioners pursuant to a disqualifying issue is not, for the reasons stated, warranted, any comparative evaluation of the Regional application would have to include consideration of such matters; an appropriate comparative issue will accordingly be specified.

* * * * *

11. Since it is not now clear which of the 11 applications will remain eligible for comparison after resolution of the technical and section 307(b) matters, however, evidence need not be adduced on the added issue until such time, if ever, as it becomes essential to the Examiner's resolution of the comparative aspect of this case. Such a procedure lacks any element of potential prejudice to Regional since there remains no unresolved question as to whether the petition has merit: the petition has affirmatively been found to have sufficient merit to require comparative consideration. The limited comparative issue here added is governed by the same procedures as apply in addition of general contingent comparative issues; after adduction and consideration of evidence on the basic qualifications and section 307(b) issues, the Examiner may determine whether it would be appropriate to adduce evidence under this aspect[7] of the comparative consideration. See Rockland Broadcasting Co., FCC 62–577, 23 RR 789; KWEN Broadcasting Co., FCC 62R–35. By adoption of such a procedure Regional is placed on notice as to what will be required of it; the burdens imposed on the public, the parties and the Commission by trial of unnecessary issues are avoided; and the possibility of grant of an application without consideration of all matters affecting the public interest determination is precluded.

Accordingly, it is ordered, That the petition to enlarge issues, filed on March 2, 1967, by Charles W. Jobbins, Pacific Fine Music, Inc., Storer Broadcasting Co. (KGBS), Pasadena Broadcasting Co., and Orange Radio, Inc. is granted to the extent hereinafter indicated and is denied in all other respects.

It is further ordered, That the motion to certify petition to enlarge issues to the Commission, filed on March 29, 1967, by California Regional Broadcasting Corp. is denied; and that the request for leave to file opposition to Broadcast Bureau's comments on petition to enlarge issues, filed on April 13, 1967, by California Regional Broadcasting Corp. is granted and the concurrently filed opposition is accepted.

It is further ordered, That the issues in this proceeding are enlarged by addition of the following issue: To determine, in the event that the comparative qualifications of California Regional Broadcasting Corp. are deemed by the Examiner to be of decisional significance, the facts concerning monetary contributions made to or through Robert G. "Bobby" Baker by William and Howard Ahmanson during 1962, and the effect, if any, of such facts upon the qualifications of California Regional Broadcasting Corp.

Adopted: May 10, 1967.

Released: May 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[8]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-5496; Filed, May 16, 1967; 8:48 a.m.]

[5] Because its original opposition was filed concurrently with the Bureau's comments, Regional, with the Bureau's support, requested leave to file an opposition to the Bureau's comments. In view of the somewhat unusual procedure suggested by the Bureau, the Board considers Regional's additional pleading both justified and helpful. The request will be granted.

[6] The specific procedure followed in the Spanish International case, refusal to enlarge the issues with direction to the Examiner that the matter could be considered under the comparative issue, is now barred by the policy statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901, reconsideration denied 1 FCC 2d 918 (1965). However, the policy statement specifically authorizes an analogous procedure, where warranted: "Since substantial demerits may be appropriate in cases where disqualification is not warranted, petitions to add an issue on conduct relating to character will be entertained."

[7] The bulk of the comparative evidence in this proceeding has in fact already been taken, presumably on the assumption that the issue will be reached as to at least some of the applicants.

[8] Joint concurring statement of Review Board Members Stone and Pincock filed as part of original document. Board Member Nelson not participating.

[Docket No. 17209; FCC 67R–196]

SALTER BROADCASTING CO. (WBEL) ET AL.

Memorandum Opinion and Order Deleting Issues

In re applications of Salter Broadcasting Co. (WBEL), South Beloit, Ill., Docket No. 17209, File No. BMP–11646; et al., 17210, 17211, 17212, 17213, 17214, 17215, 17217, 17219; for construction permits.

1. This proceeding was designated for hearing by memorandum opinion and order, FCC 67–225, released February 21, 1967. Presently before the Review Board are the following interlocutory requests: (a) Motion to delete issues, filed on March 13, 1967, by Victory Broadcasting Co., Inc. (Victory);[1] (b) petition of Missouri Broadcasting, Inc. (Missouri), to delete issues, filed on March 13, 1967;[2] (c) motion to delete issues, filed on March 13, 1967, by Six-Eighty-Eight Broadcasting Co. (Six-Eighty-Eight);[3] (d) motion to enlarge issues, filed on March 13, 1967, by St. Louis Broadcasting Co. (St. Louis Broadcasting);[4] and (e) petition to delete and enlarge issues, filed on March 13, 1967, by Great River Broadcasting, Inc. (Great River).[5]

2. In its motion, Victory requests the Board to delete so much of Issue 10 as would inquire into whether its proposed tower height and location would constitute a menace to air navigation (air hazard issue). To support its request, Victory submitted a copy of a determination of no hazard to air navigation, issued by the Federal Aviation Agency on November 19, 1965. Except in unusual circumstances, the Board will not delete an issue based upon material contained in pleadings or post-designation amendments,[6] and Victory has not alleged that the FAA clearance was filed or brought to the Commission's attention prior to designation. However, in view of the unequivocal nature of Victory's showing; the desirability of simplifying (nine applicants and 17 issues) and expediting (the facilities sought are presently being utilized by an interim operation) this proceeding; and the facts that the Bureau supports the request and none of the other parties oppose, Victory's motion will be granted.

3. Missouri, in its petition, requests that the Board delete the air hazard issue as it applies to its proposal and Issue 14, which relates to Missouri's financial qualifications. With regard to the air hazard issue, Missouri submitted a letter from an FAA official, dated July 26, 1966, stating that its proposal would not be a hazard to air navigation, and that the FCC has been advised of this determination. With regard to the financial qualifications issue, Missouri states that in the designation order the Commission found that it would require funds in an amount of $1,061,697 to construct and operate its proposal, but that it showed only $1,025,000 in available funds. However, Missouri points out, in an amendment to its application filed on July 6, 1966, Missouri indicated that in the event of a grant it will have available the facilities of the interim permittee, thereby reducing its total financial requirements to a sum of $463,197. Where, as here, it is established that issues have been inadvertently specified because all of the facts were not considered, petitions to delete will receive favorable consideration. See Cleveland Broadcasting, Inc., FCC 63R–519, 1 RR 2d 676; and KFOX, Inc. (KFOX), FCC 65R–80, released March 4, 1965. Cf. Fidelity Radio, Inc., FCC 65–754, 6 RR 2d 140. The Board will accordingly delete the issues, as requested by Missouri.

4. Six-Eighty-Eight's motion looks toward the deletion of Issue 12, a financial qualifications issue. In support of its motion, Six-Eighty-Eight states that in the designation order, the Commission noted that Six-Eighty-Eight would require funds in an amount of $406,600 in order to construct and initially operate its proposal, but refused to give the applicant credit for a $299,000 stock purchase commitment because it was not backed by sufficient liquid assets or for a bank commitment letter for a loan up to $1,000,000 because the letter did not contain the terms and conditions of the loan. However, Six-Eighty-Eight submits, the bank commitment was sufficient, and, in any event, on March 13, 1967, it filed an amendment with the Examiner,[7] which includes an up-dated commitment letter setting forth all of the pertinent terms and conditions of the loan, documents to establish that the conditions can be met, and a balance sheet to show that the stock purchase commitment can be met. Six-Eighty-Eight's amendment clearly shows that this applicant is financially qualified. For the same reasons as previously articulated for granting Victory's motion (see par. 2, supra), and because there has been some question regarding the Commission's requirements for establishing the availability of a proposed bank loan,[8] the Board will grant Six-Eighty-Eight's motion.

5. A request for a character qualifications issue against KWK Broadcasting Corp. is contained in the motion to enlarge issues filed by St. Louis Broadcasting Co. On April 20, 1967, the Examiner released a memorandum opinion and order, FCC 67M–654, dismissing the application of KWK Broadcasting Corp., for failure to prosecute. St. Louis Broadcasting's motion has been rendered moot by this action, and will therefore be dismissed.

6. Great River, in its petition, requests that the Board delete the air hazard issue as it applies to its proposal and Issue 11, which inquires into Great River's financial qualifications; and enlarge the comparative issue so as to encompass its proposed staffing and programing plans.[9] In support of its request to delete the air hazard issue, Great River submitted a copy of a letter dated July 22, 1966, from an FAA official stating that its proposed tower would not be a hazard to air navigation and that the FCC has been advised of this determination. To supports its request to delete the financial issue, Great River points out that in the designation order, the Commission found that this applicant would require $974,245 to construct and initially operate its proposal, but had available funds of only $600,000; whereas, Great River avers, an amendment to its application filed on July 1, 1966, reflects that it will utilize the facilities now being used by the interim permittee and thereby reduce its total costs to $462,414.70. The reasons previously set forth for granting Missouri's petition (see par. 3, supra) apply with equal force to Great River's requests to delete, and those requests will therefore be granted.

7. Great River bases its request for a comparative staffing issue principally on the allegations that most of its stockholders will hold staff positions, and that several of these and other stockholders have expertise in particular areas of programing. In its Policy Statement on Comparative Broadcast Hearings, FCC 65–689, 5 RR 2d 1901, the Commission stated that staffing plans will not be compared in the hearing process "except where an inability to carry out proposals is indicated." The quantity and quality of Great River's plans for participation in station operation by its owners can be elicited under the existing comparative issue in the event that issue is reached. However, Great River's allegations fall far short of those required to support the addition of a comparative staffing issue.

8. Great River's request for a comparative programing issue is premised upon allegations that it will present high quality music shows, including "classical" and "jazz" offerings; that it will present various "instructional" programs, as opposed to formal educational courses; that it will afford an opportunity

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[1] The Broadcast Bureau filed a statement supporting Victory's motion on Mar. 22, 1967.

[2] The Bureau also filed a statement supporting Missouri's petition on Mar. 22, 1967.

[3] The Bureau filed comments on Six-Eighty-Eight's motion on Apr. 6, 1967.

[4] Comments on St. Louis Broadcasting's motion were filed by the Bureau on Mar. 22, 1967.

[5] In response to Great River's petition, the following pleadings were filed: Broadcast Bureau's statement, filed on Apr. 12, 1967; statement in support of the petition, filed on Apr. 13, 1967, by Home State Broadcasting Corp.; response, filed on Apr. 13, 1967, by Archway Broadcasting Co.; and reply, filed Apr. 25, 1967, by Great River.

[6] See, e.g., Ultravision Broadcasting Co., FCC 64R–140, released Mar. 19, 1964; Marion Moore, FCC 65R–53, released Feb. 8, 1965; and Nebraska Rural Radio Association, FCC 65R–158, 5 RR 2d 43.

[7] This amendment was accepted by Order, FCC 67M–550, released Apr. 4, 1967.

[8] See Romac Baton Rouge Corp., FCC 67R–92, released Mar. 21, 1967.

[9] Great River also mentions that it is filing a joint petition with Missouri requesting enlargement of the existing section 307(b) issue. The joint petition will be considered by the Board in another document.

for area universities to present student produced programs; that it will present "in-depth" news coverage and editorials; that it will present open-end, inter-faith religious dialogues, as opposed to merely duplicating Sunday morning services; that it will present a teenage program in which teenagers will participate and assist with the planning; and that these and other high quality program offerings are related to and responsive to various surveys and interviews conducted by Great River. To require it to compare its program plans with those of the other applicants in this proceeding (in order to secure an issue), Great River states in its reply pleading, is unrealistic because the plans of the other applicants are not adequately enough revealed to make comparison possible.

9. In Chapman Radio and Television Co., FCC 67–234, 7 FCC 2d 213, the Commission summarized the nature of the showing necessary for the inclusion of a comparative programing issue, as follows: A proponent of the programing issue should be required to make a prima facie showing that there are significant differences in the programing proposed and should relate his claimed substantial superiority in program planning to his ascertainment of community needs. Thus, we agree with the Broadcast Bureau and Archway Broadcasting Co., who oppose the request because Great River made no attempt to show substantial differences between its and the other applicants' proposed programing or to compare the applicants' programing proposals in any way.[10] Although detailed program descriptions for all of the applicants are not available, each was required, in section IV of Form 301,[11] as a minimum to furnish a percentage breakdown of program categories (news, religious, educational, etc.); a percentage breakdown of program types (live commercial, network commercial, live sustaining, etc.); a proposed weekly program schedule; and certain other program information. This information, in our view, afforded Great River at least some basis for comparing those areas of programing for which a need was determined to exist.[12] Instead, Great River chose to rely mainly upon allegations concerning the "high quality" of the programs it proposed to present in certain categories of programing. However, the Commission has long held that a detailed comparison of individual programs is inappropriate in comparing applicants since the Commission's judgment should not be substituted for management's operating judgment. See The Toledo Blade Co., 25 FCC 251, 15 RR 739 (1958); and Appalachian Broadcasting Corp., 11 RR 1327 (1956).[13] Rather, the Commission looks at the overall proposal in terms of its balance and attentiveness to programing for demonstrated public needs. Cherokee Broadcasting Co., FCC 58–647, 13 RR 725; Appalachian Broadcasting Corp., supra; and the Policy Statement, supra. Thus, while it is true that Great River could not have compared the quality of its particular programs with those proposed by other applicants absent more detailed submissions by the other applicants, we believe that more basic differences could and should have been alleged in order to warrant the requested issue, which will therefore be denied.

Accordingly, it is ordered, That the motion to delete issue, filed on March 13, 1967, by Victory Broadcasting Co., Inc.; the petition of Missouri Broadcasting, Inc., to delete issues, filed on March 13, 1967; and the motion to delete issue, filed on March 13, 1967, by Six-Eighty-Eight Broadcasting Co. are granted; that the motion to enlarge issues, filed on March 13, 1967, by St. Louis Broadcasting Co. is dismissed as moot; and that the petition to delete and enlarge issues, filed on March 13, 1967, by Great River Broadcasting, Inc., is granted to the extent indicated below and denied in all other respects; and

It is further ordered, That the Commission's memorandum opinion and order (FCC 67–225), released February 21, 1967, is modified by the deletion of issues 10, 11, 12, and 14.

Adopted: May 10, 1967.

Released: May 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[14]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67–5497; Filed, May 16, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 67–32]

SEA-LAND SERVICE, INC.

Order of Investigation and Suspension Regarding Increased Rates on Beans, Lentils, and Peas

There has been filed with the Federal Maritime Commission by Sea-Land Service, Inc., Tariff No. 8–A, FMC–F No. 13 setting forth new increased rates and charges, and/or new rules, regulations, and practices affecting such rates, and charges, on "Beans, Lentils, and Peas, in bags" to become effective May 16, 1967.

Upon consideration of the said schedule, there is reason to believe that the above-designated rate changes if permitted to become effective would be unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 3 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the rates and charges on Beans, Lentils, and Peas, in bags, contained in Item No. 610 on Original Page No. 14, FMC–F No. 13, including all rules and regulations affecting such rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is changed, amended, or reissued upon termination of the suspension period before the investigation has been concluded, such changed, amended, or reissued matter will be included in this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the aforementioned Item No. 610 is suspended and the use thereof be deferred to and including September 15, 1967, unless otherwise ordered by this Commission.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedules under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc. a consecutively numbered supplement to Tariff FMC–F No. 13 which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 16, 1967, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That the Sea-Land Service, Inc. be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners.

It is further ordered, That (I) a copy of this order shall forthwith be served

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[10] In this connection, the Policy Statement, supra, states that "[d]ecisional significance will be accorded only the material and substantial differences between applicants' proposed program plans."

[11] Most of the applicants used the Nov. 1962, version of Form 301.

[12] For example, Great River alleges that its surveys revealed a need for talk and discussion programs, but no showing is made of whether or to what extent the other applicants will offer talk or discussion programs.

[13] Cf. Florida Gulfcoast Broadcasters, Inc., 32 FCC 197, 23 RR 1 (1962), wherein the Commission stated that it is "reluctant" to characterize one applicant's programs as better than another's.

[14] Review Board Member Nelson not participating.

upon the respondent herein; (II) the said respondent be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon the respondent.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) with a copy to the respondent.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 67-5455; Filed, May 16, 1967; 8:45 a.m.]

OCEANIC SPECIAL SHIPPING CO., LTD., ET AL.

Security for Protection of Public; Application for Certificate

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation:

Oceanic Special Shipping Co., Ltd.
The Indo China Steam Navigation Co., Ltd. (Dominion Far East Line).
Canadian National Railway Co. (Canadian National Railways).

Dated: May 12, 1967.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 67-5498; Filed, May 16, 1967; 8:48 a.m.]

DOMINION NAVIGATION CO., LTD., ET AL.

Security for Protection of Public; Issuance of Certificate (Performance)

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) that a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation has been issued to the following:

Dominion Navigation Co., Ltd., Certificate No. P-42, Effective date: May 8, 1967.
Aegean Cruises, S.A. and Unitours, Inc. (Aegean: Epirotiki Lines), Certificate No. P-43, Effective date: May 9, 1967.
Oceanic Special Shipping Co., Ltd., Certificate No. P-44, Effective date: May 11, 1967.
Wisconsin & Michigan Steamship Co. (Clipper Line), Certificate No. P-45, Effective date: May 11, 1967.

Dated: May 12, 1967.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 67-5499; Filed, May 16, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-312]

CITY OF ALBANY, MO., AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 9, 1967.

Take notice that on April 26, 1967, the city of Albany, Mo. 64402 (Applicant), filed in Docket No. CP67-312 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Applcant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the unincorporated community of the city of Albany, Mo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a municipal gas distribution system within its borders and also proposes to serve rural customers along the transmission lateral pipeline extending from Respondent's main transmission line approximately 10 miles in a generally southerly direction to Applicant's proposed town border station. Applicant proposes to have Respondent build, pursuant to its "10-cent formula," 4 of the 10 miles of 4-inch transmission lateral required and Applicant proposes to build the remaining 6 miles. Applicant states that this is an initial connection with Respondent.

Applicant estimates the total cost of the proposed facilities at approximately $500,000, said cost to be financed by the issuance of gas revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 2, 1967.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5460; Filed, May 16, 1967; 8:45 a.m.]

[Docket No. CP67-313]

CITY OF UNADILLA, GA., AND SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

MAY 9, 1967.

Take notice that on April 26, 1967, the city of Unadilla, Ga. 31091 (Applicant), filed in Docket No. CP67-313 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing South Georgia Natural Gas Co. (Respondent) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the city of Unadilla, Ga., and the area adjacent thereto including Pinehurst, Ga., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes that Respondent construct and operate approximately 10 miles of 3½-inch pipeline from Vienna, Ga., to Unadilla, Ga., terminating at a town border station approximately 7,200 feet generally south of the business district of Applicant. The line would also pass beside Pinehurst, Ga., and Applicant proposes that Respondent also furnish a delivery point for service to this community. Applicant plans to serve customers along the transmission line from short taps and to construct and operate municipal distribution systems in Unadilla and Pinehurst, all in the State of Georgia. Applicant states that this is an initial connection with Respondent.

Applicant estimates the third year peak day and peak annual requirements at 579 Mcf of natural gas and 55,723 Mcf of natural gas, respectively.

Applicant estimates the total cost of its proposed construction at approximately $175,000, said cost to be financed through the issuance and sale of gas revenue bonds. Applicant estimates the total cost of the construction proposed for Respondent at approximately $120,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 2, 1967.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5461; Filed, May 16, 1967; 8:45 a.m.]

[Docket No. CP67-314]

EL PASO NATURAL GAS CO.

Notice of Application

MAY 9, 1967.

Take notice that on April 27, 1967, El Paso Natural Gas Co. (Applicant), Post-Office Box 1492, El Paso, Tex. 79999, filed an application in Docket No. CP67-314 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following facilities:

(1) Approximately 15 miles of branch pipeline loop facilities on its existing Silver City-Hurley and Silver City pipelines,

(2) Approximately 7.7 miles of 6⅝ inch O.D. branch pipeline extending from the Silver City pipeline to the Tyrone plant of the Phelps Dodge Corp. (Phelps), in Grant County, N. Mex.,

(3) Approximately 3 miles of 4½ inch O.D. pipeline extending from the line

described in (2) above to the new subdivision proposed for the employees of the Phelps Plant, and

(4) Two measuring and regulating stations to serve the Tyrone Plant and the new subdivision.

Applicant also proposes to modify the existing pressure regulating station located at the interconnection between its California mainline system and the Silver City-Hurley pipeline.

Applicant also seeks authorization to sell and deliver volumes of natural gas to Phelps for use in mining, smelting, metallurgical, and related operations at its Tyrone Plant, located in Grant County, N. Mex. and to Western Gas Service Co. (Western) for resale and distribution in a new subdivision situated on the outskirts of Silver City, N. Mex., which will provide housing for the employees of the Tyrone Plant.

Applicant estimates the maximum daily and maximum annual natural gas requirements, during the third full year, of Phelps at 7,586 Mcf and 2,189,932 Mcf, respectively, and of Western at 369 Mcf and 49,919 Mcf, respectively.

Applicant estimates the total cost of the proposed construction at approximately $671,055, said cost to be financed through the use of working funds supplemented as necessary with short-term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 2, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5462; Filed, May 16, 1967; 8:45 a.m.]

[Project No. 2456]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Order Granting Rehearing and Providing for Prehearing Conference

MAY 9, 1967.

On April 17, 1967, Public Service Company of New Hampshire filed an application for rehearing and reconsideration on Articles 32 and 33 of the Commission's license order issued March 20, 1967, in this proceeding. In its application the company requests that a prehearing conference and a hearing be held.

The Commission finds: It is appropriate and in the public interest to grant rehearing on the aforesaid order as hereinafter provided and to hold a prehearing conference and hearing respecting the matters involved and issues presented.

The Commission orders:

(A) Rehearing on Articles 32 and 33 of the aforesaid order issued March 20, 1967, is granted for the purpose of further consideration.

(B) A prehearing conference shall be held on June 27, 1967, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. before the Presiding Examiner.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a), 10(g), 308, and 313(a) thereof, and pursuant to the Commission's rules of practice and procedure, a public hearing shall be held in the above-entitled matter in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., before the Presiding Examiner respecting the matters involved and issues presented. The time for the hearing will be fixed by the Presiding Examiner following the prehearing conference.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5463; Filed, May 16, 1967; 8:45 a.m.]

[Docket No. CP67-315]

UNITED GAS PIPE LINE CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MAY 9, 1957.

Take notice that on April 27, 1967, United Gas Pipe Line Co. (United), Post Office Box 1407, Shreveport, La. 71102, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Ill. 60603 (Applicants), filed in Docket No. CP67-315 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants seek authorization to convert an existing point of interconnection in Polk County, Tex., from solely a sales point to both a sales point and an exchange point. Applicants state that the only changes required would be a modification of the existing metering facilities. Applicants also state that the ability to exchange natural gas would protect the customers on both systems due to the ability to cover any emergency that may arise.

Applicants estimate that the total cost of the necessary modifications would be approximately $8,870, said cost to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 2, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5464; Filed, May 16, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

NORTHERN INSTRUMENT CORP.

Order Suspending Trading

MAY 11, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Northern Instrument Corp., Babylon, N.Y., and all other securities of Northern Instrument Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange is summarily suspended, this order to be effective for the period May 12, 1967, through May 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-5485; Filed, May 16, 1967; 8:47 a.m.]

STEEL CREST HOMES, INC.

Order Suspending Trading

MAY 11, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Steel Crest Homes, Inc., King of Prussia, Pa., and all other securities of Steel Crest Homes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 12, 1967, through May 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5486; Filed, May 16, 1967; 8:47 a.m.]

TARIFF COMMISSION

[332-53]

DAIRY PRODUCTS

Notice of Investigation

In response to a resolution adopted May 10, 1967 by the Committee on Ways and Means, House of Representatives, the U.S. Tariff Commission has instituted an investigation of the conditions of competition in the United States between dairy products produced in the United States and in foreign countries. The full text of the resolution is as follows:

Resolved, That the U.S. Tariff Commission is hereby directed, pursuant to section 332 (g) of the Tariff Act of 1930, to make an investigation of the conditions of competition in the United States between dairy products (with particular attention to nonquota products) produced in the United States and in foreign countries, and report the results of such investigation to the Committee on Ways and Means at the earliest practicable date.

The report of the Commission shall include factual information on domestic production, foreign production, imports, consumption, channels and methods of distribution, prices (including pricing practices), U.S. exports, U.S. customs treatment since 1930, and on other factors of competition. The report shall also include information indicating whether dairy products are being imported into the United States under circumstances and in quantities interfering with, or threatening to interfere with, price support programs of the Department of Agriculture for milk and butterfat.

Formally agreed to by Committee on Ways and Means in Executive Session May 10, 1967.

The Commission does not contemplate holding hearings in connection with this investigation. In its report to the Committee, the Commission will include relevant data obtained in the course of its current investigation (22-26) under section 22 of the Agricultural Adjustment Act, as amended, with respect to certain dairy products (32 F.R. 6011), and from other sources. In view of the fact that the Committee has asked that the report be made at the earliest practicable date, interested parties are urged to submit promptly any written statements they wish the Commission to consider.

Issued May 11, 1967.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-5470; Filed, May 16, 1967; 8:46 a.m.]

COTTON TYPEWRITER-RIBBON CLOTH

Report to the President

MAY 11, 1967.

The Tariff Commission reported to the President today that restoration of the concession rates of duty on cotton typewriter-ribbon cloth is not likely to jeopardize the economic position of the domestic industry. Europe, especially the United Kingdom and the Netherlands, was the source of most U.S. imports in 1959 before the duty was increased, but has now become a minor supplier. Changed conditions in the United States and abroad make it unlikely that imports from Europe will return to their former proportions if the trade-agreement rates are restored. U.S. imports of cotton typewriter-ribbon cloth in 1966 were only one-third as large as in 1959, and came predominantly from Japan. The supply of cotton typewriter-ribbon cloth to the United States from that country is restricted pursuant to a bilateral agreement negotiated under the Long-Term Arrangement Regarding International Trade in Cotton Textiles. The Long-Term Arrangement, which was scheduled to terminate September 30, 1967, is being extended until October 1, 1970. Under its provisions, the supply from other countries as well as Japan can be restricted if necessary to prevent market disruption in the United States.

The Commission's advice was included in its report of an investigation submitted to the President to assist him in determining whether to allow termination of the increase in rates of duty on cotton typewriter-ribbon cloth imposed in 1960 under the escape-clause procedure of the Trade Agreements Extension Act of 1951.

The Commission's investigation was conducted under the provisions of section 351(d)(3) of the Trade Expansion Act of 1962. That act provides that increases in import restrictions imposed under the 1951 act shall terminate automatically on October 11, 1967, unless further extended by the President following petition by the domestic industry and investigation and advice by the Tariff Commission under section 351(d)(3).

Most of the material reported to the President may not be made public since it includes information that would reveal the operations of individual firms. The Commission, therefore, is releasing only the introductory material to the report and the Commission's statement of its judgment of the probable economic effect of termination of the increase in the rates of duty.

Copies of the public report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-5471; Filed, May 16, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 12, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41024—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 448), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Middle Atlantic or New England territories, on the one hand, and points in middlewest territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 20 to The Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 41025—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 449), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Middle Atlantic or New England territories, on the one hand, and points in Central States, middlewest, or southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 20 to The Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5500; Filed, May 16, 1967; 8:48 a.m.]

[Notice 446]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 12, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3560 (Deviation No. 14), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed May 1, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Boston, Mass., and Albany, N.Y., over Interstate Highway 90, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Boston, Mass., over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to Hartford, Conn., thence over unnumbered highway to junction U.S. Highway 5, thence over U.S. Highway 5 to New Haven, Conn., (2) from Springfield, Mass., over U.S. Highway 20 to Westfield, Mass., thence over Massachusetts Highway 10 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 10 to New Haven, Conn., and (3) from Westfield, Mass., over U.S. Highway 20 to Albany, N.Y., and return over the same routes.

No. MC 43421 (Deviation No. 14), DOHRN TRANSFER COMPANY, Post Office Box 1237, Rock Island, Ill. 61202, filed May 3, 1967. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicles, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Galesburg, Ill., over Interstate Highway 74 to Peoria, Ill., (2) from points in the Davenport, Iowa-Rock Island, and Moline, Ill. commercial zone over Interstate Highway 280 (also known as Interstate Highway 74) to junction Interstate Highway 74, thence over Interstate Highway 74 to Galesburg, Ill. (also from points in the Davenport, Iowa-Rock Island, and Moline, Ill., commercial zone over Interstate Highway 80 to junction Interstate Highway 74, thence over Interstate Highway 74 to Galesburg, Ill.), and (3) from junction Illinois Highway 84 and Interstate Highway 80 over Interstate Highway 80 to junction Interstate Highway 74, thence over Interstate Highway 74 to Galesburg, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Moline, Ill., over U.S. Highway 150 to Peoria, Ill., (2) points in the Davenport, Iowa-Rock Island, and Moline, Ill., commercial zone over U.S. Highway 150 to Peoria, Ill., and (3) from junction U.S. Highway 30 and Illinois Highway 84 (formerly Illinois Highway 80) over Illinois Highway 84 to Moline, Ill., thence across the Mississippi River to Davenport, Iowa, and return over the same routes.

No. MC 65580 (Deviation No. 5), MUSHROOM TRANSPORTATION COMPANY, INC., H Street and Hunting Park Avenue, Philadephia, Pa. 19124, filed May 2, 1967. Carrier's representative: Joseph F. Cassidy, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lancaster, Pa., over U.S. Highway 222 to junction Interstate Highway 176, thence over Interstate Highway 176 to junction Pennsylvania Highway 61, thence over Pennsylvania Highway 61 to junction Pennsylvania 895, thence over Pennsylvania Highway 895 to junction Pennsylvania Highway 443, thence over Pennsylvania Highway 443 to junction U.S. Highway 309, thence over U.S. Highway 309 to junction Interstate Highway 81, thence over Interstate Highway 81 to Binghamton, N.Y., thence over U.S. Highway 11 to Marathon, N.Y., thence over Interstate Highway 81 to Syracuse, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lancaster, Pa., over U.S. Highway 230 to Harrisburg, Pa., thence over U.S. Highway 11 to Northumberland, Pa., thence over U.S. Highway 15 to Painted Post, N.Y., thence over New York Highway 17 to junction New York Highway 13, thence over New York Highway 13 to junction New York Highway 281, thence over New York Highway 281 to Tully, N.Y., thence over U.S. Highway 11 to Syracuse, N.Y., and return over the same route.

No. MC 78786 (Deviation No. 7), PACIFIC MOTOR TRUCKING COMPANY, 65 Market Street, San Francisco, Calif. 94105, filed May 3, 1967. Carrier's representative: W. A. Gregory, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 26 and Oregon Highway 8, in Portland, Oreg., over U.S. Highway 26 to junction Oregon Highway 6 near Mountaindale, Oreg., thence over Oregon Highway 6 to junction Oregon Highway 8 near Glenwood, Oreg., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Portland, Oreg., over Oregon Highway 8 via Beaverton, Hillsboro, and Forest Grove, Oreg., to junction Oregon Highway 6 near Glenwood, Oreg., thence over Oregon Highway 6 to Tillamook, Oreg., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 379), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 28, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 95 and U.S. Highway 1, northwest of Danvers, Mass., over Interstate Highway 95 to Portsmouth, N.H. (the segment of Interstate Highway 95 between the Massachusetts-New Hampshire State line near Smithtown, N.H., and Portsmouth, N.H., is also known as the New Hampshire Turnpike), with the following access routes: (a) From Newburyport, Mass., over Massachusetts Highway 113 to junction Interstate Highway 95, and (b) from Hampton, N.H., over New Hampshire Highway 101C to junction Interstate Highway 95, and (2) from South Portland, Maine (Exit 7) over the Maine Turnpike to Augusta, Maine, with the following access routes (a) from Gray, Maine, over U.S. Highway 202 to junction with the Maine Turnpike, (b) from Auburn, Maine, over U.S. Highway 202 to junction with the Maine Turnpike.

(c) From Lewiston, Maine, over Maine Highway 196 to junction with the Maine Turnpike, and (d) from Gardiner, Maine, over Maine Highway 9 to junction with the Maine Turnpike, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Boston, Mass., over U.S. Highway 1 via Newburyport, Mass. (also via bypass route around Newburyport) to the Massachusetts-New Hampshire State line, thence over U.S. Highway 1 via Smithtown, N.Y., and Portland and Belfast, Maine, to Stockton Springs, Maine, thence over Alternate U.S. Highway 1 via Bangor and Brewer, Maine, to Ellsworth, Maine, thence over U.S. Highway 1 to the United States-Canada boundary line (also from junction U.S. Highway 1 and Alternate U.S. Highway 1, approximately 1.6 miles south of Portsmouth, N.H., over Alternate U.S. Highway 1, known as the Portsmouth Cutoff, to junction Maine Turnpike, thence over the Maine Turnpike to junction U.S. Highway 1; also from Portland, Maine, over

Maine Highway 100 via Lewiston, Augusta, and Fairfield, Maine, to Newport, Maine, thence over U.S. Highway 2 to Bangor, Maine; and also from Brewer over Maine Highway 9 to junction U.S. Highway 1, thence over U.S. Highway 1 to Calais, Maine), and return over the same route.

No. MC 1515 (Deviation No. 380) (Cancels Deviation No. 261), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed May 2, 1967. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and Interstate Highway 80N (Emigrant Springs Junction, Oreg.), over Interstate Highway 80N to junction unnumbered highway (Meacham Junction), and (2) from junction unnumbered highway and Interstate Highway 80N (South Baker Junction, Oreg.), over Interstate Highway 80N to junction unnumbered highway (South Durkee Junction, Oreg.), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Portland, Oreg., over Interstate Highway 80N to Cascade Locks, thence over U.S. Highway 30 to Hood River, thence over Interstate Highway 80N to The Dalles, thence over U.S. Highway 30 to junction unnumbered highway north of Emigrant Springs (Emigrant Springs Junction), thence over unnumbered highway via Emigrant Springs and Meacham to junction U.S. Highway 30 (Meacham Junction), thence over U.S. Highway 30 to junction unnumbered highway south of Baker (South Baker Junction), thence over unnumbered highway via Pleasant Valley to junction U.S. Highway 30 (South Durkee Junction), thence over U.S. Highway 30 to junction U.S. Highway 30N (Weiser Wye), thence over U.S. Highway 30N to the Oregon-Idaho State line (connects with Idaho Route 7), and return over the same route.

No. MC 1515 (Deviation No. 381) (Cancels Deviation No. 6), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed May 2, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From the Western Terminus of the Erie Section of the New York State Thruway at the New York-Pennsylvania State line near Ripley, N.Y., over the Erie Section of the New York State Thruway to Interchange No. 50 of the New York State Thruway near Buffalo, N.Y., (2) from junction U.S. Highway 20 and Shortman Road west of Ripley, N.Y., and near the Pennsylvania-New York State line, over Shortman Road to the New York State Thruway, (3) from Westfield, N.Y., over New York Highway 17 to Interchange No. 60 (Westfield Interchange) of the New York State Thruway, (4) from Fredonia, N.Y., east over U.S. Highway 20 to junction Bennett Road, thence over Bennett Road to Interchange No. 59 of the New York State Thruway (Fredonia-Dunkirk Interchange), (5) from Dunkirk, N.Y., over Bennett Road to Interchange No. 59 of the New York State Thruway (Fredonia-Dunkirk Interchange), (6) from junction U.S. Highway 20, New York Highway 5 and Access Highway to Interchange No. 58, east of Silver Creek, N.Y., near Irving, N.Y., over Access Highway to Interchange No. 58 of the New York State Thruway (Silver Creek Interchange).

(7) From junction U.S. Highway 20 and New York Highway 75, near Athol Springs, N.Y., over New York Highway 75 to Access Road to Interchange No. 57 of the New York State Thruway, (8) from junction New York Highway 5 and New York Highway 179, near Blasdell, N.Y., over New York Highway 179 to junction with South Park Avenue, thence over South Park Avenue to Mile Strip Road, thence over Mile Strip Road to Thruway Access Road, thence over Access Road to Interchange No. 56 of the New York State Thruway, and (9) from Buffalo, N.Y., over Interstate Highway 190 to Interchange No. 53 of the New York State Thruway, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Rochester, N.Y., over New York Highway 33 to Batavia, N.Y., thence over New York Highway 5 via Buffalo to Athol Springs, N.Y., thence over New York Highway 75 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 5 (Irving), thence over U.S. Highway 20 and New York Highway 5 to Silver Creek, N.Y. (also from Dunkirk over New York Highway 60 to Fredonia; also from Silver Creek, over U.S. Highway 20 to Fredonia), thence over U.S. Highway 20 via Harborcreek, Pa., to Erie, Pa., (2) from junction U.S. Highway 20 and New York Highway 75, over New York Highway 75 to the New York State Thruway (at Interchange No. 57), (3) from Avon, N.Y., over U.S. Highway 20 to junction New York Highway 75, (4) from Suffern, N.Y. (Interchange No. 15) over the New York State Thruway to Buffalo, N.Y. (Interchange No. 50), and (5) from Buffalo, N.Y., over Access Streets to Interchange No. 50, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5501; Filed, May 16, 1967; 8:48 a.m.]

[Notice 1062]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 12, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 14743 (Sub-No. 24) (Republication), filed August 3, 1964, published FEDERAL REGISTER issue of August 19, 1964, and republished this issue. Applicant: E. L. POWELL & SONS TRUCKING CO., INC., Post Office Box 356, Tulsa, Okla. Applicant's representative: Benton Coopwood, 904 Lavaca Street, Austin, Tex. 78701. A supplemental decision and order of the Commission, Division 1, dated April 18, 1967, and served May 8, 1967, as modified, finds operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *earth drilling machinery and equipment, and* (2) *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (1) between points in Kansas, New Mexico, Oklahoma, and Texas; (2) between points in Oklahoma and Kansas, on the one hand, and, on the other, points in Arkansas and Louisiana; (3) between points in Tulsa County, Okla., on the one hand, and, on the other, points in Mississippi, Colorado, and Wyoming.

(4) Between points in Oklahoma, on the one hand, and, on the other, points in that part of Montana, on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 19 to the United States-Canadian boundary line, points in that

part of North Dakota, on and west of a line beginning at the United States-Canadian boundary line, and extending along North Dakota Highway 30 to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, and points in South Dakota west of the Missouri River and on and north of a line beginning at the Missouri River in Pierre, S. Dak., and extending along U.S. Highway 14 to Philip, S. Dak., thence along South Dakota Highway 73 (formerly U.S. Highway 14) to Philip Junction, S. Dak., thence along U.S. Highway 16 (formerly U.S. Highway 14) to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Alternate U.S. Highway 14 (formerly U.S. Highway 14); thence along Alternate U.S. Highway 14 to junction U.S. Highway 85 (formerly U.S. Highway 14), thence along U.S. Highway 85 to junction U.S. Highway 14, and thence along U.S. Highway 14 to the South Dakota-Wyoming State line; (5) between points in New Mexico, Oklahoma, and Texas.

(6) Between points in Oklahoma, on the one hand, and, on the other, points in Louisiana and Wyoming, and points in that part of North Dakota on and west of a line beginning at the United States-Canadian boundary line, and extending along North Dakota Highway 30 through St. John, York, and Medina, N. Dak., to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line; (7) between points in Kansas, New Mexico, Oklahoma, and Texas; (8) between points in Oklahoma and Kansas, on the one hand, and, on the other, points in Arkansas and Louisiana; (9) between points in Oklahoma, on the one hand, and, on the other, points in Mississippi, Colorado, and Wyoming; (10) between points in Oklahoma, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 through Alzada, and Broadus, Mont., to Miles City, Mont., thence along Montana Highway 22 through Hillside, Mont., to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 19 to the United States-Canadian boundary line, points in that part of North Dakota on and west of a line beginning at the United States-Canadian boundary line, and extending along North Dakota Highway 30 through St. John, York, and Medina, N. Dak., to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, and points in South Dakota west of the Missouri River, and north of a line beginning at the Missouri River in Pierre, S. Dak., and extending along U.S. Highway 14 to Philip, S. Dak., thence along South Dakota Highway 73 (formerly U.S. Highway 14) to Philip Junction, S. Dak., thence along U.S. Highway 16 (formerly U.S. Highway 14) to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Alternate U.S. Highway 14 (formerly U.S. Highway 14), thence along Alternate U.S. Highway 14 to junction U.S. Highway 85 (formerly U.S. Highway 14), thence along U.S. Highway 85 to junction U.S. Highway 14, and thence along U.S. Highway 14 to the South Dakota-Wyoming State line; (11) between points in Oklahoma, on and east of U.S. Highway 81, points in Texas, on and east of U.S. Highway 281, and on and north of U.S. Highway 90, and points in Kansas, on and east of U.S. Highway 81, and on and south of U.S. Highway 54, on the one hand, and, on the other, points in Wyoming and Colorado.

Restriction: Service under the authority specified above is subject to the following conditions: All traffic must move through points in Oklahoma, on and east of U.S. Highway 81, as a gateway. Said authority specified above may not be tacked or combined with any other authority granted to provide a through service between points other than those named herein, (12) between points in Oklahoma, on the one hand, and, on the other, ports of entry on the United States-Canada international boundary line in Montana and North Dakota between Sweetgrass, Mont., and Pembina, N. Dak., including Sweetgrass and Pembina; and (13) between Kansas City, Kans., and points in Holt, Nodaway, Gentry, Harrison, Clay, Grundy, Linn, Livingston, Daviess, De Kalb, Andrew, Buchanan, Clinton, Caldwell, Carroll, Chariton, Howard, Saline, Lafayette, Jackson, Cass, Johnson, Pettis, Cooper, Morgan, Benton, Hickory, St. Clair, Cedar, Vernon, Platte, Ray, Bates, and Henry Counties, Mo., and points in Nemaha, Brown, Doniphan, Linn, Atchison, Jackson, Pottawatamie, Jefferson, Leavenworth, Osage, Wabauinsee, Shawnee, Douglas, Johnson, Lyon, Coffey, Anderson, Franklin, Miami, Allen, and Bourbon Counties, Kans., on the one hand, and on the other, points in Utah and Arizona; restricted against tacking any authority granted herein with any other authority held for the purpose of conducting through operations; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 54847 (Sub-No. 7) (Republication), filed May 8, 1964, published FEDERAL REGISTER issue of May 27, 1964, and republished, this issue. Applicant: INTRACOASTAL TRUCK LINE, INC., Post Office Box 354, Harvey, La. Applicant's representative: Austin L. Hatchell, Suite 1102, Perry Brooks Building, Austin, Tex. A Supplemental Decision and Order of the Commission, Division 1, dated April 18, 1967, and served May 8, 1967, as modified, finds operations by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *earth drilling machinery and equipment*, and (2) *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (1) between Harvey, La., and points in the following Louisiana parishes: Washington, Tangipahoa, St. Tammany, St. Bernard, Plaquemine, Jefferson, Lafourche, St. Charles, Terre Bonne, St. James, St. John The Baptist, Assumption, St. Mary, St. Martin, Iberia, part of St. Martin, Iberville, Ascension, Livingston, Pointe Coupee, West Feliciana, East Feliciana, West Baton Rouge, East Baton Rouge, and St. Helena, on the one hand, and, on the other, points in Mississippi, and

(2) Between points in that part of Louisiana south of and including the following parishes: Vernon, Rapides, Avoyelles, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, and Washington, on the one hand, and, on the other, points in Alabama, Georgia, and Florida; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relived upon the notice of the application as published, may have an interest in and would be prejudiccd by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leavē to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 86913 (Sub-No. 20) (Republication), filed December 2, 1966, published FEDERAL REGISTER issue of December 29, 1966, and republished this issue. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. 27589. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. By application filed December 2, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular

routes, of lumber (except plywood and veneer), (1) from points in Maine (except points in Aroostook, Piscataquis, Penobscot, and Waldo Counties, Maine), New Hampshire, Vermont, Massachusetts, Connecticut, and those points in that part of New York lying north and east of a line beginning at the New York-Massachusetts State line and extending along U.S. Highway 20 to junction New York Highway 26, thence along New York Highway 26 to the United States-Canadian boundary line at or near Alexandria Bay, N.Y., to points in Illinois, Indiana, Ohio (except Cleveland, Ohio), points in Michigan south of a line beginning at Saginaw Bay at or near Bay City, Mich., and extending along U.S. Highway 10 to Ludington, Mich., and points in Pennsylvania on and west of U.S. Highway 15 (except Erie, Pa.), and (2) from points in Pennsylvania, Ohio, Illinois, Indiana, and points in Michigan south of a line beginning at Saginaw Bay at or near Bay City, Mich., and extending along U.S. Highway 10 to Ludington, Mich., to points in Maine (except points in Aroostook, Piscataquis, Penobscot, and Waldo Counties, Maine), New Hampshire, Vermont, Massachusetts, Connecticut, and points in that part of New York lying west and north of a line beginning at the United States-Canadian boundary at or near Alexandria Bay, N.Y., extending along New York Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line. An order of the Commission, Operating Rights Board No. 1, dated April 28, 1967, and served May 5, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *lumber* (except plywood and veneer).

(1) From points in Maine (except Aroostook, Piscataquis, Penobscot, and Waldo Counties, Maine), New Hampshire, Vermont, Massachusetts, Connecticut, and points in that part of New York lying north and east of a line beginning at the New York-Massachusetts State line and extending along U.S. Highway 20 to junction New York Highway 26, thence along New York Highway 26 to the United States-Canadian boundary line at or near Alexandria Bay, N.Y., to points in Illinois, Indiana, Ohio (except Cleveland, Ohio), those points in that part of Michigan south of a line beginning at the United States-Canadian boundary line at or near Port Huron, Mich., extending north along U.S. Highway 25 to junction U.S. Highway 10, thence along U.S. Highway 10 to Ludington, Mich., and points in Pennsylvania on and west of U.S. Highway 15 (except Erie, Pa.) and (2) from points in Pennsylvania, Ohio, Illinois, Indiana, and those points in that part of Michigan south of a line beginning at the United States-Canadian boundary line at or near Port Huron, Mich., extending north along U.S. Highway 25 to junction U.S. Highway 10, thence along U.S. Highway 10 to Ludington, Mich., to points in Maine (except Aroostook, Piscataquis, Penobscot, and Waldo Counties, Maine), New Hampshire, Vermont, Massachusetts, Connecticut, and those points in that part of New York lying north and east of a line beginning at the United States-Canadian boundary line at or near Alexandria Bay, N.Y., extending along New York Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 93318 (Sub-No. 13) (Republication), filed June 2, 1964, published FEDERAL REGISTER issue of June 17, 1964, and republished this issue. Applicant: JOE D. HUGHES, INC., 4100 Clinton Drive, Post Office Box 2143, Houston, Tex. 77001. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. A supplemental decision and order of the Commission, Division 1, dated April 18, 1967, and served May 8, 1967, as modified, finds operations by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *earth drilling machinery and equipment*, and (2) *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (1) between points in Kansas, Louisiana, New Mexico, Oklahoma, and Texas.

(2) Between points in Texas, Louisiana, and Mississippi, on the one hand, and, on the other, points in Georgia, Alabama, and Florida, (3) between points in Georgia, Alabama, and Florida, (4) between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana, and (5) between points in Texas, Louisiana, and Mississippi; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 93439 (Sub-No. 7) (Republication), filed June 1, 1964, published FEDERAL REGISTER issue of June 17, 1964, and republished this issue. Applicant: McCLATCHY BROS., INC., Box 4126, Midland, Tex. 79701. Applicant's representative: Austin L. Hatchell, Suite 1102, Perry-Brooks Building, Austin, Tex. A supplemental decision and order of the Commission, Division 1, dated April 18, 1967, and served May 8, 1967, as modified, finds operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *earth drilling machinery and equipment*, and (2) *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (1) between points in Texas, and points in Lea County, N. Mex., (2) between points in Oklahoma and Kansas, (3) between points in Oklahoma, on the one hand, and, on the other, points in Texas, (4) between points in Yoakum, Terry, Borden, Dawson, Gaines, Howard, Martin, Andrews, Sterling, Glasscock, Midland, Ector, Winkler, Loving, Culberson, Irion, Reagan, Upton, Crane, Ward, Reeves, Jeff Davis, Presidio, Brewster, Pecos, Terrell, and Crockett Counties, Tex., and Lea and Eddy Counties, N. Mex., (5) between points in New Mexico, served by rail, on the one hand, and, on the other, drilling locations at points in New Mexico.

(6) Between points served by railroad, located at points in Lea, Eddy, Quay, Chaves, Roosevelt, and Curry Counties, N. Mex., on the one hand, and, on the other, drilling locations at points in Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Scurry, Borden, Dawson, Gaines, Andrews, Martin, Howard, Mitchell, Sterling, Glasscock, Midland, Ector, Winkler, Loving, Ward, Pecos, Crane, Upton, Crockett, Reagan, and Irion Counties, Tex., (7) between drilling locations at points in Lea, Eddy, Quay, Chaves, Roosevelt, and Curry Counties, N. Mex., on the one hand, and, on the other, points in Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock,

Crosby, Yoakum, Terry, Lynn, Garza, Scurry, Borden, Dawson, Gaines, Andrews, Martin, Howard, Mitchell, Sterling, Glasscock, Midland, Ector, Winkler, Loving, Ward, Pecos, Crane, Upton, Crockett, Reagan, and Irion Counties, Tex., served by railroad, and (8) between drilling locations at points in Lea, Eddy, Quay, Chaves, Roosevelt, and Curry Counties, N. Mex., on the one hand, and, on the other, drilling locations at points in Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Scurry, Borden, Dawson, Gaines, Andrews, Martin, Howard, Mitchell, Sterling, Glasscock, Midland, Ector, Winkler, Loving, Ward, Pecos, Crane, Upton, Crockett, Reagan, and Irion Counties, Tex; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 97944 (Sub-No. 3) (Republication), filed July 27, 1964, published FEDERAL REGISTER issue of August 12, 1964, and republished this issue. Applicant: LANE BROTHERS TRUCKING COMPANY, a corporation, Box 1827, San Angelo, Tex. 76901. Applicant's representative: Jerry Prestridge, 12th Floor, Capital National Bank Building, Post Office Box 1148, Austin, Tex. A supplemental decision and order of the Commission, Division 1, dated April 18, 1967, and served May 8, 1967, as modified, finds operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *earth drilling machinery and equipment*, and (2) *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between Midland, Tex., and points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Foard, Knox, King, Dickens, Crosby, Lubbock, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Stephens, Shackelford, Jones, Fisher, Scurry, Borden, Dawson, Gaines, Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Callahan, Eastland, Brown, Coleman, Runnels, Coke, Sterling, Glasscock, Midland, Ector, Winkler, Ward, Crane, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, Mason, Menard, Schleicher, Crockett, Pecos, Terrell, Val Verde, Sutton, Kimble, Edwards, Brewster, Culberson, Hudspeth, Jeff Davis, Loving, Presidio, and Reeves Counties, Tex., on the one hand, and, on the other, points in New Mexico; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111992 (Sub-No. 3) (Republication), filed June 1, 1964, published FEDERAL REGISTER issue of June 17, 1964, and republished this issue. Applicant: S & W TRUCKS, INC., Lovington Highway, Post Office Box 792, Hobbs, N. Mex. 88240. Applicant's representative: Austin L. Hatchell, Suite 1102, Perry-Brooks Building, Austin, Tex. A supplemental decision and order of the Commission, Division 1, dated April 18, 1967, and served May 8, 1967, as modified, finds operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of (1) *earth drilling machinery* and *equipment*, and (2) *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission, of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or form holes or wells, (1) between points in Eddy, Chaves and Lea Counties, N. Mex., on the one hand, and, on the other, points in New Mexico, on and east of U.S. Highway 285 and those in Texas, on and west of U.S. Highway 83, and on and north of a line extending from the junction of U.S. Highways 83 and 290, along U.S. Highway 290, to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-New Mexico State line, and

(2) Between points in Harding, San Miguel, Quay, Guadalupe, Torrence, Socorro, De Baca, Curry, Roosevelt, Chaves, Sierra, Dona, Lincoln, Otero, Eddy, and Lea Counties, N. Mex., and Oldham, Potter, Armstrong, Deaf Smith, Randall, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cottle, King, Dickens, Crosby, Lubbock, Hockley, Cochran, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Haskell, Jones, Fisher, Scurry, Borden, Dawson, Gaines, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Runnels, Coke, Sterling, Glasscock, Midland, Ector, Winkler, Loving, Culberson, Hudspeth, Tom Green, Irion, Reagan, Upton, Crane, Ward, Reeves, Schleicher, Crockett, Terrell, Pecos, Jeff Davis, Brewster, and Presidio Counties, Tex., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113024 (Sub-No. 60) (Republication), filed October 26, 1966, published FEDERAL REGISTER issue of November 3, 1966, and republished this issue. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. By application filed October 26, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of bathroom and washroom fixtures, sinks, and accessories and attachments therefor, from Camden, N.J., and New Castle, Pa., in split pickups from the two points, to Lawrenceville, Ga., Jacksonville, Fla., Greensboro, N.C., Columbia, Tenn., and Harrisonburg, Newport News, Norfolk, and Richmond, Va., under contract with Universal-Rundle Corp. An order of the Commission, Operating Rights Board No. 1, dated April 28, 1967, and served May 5, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *bathroom and washroom fixtures, sinks, and accessories and attachments* therefor, from Camden, N.J., and New Castle, Pa., to Lawrenceville, Ga., Jacksonville, Fla., Greensboro, N.C., Columbia, Tenn., and Harrisonburg, Newport News, Norfolk, and Richmond, Va., under a continuing contract with Universal-Rundle Corp., of New Castle, Pa., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce

Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113459 (Sub-No. 27) (Republication), filed June 1, 1964, published FEDERAL REGISTER issue of June 17, 1964, and republished this issue. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, Wynnewood Professional Building, Dallas, Tex. A supplemental decision and order of the Commission, Division 1, dated April 18, 1967, and served May 8, 1967, as modified, finds operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of (1) *earth drilling machinery and equipment,* and (2) *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (1) between points in Oklahoma, (2) between points in Oklahoma, on the one hand, and, on the other, points in Illinois, (3) between points in Oklahoma, Kansas, Texas, and Arkansas, and those in Lea and Eddy Counties, N. Mex., (4) between points in Illinois south of U.S. Highway 36, those in Indiana south of a line beginning at the Indiana-Illinois State line, and extending along U.S. Highway 36 to Indianapolis, thence along U.S. Highway 40 to the Indiana-Ohio State line, and those in Bullitt, Hardin, Meade, Breckinridge, Hancock, Daviess, Henderson, Union, Webster, McLean, Crittenden, Hopkins, Ohio, Grayson, Edmonson, Hart, Warren, Butler, Muhlenberg, Logan, Todd, Christian, Trigg, Simpson, Lyon, Caldwell, and Jefferson Counties, Ky., including points on the indicated portions of the highways specified.

(5) Between points in Colorado, Kansas, Louisiana, Oklahoma, Texas, and Wyoming, (6) between points in Oklahoma, on the one hand, and, on the other, points in Montana, Nebraska, North Dakota, South Dakota, and Utah, (7) between points in Nevada, on the one hand, and, on the other, points in Wyoming, Colorado, Oklahoma, and Texas, (8) from Fort Morgan, Colo., to points in Banner, Cheyenne, and Kimball Counties, Nebr., (9) between Sterling, Colo., and points within 15 miles of Sterling, on the one hand, and, on the other, points in Banner, Cheyenne, and Kimball Counties, Nebr., (10) from points in Ohio to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, and (11) from Tulsa, Okla., to points in Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 116285 (Sub-No. 7) (Republication), filed November 14, 1966, published FEDERAL REGISTER issue of January 12, 1967, and republished this issue. Applicant: BENNETT TRUCK LINES, INC., Post Office Box 2924, Charleston Heights, S.C. 29405. Applicant's representative: Joseph R. Young, Post Office Box 903, Charleston, S.C. 29402. By application filed November 14, 1966 applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of glazed tile on concrete block, stone manufactured from limestone material, from Charleston, S.C., to points in North Carolina, Tennessee, Virginia, Alabama, Georgia, and Florida. An order of the Commission, Operating Rights Board No. 1, dated April 28, 1967, and served May 9, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *concrete block and glazed tile on concrete block,* from Charleston, S.C., to points in Virginia, Tennessee, and Alabama, under a continuing contract with William Bird Sales Corp. of Charleston, S.C., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126881 (Sub-No. 5) (Republication) filed January 18, 1967, published FEDERAL REGISTER issue of February 2, 1967, and republished this issue. Applicant: RICHARD B. RUDY, INC., 203 Linden Avenue, Frederick, Md. 21701. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. By application filed January 18, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of dairy products and preparations requiring refrigeration, except in bulk, from and to the points indicated below. An order of the Commission, Operating Rights Board No. 1, dated April 28, 1967, and served May 9, 1967, finds that operation by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of *dairy products and nonalcoholic drink preparations,* in vehicles equipped with mechanical refrigeration, except in bulk, from Frederick, Md., to points in Pennsylvania, New Jersey, and points in that portion of the New York, N.Y. commercial zone as defined in fifth supplemental report in *Commercial Zones and Terminal Areas,* 53 M.C.C. 451, within which local operations may be conducted under the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the exempt zone), under a continuing contract with Capitol Milk Producers Cooperative, Inc., of Frederick, Md., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128370 (Republication), filed January 28, 1966, published FEDERAL REGISTER issues of February 17, 1966, under MC 7555 (Sub-No. 55), July 21, 1966, and republished this issue. Applicant: TEXTILE MOTOR FREIGHT, INC., Post Office Box 7, Ellerbe, N.C. Applicant's representative: Jacob Billig, 1825 Jefferson Place NW., Washington, D.C. 20036. By application filed January 28, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier

by motor vehicle, over irregular routes, of (1) heat processed citrus juice in hermetically sealed containers, when moving with fresh citrus fruits in containers and/or fresh fruit sections and salads packed in glass (except frozen citrus products), from Plymouth, Fla., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Youngstown, Ohio, and Washington, D.C., restricted to movements originating at the plantsite and/or facilities of, or used by the Plymouth Citrus Products Cooperative at Plymouth, Fla., and (2) fresh citrus fruits in containers and fresh fruit sections and salads packed in glass (except frozen citrus products), from points in Alachua, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Manatee, Marion, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Saint Johns, Saint Lucie, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., to points in the destination States enumerated in (1) above, with service under (1) and (2) above restricted to movements performed under a continuing contract or contracts with Seald-Sweet Sales, Inc., of Tampa, Fla.

An order entered February 13, 1967, by the Commission, Operating Rights Board No. 1, denied said application for the reason that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle of the commodities and from and to the points sought above, and as a common carrier to the extent authorized by certificate No. MC–7555 and related sub numbers thereunder, would result in dual operations of the nature prohibited conditionally by section 210 of the Interstate Commerce Act, but extended to applicant the option of amending the instant application to one seeking common instead of contract carrier authority. By petition (letter) dated March 31, 1967, applicant seeks to amend its application to one seeking common rather than contract carrier authority. A supplemental order of the Commission, Operating Rights Board No. 1, dated April 28, 1967, and served May 10, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *canned citrus juice* when transported at the same time in the same vehicle with the commodities described in (2) below from the plantsite of or facilities of the Plymouth Citrus Products Cooperative at Plymouth, Fla., to Washington, D.C., Youngstown, Ohio, and to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, and South Carolina, and (2) *fresh citrus fruits,* in containers, and *fresh fruit sections and salads* (not frozen), in containers, when transported at the same time and in the same vehicle with the canned citrus juice described in (1) above, from points in Alachua, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Manatee, Marion, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Saint Johns, Saint Lucie, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., to Washington, D.C., Youngstown, Ohio, and to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, and South Carolina, subject to the restriction that the authority granted in (1) or (2) above shall not be joined or combined directly or indirectly with any authority presently held by applicant, for the purpose of providing service from or to any points other than those specified above; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 2135 (Notice of Filing of Petition To Reopen the Captioned Proceeding for the Purpose of Modifying its Permit To Authorize Service for the U.S. Government as an Additional Shipper), filed April 19, 1967. Petitioner: D. J. McNICHOL CO., Philadelphia, Pa. Petitioner's representative: Beverley S. Simms, 480 Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Petitioner states that it is authorized in permit No. MC 2135 to operate as a motor contract carrier, transporting: (1) Fruits, vegetables, agricultural commodities, poultry, and sea food, in the respective seasons of their production, from points in New Jersey, Pennsylvania, and Delaware, to points in a described area in New Jersey, Pennsylvania, and Delaware, with no transportation for compensation on return except as otherwise authorized. Restriction: The transportation service specified above must be performed under special and individual contracts or agreements, with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate retail stores, the business of which is the sale of food, of the commodities indicated and in the manner specified above. (2) Frozen fruits and frozen vegetables, from Philadelphia, Pa., to points in Delaware, Maryland, New Jersey, Ohio, Virginia, and the District of Columbia. By the instant petition, petitioner requests the Commission to modify its existing permit so as to authorize it to serve thereunder the U.S. Government (Department of Army) as an additional shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 123069 (Corrected Notice of Filing of Petition for Waiver of Rule 1.101(a) of the Commission's General Rules of Practice and for Acceptance of the Here Tendered Petition Seeking Clarification and Modification of Certain "Grandfather" Authority Initially Granted to it in No. MC 18124) filed December 28, 1966, published FEDERAL REGISTER, issue of March 29, 1967, and republished as corrected this issue. Petitioner: ALLER & SHARP, INC., Columbus, Ohio. Petitioner's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. The purpose of this petition is to obtain clarification and modification of certain "grandfather" authority issued initially to it as a permit in No. MC 18124, and now held by it as a certificate in No. MC 123069. The part of the certificate here pertinent reads as follows: "Transporting over irregular routes: *Army subsistence, clothing, equipage, and supplies,* between points in Ohio, Kentucy, Indiana, and West Virginia." By the instant petition, petitioner request that the Commission waive the requirements of Rule 1.101(a) of its general rules of practice and accept this petition; that the Commission reopen the "grandfather" proceeding in No. MC 18124, and redescribe the commodity description referred to above to read general commodities (except household goods, commodities in bulk, and those requiring special equipment), and issue a corrected certificate in No. MC 123069. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124324 (Sub-No. 6) (Notice of Filing of Petition for Modification of Existing Certificate), filed March 17, 1967. Petitioner: MURPHY TRUCKING CO., INC., Denver, Ind. Petitioner's representative: Alki E. Scopelitis (same address as above). Petitioner holds a certificate in No. MC 124324 (Sub-No. 6) authorizing the transportation, over irregular routes, of Dyna-floss dical, from Sylvania, Ohio, to points in Indiana. By the instant petition, petitioner requests that it's certificate be modified to read: Animal feed ingredient, since dyna-fos dical is a feed ingredient. Any interested person desiring to participate, may file

an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9733 (Correction) (W. T. BYRNS MOTOR EXPRESS, INC.—Purchase — DELL TRANSPORTATION CO., INC.), published in the May 3, 1967, issue of the FEDERAL REGISTER on page 6817. The address of vendor was incorrect. The correct address of DELL TRANSPORTATION CO., INC., is 386 Plainfield St., "Springfield, Mass.", in lieu of Worcester, Mass.

No. MC-F-9745. Authority sought for purchase by BROWNING FREIGHT LINES, INC., 244 South Fourth West, Salt Lake City, Utah 84101, of the operating rights of RALPH HARRIS MOVING & STORAGE COMPANY, 725 Shoshone Street South, Twin Falls, Idaho 83301, and for acquisition by GEORGE A. BROWNING, SR., THYRA BROWNING, G. ALLEN BROWNING, CLIFTON M. BROWNING, all also of Salt Lake City, Utah, and LOWELL D. BROWNING, 1027 Royal Boulevard, Boise, Idaho, of control of such rights through the purchase. Applicants' attorney: Ben D. Browning, Post Office Box 8195, Foothill Station, Salt Lake City, Utah 84108. Operating rights sought to be transferred: Under a certificate of registration, in No. MC-117609 Sub-2, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Idaho. Vendee is authorized to operate as a *common carrier* in Utah and Idaho. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9746. Authority sought for purchase by VON DER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, Mo., of the operating rights of ROSS BRANTLEY SUDDATH doing business as SUDDATH MOVING & STORAGE CO., 6900 Interbay Boulevard, Tampa, Fla., and for acquisition by VON DER AHE VAN LINES, INC., OF MISSOURI, also of Fenton, Mo., and in turn by RUSSELL L. VON DER AHE and MAYBELLE E. VON DER AHE both of 5555 Lindell Boulevard, St. Louis, Mo., of control of such rights through the purchase. Applicants' attorney and representatives: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, and H. Eugene Johnson, 305 Morgan Street, Tampa, Fla. 33602. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes, between points in Florida, Georgia, Tennessee, South Carolina, North Carolina, Virgina, Pennsylvania, New York, New Jersey, and the District of Columbia, between points in Florida, on the one hand, and, on the other, points in Alabama, Mississippi, Louisiana, Ohio, Illinois, Delaware, Maryland, Vermont, Massachusetts, Rhode Island, New Hampshire, Kentucky, West Virginia, Indiana, Michigan, and Connecticut. Vendee is authorized to operate as a *common carrier* in Kansas, Missouri, Colorado, Nebraska, Oklahoma, Texas, Arkansas, Illinois, Alabama, Delaware, Florida, Georgia, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Mexico, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9747. Authority sought for purchase by YREKA WESTERN RAILROAD COMPANY, Post Office Box 660, Yreka, Calif. 96097, of a portion of the operating rights and certain property of WALTER E. MENDENHALL AND WILBUR N. MENDENHALL, doing business as MENDENHALL TRANSPORTATION CO., 215 C Street, Eureka, Calif. 95501, and for acquisition by WILLIS B. KYLE, JR., 300 East Miner Street, Yreka, Calif., of control of such rights and property through the purchase. Applicants' attorneys: Silver, Rosen & Kerr, Attention: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104, and Huber & Goodwin, Attention: G. Edward Goodwin, Post Office Box 23, Eureka, Calif. 95501. Operating rights sought to be transferred: A portion under a certificate of registration, in No. MC-99752 Sub-1, covering the transportation of property, as a common carrier, in intrastate commerce within the State of California. NOTE: Applicants propose that vendor retain the right to transport general commodities in less than truckload shipments between Arcata, Eureka, and Fortuna, Calif., on the one hand, and Rohnerville to Ruth, Calif., and intermediate points on the other hand. Vendee is authorized to operate as a *common carrier* in California, and under a certificate of registration within the State of California. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5502; Filed, May 16, 1967; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 12, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. A 49327, filed May 1, 1967. Applicant: KINGS COUNTY TRUCK LINES, Alpine and L Streets, Post Office Box 1016, Tulare, Calif. Applicant's representative: Handler, Baker & Greene, 405 Montgomery, San Francisco, Calif. 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of; (a) Frozen foodstuffs and beverages, and (b) commodities requiring refrigeration and/or temperature or atmospheric control all or any part of the year, to and between the following named points over and along the following routes including all points located hereon, all intermediate points and points within 20 miles thereof; (1) All streets and highways between points within the San Francisco territory as described by the California Public Utilities Commission, (2) U.S. Highway 40 (Interstate 80) between Oakland and Roseville, (3) U.S. Highway 99E between Roseville and Marysville, (4) State Highway 20 between Marysville and Yuba City, (5) State Highways 99 and 113 between Yuba City and Woodland, (6) U.S. Highway 99W (Interstate 5) between Woodland and its junction with U.S. Highway 40 (Interstate 80), (7) U.S. Highway 50 between Oakland and Stockton, (8) State Highway 120 between its junction with U.S. Highway 50 and Manteca, (9) State Highway 33 between Tracy and its junction with State Highway 152, (10) State Highway 132 between Vernalis and Modesto.

(11) State Highway 152 between Watsonville and Gilroy, (12) State Highway 129 between Watsonville and its junction with U.S. Highway 101 3 miles south of Sargent, (13) U.S. Highway 99 and Interstate Highway 5 between Sacramento and San Diego, (14) State Highway 17 between Oakland and San Jose, (15) State Highway 82 between San Francisco and San Jose, (16) U.S. Highway 101 between San Francisco and the Los Angeles territory all as described by the California Public Utilities Commission, (17) All streets and highways and points and places within the Los Angeles territory all as described by the California Public Utilities Commission, (18) Any direct route or routes between points in the Los Angeles territory on the one hand and on the other, Brea, LaHabra, Pomona and Santa Ana, (19) State Highway 180 between Fresno and Sanger, (20) State Highway 152 between Los Banos and its junction with State Highway 99, and (21) Interstate Highway 10 between Los Angeles territory

and Redlands. Restriction: No transportation is authorized of liquid dairy products and whole fresh eggs. Both intrastate and interstate authority sought.

HEARING: Not yet assigned for hearing.

Requests for procedural information, including the time for filing such protests, concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5503; Filed, May 16, 1967; 8:48 a.m.]

[Notice 385]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 12, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 665 (Sub-No. 69 TA), filed May 9, 1967. Applicant: RED ARROW TRANSPORTATION COMPANY, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. Applicant's representative: William C. Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, 1 gallon or less in capacity, from Okmulgee, Okla., to points in Arkansas and Texas, for 180 days. Supporting shipper: Ball Brothers Co., Inc., Muncie, Ind. 47302. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 989 (Sub-No. 12 TA), filed May 9, 1967. Applicant: IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans. 67654. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Goodland, Kans., and the plantsite of Great Western Sugar Co., approximately 5 miles west of Goodland, Kans., for 180 days. (Proposed to tack at Goodland, Kans.) supporting shipper: Great Western Sugar Co., Post Office Box 5308, Terminal Annex Building, Denver, Colo. 80217. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 11185 (Sub-No. 122 TA), filed May 10, 1967. Applicant: J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. 64129. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Airplane wing skins*, in specially built equipment, from Seattle, Wash., to Wichita, Kans., for 120 days. Supporting shipper: The Boeing Co., Wichita Division, Wichita, Kans. 67210. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 13651 (Sub-No. 9 TA), filed May 10, 1967. Applicant: PEOPLES TRANSFER, INC., 701 North 22d Avenue, Phoenix, Ariz. 85009. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly, Phoenix, Ariz. 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated boxes*, from Torrance, Calif., to points in Dona Ana County, N. Mex., for 180 days. Supporting shipper: Boise Cascade Corp., Post Office Box 7747, Boise, Idaho. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 14552 (Sub-No. 25 TA), filed May 10, 1967. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, 555 West Federal Street, Youngstown, Ohio 44502. Applicant's representative: J. McNicholas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, mine roof bolts, and bar stock*, moving in vehicles equipped with special unloading devices, from the plantsites of Youngstown Sheet & Tube Co. at Youngstown and Struthers, Ohio, to points in Wisconsin, Iowa, Missouri, Illinois, Kentucky, Indiana, Ohio, Michigan, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts; and the District of Columbia; Omaha, Nebr.; Kansas City, Kans.; and Minneapolis and St. Paul, Minn.; and *steel mill equipment, materials, and supplies*, on return; for 180 days. Supporting shipper: The Youngstown Sheet & Tube Co., Youngstown, Ohio. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Building, Cleveland, Ohio 44114.

No. MC 59367 (Sub-No. 52 TA), filed May 9, 1967. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Highway 20 East, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from La Porte, Ind., to points in Iowa, Minnesota, Nebraska, and Wisconsin, for 180 days. Supporting shipper: American Home Foods, 685 Third Avenue, New York, N.Y. 10017. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 98869 (Sub-No. 3 TA), filed May 9, 1967. Applicant: KOSCHKEE TRANSFER, INC., Route 1, Fennimore, Wis. 53809. Applicant's representative: Mark H. McCluskey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dubuque, Iowa, and Madison, Wis., and Prairie du Chien, Wis., as follows: U.S. Highway 20 to East Dubuque, Ill., thence over Illinois Highway 35 and Wisconsin Highway 35 to junction Wisconsin Highway 11, thence over Wisconsin Highway 11 to junction Wisconsin Highway 78, thence over Wisconsin Highway 78 to junction U.S. Highways 18 and 151. Junction Wisconsin Highways 11 and 23, thence over Wisconsin Highway 23 to junction U.S. Highway 151. Junction Wisconsin Highways 11 and 80, thence over Wisconsin Highway 80 to junction U.S. Highway 151. Junction U.S. Highway 20 and Illinois Highway 35, thence over Illinois Highway 35 and Wisconsin Highway 35 to junction U.S. Highways 61 and 151, thence over U.S. Highway 151 to junction U.S. Highway 18. Junction U.S. Highway 151 and Wisconsin Highway 80, thence over Wisconsin Highway 80 to junction U.S. Highway 18. Junction Wisconsin Highway 80 and Wisconsin Grant County Highway A, thence over Wisconsin Grant County Highway A to junction Wisconsin Grant County Highway E, thence over Wisconsin Grant County Highway E to junction Wisconsin Highway 80. Junction U.S. Highway 151 and Wisconsin Highway 81, thence over Wisconsin Highway 81 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 18. Junction U.S. Highway 61 and Wisconsin Grant County Highway E, thence over Wisconsin Grant County Highway E to junction Wisconsin Grant County Highway F, thence

over Wisconsin Grant County Highway F to junction U.S. Highway 18.

Junction U.S. Highway 61 and Wisconsin Grant County Highway K, thence over Wisconsin Grant County Highway K to junction U.S. Highway 18. U.S. Highway 61 to Lancaster, Wis. U.S. Highway 61 to junction Wisconsin Highway 133, thence over Wisconsin Highway 133 to junction Wisconsin Highway 35. Junction Wisconsin Highway 133 and Wisconsin Highway 81, thence over Wisconsin Highway 81 to Lancaster, Wis. Junction Wisconsin Highway 81 and Wisconsin Grant County Highway U, thence over Wisconsin Grant County Highway U to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to junction U.S. Highway 18. U.S. Highway 18 and Wisconsin Highway 35 at Prairie du Chein, Wis., thence over U.S. Highway 18 to junction U.S. Highway 151, thence over U.S. Highways 18 and 151 to Madison, Wis., and return. Junction U.S. Highway 18 and Wisconsin Highway 80, thence over Wisconsin Highway 80 to Highland, Wis.; and return over the same route, serving all intermediate points; for 180 days. Supporting shippers: Blackhawk Industries, 250 South Main Street; Crescent Electric Supply Co., 200 South Main Street; Dubuque Storage & Transfer Co., 3000 Elm Street; Kretschmer-Tredway Co., Ninth and Washington Streets; A. Y. McDonald Manufacturing Co., Post Office Box 508; and Dubuque Traffic Association, Post Office Box 546; all of Dubuque, Iowa 52001; and Mautz Paint & Varnish Co., 939 East Washington Avenue, Madison, Wis. 53701. Send protests to: Charles W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 214 North Hamilton Street, Madison, Wis. 53703.

No. MC 102616 (Sub-No. 819 TA), filed May 10, 1967. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17403. Applicant's representative: S. E. Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in tank or hopper type vehicles, from the plantsite of Kerr-McGee Chemical Corp., at or near Baltimore, Md., to the plantsite of Kerr-McGee Chemical Corp,. at or near Milnor, Pa., for 180 days. Supporting shipper: Kerr-McGee Corp., Oklahoma City, Okla. 73102. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 115162 (Sub-No. 147 TA), filed May 9, 1967. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Suite 2025 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus pulp*, from points in Florida to points in Alabama, Mississippi, and Louisiana, for 180 days. Supporting shipper: Bill Brown Co., Inc., 1835 28th Avenue South, Birmingham, Ala. 35209. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 116273 (Sub-No. 91 TA) (Amendment), filed April 21, 1967, published FEDERAL REGISTER issue of May 2, 1967, and republished as amended this issue. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oil*, in bulk, in tank vehicles, from Chicago, Ill., to Doyline, La., for 150 days. NOTE: The purpose of this republication is to set forth the correct destination, previously incorrectly designated as Shreveport, La. Supporting shipper: E. F. Houghton & Co., 6600 South Nashville Avenue, Chicago, Ill. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 123393 (Sub-No. 181 TA), filed May 10, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Griffith, Inc., Highway 24 West, Downs, Kans. 67437. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128473 (Sub-No. 4 TA), filed May 9, 1967. Applicant: MONTANA EXPRESS, INC., 207 Behner Building, 2822 Third Avenue North, Billings, Mont. 59101. Applicant's representative: J. F. Meglen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, from Great Falls, Mont., to points in Oregon, Washington, Iowa, Illinois, Minnesota, Wisconsin, and Ohio, for 180 days. Supporting shipper: Needham Packing Corp. of Montana, Post Office Box 2381, Great Falls, Mont. 59401. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 128745 (Sub-No. 2 TA) (Correction), filed April 28, 1967, published FEDERAL REGISTER, issue of May 5, 1967, and republished as corrected this issue. Applicant: MIEDZINSKI'S TRANSFER, INC., Park Avenue, Leonardtown, Md. 20650. Applicant's representative: Oliver R. Guyther, Leondardtown, Md. 20650. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies*, between Arlington, Va., on the one hand, and, on the other, points in Anne Arundel, Charles, Prince Georges, St. Mary's and Calvert Counties, Md., for 180 days. NOTE: The purpose of this republication is to correctly set forth the commodity and route descriptions. Supporting shipper: Western Electric Co., Inc., 222 Broadway, New York, N.Y. 10038. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1220, Washington, D.C. 20423.

No. MC 128832 (Sub-No. 1 TA), filed May 10, 1967. Applicant: FARRIER TRUCKING COMPANY, INC., 1912 Maple Avenue, Mattoon, Ill. 61938. Applicant's representative: Alki E. Scopelitis, Suite 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, dirt, and crushed stone*, in dump trucks, from points in Vigo, Putnam, and Vermillion Counties, Ind., to points in Coles, Effingham, Clark, Edgar, and Cumberland Counties, Ill., for 180 days. Supporting shipper: Standard Materials Corp., Terre Haute, Ind. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-5504; Filed, May 16, 1967; 8:49 a.m.]

[Notice 1519]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 12, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant

to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69466. By order of May 10, 1967, the Transfer Board approved the transfer to Ralph Shoemaker, doing business as Shoemaker Trucking Co., Boise, Idaho, of the operating rights of Statewide Transport, Inc., Boise, Idaho, in certificate No. MC–121140 (Sub-No. 3), issued January 14, 1965, authorizing the transportation, over irregular routes, of construction supplies and materials, and commodities which because of size or weight require the use of special equipment, between points in Idaho. Raymond D. Givens, Columbia Building, 600 Washington Street, Post Office Box 964, Boise, Idaho 83701, attorney for applicants.

No. MC–FC–69596. By order of April 28, 1967, the Transfer Board approved the transfer to Martin Motor Freight, Inc., Philadelphia, Pa., of certificates Nos. MC–14935 and MC–14935 (Sub-No. 7), both issued May 12, 1961, to Martin Greenberg, doing business as Martin Trucking Co., Philadelphia, Pa., authorizing the transportation of, among other commodities, beds, bedding, supplies, brooms, commodities used or useful in the manufacture of beds and brooms, pipe, used clothing, rags, cooking utensils, crockery, earthenware, and chinaware, between Philadelphia, Pa., Newark, N.J., and New York, N.Y.; tires and tubes, from Philadelphia, Pa., to New York, N.Y., Wilmington, Del., Baltimore, Md., and Atlantic City and Trenton, N.J.; and agricultural commodities, from Philadelphia, Pa., to Atlantic City, Asbury Park, Ocean City, and Wildwood, N.J. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

No. MC–FC–69599. By order of April 28, 1967, the Transfer Board approved the transfer to Jewel Haynes, doing business as Leitchfield Transfer, Leitchfield, Ky., of the operating rights in certificate No. MC–56667 (Sub-No. 1), issued November 3, 1959, to W. O. Bolton, doing business as Leitchfield Transfer, Leitchfield, Ky., authorizing the transportation, of: General commodities usual exceptions, between specified points in Kentucky and Indiana. Robert M. Pearce, 1033 State Street, Bowling Green, Ky. 42101, attorney for applicants.

No. MC–FC–69602. By order of May 11, 1967, the Transfer Board approved the transfer to J. M. Buckley & Son, Inc., Courtland, Calif., of the operating rights in certificate No. MC–79467, issued January 14, 1966, to Martha L. Buckley, doing business as J. M. Buckley & Son, Courtland, Calif., authorizing the transportation over irregular routes, of canned goods, fruits, vegetables, grain, rice, hay, and spray materials, between various points in California within 75 miles of Courtland, Calif., including Courtland, Calif. Richard G. Worden, 1007 Seventh Street, Suite 500, Sacramento, Calif., attorney for applicants.

No. MC–FC–69605. By order of May 10, 1967, the Transfer Board approved the transfer to Pruitt Moving & Storage Co., a corporation, Findlay, Ohio, of the operating rights in permit No. MC–119907 (Sub-No. 2), issued April 10, 1963, to Earl F. Pruitt, doing business as Pruitt Trucking Co., Findlay, Ohio, authorizing the transportation, over irregular routes, of photo film and photo prints, and certain related materials and supplies, between Findlay, Ohio, and Detroit, Mich., and between Detroit, Mich., on the one hand, and, on the other, Adrian, Monroe, Jackson, Lansing, and Mason, Mich. Samuel W. Earnshaw, 833 Washington Building, Washington, D.C., attorney for applicants.

No. MC–FC–69608. By order of May 11, 1967, the Transfer Board approved the transfer to Willard Kominsky, Cherry Hill, N.J., of Broker's License No. MC–12396, issued October 29, 1965, to Samuel M. Niglio, Philadelphia, Pa., authorizing the holder thereof to engage in brokerage operations at Philadelphia, Pa., in arranging for the transportation of: General Commodities, with the usual exceptions, between Philadelphia, on the one hand, and, on the other, points and places in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia. Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016, representative for applicants.

No. MC–FC–69612. By order of May 10, 1967, the Transfer Board approved the transfer to Copper Freight Lines, Inc., Valdez, Alaska, of certificate No. MC–118495 (Sub-No. 2), issued January 23, 1964, to Jack H. Wallace, doing business as Copper River Freight Lines, Valdez, Alaska, authorizing the transportation of general commodities, with exceptions, between points in Valdez, Alaska; and between Valdez, Alaska, on the one hand, and, on the other, points in Alaska located on (1) Alaska Highway 1 between Anchorage and Tok; (2) Alaska Highway 2 between the United States-Canada boundary line and Fairbanks; (3) Alaska Highway 4 between Valdez and Buffalo Center; (4) Alaska Highway 5 between Tetlin Junction and Eagle; and (5) Alaska Highway 10 between the junction of Alaska Highway 4 and 10 and Chitina, Alaska, including the termini in each instance. John M. Stern, Jr., Box 1672, Anchorage, Alaska 99501, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–5505; Filed, May 16, 1967; 8:49 a.m.]

[No. MC–4491]

GREAT COASTAL EXPRESS, INC.

Petition for Declaratory Order

MAY 12, 1967.

Petitioner: Great Coastal Express, Inc., Richmond, Va.; Petitioner's attorneys: John C. Bradley and Richard R. Sigmon, 618 Perpetual Building, Washington, D.C. 20004. By petition filed April 21, 1967, petitioner seeks a determination as to whether it is authorized to serve Baltimore, Md., under its irregular-route authority described below to transport commodities between the points named in Virginia, on the one hand, and, on the other, points in Maryland north of Baltimore on U.S. Highway 1 from Baltimore to New York. N.Y.

Great Coastal Express, Inc., holds certificate No. MC–4491, which authorizes the transportation of general commodities, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Quantico, Va., and points in 28 named counties, in Virginia, on the one hand, and, on the other, points in New Jersey within 20 miles of Newark, N.J., points in New York, N.Y., commercial zone as defined by the Commission, and points in New York, New Jersey, Pennsylvania, Delaware, and Maryland, north of Baltimore, Md., on the following highways (a) U.S. Highway 1 from Baltimore to New York, N.Y., (b) U.S. Highway 40 from Baltimore to New York, N.Y., over designated highways, (c) U.S. Highway 322 from Chester, Pa., over named highways to New York, N.Y., and (d) U.S. Highway 40 from Baltimore to New York over two described routes to New York, N.Y.

In its petition filed April 21, 1967, petitioner states that (a) Overlea, Fullerton, and Perry Hall, Md., are unincorporated communities located on U.S. Highway 1 with identifiable business centers and that Overlea and Perry Hall have post offices of the same name; (b) that Baltimore, Md., is within the terminal area limits of (1) Perry Hall because a portion of the incorporated area of Baltimore is located within 4 miles of the post office of Perry Hall, (2) Fullerton because of a portion of the incorporated area of Baltimore is located within 4 miles of the former post office at Fullerton, and of the identifiable business center of Fullerton, and (3) Overlea because a portion of the incorporated area of Baltimore lies within 5 miles of the post office of Overlea and of the identifiable business center of Overlea; and (c) it is authorized to serve the city of Baltimore under its authority described above to serve points on U.S. Highway 1 from Baltimore, Md., to New York, N.Y.

Petitioner requests that the Commission enter an order declaring that under authority described in certificate No. MC–4491, it is authorized to transport general commodities, with exceptions, between Quantico, Va., and points in 28 named counties in Virginia, on the one hand, and, on the other, the city of Baltimore, Md.

Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER file an appropriate pleading, consisting of an original and six copies each.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–5506; Filed, May 16, 1967; 8:49 a.m.]

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PART II

Department of Commerce

National Bureau of Standards



Metrology
Test Fee Schedules



Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 202—METROLOGY

Revision

Under the provisions of 15 U.S.C. 275 (a) and 277, the test fee schedules of the National Bureau of Standards, Department of Commerce, pertaining to Part 202-Metrology are revised as provided herein.

This revision, effective upon publication in the FEDERAL REGISTER, supersedes Part 202, Title 15, Code of Federal Regulations previously issued.

This revision increases some fees to insure that the actual costs of calibrations are fully recovered. In addition, certain items for which there is limited demand, or which commercial laboratories now provide, have been deleted.

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AUTHORITY: The provisions of this Part 202 issued under sec. 9, 3 Stat. 1450, as amended, 15 U.S.C. 277; interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.

PHOTOMETRY

§ 202.103 Miscellaneous photometric measurements and tests.

Item	Description	Fee
202.103a	Determination of luminous transmittance of neutral or colored filter, one sample	$90.00
202.103z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.104 Rating of incandescent electric lamps.

Item	Description	Fee
	Rating tests on lamps. These are routine photometric rating tests of the type made initially on lamps to be life-tested, the same standards and equipment being used. The purpose of these tests is to afford a quick check of the photometric values assigned to lamps by various lamp life-test laboratories.	
202.104a	Rating of incandescent lamps up to 1,000 W, one lamp	$35.00
202.104b	Same, each additional lamp of same size and type	10.00
202.104z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

COLORIMETRY AND SPECTROPHOTOMETRY

§ 202.105 Spectrophotometric standards.

Note on item a: Transmittances of these disks at wavelengths from 365 to 390 nm (nanometer, 10^{-9} meter) and from 750 to 1,000 nm will also be determined on request in accordance with item c of fee schedule 202.105. Values will be obtained for a temperature of 25° C. The effect of change of temperature has not been determined for these glasses outside the range from 390 to 750 nm. It is known, however, that for all four types of glass the temperature effects are very small from 750 to 1,000 nm, probably negligible for the usual room-temperature variations. On the other hand, temperature effects are always large for these kinds of glass when the transmittance as a function of wavelength is decreasing rapidly towards shorter wavelengths, so that increasingly large temperature effects may be expected for these filters in the ultraviolet.

Note on items j and k: In the General Electric recording spectrophotometer the design is such that the radiant energy is incident in a slightly diverging beam whose axis is at 6° to the perpendicular to the surface. The specular component of the reflected energy is thus diverted away from the entrance aperture towards a port on the side. This port may be filled with MgO or with a black material, so that the specular component may be respectively "included" in, or (for plane surfaces) "excluded" from, the measurements. This is covered in items j and k.

Only one Vitrolite working standard is needed for the measurement of spectral directional reflectance on the General Electric recording spectrophotometer. This calibrated Vitrolite standard and the samples to be tested are in turn placed at the sample aperture of the integrating sphere, and any highly reflecting substance such as MgO or $MgCO_3$ may be used at the comparison aperture provided the material to be tested does not reflect more than the comparison material. The directional reflectances of the test samples relative to freshly prepared MgO are then obtained by multiplying (at the respective corrected wavelength) the values for these samples read from the curve sheet, by the ratios of (a) the standard Vitrolite values reported to (b) the values for the Vitrolite read from the curve sheet.

Item	Description	Fee
	Standards of spectral transmittance for checking the photometric scale of spectrophotometers; these consist of polished disks of glass, 2 to 3 mm thick and 30 mm in diameter, designated as cobalt blue, copper green, carbon yellow, and selenium orange (copper green filter also available in 25 mm square size); report includes (1) values of transmittance at 25° C at certain wavelengths from 390 to 750 nm, (2) estimated uncertainty of each value, (3) effect of temperature change on transmittance at each wavelength:	
202.105a	Each disk	$160.00
	Transmittance, 365 to 1,000 nm for standardization purposes. Samples submitted must be in good optical condition. Measurements at room temperature. (If the sample is a disk 29.7±0.2 mm in diameter, the measurements can be made at a specified temperature):	
202.105b	One sample at one wavelength	60.00
202.105c	Each additional wavelength on the same sample	15.00
	Didymium glass standards for checking the wavelength calibration of General Electric recording spectrophotometers; these consist of Corning 5120 glass, 2 x 2 in., 3.0 mm thick, polished; report includes table of wavelengths of minimum transmittance:	
202.105d	400 to 750 nm, 10 nm slits, each standard	80.00
202.105e	730 to 1,080 nm, 20 nm slits, each standard	80.00
202.105f	For two calibrations on the same glass (items 202.105d and 202.105e), each standard	125.00
	Holmium oxide glass standards for checking the ultraviolet and visible wavelength calibrations of recording spectrophotometers with slit width less than 2 nm; these consist of Corning 3130 glass 2 x 2 in., 2.5 mm thick, polished; report includes table of wavelengths of minimum transmittance:	
202.105g	240 to 370 nm, each standard	140.00
202.105h	360 to 650 nm, each standard	140.00
202.105i	For two calibrations on the same glass (items 202.105g and 202.105h), each standard	175.00
	Working standards of spectral directional reflectance for use on General Electric recording spectrophotometers with 6° from perpendicular irradiation and diffuse reception; standards consist of white structural Vitrolite glass, 4 x 4 in., 5/16 in. thick; report includes table of spectral directional reflectances relative to freshly prepared MgO at every 10 nm:	
202.105j	400 to 750 nm, specular component both included and excluded (on same glass), 10 nm slits, each standard	175.00

Item	Description	Fee
202.105k	730 to 1,080 nm, specular component both included and excluded (on same glass), 20 nm slits, each standard	$175.00
	Working standards of spectral directional reflectance for use on the Beckman Model DU quartz spectrophotometer with nearly perpendicular irradiation and approximately 45° circular reception; standards consist of white structural Vitrolite glass 1½ x 2 in., 7/16 in. thick; report includes table of spectral reflectances relative to freshly prepared MgO at every 10 nm:	
202.105l	380 to 770 nm, each standard	100.00
202.105m	750 to 1,000 nm, each standard	100.00
202.105n	350 to 1,000 nm, each standard	175.00
202.105z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.106 Spectrophotometric measurements.

The tests described in this section are primarily made for informational purposes, and samples so tested should not be accepted as "standards." All measurements are made at room temperatures. For various types of spectrophotometric standards, see § 202.105.

Item	Description	Fee
	Spectral transmittance, 210 to 1,000 nm:	
202.106a	One sample at one wavelength	$80.00
202.106b	Each additional wavelength on the same sample	8.00
202.106c	Each additional sample, each wavelength	8.00
	Spectral directional reflectance relative to MgO, normal irradiation and 45° circular reception, as obtained with the Beckman Model DU spectrophotometer, 254 to 1,000 nm:	
202.106d	One sample at one wavelength	80.00
202.106e	Each additional wavelength on the same sample	8.00
202.106f	Each additional sample, each wavelength	8.00
	Spectral transmittance or transmittancy curves obtained on General Electric recording spectrophotometer, including 100 percent and zero calibration curves and didymium glass curve for checking the wavelength calibration; report includes Ozalids of tracings:	
202.106g	Testing a single sample, 400 to 750 nm or 730 to 1,080 nm, with slits approximately 10 nm or 20 nm (respectively) of spectrum, either spectral range	95.00
202.106h	Each additional curve or each additional sample	15.00
202.106i	Same as 202.106g, but with both spectral ranges, 400 to 1,080 nm	130.00
202.106j	Each additional pair of curves or each additional sample	25.00
	Spectral directional reflectance curves obtained on General Electric recording spectrophotometer, including (1) Vitrolite calibration curve for correcting values relative to fresh MgO as 100 percent, (2) zero curve, (3) didymium glass curve for checking the wavelength calibration; report includes Ozalids of tracings:	
202.106k	One sample, 400 to 750 nm, or 730 to 1,080 nm, with slits approximately 10 nm or 20 nm (respectively) of spectrum, with specular component of reflected energy included or excluded, either spectral range, and either condition of specular reflection	95.00
202.106l	Each additional curve or each additional sample, each curve	15.00
202.106m	Same as 202.106k, but both spectral ranges, 400 to 1,080 nm	130.00
202.106n	Each additional pair of curves or each additional sample	$25.00
202.106o	Reduction of data obtained as in 202.106g to 202.106m, giving table of values of transmittance, transmittancy, or directional reflectance relative to MgO for every 10 nm, for each curve	40.00
202.106z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.107 Colorimetry.

Item	Description	Fee
202.107a	Computing chromaticity coordinates and luminous directional reflectance or transmittance from spectrophotometric data for certain specified light sources, per source per sample	$20.00
202.107b	Computing luminous directional reflectance or transmittance from spectrophotometric data for certain specified light sources, per source per sample	15.00
202.107c	Determination of the Munsell renotation or book notation of a specimen from its daylight reflectance and chromaticity coordinates, each specimen	12.00
202.107d	Conformity to chromaticity of standard, sample and standard illuminated normally by artificial daylight or by incandescent-lamp light, chromaticity difference expressed in terms of chromaticity coordinates on fundamental colorimetric coordinate system, one sample relative to a standard	50.00
202.107e	Each additional sample relative to the same standard	12.00
202.107f	Each additional sample relative to an additional standard	20.00
202.107g	Color temperature of 120-V, screw-base incandescent lamp, voltage for specified color temperature, current for neighboring voltage to check permanence, one color temperature, each lamp	50.00
202.107h	Color temperature standard supplied from stock, 100-W, medium-screw base or 500-W mogul-screw base projection type lamp, calibrated for 2,854° K, one lamp each	50.00
202.107i	Same, calibrated for any one other specified color temperature, one lamp each	55.00
202.107j	Each additional color temperature on the same lamp	20.00
202.107k	Equation giving any color temperature from 2,000 to 2,854° K, each lamp (fee includes cost of 500-W projection lamp)	140.00
202.107z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.109 Opacimetry.

Opacity of diffusing glass by contrast-ratio (ratio of luminous directional reflectance with black backing to that with white backing), illumination nearly perpendicular to surface of glass, reception of all reflected flux regardless of angle. Reflectance of white backing taken so as to accord with Bausch & Lomb type photoelectric opacimeter correctly adjusted to read contrast-ratio for thin samples with a white backing reflecting 0.915 relative to MgO (TAPPI test method T425m–60). Diffusing glass rectangles, 5 x 12 cm, supplied by the Bureau.

Item	Description	Fee
202.109a	Each diffusing-glass opacity standard, opacity between 0.60 and 0.96 as desired	$60.00
202.109b	Set of four diffusing-glass opacity standards, opacities approximately equal to 0.72, 0.79, 0.86, and 0.93	180.00
202.109z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.111 Lovibond glasses.

Lovibond red glasses, determination of numeral on the AOCS scale established in 1961 by agreement with the Color Committee of the American Oil Chemists' Society, the value given being the effective value when the given red glass is used in combination with a 35-yellow glass, each glass to be engraved with the National Bureau of Standards test number and the numeral found for the glass.

Item	Description	Fee
202.111a	For testing a single red glass	$60.00
202.111b	For each additional red glass	25.00
202.111z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.112 Signal glass limit glasses and IPL calibrating filters.

(a) Railroad, highway (traffic), and aviation signal glasses for use as chromaticity limits or transmittance standards in accord with specifications approved by the cognizant technical association or Government agency will be issued when available. The report of calibration includes chromaticity coordinates, luminous transmittance, or both as determined relative to national standard filters for the specified color temperature of source.

(b) Instrument Panel Lighting (IPL) calibrating filters are available in 2-inch polished squares. They have the following designations (approximate chromaticity coordinates for color temperature 2,854° K are shown below in parentheses): NBS 3056 ($x=0.723$, $y=0.277$), NBS 3114 ($x=0.712$, $y=0.288$), NBS 3215 ($x=0.698$, $y=0.302$), and NBS 3648 ($x=0.667$, $y=0.333$). The NBS 3215 filters define the pale limit for airplane red instrument panel lighting and are usually used in pairs; the other types of filters listed are for calibrating photometers used for measuring panel luminance.

Item	Description	Fee
202.112a	Signal limit glasses, each	$250.00
202.112b	IPL calibrating filters, calibrated for chromaticity coordinates and transmittance for 2,854° K	90.00
202.112c	Calibration for transmittance at an additional color temperature	15.00
202.112z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test	

§ 202.114 Radiometry.

Item	Description	Fee
202.114b	Calibration of radiant energy meter for energy of 2537 Å	$90.00
202.114c	Measurement of radiant flux of 2537 Å, from germicidal or sterilamp	90.00
202.114z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

IMAGE OPTICS AND PHOTOGRAPHY

§ 202.201 Visual measurements of optical characteristics.

The following information is pertinent to the tests a to h in this schedule:

a. This test is applied to photographic objectives mounted in a lens barrel or shutter. The back focal distance determines the lens position with respect to the focal plane for a camera focused on a distant object. The equivalent focal length determines the scale factor or magnification for small field angles.

b. This is a test of photographic objectives for precision copying cameras. The information is used in calibrating the camera scales used to position the lens, object plane, and image plane for any desired magnification without visual focusing.

c. and d. This is a test of objectives used in precision copying cameras where there is a need to have the relative proportions of the image not significantly different from those of the object. The results include the information obtained in 202.201b and information on distortion. Since distortion changes with magnification, it is advisable to specify, for test, the magnification most commonly used.

f. and h. This is a general evaluation of a photographic objective for precise applications. The results include the information contained in 202.201b and information on resolution.

Item	Description	Fee
	Cost of fabricating new devices needed to adapt test items to our equipment will be added to the fees indicated below:	
202.201a	Determination of back equivalent focal length and back focal distance	$46.00
202.201b	Determination of equivalent focal length, back focal distance, separation of nodal points, and lens thickness	94.00
202.201c	Determination of equivalent focal length, back focal distance, separation of nodal points, lens thickness, and distortion at 5° intervals from center of edge of field for parallel light at one aperture	180.00
202.201d	Determination of equivalent focal length, back focal distance, nodal point separation, lens thickness, and distortion at 5° intervals from the center to edge of field for one specified ratio of object to image size at one aperture	250.00
202.201e	Fee for each additional ratio	110.00
202.201f	Determination of equivalent focal length, back focal distance, nodal point separation, lens thickness and resolution at 5° intervals from the center to edge of field for parallel light at one aperture	180.00
202.201g	Fee for items 202.201e and 202.201f when performed at the same time on one lens	275.00
202.201h	Determination of equivalent focal length, back focal distance, nodal point separation, lens thickness, and resolution at 5° intervals from the center to edge of field for one specified ratio of object to image size at one aperture	250.00
202.201i	Fee for each additional ratio	110.00
202.201j	Fee for items 202.201d and 202.201g when performed at the same time on one lens	385.00
202.201k	Determination of a single radius of curvature. Fee determined by the nature of the work required. Minimum fee	$110.00
202.201z	For special tests not covered by the above schedule, fees charged depend on the nature of the test.	

§ 202.202 Photogrammetry.

The following information is pertinent to the tests a to i in this schedule:

a. and b. This is a test of the definition characteristics of a lens. It is performed photographically. In general, if a lens yields satisfactory results when subjected to this test, it is probable that no additional test for lateral chromatic aberration is necessary.

c. This is a qualifying test for photographic objectives for aerial mapping cameras. It is a photographic test and the determinations are made for the plane of best average definition.

d. and e. The f-number is the ratio of the equivalent focal length of the lens to the diameter of the effective aperture.

f. This is a test of the platen of a precision aerial mapping camera, which is the surface against which the film is held during exposure. It is a test to determine conformance to specifications requiring that the platen shall not depart from a true plane by more than ±12 microns (±0.0005 in.).

g. This is a test of a photographic objective mounted in a camera. It gives the same information as test 202.202c except for back-focal distance. It is preferable that these lens characteristics be determined for the lens as mounted in a barrel shutter, but occasionally it is desirable to determine these quantities for the lens mounted in a camera. The shutter should be open when the camera is submitted for test.

h. This is a test of a lens-camera combination for photogrammetric mapping. It gives the departure of the principal point of autocollimation from the center of collimation, which is the intersection point of lines joining opposite pairs of collimation index markers. The radial distortion is determined with respect to the calibrated focal length of the lens.

This test cannot be performed on a camera having a detachable magazine which bears the collimation index markers. This is the preliminary test on a precision type camera to determine compliance with specification. If no provision has been made for ready adjustment of the collimation index markers and they are not aligned at 90°, the camera is returned for adjustments. If the 90° condition is satisfied, but no provision has been made for ready adjustment of the principal point with respect to the center of collimation, the camera is returned for adjustments.

i. If the principal point can be properly positioned with respect to the center of collimation by ready adjustment of the lens in a transverse direction or by ready movement of the collimation index markers, this is done in the course of the test. Following adjustment, pins are set to preserve the setting.

When a camera is submitted for test, the drill holes for the pins, a proper sized drill and reamer, and a sufficient number of pins to perform the doweling must accompany the camera. It is desired that roll pins be submitted for this task.

Item	Description	Fee
202.202a	Determination of resolving power at 5° intervals from center to edge of field for collimated light at one aperture	$97.00
202.202b	Fee for each additional aperture	50.00
202.202c	Determination of back focal distance, equivalent focal length, distortion and resolving power at 5° intervals from the center to edge of the field. This is the test usually required for lenses that are to be mounted in precision aerial cameras.	135.00
202.202d	Determination of equivalent focal length and true geometric f-number for one marked stop	78.00
202.202e	Fee for each additional stop	19.00
202.202f	Determination of compliance of camera platen with flatness requirements to ±0.0005 in.	28.00
202.202g	Determination of calibrated focal length, radial and tangential distortion, and resolving power, at 7.5° intervals from center to edge of field for lens mounted in camera	185.00
202.202h	Location of the principal point of auto-collimation, check of 90° condition for lens mounted in camera, and radial distortion	165.00
202.202i	Setting the principal point of auto-collimation and 90° condition, checking and doweling for lens mounted in camera	135.00
202.202z	For special tests not covered by the above schedule, fees charged depend on the nature of the test.	

§ 202.205 Refractive index.

(a) The index of refraction of a solid, transparent optical material is measured at visible wavelengths of calibrated emission lines of cadmium, helium and mercury. Measurements are ordinarily made at room temperature near 22° C. Specimens submitted for test must be in either geometrical form described below:

(1) Test specimen in the form of a prism, with two rectangular surfaces polished optically flat within one-eighth wavelength. The minimum linear requirements for these surfaces are approximately 25 mm (length) x 13 mm (height). The optimum refracting angle varies from 70° for index n_d=1.4 to 50° for index n_d=1.9.

(2) Test specimen in the form of a rectangular slab approximately 25 mm x 13 mm x 5 mm such as is commonly used for the adjustment of an Abbé refractometer. Two surfaces must be polished optically flat within approximately one wavelength and intersect at 90° to form an unbeveled edge. Index of specimen should not exceed n_d=1.8.

(b) Refractive index values and accuracy statements will be given to as many figures as are considered significant. The available accuracy usually lies in the range ±0.000005 to ±0.0001.

(c) Tests are generally based on correspondence regarding the exact nature of the requirements. Do not ship materials to the Bureau until arrangements for test have been completed. Fees will be charged for actual costs incurred.

Item	Description	Fee
202.205z	Determination of index of refraction of solid optical media for visible spectral lines. Fee computed on a cost basis.	

§ 202.207 Modulation transfer function measurements of lenses.

When submitting lenses for modulation transfer function measurements the focal plane, f-number, off-axis position, and target line orientation (radial or tangential) must be specified. Each lens submitted for test must be accompanied by a mounting plate 1/16-inch thick, 5⅝ inches in diameter with four body drill holes, for No. 8 screws, spaced 90° apart on a center circle of 5¼ inches in diameter.

Item	Description	Fee
202.207a	Determination of data necessary for plotting one modulation transfer function, on axis, at one fixed set of parameters	$200.00
202.207b	Fee for each additional curve based on original focal plane	88.00
202.207z	For special tests not covered by above schedule, fees depend on the nature of the test.	

§ 202.311 Photography (step tablet density, residual thiosulfate concentration, etc.).

The following information is pertinent to the tests a. to f. in this schedule:

a. USA Standard Printing Transmission Density, Type P2-b, is measured on step tablets of 21 steps or less. This type of density is the one most commonly employed in the photographic industry and is customarily implied when the type of density is not specified. Densities greater than 4.10 are not calibrated as part of this test, but must be ordered separately under item 202.311z. The densities of tablets of high quality are measured with a precision such that three times the standard deviation of the mean is 0.01 or 1 percent whichever is greater. Defective tablets cannot be measured with this precision. Tablets submitted for calibration must be free of scratches, fingerprints, abrasions, and foreign matter and must have steps of uniform density. Tablets not suitable as standards are not accepted for calibration.

b. USA Standard Diffuse Visual Transmission Density, Type VI-b. The comments on precision and quality of standards given in item a. above apply here also.

c. and d. The determination of the residual sodium thiosulfate content of processed photographic film is made according to U.S.A. Standard Method PH4.8-1958 or the latest revision thereof.

Hypo concentrations less than 1 microgram per square centimeter are reported as "nil". When hypo concentration is 0.005 mg per square inch or over, it is reported to one significant figure.

Each sample submitted should be properly identified, contain no image (slight fog permissible), and must be submitted immediately after processing.

Each sample submitted should be 6 to 8 inches in length and should be attached securely to request letter by stapling.

Samples are not returned since they are destroyed during tests.

e. and f. The determination of residual sodium thiosulfate concentration of processed photographic paper is made according to USA Standard Method PH4.30-1962 or the latest revision thereof.

Each sample submitted should be properly identified, contain no image (slight fog permissible), and be of such dimensions that two strips, 1 x 4 inches, can be cut for test.

Item	Description	Fee
202.311a	Calibration of photographic step tablets for printing density, one sample	$33.00
202.311b	Calibration of photographic step tablets for visual density, one sample	33.00
202.311c	Residual sodium thiosulfate concentration of processed film, one sample	33.00
202.311d	Each additional sample for the determination of residual sodium thiosulfate in film submitted at the same time	11.00
202.311e	Residual sodium thiosulfate concentration of processed photographic paper, one sample	36.00
202.311f	Each additional sample for the determination of residual thiosulfate concentration of processed photographic paper submitted at the same time	11.00
202.311z	For special tests not covered by the above schedule, such as precise determination of optical density and measurements of resolving power of photographic materials, fees depend on the nature of the test.	

LENGTH

§ 202.401 Reference line standards of length.

Item	Description	Fee
202.401z	Calibration of reference line standards to a higher degree of accuracy than that provided in schedule 202.402 are regarded as special tests. Fees will be charged dependent upon the nature of the test; they may be approximately estimated as twice the corresponding fees of schedule 202.402.	

§ 202.402 Working line standards of length.

Item	Description	Fee
202.402a	Working line standard 40 inches or less in length—determination of the total length, or other interval, at 68° Fahrenheit (20° Celsius) to an accuracy of 0.00004 inch or 0.001 mm if the character of the graduation justifies	$165.00
202.402b	Working line standard—determination of any other single interval	81.00
202.402c	Working line standard—determination of equal submultiples of the length determined under item a or b, each	3.00
202.402z	For special tests not covered by the above schedule, including determination of linear thermal expansion, fees will be charged dependent upon the nature of the test.	

§ 202.403 Commercial line standards of length.

Item	Description	Fee
202.403z	Calibrations of commercial line standards of length to an accuracy of 0.01 mm or 0.0004 in., if the character of the graduation justifies, are regarded as special tests. Fees will be charged dependent upon the nature of the test.	

§ 202.404 Steel tapes.

(a) Steel tapes accepted by the Bureau as suitable for calibration will be issued a National Bureau of Standards Report of Calibration. Steel tapes are used for many types of long-interval measurements. The varied requirements for the application of calibrated steel tapes to length measurements necessarily require variance in type and location of interval markings and accessory attachments. Some tapes, although being of excellent quality and having application that justifies NBS calibration, are not necessarily suitable for use as reference tapes (see paragraph b). Such steel tapes for which a Report of Calibration has been issued will be engraved with an NBS serial number for identification purposes. A steel tape considered by the Bureau to be suitable for use as a reference tape for checking other calibrated or uncalibrated steel tapes, or for other appropriate uses, will also be engraved with a mark indicating the year of calibration. Reports of Calibration normally will indicate the measured lengths of intervals to the nearest 0.001 foot or 0.1 mm. Length values will be reported at 68° F (20° C).

(b) A steel tape considered suitable for use as a reference tape, as defined above, should possess the following minimum requirements: The error in total length of the tape at the standard temperature of 68° F (20° C) and at standard tension shall not exceed 0.1 in. per 100 ft. (2 mm per 25 m). The standard tension is 10 lb. (4.5 kg) for tapes 25 to 100 ft., or from 10 to 30 m in length and 20 lb. (9 kg) for tapes longer than 100 ft. or 30 m. From the standpoint of inherent stability and to prevent the possibility of accidental displacement of reference graduations, a reference tape should normally possess the following characteristic: All interval graduations should be on a single piece of metal ribbon. This is usually construed to imply that the graduations should not be on pieces of solder, sleeves, thin plates or blocks bonded or attached to the tape, or on wire loops, spring balances, tension handles, or other accessories likely to be detached or changed in shape.

Item	Description	Fee
202.404a	Steel tape—determination of correction to the total length of the tape when supported throughout at standard tension and at standard temperature, for a tape not exceeding 200 ft or 50 m in length. This is the regular standard test which will be made and charged for in each case. To this amount must be added the fees for any additional tests made, and for item (n), if applicable, in accordance with the following schedule.	$36.00
202.404b	Steel tape—determination of the correction to the total length when supported throughout any tension other than standard tension, for a tape not exceeding 200 ft or 50 m in length. Tension desired must be specified.	7.00
202.404c	Steel tape—determination of the correction to total length when supported at the ends only. The Bureau is not prepared to make this test on tapes having a greater length than 200 ft or 50 m. Standard tension will be used unless another tension is specified.	7.00

Item	Description	Fee
202.404d	Steel tape—determination of the correction to the total length when supported at the ends and at one or more intermediate points, for a tape not exceeding 200 ft or 50 m in length. Standard tension will be used unless another tension is specified.	$7.00
202.404e	Steel tape—determination of the correction to the length of a subinterval under the same conditions as to tension and points of support as for the total length. The points at which these measurements are made must be points at which the tape is supported. The Bureau is not prepared to test tapes supported at points more than 200 ft or 50 m apart.	6.00
202.404f	Steel tape—determination of the correction to the length of a subinterval under different specified conditions as to tension and points of support from those used for the total length. See item (e) above.	7.00
202.404g	Steel tape—determination of the tension to the nearest integral half-pound or quarter kilogram at which the correction to the length of an interval is most nearly zero, under a specified condition of support, for a tape not exceeding 200 ft or 50 m	7.00
2024.04h	Steel tape—determination of the correction to a subinterval at the tension at which the correction to the total length is most nearly zero and under the conditions of support used in the test under item (g)	6.00
202.404i	Steel tape—determination of correction to the total length of an interval on the reverse side of the tape, when supported at standard tension and at standard temperature, for a tape not exceeding 200 ft or 50 m in length	7.00
202.404j	Steel tape—determination of the coefficient of expansion of a tape, fee will be determined in each individual case.	
202.404l	Steel tape—determination of the weight per foot or per meter of a tape	10.00
202.404m	Spring balance—testing in horizontal position	20.00
202.404n	Steel tape—additional charge for each tape sent without reel	7.00
202.404o	Steel tape—determination of AE	20.00
202.404p	Steel tape—computed values (this does not include charge for necessary measurements)	7.00
202.404z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.405 Invar base-line tapes.

For testing of steel tapes, see schedule 202.404. The test of an invar base-line tape of any length less than 50 m on the NBS geodetic-tape comparator will, in general, be made for the same fee as a 50-m invar base-line tape. Attention is called to the fact that only invar base-line tapes of certain length can be tested on this comparator. Invar tapes not tested on the geodetic-tape comparator will be tested on the bench standard under items 202.405 (l) and (m).

Item	Description	Fee
202.405a	Invar 50-m base-line tape—determination on the geodetic comparator of total length with a probable error not greater than ±0.050mm	$200.00
202.405b	Invar 50-m base-line tape—determination on the geodetic comparator of total length at an additional tension and/or method of support, with a probable error not greater than 0.050mm	$52.00
202.405c	Invar 50-m base-line tape—determination of total length supported throughout, by computation from the observed length when supported at the ends and one or more intermediate points	26.00
202.405d	Invar 50-m base-line tape—high-precision calibration of a group of uniformly spaced subintervals when supported on a horizontal flat surface, using the same tension specified for test item 202.405c. Charge for each interval	26.00
202.405e	Invar 50-m base-line tape—determination on the geodetic comparator of the coefficient of expansion with an accuracy of at least 0.000001 per degree Celsius using the electrical resistance method and calibration of its total length at one temperature, tension, and method of support with a probable error not greater than ±0.050mm	295.00
202.405g	Invar base-line tape—determination of the weight per meter (or per foot)	10.00
202.405h	Spring balance—testing in horizontal position	20.00
202.4051	Invar base-line tape—additional charge for each tape sent without a reel	7.00
202.405j	Invar base-line tape—determination of AE	20.00
202.405k	Invar base-line tape—computed values other than as provided in item 202.405c	7.00
202.405l	Invar base-line tape not more than 50-m in nominal length—determination on bench standard at room temperature of length of one interval when supported at one method of support and under one tension, or determination of the tension to the nearest integral half pound or quarter kilogram at which the correction to the length of the interval is most nearly zero at a specified method of support	60.00
202.405m	Invar base-line tape not more than 50-m in nominal length—each additional determination on bench standard at room temperature of length of interval, or tension to the nearest integral half pound or quarter kilogram at which the correction to the length of an interval is most nearly zero	22.00
202.405z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.406 Surveyors' measuring instruments (other than tapes).

Item	Description	Fee
202.406a	Leveling rod—testing principal intervals	$62.00
202.406z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.407 Sieves.

NOTE: The precision seal of the National Bureau of Standards on any sieve indicates that the sieve has been tested at the Bureau and found to conform to specification. Except by special arrangements, the testing of sieves at the Bureau is limited to No. 2½ to No. 400 inclusive.

Item	Description	Fee
202.407a	Sieve—test of a sieve No. 2½ to No. 400 inclusive to determine conformity to specification, but not including the sieving test	$18.00
202.407z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.408 Haemacytometers.

Each haemacytometer chamber and each cover glass which passes the specification is marked with a National Bureau of Standards precision seal. In general, work will be discontinued when a substantial number of items in a lot fail to comply with the specifications, and the fee will be computed on the basis of the number of items tested plus a special handling charge. Items 202.408 a to e inclusive will be applicable if a minimum of 12 chambers are submitted at one time; otherwise item 202.408z will be applicable. Only one letter reporting results of test will be supplied for any one test at the prices of items 202.408 a to e inclusive.

Item	Description	Fee
202.408a	Single Neubauer haemacytometer chamber—testing single cell chamber (having Neubauer ruling) and two cover glasses for conformity with specification	$8.00
202.408b	Single Fuchs-Rosenthal haemacytometer chamber—testing single cell chamber (having Fuchs-Rosenthal ruling) and two cover glasses for conformity with specification	11.00
202.408c	Double Neubauer haemacytometer chamber—testing double cell chamber (having two Neubauer rulings) and two covor glasses for conformity with specification	9.00
202.408d	Double Fuchs-Rosenthal haemacytometer chamber—testing double cell chamber (having two Fuchs-Rosenthal rulings) and two covor glasses for conformity with specification	22.00
202.408e	Quadruple haemacytometer chamber—testing quadruple cell chamber (having two Neubauer rulings and two Fuchs-Rosenthal rulings) and two cover glasses for conformity with specification	23.00
202.408z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.410 Precision circles.

Item	Description	Fee
202.410z	Special tests only are conducted in this category and fees will be charged dependent upon the nature of the test.	

§ 202.411 Linear thermal expansion of solids.

Item	Description	Fee
202.411z	Special tests only are conducted in this category and fees for accepted tests will be charged dependent upon their nature. Only those tests that cannot be carried out elsewhere may be accepted.	

§ 202.412 Gage blocks.

(a) Test fee schedules in § 202.412 include a statement of the accuracy to which measurements are ordinarily made; however, if the character of the defining surfaces of a gage block is not such as to warrant this accuracy, the report will show the accuracy actually obtained. All gage blocks submitted for test should be in substantially new block condition and each block should be marked with an identification number.

(b) In the shipment of gage blocks extreme care should be taken both against corrosion and damage by contact with other gage blocks during transit. All defining steel surfaces should be greased and the blocks padded with waxed paper or volatile rust inhibitor treated paper. A greased steel surface coming in contact with newspaper, wrapping paper (unwaxed), or excelsior is very likely to corrode. Sets of gage blocks should have packing inside the case, and the case should be bound shut as the clasps frequently open or break during shipment.

(c) Shipments and purchase orders should be sent to the National Bureau of Standards, Washington, D.C. 20234, marked to the attention of the Length Section.

Item	Description	Fee
202.412a	Gage blocks—determination of length to ±0.000004 in. and excessive errors in flatness and parallelism, for sizes from 0.100 in. to and including 1.000 in., in lots of 10 or more, each. Actual cost of calibration will be charged for smaller lots.	$10.00
202.412b	Gage blocks—determination of length to ±0.000005, ±0.000006, and ±0.000007 in., respectively, for blocks from 1 to 2 in., 2 to 3 in., and 3 to 4 in. in length, and excessive errors in flatness and parallelism, in lots of three or more, each. Actual cost of calibration will be charged for smaller lots.	30.00
202.412ab	Measurements as described under items (a) and (b) for usual 81-block set, per set. Extra blocks will be charged for under items (a) or (e).	740.00
202.412c	Gage blocks—determination of length to ±0.000002 in. and excessive errors in flatness and parallelism, for sizes from 0.100 in. to and including 1.000 in., in lots of 10 or more, each. Actual cost of calibration will be charged for smaller lots.	16.00
202.412d	Gage blocks—determination of length to ±0.000002, ±0.000003, and ±0.000004 in., respectively, for blocks from 1 to 2 in., 2 to 3 in., and 3 to 4 in. in length, and excessive errors in flatness and parallelism, in lots of three or more, each. Actual cost of calibration will be charged for smaller lots.	45.00
202.412cd	Measurements as described under items (c) and (d) for usual 81-block set, per set. Extra blocks will be charged for under items (c) or (e).	1,250.00
202.412e	Gage blocks—determination of length to ±0.000003 in and excessive errors in flatness and parallelism, for sizes from 0.010 in. to and including 0.090 in. in lots of 10 or more, each. Blocks in this size range are usually warped and do not warrant calibration to a higher accuracy. In special cases blocks 0.040 in. and thicker will be calibrated under item (c) if the errors in flatness of the blocks are not excessive.	$12.00
202.412f	Gage blocks—determination of length to ±0.000001 in. per inch of length and excessive errors in flatness and parallelism, for blocks of the following length: 5, 6, 7, 8, 10, 12, 16, and 20 in., in lots of three or more, each. Actual cost of calibration will be charged for smaller lots.	70.00
202.412z	For special tests not covered by the above schedules, fees will be charged dependent upon the nature of the test.	

Engineering Metrology

§ 202.500 General.

(a) Test fee schedules 202.501 to 202.509 include a statement of the relative accuracy to which measurements are ordinarily made. However, if the character of the defining surface of a gage or other article is not such to warrant the measurement to this accuracy, the report will show the accuracy actually obtained. If a greater accuracy is requested and the defining surfaces are such as to permit measurements to the accuracy requested, the necessary measurements will be made and a special fee will be charged.

(b) In addition to the items covered by schedules 202.501 to 202.509 other items such as gage block accessories, taper plug and ring gages, and gill net gages are occasionally calibrated. Sizes other than those listed in the fee schedules are also calibrated on special request. These tests and calibrations are made so infrequently that it is not practical to list a definite fee, and such work will be done on the basis of the cost of the work.

(c) In the shipment of gages, extreme precautions should be taken both against corrosion and damage by contact with other gages during transit. All defining steel surfaces should be greased and protected with waxed paper or a suitable strippable plastic coating. A greased steel surface coming in contact with newspaper, wrapping paper (unwaxed), or excelsior is very likely to corrode. Small gages suitably wrapped may be fastened in place in a strong container so that no movement is possible. Plug and ring gages should ordinarily not be shipped mated. In the case of large-size threaded plugs and rings, however, mating is permissible as a means of protecting the plug threads. In such cases a grease must be used that will prevent electrolytic corrosion between the mating gages.

(d) Minimum test fee for calibration work is $20.00.

§ 202.501 End standards of length.

Item	Description	Fee
202.501a	End standards with spherical or pointed ends, or flat ends with area of contact less than ¼ in.²: Determination of length to ±0.00005 in. for lengths up to and including 8 in., each.	$14.00
202.501b	Determination of length to ±0.000005 in. per inch of length for lengths over 8 in. up to and including 20 in., each.	20.00
202.501c	Determination of length to ±0.000005 in. per inch of length for lengths over 20 in. up to and including 40 in., each.	24.00
202.501d	Determination of length to ±0.000005 in. per inch of length for lengths over 40 in. up to and including 72 in., each.	28.00
202.501e	Determination of length to ±0.00002 in. for lengths up to and including 8 in., each.	28.00
202.501f	Determination of length to ±0.000003 in. per inch of length for lengths over 8 in. up to and including 20 in., each.	38.00
202.501g	Determination of length to ±0.000003 in. per inch of length for lengths over 20 in. up to and including 40 in., each.	48.00
202.501h	Determination of length to ±0.000003 in. per inch of length for lengths over 40 in. up to and including 72 in., each.	56.00
202.501z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.502 Plain cylindrical plug and ring gages.

Item	Description	Fee
202.502a	Plain cylindrical plug gages—determination of diameter, taper, and roundness to ±0.00005 in. for sizes up to and including 4 in., each.	$14.00
202.502b	Plain cylindrical plug gages—determination of diameter, taper, and roundness to ±0.00001 in. for sizes up to and including 2 in., each.	41.00
202.502c	Plain cylindrical plug gages—determination of diameter, taper, and roundness to ±0.000005 in. for sizes up to and including 2 in., each.	59.00
202.502d	Plain cylindrical ring gages—determination of diameter, taper, and roundness to ±0.00001 in. for sizes 0.03 in. up to and including 2 in., each.	59.00
202.502e	Plain cylindrical ring gages—determination of diameter, taper, and roundness to ±0.000005 in. for sizes 0.03 in. up to and including 2 in., each.	89.00
202.502f	Plain cylindrical ring gages—determination of diameter, taper, and roundness to ±0.000003 in. for sizes 0–0.25 in. up to and including 1 in., each.	115.00
202.502z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.503 Thread plug and ring gages.

Item	Description	Fee
202.503a	Straight thread plug gages and setting thread plug gages—determination of angle to 3′ to 15′ depending on pitch and diameter, lead error and pitch diameter to 0.0001 in., major diameter to 0.0002 in. thread form as to clearance, for sizes ¼ in. to 6 in., each.	$36.00

Item	Description	Fee
202.503b	Straight thread ring gages—determination of angle to 3′ to 15′ depending on pitch and diameter, lead error to 0.0001 in., minor diameter to 0.0002 in., thread form as to clearance, and fit on setting plug, for sizes ¼ in. to 6 in., each	$36.00
202.503c	Taper thread plug gages having 60° threads (except API Cable and Rotary gages)—determination of half angles to 3′ to 15′ depending on pitch and diameter, lead error, pitch diameter and taper to 0.0001 in., major diameter to 0.0003 in., and thread form as to clearance, for sizes up to and including 10 in., each	89.00
202.503d	Taper thread plug gages having 60° threads—determination of half angles to 3′ to 15′ depending on pitch and diameter, lead error and taper to 0.0001 in., pitch diameter to 0.0002 in., major diameter to 0.0004 in., and thread form as to clearance, for sizes over 10 in. to 24 in., inclusive, each	115.00
202.503e	Taper thread ring gages having 60° threads (except API Cable and Rotary gages)—determination of angle to 3′ to 15′ depending on pitch and diameter, lead error to 0.0001 in., taper to 0.0002 in., minor diameter to 0.0005 in. (or truncation of thread crest), thread form as to clearance, and standoff from mating plug to 10.0002 in. for sizes up to 10 in., each	71.00
202.503f	Taper thread ring gages having 60° threads—determination of angle to 3′ to 15′ depending on pitch and diameter, lead error to 0.0001 in., taper to 0.0002 in., minor diameter to 0.0005 in. (or truncation of thread crest), thread form as to clearance, and standoff from mating plug to 0.0002 in., for sizes over 10 in. to 24 in., inclusive, each	115.00
202.503g	API Cable and Rotary taper thread plug gages—determination of dimensions specified in API Standard 7, each	130.00
202.503h	API Cable and Rotary taper thread ring gages—determination of dimensions specified in API Standard 7, each	89.00
202.503i	API Cable and Rotary tool connection gages—determination of mating standoff and standoff from grand master gages, per set	27.00
202.503j	API sucker rod plug gages designated as P1, P5, P7, B2, and B6—determination of dimensions specified in API Standard 11B, each	36.00
202.503k	API sucker rod plug gages designated as P3 and B4—determination of dimensions specified in API Standard 11B, each	71.00
202.503l	API sucker rod ring gages designated as P2, P6, P8, B1, and B5—determination of dimensions specified in API Standard 11B, each	36.00
202.503m	API sucker rod ring gages designated as P4 and B3—determination of dimensions specified in API Standard 11B, each	59.00
202.503n	API sucker rod gages—determination of dimensions specified in API Standard 11B for the inspection of used gages, per set of any size	165.00
202.503o	API buttress casing plug gages—determination of dimensions specified in API Standard 5B, for sizes up to 10 in., each	100.00
202.503p	API buttress casing plug gages—determination of dimensions specified in API Standard 5B, for sizes over 10 in., each	125.00
202.503q	API buttress casing ring gages—determination of dimensions specified in API Standard 5B, for sizes up to 10 in., each	82.00
202.503r	API buttress casing ring gages—determination of dimensions specified in API Standard 5B, for sizes over 10 in., each	$115.00
202.503s	API extreme line casing plug gages—determination of dimensions specified in API Standard 5B, each	175.00
202.503t	API extreme line casing ring gages including seal element—determination of dimensions specified in API Standard 5B, each	175.00
202.503u	API extreme line casing gages—determination of mating standoff, standoff with grand master gages, R and S dimensions as specified in API Standard 5B, per set	120.00
202.503z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.504 Instruments and components.

Item	Description	Fee
202.504a	Micrometer calipers—determination of errors at 10 points selected to test uniformity of graduations as well as lead errors. Also determination of planeness and parallelism errors of contact surfaces, each	$54.00
202.504b	Dial micrometers—determination of errors in each one-tenth revolution of the pointer for one revolution and each half revolution up to five revolutions, each	38.00
	In the case of dial micrometers, the accuracy obtainable depends on the value of the smallest division on the dial and on the mechanical condition of the instrument as evidenced by the degree to which it will repeat its indications.	
202.504c	Thread wires—determination of diameter, straightness, and roundness of each of three wires in a set in accordance with NBS specification for wires, and determination of mean diameter and C correction, for the best sizes of wires for standard 60° screw threads, from 2 to 120 threads per inch and for 29° Acme screw threads from 1 to 20 threads per inch, per set of three wires	6.00
202.504d	Gear wires—determination of diameter, straightness, and roundness of each of two wires in a set to an accuracy of ±0.000010 in., per set	8.00
202.504e	Master wires—determination of mean diameter, and straightness to an accuracy of ±0.000005 in., each	18.00
202.504f	Penetration needles—test for compliance with ASTM specification D5–61 without reporting actual dimensions, each	5.00
202.504g	Petroleum wax penetration needles—test for compliance with ASTM Specification D1321–61T, without reporting dimensions, each	6.00
202.504h	Penetration needle numbering—all needles must have individual identification numbers, needles received without identification will be marked, each	4.00
202.504i	Polariscope tubes—determination of the average length of polariscope observation tube and marking with NBS serial number if length is within ±0.03 mm of nominal length for 100 to 200 mm tubes and ±0.04 mm for 400 mm tubes, each	27.00
202.504z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.505 Optical reference planes.

Item	Description	Fee
	Optical reference planes are tested interferometrically, horizontally supported with test surface supported on three equally spaced pads located at 0.7 of the radius from the center. The test is performed along two marked diameters at 90° to each other on each surface, when each diameter is parallel to two of the support pads.	
202.505a	Optical reference plane—to an accuracy of ±0.0000005 in. for sizes not exceeding 6 in., per surface	$82.00
202.505b	Optical reference plane—to an accuracy of ±0.0000005 in. for sizes larger than 6 in. but not exceeding 8 in. in diameter, per surface	120.00
202.505c	Optical reference plane—to an accuracy of ±0.0000005 in. for sizes larger than 8 in. but not exceeding 10 in. in diameter, per surface	175.00
202.505z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.506 Angle blocks.

Item	Description	Fee
202.506a	Calibration of set of AA grade angle blocks consisting of one each of the following sizes: 1, 3, 5, 20, and 30″; 1, 3, 5, 15, 30, and 45°—determination of flatness of faces, parallelism of elements of surfaces and angle between faces. Accuracy of angle between faces 0.5″. Per set	$410.00
202.506z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.507 Polygons.

Item	Description	Fee
	Calibration of polygons—determination of flatness of faces, variation of the angles between faces and the base of the polygon (where possible the polygon will be adjusted for minimum variation) and the angle between faces. Accuracy of values for angles between faces ±0.5″.	
202.507a	Polygons having 4, 5, or 6 sides, each	$205.00
202.507b	Polygons having 8, 9, or 10 sides, each	235.00
202.507c	Polygons having 12 sides, each	295.00
202.507d	Polygons having 15 sides, each	355.00
202.507e	Polygons having 24 sides, each	470.00
202.507f	Polygons having 36 sides, each	600.00
202.507g	Polygons having 72 sides, each	1,000.00
202.507z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.508 Master balls.

Item	Description	Fee
202.508a	Steel or Carbide balls—determination of diameter to ±0.000050 in. for sizes from 1/16 in. to 1 in., each	$12.00
202.508b	Steel or Carbide balls—determination of diameter to ±0.000010 in. for sizes from 1/16 in. to 1 in., each	18.00

Item	Description	Fee
202.508c	Master balls—determination of diameter to ±0.000005 in. by comparison with NBS master and measurement of roundness of two equators, for sizes from ⅛ in. to ½ in. by 1/32 in. steps and ½ in. to 1 in. by 1/16 in. steps. Tests applied only on balls with diameter variation of 0.000005 in. or less and deviation from nominal size within ±0.000030 in., each	$29.00
202.508d	Master balls—determination of mean diameter from three interferometric readings to an accuracy of ±0.000003 in. and measurement of roundness of three equators. For sizes up to 1 in. in diameter. Test made only on balls with diameter variation of 0.000003 in. or less, each	71.00
202.508z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.509 Gears.

Item	Description	Fee
202.509a	Tooth index measurement—calibration results recorded in tape form with each tooth location being represented by a plateau and another tape taken simultaneously of the reference diameter location during the tooth index calibration. Gears, master gears, gear cutters, and index plates, from 0.125 in. diameter to about 8.0 in. diameter and from about 24 teeth to 500 teeth. The maximum overall length of the part must be less than 3 in. Suitable reference and calibration surfaces must be available to obtain the estimated accuracy of ±3″ of arc.	
	For 71 teeth or less, each	$190.00
	For 72 teeth or more, each	235.00
	The cost of any needed adaptors will be added to the calibration cost, if made by the Bureau.	
202.509z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

Mass and Volume

§ 202.630 General.

(a) The Mass and Volume Section provides services to support the segments of the national measurement system which rely directly or indirectly on mass measurements. These services include the calibration of reference standards of mass, of glass and metal volumetric reference standards, and of reference standard hydrometers, also the density determinations of solids and liquids, and are offered only if suitable service is not otherwise available. In order to provide prompt and useful service, the acceptance of items for calibration or test is based on discussions with each user to determine details necessary to meet measurement and delivery requirements, and on inspection of the item at the Bureau with reference to its suitability for the usage intended. Sections 202.631, 202.632, and 202.633 apply to the calibration (or test) most frequently requested in each measurement area. The services of the section, however, are not limited to these specific items. Inquiries are invited concerning other measurement problems in the above areas.

(b) Additional services are available which include the formulation of procedures (1) to establish a quantitative measure of the state of statistical control in the user's laboratory for measurement processes which involve mass, (2) to enable the user to monitor his calibration process, and (3) to assist in coordinated evaluation of the results. The nature of these services is described in NBS Technical Note 288 "Measurement Philosophy of the Pilot Program for Mass Calibration".[1]

(c) Arrangements for calibration (or test) must be completed before shipping apparatus to the Bureau. While all of the work of the section is on an actual cost basis, subject to a $25 minimum charge, a mutual agreement on the work to be performed generally results in substantial savings for the user. Detailed packing and shipping instructions are available on request. Items not accepted for calibration or test will be returned, the cost of inspection or the minimum charge being applicable.

(d) The results of a calibration (or test) will be reported either in a National Bureau of Standards Report of Calibration or Test (which in many cases is prepared by a computer program), a continuation report, or a letter report. In each of these, the values reported are accompanied by an appropriate estimate of uncertainty (allowance for random and systematic errors) as determined by an analysis of the specific measurement process. A continuation report is used for those items submitted for recalibration on which preliminary tests indicate that no significant changes have occurred since the last calibration. A letter report is usually used to report a test for compliance with a specification which states limits for the departure of the actual value from nominal.

§ 202.631 Reference standards of mass.

(a) The Bureau's calibration of reference standards of mass provides extensions of the mass unit embodied in the NBS standards of mass. A normal calibration consists of establishing a mass value, and the appropriate uncertainty for that value, for each weight which has been designated to be a reference standard. It is desirable, but not necessary, that a weight should meet the adjustment tolerances established for Classes A, B, M, S, or S–1.

(b) Individual weights, or sets of weights, in the range of 30 kilograms to 1 milligram or 50 pounds to 1 micropound in decimal subdivisions, which are designated as reference standards, must be of design, material, and surface finish comparable to but not necessarily limited to present Class A, B, M, S, or S–1 as described in Circulars 3 and 547 in Volume III of NBS Handbook 77.[1] Design, material, and surface finish of large mass standards (over 50 lb. to 50,000 lb.) must be compatible with the intended usage. For these large mass standards, an adjustment with reference to a nominal or desired value can be included as a part of the calibration procedure.

(c) The values of true mass (and an apparent mass correction) included in the report will be determined by using computed volumes based either on the manufacturer's statement of density of the material, on the density computed from measured volumes, or, in the absence of this information, on estimated density values. The apparent mass corrections are computed for 20° C. with reference to Normal Brass (density 8.4 g/cm³ at 0° C., volume coefficient of expansion 0.000054/C° in an ideal air density of 1.2 mg/cm³. Apparent mass corrections to any other basis can be furnished if requested.

(d) For periodic recalibrations of reference mass standards, the user need only measure differences between weights or groups of weights within a set and compare them with computed differences. As long as the agreement is within allowable limits, the values can be considered constant within the precision of the comparison process. Mass standards which are submitted to the Bureau for recalibration are frequently tested in this manner. If these tests indicate that no significant changes have occurred, a continuation report so stating and referring to the previous NBS Report of Calibration will be issued.

Item	Description	Fee
202.631z	For calibration of reference mass standards or supporting services described in TN288 [1], fees will be computed on a cost basis.	

§ 202.632 Reference standard volumetric apparatus.

(a) The procedure almost universally used for testing glass volumetric apparatus is to weigh the amount of distilled water contained or delivered with reference to the graduations marked on the instrument, the volume being computed from the density of the water (for tables see NBS Circular 19, available on request). The quality of the markings and the care exercised in reading or setting the liquid level are major factors in test calibration and usage. The Bureau will normally accept instruments for calibration which have volumes in the range of 1 mm³ to 1 gallon, and which essentially conform to requirements contained in NBS Circular 602 "Testing of Glass Volumetric Apparatus",[1] Federal Procurement Specifications NNN–B–00789 (Buret, straight, precision), NNN–F–00395a (Pipet, volumetric), NNN–P–00350a (Pipet, measuring), or NNN–F–00289a (Flask, volumetric), if such instruments

[1] Available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

are to be used as reference or transfer standards.

(1) Groups of blood pipets which are used as factory standards for quality control will be accepted for test, and values will be furnished in a letter report.

(2) Suggested test procedures for the verification of the compliance of precision grade glassware with specifications and tolerances are available on request.

(b) The usual calibration procedure for metal volumetric apparatus consists of determining the value "to contain" or "to deliver" by either gravimetric means or by the use of transfer standards. The Bureau will normally accept instruments for calibration which have values in the range of 1 gill to 1,000 gallons, which essentially comply with the specifications contained in NBS Monograph 62, "Testing of Volumetric Standards",[1] and which are free from dents, bumps or scratches.

(1) While it is preferred that the zero index or the gage scale be adjusted and sealed prior to calibration, these operations can be incorporated into the calibration procedure if requested. Slicker plate type standards should be adjusted by the manufacturer.

Item	Description	Fee
202.632z	For calibration of reference standard volumetric apparatus, fees will be computed on a cost basis.	

[1]Available from Superintendent of Documents U.S. Government Printing Office, Washington, D.C. 20402.

§ 202.633 Density determinations of liquids and solids.

(a) The usual procedure for determining the density of solids is hydrostatic weighing. At the Bureau liquid densities are usually determined by gravimetric methods. The picnometer can be filled at a specified temperature between 0° and 70° C. Other methods are available depending on the requirements. The Bureau will accept requests for density determinations if the need is critical, as in the support of scientific studies or standard sample programs. Limitations on the mass, physical dimensions or volume of the sample are available on request.

(b) Specific gravity hydrometers covering the range of 0.62 to 3, and proof spirit hydrometers in the range of 0 to 200 proof which are designated reference standard hydrometers (used to test other hydrometers) are normally accepted for calibration. A limited number of other types of reference standard hydrometers will be accepted for multipoint calibration subject to a discussion of detailed requests. Instruments accepted must essentially comply with the requirements of NBS Circular 555, "Testing of Hydrometers".[1]

Item	Description	Fee
202.633z	For density determination of liquids or solids or the calibration of reference standard hydrometers fees will be computed on a cost basis.	

A. V. Astin,
Director.

May 8, 1967.

[F.R. Doc. 67-5334; Filed, May 16, 1967; 8:45 a.m.]

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Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 14]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

The purpose of these amendments is to provide that (1) if a person's name and address have not been entered on the register of eligible voters prior to its delivery to the referendum committee, his eligibility to vote in the referendum shall be challenged, unless the referendum commttee is satisfied that he is eligible to vote, (2) if the fifth day following the close of the referendum period, for a referendum held by mail ballot, falls on a nonworkday on which the State and county offices are closed, the canvassing of ballots shall be conducted on the next workday, and (3) if the State executive director determines that the necessary county committee members will not be available to canvass the ballots, for a referendum held by mail ballot, he shall designate alternate members of the county committee or community committeemen to canvass the ballots.

Since a referendum by mail ballot for transfers of upland cotton allotments will be held during the period May 15–19, 1967, and since these amendments may be necessary for the holding of that referendum, it is hereby determined that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and these amendments shall become effective as provided herein.

1. Paragraph (d) of § 717.7 is amended by changing the first sentence thereof to read as follows:

§ 717.7 Manner of voting.

* * * * *

(d) *Challenged ballots.* The community referendum committee or any member thereof shall challenge the eligibility of any person to vote in the referendum where (1) the community referendum committee or any member thereof is unable to determine that the person is eligible to vote in the referendum in the community, (2) the community referendum committee or any member thereof has reason to believe that such person has previously voted in the referendum in another community in the same or another county in person or by mail, or (3) the person's name and address have not been entered on the register of eligible voters, prior to its delivery to the referendum committee, unless the referendum committee is satisfied that the person is eligible to vote. * * *

* * * * *

2. Paragraph (c) of § 717.17 is amended by adding at the end thereof a new subparagraph (4) to read as follows:

§ 717.17 Holding referenda by mail ballot with respect to the 1967 and subsequent crops.

* * * * *

(c) * * *

(4) Notwithstanding any other provisions of this section:

(i) If the fifth day following the close of the referendum period falls on a nonworkday on which the State and county offices are closed, the canvassing of ballots shall be conducted on the next workday.

(ii) If the State executive director determines that the necessary county committee members will not be available to canvass the ballots, he shall designate alternate members of the county committee or community committeemen to canvass the ballots.

(Secs. 312, 317, 336, 343, 344a, 354, 358, 375, 377, 52 Stat. 46, 55, 56, 61, 66, as amended, 55 Stat. 88, 70 Stat. 206, as amended, 79 Stat. 66, secs. 106, 112, 70 Stat. 191, 195, 79 Stat. 1197; 7 U.S.C. 1312, 1314c, 1336, 1343, 1344a, 1354, 1358, 1375, 1377, 1824, 1836)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 11, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-5545; Filed, May 17, 1967; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[§ 851.1; Rev. 1, Amdt. 7]

PART 851—COMMITMENT OF NATIONAL SUGARBEET ACREAGE RESERVE, 1962 AND SUBSEQUENT CROPS

Farms and Farm Operators in Phoenix, Ariz., Locality

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 851.1, Revision 1 (29 F.R. 12819) is further amended, effective for the 1966 crop, by amending subdivision (ii) of subparagraph (2) of paragraph (o) as follows:

§ 851.1 Commitments of sugarbeet acreage from the national reserve.

* * * * *

(o) *Commitment of acreage to farms and farm operators supplying sugarbeets to proposed beet sugar facility near Phoenix, Ariz., and conditions of commitment.* * * *

(2) *Conditions of commitment.* * * *

(ii) *Limit of commitment to individual farm.* The maximum commitment to any farm for the 1966 crop shall be the acreage of sugarbeets planted thereon.

* * * * *

STATEMENT OF BASES AND CONSIDERATIONS

In April of 1966 the maximum acreage for commitment to any farm in Arizona from the national sugarbeet acreage reserve assigned to the Phoenix, Arizona locality was increased from 100 to 160 acres except that up to 500 acres for the 1966 crop could be committed to the farm of the processor for the primary purpose of supplying beets for the factory test-out.

This action was taken because it appeared that the needed acreage could not be contracted without increasing the limitation in the commitment to individual farms. Despite this increase, the acreage of the 1966 crop contracted and planted fell substantially short of the 20,000 acres committed to the locality.

This amendment provides that for the 1966 crop the commitment to a farm shall be the acreage planted on the farm. Since harvesting of sugarbeets has not been completed in Arizona and since the acreage committed from the reserve for the 1966 crop to a farm in Arizona automatically becomes its 1966-crop proportionate share, the amendment will make possible the harvesting for sugar of any 1966-crop sugarbect acreage in Arizona on farms in excess of the original commitment made to such farms. The sugar which will be produced from beets harvested from the additional acreage is needed to supply quota and carryover requirements.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on May 12, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5560; Filed, May 17, 1967; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1967-Crop Supplement to Cotton Loan Program Regulations

The Cotton Loan Program Regulations issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to loan operations for cotton are supplemented for 1967-crop cotton as follows:

Sec.

1427.1510 Purpose.

1427.1511 Schedule of base loan rates for eligible 1967-crop upland cotton by warehouse location.

1427.1512 Schedule of premiums and discounts for grade and staple length of eligible 1967-crop upland cotton.

1427.1513 Schedule of premiums and discounts for micronaire readings on 1967-crop upland cotton.

1427.1514 Schedule of loan rates for eligible qualities of 1967-crop American-Egyptian extra long staple cotton.

AUTHORITY: The provisions of this subpart issued under sec. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421.

§ 1427.1510 Purpose.

This subpart is for the purpose of announcing that loans will be available on upland and extra long staple cotton of the 1967-crop under the terms and conditions stated in the Cotton Loan Program Regulations issued by Commodity Credit Corporation and contained in this Part 1427. This subpart also contains schedules to be used in determining loan rates on 1967-crop cotton.

§ 1427.1511 Schedule of base loan rates for eligible 1967-crop upland cotton by warehouse location.

ALABAMA

City	County	Basis middling white inch loan rate
Abbeville	Henry	20.45
Akron	Hale	20.45
Albertville	Marshall	20.50
Alicevile	Pickens	20.40
Altoona	Etowab	20.55
Andalusia	Covington	20.45
Anniston	Calboun	20.55
Arab	Marshall	20.50
Ashford	Houston	20.45
Athens	Limestono	20.45
Atmore	Escambia	20.40
Attalla	Etowah	20.55
Belle Mina	Limestone	20.45
Berry	Fayette	20.45
Birmingham	Jefferson	20.45
Blountsville	Blount	20.50
Boaz	Marshall	20.50
Boligee	Greene	20.40
Brantley	Crenshaw	20.45
Brantley	Dallas	20.45
Brent	Bibb	20.45
Brewton	Escambia	20.40
Brundidge	Pike	20.45
Camden	Wilcox	20.40
Camp Hill	Tallapoosa	20.55
Centre	Cherokee	20.55
Centreville	Bibb	20.45
Clanton	Chilton	20.45
Clayton	Barbour	20.50
Clio	do	20.50
Collinsville	De Kalb	20.50
Columbia	Houston	20.45
Cordova	Walker	20.45
Cottonwood	Houston	20.45
Cullman	Cullman	20.45
Decatur	Morgan	20.45
Demopolis	Marengo	20.40
Dothan	Houston	20.45
Dutton	Jackson	20.45
Eclectic	Elmore	20.50
Elba	Coffee	20.45
Elkmont	Limestone	20.45
Enterprise	Coffee	20.45
Ethelsville	Pickens	20.40
Eufaula	Barbour	20.50
Eutaw	Greene	20.40
Evergreen	Conecuh	20.40
Faunsdale	Marengo	20.40
Fayette	Fayette	20.45
Florence	Lauderdale	20.40
Fort Deposit	Lowndes	20.45
Fort Payne	De Kalb	20.50
Friseo City	Monroe	20.40
Gadsden	Etowah	20.55
Georgiana	Butler	20.45
Geraldine	De Kalb	20.50
Glen Allen	Fayette	20.45
Goodway	Monroe	20.40
Gordo	Pickens	20.40
Goshen	Pike	20.45
Greenbrier	Limestone	20.45
Greensboro	Hale	20.45
Greenville	Butler	20.45
Guntersvillo	Marshall	20.50
Haleyville	Winston	20.45
Hamilton	Marion	20.40
Hartford	Geneva	20.45
Hartselle	Morgan	20.45
Havana Junction	Hale	20.45
Headland	Henry	20.45
Hollywood	Jackson	20.45
Huntsville	Madison	20.45
Hurtsboro	Russell	20.55
Jasper	Walker	20.45
Kennody	Lamar	20.40
Lafayette	Chambers	20.55
Larkinsville	Jackson	20.45
Linden	Marengo	20.40
Lineville	Clay	20.55
Livingston	Sumter	20.40
Louisville	Barbour	20.50
Luverne	Crenshaw	20.45
McCullough	Escambia	20.40
Madison	Madison	20.45
Malvern	Geneva	20.45
Maplesville	Chilton	20.45
Marion	Perry	20.45
Millport	Lamar	20.40
Mobile	Mobilo	20.40
Monroeville	Monroe	20.40
Montgomery	Montgomery	20.45
Moundville	Hale	20.45
Newbern	do	20.45
Now Hope	Madison	20.45
Newvllle	Henry	20.45
Northport	Tuscaloosa	20.45
Notasulga	Macon	20.50
Oneonta	Blount	20.50
Opelika	Lee	20.55
Opp	Covington	20.45
Panola	Sumter	20.40
Phil Campbell	Franklin	20.40
Pinekard	Dale	20.45
Pisgah	Jackson	20.45
Red Bay	Franklin	20.40
Red Level	Covington	20.45
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Russellville	Franklin	20.40
Samantha	Tuscaloosa	20.45
Samson	Geneva	20.45
Scottsboro	Jackson	20.45
Section	do	20.45
Selma	Dallas	20.45
Sheffield	Colbert	20.40
Slocomb	Geneva	20.45
Stevenson	Jackson	20.45
Sulligent	Lamar	20.40
Sweet Water	Marengo	20.40
Sylacauga	Talladega	20.55
Talladega	do	20.55
Tallassee	Elmore	20.50
Troy	Pike	20.45
Tuscumbia	Colbert	20.40
Tuskegee	Macon	20.50
Union Springs	Bullock	20.50
Uniontown	Perry	20.45
Vernon	Lamar	20.40
Wetumpka	Elmore	20.50
Winfield	Marion	20.40
York	Sumter	20.40

ARIZONA

City	County	Basis middling white inch loan rate
Eloy	Pinal	19.85
Phoenix	Maricopa	19.85
Pieacho	Pinal	19.85
Safford	Graham	20.00
Yuma	Yuma	19.85

ARKANSAS

City	County	Basis middling white inch loan rate
Arkadelphia	Clark	20.35
Ashdown	Little River	20.30
Batesville	Independence	20.35
Blythevillo	Mississippi	20.35
Bradley	Lafayette	20.30
Brinkley	Monroe	20.35
Camden	Ouachita	20.30
Clarendon	Monroe	20.35
Conway	Faulkner	20.35
Cotton Plant	Woodruff	20.35
Dardanelle	Yell	20.35
Dell	Mississippi	20.35
Dumas	Desha	20.35
Earle	Crittenden	20.35
England	Lonoke	20.35
Eudora	Chicot	20.35
Evadale	Mississippi	20.35
Forrest City	St. Francis	20.35
Fort Smith	Sebastian	20.30
Helena	Phillips	20.35
Hope	Hempstead	20.30
Hughes	St. Francis	20.35
Jonesboro	Craighead	20.35
Leachville	Mississippi	20.35
Lepanto	Poinsett	20.35
Lonoko	Lonoke	20.35
McCrory	Woodruff	20.35
McGehee	Desha	20.35
Magnolia	Columbia	20.30
Malvern	Hot Springs	20.35
Marianna	Lee	20.35
Marked Tree	Poinsett	20.35
Marvell	Phillips	20.35
Morrilton	Conway	20.35
Newport	Jackson	20.35
North Little Rock	Pulaski	20.35
Oseeola	Mississippi	10.35
Pine Bluff	Jefferson	20.35
Portland	Asbley	20.35
Prescott	Nevada	20.30
Russellville	Pope	20.35
Searcy	White	20.35
Sparkman	Dallas	20.30
Trumann	Poinsett	20.35
Waldo	Columbia	20.30
Walnut Ridge	Lawronce	20.35
West Memphis	Crittenden	20.35
Wynne	Cross	20.35

CALIFORNIA

City	County	Basis middling white inch loan rate
Bakersfiold	Kern	19.85
Brawley	Imperial	19.85
El Centro	do	19.85
Fresno	Fresno	19.85
Imperial	Imperial	19.85
Kerman	Fresno	19.85
Los Angeles	Los Angeles	19.85
Mira Loma	Riverside	19.85
Pinedale	Fresno	19.85
Tulare	Tulare	19.85

FLORIDA

City	County	Basis middling white inch loan rate
Gracevllle	Jackson	20.45
Jay	Santa Rosa	20.40

GEORGIA

City	County	Basis middling white inch loan rate
Abbeville	Wilcox	20.55
Adairsville	Bartow	20.60
Adel	Cook	20.45
Alamo	Wbeelcr	20.55

GEORGIA—Continued

City	County	Basis middling white inch loan rate
Albany	Dougherty	20.55
Allentown	Wilkinson	20.60
Ambrose	Coffee	20.55
Americus	Sumter	20.55
Arabi	Crisp	20.55
Arlington	Calhoun	20.45
Ashburn	Turner	20.55
Athens	Clarke	20.70
Atlanta	Fulton	20.60
Augusta	Richmond	20.70
Bartow	Jefferson	20.60
Baxley	Appling	20.55
Blackshear	Pierce	20.45
Blakely	Early	20.45
Bronwood	Terrell	20.55
Brooklet	Bulloch	20.60
Buena Vista	Marion	20.60
Butler	Taylor	20.60
Byromville	Dooly	20.55
Byron	Houston	20.60
Cadwell	Laurens	20.60
Cairo	Grady	20.45
Calhoun	Gordon	20.60
Camilla	Mitchell	20.45
Carrollton	Carroll	20.60
Cartersville	Bartow	20.60
Cedartown	Polk	20.60
Chauncey	Dodge	20.60
Chester	do	20.60
Claxton	Evans	20.55
Cochran	Bleckley	20.60
Coleman	Randolph	20.45
Colquitt	Miller	20.45
Columbus	Muscogee	20.60
Comer	Madison	20.70
Concord	Pike	20.60
Conyers	Rockdale	20.60
Cordele	Crisp	20.55
Coverdale	Turner	20.55
Covington	Newton	20.60
Cuthbert	Randolph	20.45
Davisboro	Washington	20.60
Dawson	Terrell	20.55
De Soto	Sumter	20.55
Dexter	Laurens	20.60
Doeruu	Colquitt	20.45
Donalsonville	Seminole	20.45
Douglas	Coffee	20.55
Dublin	Laurens	20.60
Dudley	do	20.60
Eastman	Dodge	20.60
East Point	Fulton	20.60
Edison	Calhoun	20.45
Elberton	Elbert	20.70
Elko	Houston	20.60
Ellaville	Schley	20.60
Farrar	Jasper	20.60
Fayetteville	Fayette	20.60
Findlay	Dooly	20.55
Fitzgerald	Ben Hill	20.55
Fort Gaines	Clay	20.45
Fort Valley	Peach	20.60
Franklinton	Bibb	20.60
Funston	Colquitt	20.45
Gay	Meriwether	20.60
Glennville	Tattnall	20.55
Greenville	Meriwether	20.60
Griffin	Spalding	20.60
Haralson	Coweta	20.60
Hawkinsville	Pulaski	20.60
Hazlehurst	Jeff Davis	20.55
Hogansville	Troup	20.60
Hollonville	Pike	20.60
Ideal	Macon	20.60
Jefferson	Jackson	20.70
Jeffersonville	Twiggs	20.60
Jesup	Wayne	20.55
Kelly	Jasper	20.60
Kingston	Bartow	20.60
La Grange	Troup	20.60
Lavonia	Franklin	20.70
Lawrenceville	Gwinnett	20.60
Lenox	Cook	20.45
Leslie	Sumter	20.55
Locust Grove	Henry	20.60
Loganville	Walton	20.60
Louisville	Jefferson	20.60
Lumpkin	Stewart	20.55
Luthersville	Meriwether	20.60
Lyerly	Chattooga	20.60
Lyons	Toombs	20.55
McDonough	Henry	20.60
Macon	Bibb	20.60
Madison	Morgan	20.60
Mansfield	Newton	20.60
Marshallville	Macon	20.60
Meigs	Thomas	20.45
Metter	Candler	20.60
Midville	Burke	20.60
Milan	Telfair	20.55
Milledgeville	Baldwin	20.60

GEORGIA—Continued

City	County	Basis middling white inch loan rate
Millen	Jenkins	20.60
Monroe	Walton	20.60
Montezuma	Macon	20.60
Morven	Brooks	20.45
Moultrie	Colquitt	20.45
Newnan	Coweta	20.60
Norman Park	Colquitt	20.45
Ocilla	Irwin	20.55
Oglethorpe	Macon	20.60
Omega	Tift	20.55
Orchard Hill	Spalding	20.60
Parrott	Terrell	20.55
Pelham	Mitchell	20.45
Perry	Houston	20.60
Pinehurst	Dooly	20.55
Pinelog	Bartow	20.60
Pine Mountain	Harris	20.60
Pineview	Wilcox	20.55
Pitts	Wilcox	20.55
Plains	Sumter	20.55
Portal	Bulloch	20.60
Poulan	Worth	20.55
Quitman	Brooks	20.45
Rebecca	Turner	20.55
Red Oak	Fulton	20.60
Rentz	Laurens	20.60
Reynolds	Taylor	20.60
Rochelle	Wilcox	20.55
Rockmart	Polk	20.60
Rome	Floyd	20.60
Royston	Franklin	20.70
Rutledge	Morgan	20.60
Sandersville	Washington	20.60
Sasser	Terrell	20.55
Savannah	Chatham	20.60
Senoia	Coweta	20.60
Shady Dale	Jasper	20.60
Shellman	Randolph	20.45
Shingler	Worth	20.55
Social Circle	Walton	20.60
Soperton	Treutlen	20.60
Sparta	Hancock	20.60
Statesboro	Bulloch	20.60
Swainsboro	Emanuel	20.60
Sycamore	Turner	20.55
Sylvania	Screven	20.60
Sylvester	Worth	20.55
Temple	Carroll	20.60
Tennille	Washington	20.60
Thomaston	Upson	20.60
Thomson	McDuffie	20.70
Tifton	Tift	20.55
Twin City	Emanuel	20.60
Tyrone	Fayette	20.60
Unadilla	Dooly	20.55
Uvalda	Montgomery	20.55
Valdosta	Lowndes	20.45
Vidalia	Toombs	20.55
Vienna	Dooly	20.55
Villa Rica	Carroll	20.60
Wadley	Jefferson	20.60
Warrenton	Warren	20.70
Warwick	Worth	20.55
Washington	Wilkes	20.70
Watkinsville	Oconee	20.70
Waynesboro	Burke	20.60
West Point	Troup	20.60
Williamson	Pike	20.60
Winder	Barrow	20.70
Woodbury	Meriwether	20.60
Wrens	Jefferson	20.60
Wrightsville	Johnson	20.60
Yatesville	Upson	20.60
Zebulon	Pike	20.60

LOUISIANA

Alexandria	Rapides	20.30
Bernice	Union	20.30
Coushatta	Red River	20.30
Delhi	Richland	20.35
Ferriday	Concordia	20.35
Franklinton	Washington	20.35
Haynesville	Claiborne	20.30
Homer	do	20.30
Lake Charles	Calcasieu	20.30
Lake Providence	East Carroll	20.35
Mansfield	De Soto	20.30
Monroe	Ouachita	20.35
Natchitoches	Natchitoches	20.30
Newellton	Tensas	20.35
New Orleans	Orleans	20.35
Oak Grove	West Carroll	20.35
Opelousas	St. Landry	20.30
Plain Dealing	Bossier	20.30
Rayville	Richland	20.35

LOUISIANA—Continued

City	County	Basis middling white inch loan rate
Shreveport	Caddo	20.30
Tallulah	Madison	20.35
Winnsboro	Franklin	20.35

MISSISSIPPI

Aberdeen	Monroe	20.40
Amory	do	20.40
Batesville	Panola	20.40
Belmont	Tishomingo	20.40
Belzoni	Humphreys	20.35
Booneville	Prentiss	20.40
Brookhaven	Lincoln	20.35
Canton	Madison	20.40
Carthage	Leake	20.40
Clarksdale	Coahoma	20.35
Cleveland	Bolivar	20.35
Columbia	Marion	20.35
Columbus	Lowndes	20.40
Como	Panola	20.40
Corinth	Alcorn	20.40
Drew	Sunflower	20.35
Durant	Holmes	20.40
Flora	Madison	20.35
Forest	Scott	20.35
Greenville	Washington	20.35
Greenwood	Leflore	20.35
Grenada	Grenada	20.40
Gulfport	Harrison	20.35
Hattiesburg	Forrest	20.35
Holiandale	Washington	20.35
Holly Springs	Marshall	20.40
Houston	Chickasaw	20.40
Indianola	Sunflower	20.35
Inverness	do	20.35
Itta Bena	Leflore	20.35
Jackson	Hinds	20.35
Kosciusko	Attala	20.40
Laurel	Jones	20.35
Leland	Washington	20.35
Lexington	Holmes	20.35
Louisville	Winston	20.40
McComb	Pike	20.35
Macon	Noxubee	20.40
Magee	Simpson	20.35
Magnolia	Pike	20.35
Marks	Quitman	20.35
Meridian	Lauderdale	20.40
New Albany	Union	20.40
Newton	Newton	20.35
Okolona	Chickasaw	20.40
Oxford	Lafayette	20.40
Philadelphia	Neshoba	20.40
Pontotoc	Pontotoc	20.40
Prentiss	Jefferson Davis	20.35
Quitman	Clarke	20.35
Ripley	Tippah	20.40
Rolling Fork	Sharkey	20.35
Rosedale	Bolivar	20.35
Ruleville	Sunflower	20.35
Shaw	Bolivar	20.35
Shelby	do	20.35
Shuqualak	Noxubee	20.40
Sledge	Quitman	20.35
Summit	Pike	20.35
Tunica	Tunica	20.35
Tupelo	Lee	20.40
Tutwiler	Tallahatchie	20.35
Tylertown	Walthall	20.35
Union	Newton	20.40
Vicksburg	Warren	20.35
West Point	Clay	20.40
Yazoo City	Yazoo	20.35

MISSOURI

Arbyrd	Dunklin	20.35
Caruthersville	Pemiscot	20.35
Charleston	Mississippi	20.35
Gideon	New Madrid	20.35
Hayti	Pemiscot	20.35
Kennett	Dunklin	20.35
Lilbourn	New Madrid	20.35
Malden	Dunklin	20.35
Portageville	New Madrid	20.35
Sikeston	Scott	20.35

NEW MEXICO

Artesia	Eddy	20.15
Carlsbad	do	20.15
Deming	Luna	20.10
Las Cruces	Dona Ana	20.15
Lovington	Lea	20.20
Roswell	Chaves	20.15

North Carolina

City	County	Basis middling white inch loan rate
Battleboro	Nash	20.70
Bethel	Pitt	20.70
Bladenboro	Bladen	20.70
Butner	Grauville	20.70
Candor	Montgomery	20.75
Charlotte	Mecklenburg	20.75
Cherryville	Gaston	20.75
Clayton	Johnston	20.70
Clinton	Sampson	20.70
Concord	Cabarrus	20.75
Conway	Northampton	20.70
Dunn	Harnett	20.70
Durham	Durham	20.75
Edenton	Chowan	20.70
Enfield	Halifax	20.70
Farmville	Pitt	20.70
Fayetteville	Cumberland	20.70
Franklinton	Franklin	20.70
Gastonia	Gaston	20.75
Gibson	Scotland	20.70
Goldsboro	Wayne	20.70
Greenville	Pitt	20.70
Henderson	Vance	20.70
Jackson	Northampton	20.70
Kings Mountain	Cleveland	20.75
Laurel Hill	Scotland	20.70
Laurinburg	do	20.70
Lewistou	Bertie	20.70
Lincolnton	Lincoln	20.75
Littleton	Halifax	20.70
Louisburg	Franklin	20.70
Lumberton	Robeson	20.70
Maxton	do	20.70
Monroe	Union	20.75
Mooresville	Iredell	20.75
Morven	Anson	20.75
Mount Gilead	Montgomery	20.75
Mount Olive	Wayne	20.70
Murfreesboro	Hertford	20.70
Nashville	Nash	20.70
Newton	Catawba	20.75
Parkton	Robeson	20.70
Pembroke	do	20.70
Pinctops	Edgecombe	20.70
Raeford	Hoke	20.70
Raleigh	Wake	20.70
Red Springs	Robeson	20.70
Rich Square	Northampton	20.70
Roanoke Rapids	Halifax	20.70
Rockingham	Richmoud	20.75
Rocky Mount	Edgecombo	20.70
Rowland	Robeson	20.70
Saint Pauls	do	20.70
Salisbury	Rowan	20.75
Sanford	Lee	20.75
Scotland Neck	Halifax	20.70
Seaboard	Northampton	20.70
Selma	Johnston	20.70
Severn	Northampton	20.70
Shelby	Cleveland	20.75
Smithfield	Johnston	20.70
Southern Pines	Moore	20.75
Stantonsburg	Wilson	20.70
Statesville	Iredell	20.75
Tarboro	Edgecombe	20.70
Wagram	Scotland	20.70
Wake Forest	Wake	20.70
Washington	Beaufort	20.70
Weldon	Halifax	20.70
Williamston	Martin	20.70
Wilson	Wilson	20.70
Woodland	Northampton	20.70

Oklahoma

Altus	Jackson	20.25
Anadarko	Caddo	20.25
Chickasha	Grady	20.25
Durant	Bryan	20.30
Elk City	Beckham	20.25
Frederick	Tillman	20.25
Hobart	Klowa	20.25
Idabel	McCurtain	20.30
Mangum	Greer	20.25
Mountain View	Kiowa	20.25
Muskogee	Muskogee	20.30
Oklahoma City	Oklahoma	20.25
Wynne Wood	Garvin	20.25

South Carolina

Abbeville	Abbeville	20.75
Aiken	Aiken	20.75
Allendale	Allendale	20.70
Anderson	Anderson	20.75
Angelus	Chesterfield	20.75
Bamberg	Bamberg	20.70

South Carolina—Continued

City	County	Basis middling white inch loan rate
Barnwell	Barnwell	20.70
Batesburg	Lexington	20.75
Bennettsville	Marlboro	20.70
Bethune	Kershaw	20.75
Bishopville	Lee	20.70
Blackville	Barnwell	20.70
Blenheim	Marlboro	20.70
Bowman	Orangeburg	20.70
Branchville	do	20.70
Brunson	Hampton	20.70
Calhoun Falls	Abbeville	20.75
Camden	Kershaw	20.75
Cameron	Calhoun	20.70
Cartersville	Florence	20.70
Charleston	Charleston	20.70
Cheraw	Chesterfield	20.75
Chesnec	Spartanburg	20.75
Chester	Chester	20.75
Chesterfield	Chesterfield	20.75
Clinton	Laurens	20.75
Clio	Marlboro	20.70
Clover	York	20.75
Columbia	Richland	20.75
Cowpens	Spartanburg	20.75
Dalzell	Sumter	20.70
Darlingtou	Darlington	20.70
Denmark	Bamberg	20.70
Dillon	Dillon	20.70
Edgefield	Edgefield	20.75
Elgin	Kershaw	20.75
Ellorec	Orangeburg	20.70
Estill	Hampton	20.70
Florence	Florence	20.70
Fountain Inn	Greenville	20.75
Gaffney	Cherokee	20.75
Garnett	Hampton	20.70
Greeleyville	Williamsburg	20.70
Greenville	Greenville	20.75
Greenwood	Greenwood	20.75
Hartsville	Darlington	20.70
Heath Springs	Lancaster	20.75
Hemingway	Williamsburg	20.70
Holly Hill	Orangeburg	20.70
Iuman	Spartanburg	20.75
Jefferson	Chesterfield	20.75
Johnsonville	Florence	20.70

South Carolina

Johnston	Edgefield	20.75
Kershaw	Kershaw	20.75
Kingstree	Williamsburg	20.70
Lake City	Florence	20.70
Lake View	Dillon	20.70
Lamar	Darlington	20.70
Latta	Dillon	20.70
Laurens	Laurens	20.75
Leesville	Lexington	20.75
Lynchburg	Lee	20.70
McColl	Marlboro	20.70
Manning	Clarendon	20.70
Marion	Marion	20.70
Mayesville	Sumter	20.70
Mountville	Laurens	20.75
Mullins	Marion	20.70
Newberry	Newberry	20.75
North	Orangeburg	20.70
Norway	do	20.70
Olanta	Florence	20.70
Olar	Bamberg	20.70
Orangeburg	Orangeburg	20.70
Pamplico	Florence	20.70
Patrick	Chesterfield	20.75
Pendleton	Anderson	20.75
Pinewood	Sumter	20.70
Plum Branch	McCormick	20.75
Prosperity	Newberry	20.75
Ridge Spring	Saluda	20.75
Ridgeway	Fairfield	20.75
Rock Hill	York	20.75
Saluda	Saluda	20.75
Sardinia	Clarendon	20.70
Seneca	Oconee	20.75
Sharon	York	20.75
Smyrna	do	20.75
Spartanburg	Spartanburg	20.75
Springfield	Orangeburg	20.70
St. Matthews	Calhoun	20.70
Summerton	Clarendon	20.70
Sumter	Sumter	20.70
Swansea	Lexington	20.75
Timmonsville	Florence	20.70
Turbeville	Clarendon	20.70
Union	Union	20.75
Wagener	Aiken	20.75
Wellford	Spartanburg	20.75
Williston	Barnwell	20.70
York	York	20.75

Tennessee

City	County	Basis middling white inch loan rate
Brownsville	Haywood	20.40
Chattanooga	Hamilton	20.55
Covington	Tipton	20.40
Decherd	Franklin	20.45
Dyersburg	Dyer	20.40
Five Points	Lawrence	20.40
Henderson	Chester	20.40
Jackson	Madison	20.40
Knoxville	Knox	20.55
Lawrenceburg	Lawrence	20.40
Memphis	Shelby	20.40
Milan	Gibson	20.40
Ripley	Lauderdale	20.40
Tiptonville	Lake	20.40

Texas

Abernathy	Hale	2.020
Abilene	Taylor	20.25
Ballinger	Runnels	20.25
Bay City	Matagorda	20.25
Big Spring	Howard	20.20
Bovina	Parmer	20.20
Brady	McCulloch	20.25
Brenham	Washington	20.25
Brownfield	Terry	20.20
Brownsville	Cameron	20.20
Brownwood	Brown	20.25
Bryan	Brazos	20.25
Burton	Washington	20.25
Cameron	Milam	20.25
Chaison Station	Jefferson	20.30
Childress	Childress	20.25
Clarksville	Red River	20.30
Cleburne	Johnson	20.25
Colorado City	Mitchell	20.25
Commerce	Hunt	20.30
Cooper	Delta	20.30
Corpus Christi	Nueces	20.25
Corsicana	Navarro	20.25
Crockett	Houston	20.25
Crosbyton	Crosby	20.20
Cumby	Hopkins	20.30
Dallas	Dallas	20.25
Dimmitt	Castro	20.20
Edna	Jackson	20.25
Elgin	Bastrop	20.25
Enloe	Delta	20.30
Ennis	Ellis	20.25
Fabens	El Paso	20.15
Fauna	Harris	20.30
Floydada	Floyd	20.25
Forney	Kaufman	20.30
Fort Stockton	Pecos	20.20
Fort Worth	Tarrant	20.25
Gainesville	Cooke	20.30
Galveston	Galveston	20.80
Garland	Dallas	20.30
Granger	Williamson	20.25
Greenville	Hunt	20.30
Hamlin	Jones	20.25
Harlingen	Cameron	20.20
Hart	Castro	20.20
Haskell	Haskell	20.25
Hearne	Robertson	20.25
Hedley	Donley	20.25
Hillsboro	Hill	20.25
Honey Grove	Fannin	20.30
Houston	Harris	20.30
Hubbard	Hill	20.25
Huntsville	Walker	20.25
Kaufman	Kaufman	20.30
Kenedy	Karnes	20.25
Kerens	Navarro	20.25
Knox City	Knox	20.25
La Grange	Fayette	20.25
Lamesa	Dawson	20.20
Levelland	Hockley	20.20
Littlefield	Lamb	20.20
Lockhart	Caldwell	20.25
Lockney	Floyd	20.20
Loraine	Mitchell	20.25
Lorenzo	Crosby	20.20
Lubbock	Lubbock	20.20
McKinney	Collin	20.30
Marfa	Presidio	20.15
Marlin	Falls	20.25
Mart	McLennan	20.25
Memphis	Hall	20.25
Mexia	Limestone	20.25
Morton	Cochran	20.20
Muleshog	Bailey	20.20
Munday	Knox	20.25
Nacogdoches	Nacogdoches	20.30
Navasota	Grimes	20.25
Needville	Fort Bend	20.30
O'Brien	Haskell	20.25
O'Donnell	Lynn	20.20
Paducah	Cottle	20.25

TEXAS—Continued

City	County	Basis middling white inch loan rate
Paris	Lamar	20.30
Pecos	Reeves	20.20
Pittsburg	Camp	20.30
Plains	Yoakum	20.20
Plainview	Hale	20.20
Pyote	Ward	20.20
Quanah	Hardeman	20.25
Quitaqug	Briscoe	20.20
Ralls	Crosby	20.20
Raymondville	Willacy	20.20
Roaring Springs	Motley	20.25
Rochester	Haskell	20.25
Rosebud	Falls	20.25
Rosenberg	Fort Bend	20.30
Rotan	Fisher	20.25
Rule	Haskell	20.25
San Angelo	Tom Green	20.25
San Marcos	Hays	20.25
Schulenburg	Fayette	20.25
Seagraves	Gaines	20.20

TEXAS—Continued

City	County	Basis middling white inch loan rate
Seguin	Guadalupe	20.25
Seymour	Baylor	20.25
Shamrock	Wheeler	20.25
Shiner	Lavaca	20.25
Slaton	Lubbock	20.20
Snyder	Scurry	20.25
Spur	Dickens	20.25
Stamford	Jones	20.25
Stanton	Martin	20.20
Sudan	Lamb	20.20
Sulphur Springs	Hopkins	20.30
Sweetwater	Nolan	20.25
Taft	San Patricio	20.25
Tahoka	Lynn	20.20
Tarzan	Martin	20.20
Taylor	Williamson	20.25
Temple	Bell	20.25
Terrell	Kaufman	20.30
Texarkana	Bowie	20.30
Tulia	Swisher	20.20

TEXAS—Continued

City	County	Basis middling white inch loan rate
Turkey	Hall	20.20
Vernon	Wilbarger	20.25
Victoria	Victoria	20.25
Waco	McLennan	20.25
Waxahachie	Ellis	20.25
Wellington	Collinsgworth	20.25
Weslaco	Hidalgo	20.20
Whiteface	Cochran	20.20
Wichita Falls	Wichita	20.25
Wills Point	Van Zandt	20.30
Winters	Runnels	20.25

VIRGINIA

Boykins	Southampton	20.70
Brodnax	Brunswick	20.70

§ 1427.1512 Schedule of premiums and discounts for grade and staple length of eligible 1967-crop upland cotton.

(Basis 1-Ineb Middling)

Grade	Codes [1]	Staple length (inches)												
		13/16 (26)	7/8 (28)	29/32 (29)	15/16 (30)	31/32 (31)	1 (32)	1 1/32 (33)	1 1/16 (34)	1 3/32 (35)	1 1/8 (36)	1 5/32 (37)	1 3/16 (38)	1 7/32 (39)	1 1/4 and longer (40)
WHITE															
GM and better	(11 and 01)	Pts. −345	Pts. −310	Pts. −265	Pts. −205	Pts. −95	Pts. +50	Pts. +175	Pts. +320	Pts. +405	Pts. +480	Pts. +530	Pts. +645	Pts. +810	Pts. +955
SM	(21)	−355	−320	−275	−215	−105	+40	+165	+310	+395	+470	+520	+630	+790	+935
MID plus	(30)	−375	−340	−295	−235	−125	+20	+145	+275	+360	+435	+485	+590	+750	+895
MID	(31)	−395	−360	−315	−255	−145	Base	+125	+255	+340	+400	+450	+540	+700	+830
SLM plus	(40)	−480	−450	−405	−345	−265	−125	+5	+140	+195	+250	+295	+380	+525	+630
SLM	(41)	−530	−495	−450	−400	−315	−185	−60	+60	+125	+180	+225	+300	+440	+540
LM plus	(50)	−595	−570	−530	−480	−400	−285	−195	−135	−85	−50	−15	+20	+40	+70
LM	(51)	−635	−610	−575	−525	−445	−335	−250	−190	−140	−110	−80	−50	−30	−5
SGO plus	(60)	−735	−715	−680	−640	−570	−460	−400	−375	−355	−345	−345	−345	−345	−345
SGO	(61)	−785	−765	−730	−690	−620	−515	−465	−440	−425	−415	−415	−415	−415	−415
GO plus	(70)	−865	−845	−815	−785	−720	−625	−575	−565	−550	−540	−540	−540	−540	−540
GO	(71)	−910	−890	−860	−830	−770	−680	−630	−620	−610	−600	−600	−600	−600	−600
LIGHT SPOTTED															
GM	(12)	−420	−385	−340	−295	−215	−95	+25	+135	+185	+225	+255	+340	+540	+675
SM	(22)	−430	−395	−350	−305	−225	−110	+10	+120	+170	+210	+240	+325	+520	+640
MID	(32)	−490	−460	−420	−375	−300	−185	−70	+40	+90	+130	+160	+230	+360	+450
SLM	(42)	−610	−580	−540	−495	−425	−325	−225	−165	−140	−115	−100	−85	−65	−35
LM	(52)	−750	−720	−685	−645	−585	−505	−445	−400	−390	−385	−385	−385	−385	−385
SPOTTED															
GM	(13)	−585	−555	−515	−470	−400	−300	−215	−170	−155	−115	−105	−95	−75	−55
SM	(23)	−600	−570	−530	−485	−415	−315	−230	−185	−160	−130	−120	−110	−90	−70
MID	(33)	−655	−625	−585	−540	−475	−390	−320	−285	−275	−265	−260	−255	−255	−250
SLM	(43)	−765	−730	−690	−650	−595	−520	−460	−435	−425	−425	−425	−425	−425	−425
LM	(53)	−880	−845	−810	−780	−725	−645	−600	−585	−580	−575	−575	−575	−575	−575
TINGED															
GM	(14)	−740	−700	−670	−640	−610	−575	−550	−540	−535	−535	−535	−535	−535	−535
SM	(24)	−755	−715	−685	−655	−625	−590	−565	−555	−550	−550	−550	−550	−550	−550
MID	(34)	−820	−780	−750	−720	−685	−655	−630	−620	−615	−615	−615	−615	−615	−615
SLM	(44)	−920	−880	−845	−810	−780	−740	−725	−710	−710	−710	−710	−710	−710	−710
LM	(54)	−1,035	−1,000	−970	−940	−915	−880	−855	−845	−845	−845	−845	−845	−845	−845
YELLOW STAINED															
GM	(15)	−900	−860	−835	−805	−780	−745	−730	−720	−720	−720	−720	−720	−720	−720
SM	(25)	−915	−875	−850	−820	−795	−760	−745	−735	−735	−735	−735	−735	−735	−735
MID	(35)	−970	−930	−905	−875	−845	−815	−800	−790	−790	−790	−790	−790	−790	−790
LIGHT GRAY															
GM	(16)	−435	−405	−365	−315	−230	−115	−5	+80	+135	+175	+230	+290	+450	+550
SM	(26)	−480	−450	−415	−365	−285	−180	−70	+15	+65	+110	+160	+205	+350	+450
MID	(36)	−585	−560	−525	−480	−410	−315	−235	−160	−135	−110	−95	−80	−60	−30
SLM	(46)	−730	−710	−680	−635	−575	−490	−420	−390	−375	−360	−360	−360	−360	−360
GRAY															
GM	(17)	−535	−510	−475	−430	−360	−265	−175	−115	−85	−50	−25	0	+30	+70
SM	(27)	−595	−570	−535	−490	−420	−325	−245	−190	−170	−150	−135	−120	−100	−70
MID	(37)	−750	−730	−700	−655	−595	−510	−440	−410	−395	−385	−385	−385	−385	−385
SLM	(47)	−860	−845	−810	−765	−725	−660	−615	−595	−590	−580	−580	−580	−580	−580

Grade symbols: GM—Good Middling; SM—Strict Middling; MID—Middling; SLM—Strict Low Middling; LM—Low Middling; SGO—Strict Good Ordinary; GO—Good Ordinary.

[1] Grade and staple codes. Staple below 13/16 is coded 24 and is not eligible for loan. Any grade code starting with an 8 is "below grade" and is not eligible for loan.

§ 1427.1513 Schedule of premiums and discounts for micronaire readings on 1967-crop upland cotton.

Micronaire reading	*Points per pound*
5.3 and above	Discount of 165.
5.0 through 5.2	Discount of 45.
3.5 through 4.9	Premium of 30.
3.3 through 3.4	Discount of 35.
3.0 through 3.2	Discount of 105.
2.7 through 2.9	Discount of 215.
2.6 and less	Discount of 335.

§ 1427.1514 Schedule of loan rates for eligible qualities of 1967-crop American-Egyptian extra long staple cotton.

[In cents per pound, net weight]

Grade	Codes [2]	Staple length (inches)					
		1⅜ (44)		1⅜6 (46)		1½ and longer (48)	
		Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas
1	(10)	48.15	48.55	48.90	49.30	49.20	49.60
2	(20)	47.80	48.20	48.65	49.05	48.90	49.30
3	(30)	47.45	47.85	48.10	48.50	48.40	48.80
4	(40)	46.55	46.95	47.10	47.50	47.30	47.70
5	(50)	43.60	44.00	44.25	44.65	44.45	44.85
6	(60)	39.85	40.25	40.30	40.70	40.45	40.85
7	(70)	36.20	36.60	36.60	37.00	36.70	37.10
8	(80)	33.10	33.50	33.45	33.85	33.65	34.05
9	(90)	30.40	30.80	30.80	31.20	31.00	31.40

[2] Grade and staple codes. Grade code 00 is "below grade" and is not eligible for loan.

Effective date. This subpart shall become effective upon filing with the FEDERAL REGISTER for publication.

Signed at Washington, D.C., on May 10, 1967.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-5422; Filed, May 17, 1967; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6919]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Definition of "Retirement Age"

In order to clarify the definition of "retirement age" applicable to the Income Tax Regulations (26 CFR Part 1) under sections 79(b)(1) and 105(d) of the Internal Revenue Code of 1954, such regulations are amended as follows:

Paragraph (b)(3)(i)(*a*)(*1*) of § 1.79-2 is amended to read as follows:

§ 1.79-2 Exceptions to the rule of inclusion.

* * * * *

(b) *Retired and disabled employees.* * * *

(3) *Retirement age.* * * *

(i)(*a*) * * *

(*1*) The earliest age indicated by such plan at which an active employee has the right (or an inactive individual would have the right had he continued in employment) to retire without disability and without the consent of his employer and receive immediate retirement benefits computed at either the full rate or a rate proportionate to completed service as set forth in the normal retirement formula of the plan, i.e., without actuarial or similar reduction because of retirement before some later specified age, or

* * * * *

Because this Treasury decision is of a clarifying nature, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code, or subject to the effective date limitation of subsection (d) of such section.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: May 15, 1967.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-5557; Filed, May 17, 1967; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-124]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation of Empty Cargo Vans and Shipping Tanks by Israel Vessels

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Israel extends to vessels of the United States in ports of Israel privileges reciprocal to those provided for in § 4.93(a) of the Customs Regulations. Vessels of Israel are therefore entitled to the privileges granted by this section.

Accordingly, § 4.93(b) of the Customs Regulations is amended by the insertion of "Israel" in appropriate alphabetical order in the list of countries in that section.

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 19 U.S.C. 66; 1624, 46 U.S.C. 2, 883)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: May 12, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-5556; Filed, May 17, 1967; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE AND INDUSTRIES WITH MARKED SEASONAL PEAKS OF OPERATION

Sugar Cane Processing and Milling in Florida

On April 11, 1967, there was published in the FEDERAL REGISTER (32 F.R. 5788) a proposal to make an affirmative finding on the issue presented in 29 CFR 526.2(b) with reference to the sugar cane processing and milling industry in the State of Florida as defined on October 18, 1951 in 16 F.R. 10807 and on April 7, 1961 in 26 F.R. 3304, so that it would be determined that the exemption provided in section 7(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(d)) applied, in addition to the one provided in section 7(c) (which was that day determined to apply (32 F.R. 5775)) so that the industry would be listed in 29 CFR 526.12 instead of 526.10, as at present.

Upon consideration of all such relevant data as was submitted, the proposed finding is made, and, effective immediately, 29 CFR 526.10 is amended by de-

leting from the list there presented the industry "Sugar cane processing and milling in the State of Florida" together with the dates and citations set opposite that industry, and 29 CFR 526.12 is amended by adding "Sugar cane processing and milling in the State of Florida" to the list there provided with the day this document bears date under the heading "Date of Finding" and the volume and page of the FEDERAL REGISTER in which this document appears under the heading "Citation".

(29 U.S.C. 207(d))

Signed at Washington, D.C., this 15th day of May 1967.

CLARENCE T. LUNDQUIST,
Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor.

[F.R. Doc. 67-5558; Filed, May 17, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7812; Amdt. 39-421]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1-11 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive covering the nylon lamp covers on all Model BAC 1-11 Series airplanes was published in 31 F.R. 16368. Under the proposed directive, the light assemblies in the forward and aft freight compartments would be modified to provide ventilation holes in the light cup assemblies and the nylon lamp cover replaced with a toughened glass lamp cover.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The only comment received indicated that in general the operators of these airplanes were in agreement with the intent of the AD. However, one operator believed that the glass covers would be subject to breakage which would expose the lamp to the possibility of direct contact with cargo and the glass fragments could create a personnel hazard to cargo handlers. This operator also believed the time and cost to be prohibitive factors to expedient accomplishment of the AD and submitted an alternative modification which it had accomplished on its airplanes. The BAC modified lamp covers specified in the proposed AD are constructed of "toughened glass" and are designed to withstand the kind of impact damage likely to be sustained in the environment in which it is used. In addition, inflammable freight material cannot penetrate the new cover through cover distortion or apertures in the cover face, and the heat generated by the bulb does not directly radiate into the freight compartments. The time and cost issue raised by the commentator is believed to be more in the nature of an argument to justify the use of its proposed modification rather than a statement of fact since no other operator raised this objection. In any event, the AD provides for the use of an FAA-approved equivalent, and the proposed alternative can be submitted to the appropriate FAA regional office for a determination of equivalency.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11 Series airplanes.

Compliance required with the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent a potential fire hazard in the forward and aft freight compartments, modify the light assemblies, as shown in the table hereunder, by providing ventilating holes in the light cup assemblies and by replacing the nylon lamp cover with a 5/32-inch toughened glass lamp cover, or FAA-approved equivalent, in accordance with British Aircraft Corp. BAC 1-11 Service Bulletin No. 33-PM 1706, or later ARB-approved issue.

Station No.	Models applicable	Premodification BAC part number	Post modification BAC part number 200 series	Post modification BAC part number 400 series
256	200 and 400 series	AB 28A 15593	AC 28A 5099	AK 28A 26277.
296	do	AB 28A 15591	AC 28A 5097	AC 28A 5097.
336	do	AB 28A 15593	AC 28A 5099	AK 28A 26277.
376	do	AB 28A 15591	AC 28A 5097	AC 28A 5097.
396	do	AB 28A 15593	AC 28A 5099	AC 28A 5099.
670	do	AB 28A 15591	AC 28A 5097	AC 28A 5097.
710	do	AB 27A 17335	AC 27A 5487	AC 27A 5487.
750	200 series	AB 27A 17336	AC 27A 14439	
750	400 series	AB 27A 17335		AC 28A 14439.

This amendment becomes effective June 17, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 11, 1967.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-5543; Filed, May 17, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airway

On March 1, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3401) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 297 from Carleton, Mich., to Saginaw, Mich.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. One comment received from the Manager, Bishop Airport, Flint, Mich., objected to the proposal because the proposed airway segment would not serve the Bishop Airport. The objection also stated that the proposed extended airway would jeopardize the practice area west of the Flint Airport. The proposed extension of V-297 is intended to serve en route air traffic between the Detroit and Saginaw terminal areas bypassing the Salem and Pontiac VORTAC's. VOR Federal airway No. 493 segment designated between Carleton, Mich., and Flint in Airspace Docket No. 66-CE-83 (32 F.R. 3091) effective April 27, 1967, will adequately serve en route air traffic between the Detroit and Flint terminals.

The proposed airway segment would utilize a portion of the off airway airspace west of the Flint Airport. However, other adequate areas exist to the northeast and east of the Flint Airport, where practice maneuvers may be conducted.

All other comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective July 20, 1967, as hereinafter set forth.

In § 71.123 (32 F.R. 2009) V-297 is amended by deleting "12 AGL Carleton." and substituting "12 AGL Carleton; 12 AGL INT Carleton 327° and Saginaw, Mich., 182° radials; 12 AGL Saginaw." therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 8, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-5544; Filed, May 17, 1967; 8:48 a.m.]

[Airspace Docket No. 67-SO-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

On March 25, 1967, a notice of proposed rule making was published in the

FEDERAL REGISTER (32 F.R. 4542) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Panama City and Tyndall AFB, Fla., control zones and the Panama City, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., July 20, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Panama City control zone is amended as follows: "* * * (latitude 30°12'45" N., longitude 85°40'55" W.), and within 2 miles each side of the Panama City VOR 328° and 090° radials, extending from the 5-mile radius zone to 7 miles northwest and east of the VOR, from 0600 to 2200 hours, local time, daily. The portion within the Tyndall AFB control zone is excluded * * *" is deleted and "* * * (latitude 30°12'41" N., longitude 85°40'57" W.), and within 2 miles each side of the Panama City VOR 310° and 059° radials, extending from the 5-mile radius zone to 8 miles northwest and northeast of the VOR. The portion within the Tyndall AFB control zone is excluded. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual * * * " is substituted therefor.

In § 71.171 (32 F.R. 2071) the Tyndall AFB control zone is amended as follows: "* * * within 2 miles each side of the Tyndall AFB TACAN 308° radial, extending from the 5-mile radius zone to 8 miles northwest of the TACAN; and within 2 miles each side of the Tyndall VOR 313° radial, extending from the 5-mile radius zone to the VOR * * *" is deleted and "* * * within 2 miles each side of the Tyndall AFB TACAN 308° radial, extending from the 5-mile radius zone to 6 miles northwest of the TACAN * * *" is substituted therefor.

In § 71.181 (32 F.R. 2148) the Panama City 700-foot transition area is amended to read:

PANAMA CITY, FLA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Panama City-Bay County Airport (latitude 30°12'41" N., longitude 85°40'57" W.); within an 8-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.); excluding the airspace outside of the continental limits of the United States.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on May 10, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-5539; Filed, May 17, 1967; 8:47 a.m.]

[Air space Docket No. 67-WA-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Description of Airways, Control Zones, Transition Areas, and Restricted Areas; Correction

On February 2, 1967, F.R. Doc. No. 67-807, comprising a compilation of Parts 71, 73, and 75 of the Federal Aviation Regulations, was published as Part II of the FEDERAL REGISTER of that date. A review of that document disclosed minor discrepancies of an editorial or typographical nature in the descriptions of several airways, control zones, transition areas, and restricted areas. The purpose of these actions is to correct these discrepancies in the compilation.

Since these amendments are editorial in nature, and do not designate or revoke airspace, notice and public procedure thereon are unnecessary and they may be made effective in less than 30 days after publication.

In consideration of the foregoing, F.R. Doc. No 67-807 is amended, effective immediately, as follows:

1. Section 71.123 (32 F.R. 2009) is amended as follows:

a. In V-98, "St. Johns," is deleted and "St. Jean," is substituted therefor.

b. In V-487, "St. Johns, Quebec, Canada, 158° radials; 12 AGL St. Johns." is deleted and "St. Jean, Quebec, Canada, 158° radials; 12 AGL St. Jean." is substituted therefor.

2. In § 71.171 (32 F.R. 2071) the entire description for Atlanta, Ga. (Atlanta Airport), appearing on page 2074, Volume 32 of the FEDERAL REGISTER is deleted.

3. Section 71.181 (32 F.R. 2148) is amended as follows:

a. In the description of the Greensboro, N.C., transition area "airport reference point." is deleted, and "airport reference point; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at the point of intersection of the west boundary of V-103 and the arc of a 35-mile circle centered at latitude 36°06'00" N., longitude 80°01'30" W.; thence clockwise along this arc to the point of intersection with the arc of a 55-mile radius circle centered at the Douglas Airport, Charlotte, N.C., (latitude 35°12'58" N., longitude 80°56'22" W.); thence counterclockwise along this arc to the point of intersection with the east boundary of V-37; thence north along the east boundary of V-37 to the point of intersection of the east boundary of V-37 and a line 7 miles northwest of and parallel to the centerline of V-222; thence northeast along a line 7 miles northwest of and parallel to the centerline of V-222 to the west boundary of V-103; thence south along the west boundary of V-103 to the point of beginning." is substituted therefor.

b. In the description of the Topeka, Kans., transition area all after "excluding the portion within the Emporia, Kans., transition area." is deleted.

c. In line 5 of the description of the Wilmington, N.C., transition area "upward 1,200" is deleted and "upward from 1,200" is substituted therefor.

4. In § 71.203 (32 F.R. 2275) "Berman INT: INT Allentown, Pa., 173°, Yardley, Pa., 284° radials." is deleted.

5. In § 71.211 (32 F.R. 2287), "Nenabank INT: INT west course Fairbanks, Alaska, RR, northwest course." is deleted and "Nenabank INT: INT west course Fairbanks, Alaska, RR, northwest course Nenana, Alaska, RR." is substituted therefor.

6. Section 73.66 (32 F.R. 2334) is amended as follows: In the description of R-6609 Tangier Island, Va., both entries for "Designated altitudes." are deleted and "Designated altitudes: Surface to 20,000 feet MSL." is substituted following the description of the "Boundaries".

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 10, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-5540; Filed, May 17, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SO-47]

PART 73—SPECIAL USE AIRSPACE

Alteration and Name Change of Restricted Airspace

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to modify Restricted Area R-2902A, Banana River, Fla., and to make an editorial change to the name of R-2902A and R-2902B.

The Department of the Air Force has requested the Federal Aviation Administration to modify R-2902A by reducing the size of the area. Accordingly, action is taken herein to modify the boundary of R-2902A.

Restricted areas R-2902A and R-2902B surround the Cape Kennedy Air Force Station launch facilities. At present, these restricted areas are named Banana River. In keeping with the recognition afforded these areas when the cape's name was changed from Cape Canaveral to Cape Kennedy, the associated restricted airspace that surround the cape will be renamed Cape Kennedy.

Since these amendments reduce the burden on the public and the name change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

1. In § 73.29 (32 F.R. 2303, 655, 5769) Restricted Area R-2902A is amended by deleting the boundary description and substituting therefor:

Boundaries: Beginning at latitude 28°41'-40'' N., longitude 80°35'00'' W.; thence 3 nautical miles from and parallel to the shoreline to latitude 28°24'30'' N., longitude 80°-30'30'' W.; to latitude 28°24'30'' N., longitude 80°41'45'' W.; to latitude 28°30'30'' N., longitude 80°43'30'' W.; to latitude 28°-37'35'' N., longitude 80°46'50'' W.; to latitude 28°38'00'' N., longitude 80°47'02'' W.; to point of beginning.

2. In § 73.29 (32 F.R. 2303, 655, 5769) Restricted Areas R–2902A and R–2902B, Banana River, Fla., are amended by substituting "Cape Kennedy, Fla.," for "Banana River, Fla."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 11, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-5541; Filed, May 17, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-24]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On March 30, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 5373) stating that the Federal Aviation Agency was considering an amendment to Part 73 of the Federal Aviation Regulations that would increase the time of designation of Restricted Area R–3601, Brookville, Kans.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

In § 73.36 (32 F.R. 2310, 5769) Restricted Area R–3601 Brookville, Kans., is amended as follows: "Time of designation: Sunrise to 2400 hours c.s.t., Monday through Friday; sunrise to sunset, Saturday and Sunday." is deleted and "Time of designation: Sunrise to 2400 hours c.s.t., Monday through Saturday; sunrise to sunset, Sunday." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 11, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-5542; Filed, May 17, 1967; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17199; FCC 67-563]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations, Hazard, Ky.; Report and Order

In the matter of amendment of § 73.606 *Table of Assignments*, Television Broadcast Stations, (Hazard, Ky.), Docket No. 17199, RM–1080.

1. On February 15, 1967, in response to a petition filed by Hazard Television Co., Inc., the Commission issued a notice of proposed rule making, FCC 67–217, 32 F.R. 3178, proposing to assign Channel 57 to Hazard, Kentucky. In the recent revision of the overall assignment plan for UHF television broadcast channels, Channel 35 was assigned to Hazard and reserved for educational use. The Kentucky State Board of Education holds a construction permit for this channel. No commercial assignments were made at that time. There are no TV translators serving Hazard.

2. The petitioner operates a CATV system in Hazard providing reception of five TV broadcast stations operating in four States, and maintains studio facilities for the origination of local programs over the CATV system. Petitioner states that direct television reception is impossible in Hazard and all TV reception is provided by CATV system. Petitioner states that, based on its 16 years of experience in the operation of the CATV system and with 3 years of local programing experience, it feels that the venture of providing local service to Hazard has reasonable prospect of success.

3. Omission of Hazard from the TV Table of Assignments, insofar as a commercial TV channel is concerned, was not a conclusion that such an assignment should not be made but merely a part of the general policy of awaiting the development of a demand before selecting assignments for cities of less than 25,000 population.[1] The supply of available but unassigned UHF channels is considered to be adequate to meet expected demands in this general area. No oppositions to the proposal were filed.

4. Under the above circumstances, we are of the view that the assignment of Channel 57 to Hazard, Ky., would serve the public interest since it will provide a first local TV outlet in the community. However, this action is taken on the representations made by petitioner that it will file an application for authority to construct and operate a new UHF television broadcast station. Failure to do so may result in the removal of the assignment.

5. Authority for the amendment adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective June 19, 1967, § 73.606(b) of the Commission's rules and regulations is amended, insofar as the community listed below is concerned, to read as follows:

City	*Channel No.*
Hazard, Ky.	*35, 57

NOTE: The appropriate offset for Channel 57 will be supplied in a subsequent order.

7. *It is further ordered*, That this proceeding is terminated.

Adopted: May 10, 1967.

Released: May 12, 1967.

[1] The population of Hazard, Ky. is 5,958 (1960 U.S. Census).

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5550; Filed, May 17, 1967; 8:48 a.m.]

[Docket No. 17111; FCC 67-565]

PART 73—RADIO BROADCAST SERVICES

UHF Television Broadcast Channel, Crossville, Tenn.; Report and Order

In the matter of amendment of the Table of Assignments in § 73.606(b) of the Commission rules and regulations to assign a UHF television broadcast channel to Crossville, Tenn., Docket No. 17111, RM–1050.

1. The Commission invited comments herein on a proposal to assign UHF Channel 55 to Crossville, Tenn., in response to a petition of Millard V. Oakley Broadcasting Co. requesting a UHF channel (Channel 20 or other channel) to provide Crossville with a first local commercial television station (See notice of proposed rule making, released Jan. 25, 1967, published Jan. 25, 1967, in the FEDERAL REGISTER at 32 F.R. 873). Since Channel 20 is now assigned to Crossville but reserved for educational use as a part of the Tennessee statewide educational TV broadcasting system, other assignment possibilities were examined. Channel 55 was proposed upon ascertaining that it could be assigned with geographic flexibility of at least 10 miles co-channel and 5 miles on the "taboo" channels and would have the least impact on the remaining five UHF channels available for assignment in the general area. No comments were filed in response to the notice.

2. As mentioned in the notice, Crossville, a small community (1960 population, 4,448) in east-central Tennessee, is some 65 miles west of Knoxville and north of Chattanooga, Tenn., where the nearest existing television stations are located and is largely dependent upon the Knoxville and Chattanooga stations for direct television service. The licensee of one of the Knoxville stations (WBIR–TV, Channel 10) operates a 1-watt VHF translator on Channel 7 at Crossville. From petitioner's showing, it appears that the community is fast growing, with an estimated 1966 population of 6,000, has a diversified economy, and is becoming known as one of the finer resort areas in Tennessee. Petitioner makes clear that its purpose in requesting a UHF channel for Crossville stems from a desire to use it to provide Crossville with a local commercial television service and that authority to construct and operate a local station will be promptly sought if a channel is assigned. In these circumstances, and since the supply of available but unassigned channels is considered adequate to meet foreseeable future needs in this general area, we are of the view that the public

[1] Commissioner Wadsworth absent.

interest would be served by providing Crossville with a UHF assignment which would be available for commercial use. Channel 55 is being assigned because of its above-noted efficiency advantages over other available channels. In making this assignment, however, we emphasize that reliance has been placed upon petitioner's representations that prompt application would be made for its use to serve Crossville. In the event that this does not occur, it may result in the deletion of the new assignment.

3. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered,* That, effective June 19, 1967, the Table of Assignments in § 73.606(b) of the Commission rules is amended, insofar as the city listed below is concerned, to read as follows:

City	*Channels*
Crossville, Tenn	*20, 55

NOTE: Offset for Channel 55 will be supplied in a subsequent Order.

4. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 10, 1967.

Released: May 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5551; Filed, May 17, 1967; 8:48 a.m.]

[Docket No. 17112; FCC 67-566]

PART 73—RADIO BROADCAST SERVICES

UHF Television Broadcast Channel, Kenosha, Wis.; Report and Order

In the matter of amendment of the Table of Assignments in § 73.606(b) of the Commission rules and regulations to assign a UHF television broadcast channel to Kenosha, Wis., Docket No. 17112, RM-1053.

1. The Commission invited comments herein on a proposal to assign UHF Channel 55 to Kenosha, Wis., for a first television assignment in response to a petition of Perry John Anderson (see notice of proposed rule making, released Jan. 20, 1967, FCC 67-96, published Jan. 26, 1967, in the FEDERAL REGISTER at 32 F.R. 874). While petitioner requested Channel 61 for Kenosha, Channel 55 was proposed since it could be assigned with geographic flexibility of at least 10 miles co-channel and 5 miles on the "taboo" channels and would have the least impact on other available but unassigned UHF channels within 165 miles of Kenosha.

2. No comments were filed on the proposed assignment. Nevertheless, in the circumstances, we believe it to be warranted. As the notice noted, Kenosha, with a 1960 population of 67,889 and a population of around 75,000 today, would normally warrant an assignment in a "saturated" assignment plan despite being only about 10 miles from the somewhat larger city of Racine, Wis. (1960 population of 89,144). Prior to the adoption of the existing "unsaturated" assignment table for UHF channels in Docket No. 14229 in 1965,[2] Kenosha was assigned one UHF channel and Racine two. In the revised 1965 table, however, only one UHF channel was assigned to the area—Channel 49 to Racine—and none have since been added. Considering that this general area is subject to extensive over-shadowing by signals of Grades A and B intensity from the Chicago and Milwaukee television stations, it then seemed questionable whether interest in the establishment of local television outlets in the area would develop. Consequently, the decision was made to place only one UHF assignment in the area until the demand for additional channels could be more adequately assessed.

3. Two applications are now pending for the Racine Channel 49 assignment, and the petitioner herein has clearly asserted an intention to apply for authority to construct and operate a UHF station at Kenosha if a channel is assigned. There is a reasonable prospect, therefore, that a second assignment in this area would be put to prompt use and serve the public need for local service. We are therefore assigning Channel 55 to Kenosha in light of its above-mentioned efficiency advantages over other available channels below Channel 70 which could be assigned for use in this area.

4. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered,* That, effective June 19, 1967, the Table of Assignment in § 73.606(b) of the Commission rules is amended by the addition of the following city.

City	*Channel No.*
Kenosha, Wis	55

NOTE: The appropriate offset for Channel 55 will be supplied in a subsequent order.

5. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 10, 1967.

Released: May 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5552; Filed, May 17, 1967; 8:48 a.m.]

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[1] Commissioner Wadsworth absent.

[2] See revised Table of Assignments adopted in the 4th Report and Order on June 4, 1965 (FCC 65-504, 30 F.R. 7711) and, as corrected by the 5th Report and Memorandum Opinion and Order adopted Feb. 9, 1966 (FCC 66-137, 2 FCC 2d 527) in Docket No. 14229.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Necedah National Wildlife Refuge, Wis.

The following special regulation is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Necedah National Wildlife Refuge, Wis., is permitted only on the areas designated by signs as open to fishing. The open area comprising 500 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: Daylight hours June 1, 1967, through September 30, 1967.

(2) The use of boats without motors is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1967.

EDWARD J. COLLINS,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wisconsin.

MAY 12, 1967.

[F.R. Doc. 67-5510; Filed, May 17, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

TYLOSIN

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6D1951) filed by Elanco Products Co., a Division of Eli

Lilly & Co., Indianapolis, Ind. 46206, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of tylosin intramuscular injection for the treatment of specified conditions of cattle. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended in Subpart C, as follows:

1. In § 121.217(d), table 1 is amended by revising for item 2 the text in the second column and by adding new item 3, as follows:

§ 121.217 Tylosin.

* * * * *

(d) * * *

TABLE 1—TYLOSIN FOR INJECTION

Principal ingredient	Quantity	Combined with—	Quantity	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
2. Tylosin	100 mg.–400 mg. per 100 lb. of body weight per day.			* * *	* * *
3. Tylosin	100 mg.–200 mg. per 100 lb. of body weight per day.			For cattle; administer intramuscularly not more than 5 days; do not administer within 8 days of slaughter; use in milk-producing animals conforms to § 121.249(c); as tylosin base.	Treatment of contagious calf pneumonia (pneumoenteritis), diphtheria foot rot (necrotic pododermatitis), metritis, and pneumonia.

* * * * * * *

2. Section 121.249 is amended by adding a new paragraph (c), as follows:

§ 121.249 Food additives for use in milk-producing animals.

* * * * *

(c) The formulation is used or intended for use as an intramuscular injection of cattle, as follows:

(1) (i) It contains tylosin as the base and is administered in accordance with § 121.217(d), table 1, item 3.

(ii) Milk that has been taken from animals during treatment and for 96 hours (8 milkings) after the latest treatment must not be used for food.

* * * * *

B. Based upon an evaluation of the data before him and proceeding under the authority of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated as above cited, the Commissioner has concluded that a tolerance limitation is required to assure that milk and edible tissues of animals treated with tylosin in accordance with § 121.217 are safe for human consumption. Accordingly, § 121.1049 is revised to read as follows:

§ 121.1049 Tylosin.

A tolerance of zero is established for residues of the food additive tylosin: In eggs of chickens and turkeys; in milk; and in uncooked, edible tissues and by-products of cattle, swine, chickens, and turkeys.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: May 9, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-5559; Filed, May 17, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 7933]

AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1–11 200 and 400 Series Airplanes

The Federal Aviation Administration has under consideration a proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive applicable to British Aircraft Corp. Model BAC 1–11 200 and 400 Series airplanes. Notice of proposed rule making published in 32 F.R. 2577 required repetitive inspections of fin ribs Nos. 1 through 7 on those airplanes with more than 3,800 hours' time in service and the repair before further flight of any cracks found exceeding permissible limits. Service experience, since the publication of the proposed AD, has disclosed cracks in the fin rib stringer cleats on BAC 1–11 200 and 400 Series airplanes with less than 3,800 hours' time in service. Based on further investigation, it has been determined that the inspections should be performed on those airplanes with more than 2,100 hours' time in service and that different inspection times should be established for the various fin rib assembly numbers. It has also been determined that the current BAC 1–11 maintenance program fin structure examinations are adequate to cover fin ribs 1 and 7, and therefore inspections of these ribs need not be included in the AD. In response to the notice of proposed rule making published in 32 F.R. 2577 and the subsequent issuance of BAC 1–11 Alert Service Bulletin 55–A–PM 2730, Issue 2, one commentator suggested that differences in the fin skin thickness of the 200 and 400 Series airplanes and the fact that the 200 Series do not have the convergent/divergent nozzles which are on the 400 Series engines justified a later initial inspection and longer intervals between inspections on the 400 Series airplanes. We are advised that these nozzles have been installed on 200 Series airplanes and this factor was considered in establishing compliance times. The difference in fin skin thickness is relevant to the problem, however, the degree of improvement obtained in delaying the occurrence of cracking in the rib cleats, etc., is exceptionally difficult to pinpoint, and there is insufficient service experience to justify establishing different inspection periods for the 200 Series and 400 Series airplanes. The FAA is aware of the burden the fin rib inspections impose on operators and will take appropriate action to alleviate the burden imposed by the proposed AD if service experience establishes that a longer inspection period for the 400 Series airplanes does not compromise safety.

In view of the foregoing, the proposed AD, published in 32 F.R. 2577 on February 7, 1967, is hereby withdrawn, and a new airworthiness directive is proposed to require the inspections, repairs and modifications to be made in accordance with BAC 1–11 Alert Service Bulletin 55–A–PM 2730, Issue 2, and Part (c) of BAC 1–11 Service Bulletin 55–PM–2742.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 17, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1–11 200 and 400 Series airplanes that have not been modified to incorporate BAC Modification PM 2742(d).

Compliance required as indicated.

To prevent possible failure of the fin rib assembly, accomplish the following:

(a) Within the next 200 hours' time in service on airplanes exceeding 2,100 hours' time in service or before the completion of 2,300 hours' time in service on all other airplanes and thereafter at intervals not to exceed 600 hours' time in service from the last inspection for fin rib assemblies Nos. 3, 4, and 5, and 1,200 hours' time in service for fin rib assemblies Nos. 2 and 6, conduct a visual or radiographic inspection of the fin rib assemblies Nos. 2, 3, 4, 5, and 6 for cracks in accordance with British Aircraft Corp. BAC 1–11 Alert Service Bulletin No. 55–A–PM 2730, Issue 2 or later ARB-approved issue, or an FAA-approved equivalent.

(b) If damage is found that is within the permissible limits specified in BAC 1–11 Alert Service Bulletin No. 55–A–PM 2730, Issue 2, or later ARB-approved issue, reinspect local areas of known damage, using the inspection procedures specified in paragraph (a), at intervals not to exceed 200 hours' time in service from the last inspection.

(c) If damage to the fin ribs is found that exceeds the permissible limits specified in the BAC 1–11 Alert Service Bulletin No. 55–A–PM 2730, Issue 2, or later ARB-approved issue, repair the damaged parts in accordance with BAC 1–11 Structural Repair Manual or BAC 1–11 Service Bulletin No. 55–PM–2742 or later ARB-approved issue, before further flight.

(d) The repetitive inspections required by paragraphs (a) and (b) of this AD may be discontinued for any one of the fin rib assemblies Nos. 2, 3, 4, 5 or 6 for a period of 4,000 hours' time in service after that fin rib assembly has been modified in accordance with Part (c) of BAC 1–11 Service Bulletin No. 55–PM–2742.

NOTE: The inspections required by paragraph (b) are in addition to the general inspections required by paragraph (a).

Issued in Washington, D.C., on May 11, 1967.

JAMES F. RUDOLPH,
Acting Director
Flight Standards Service.

[F.R. Doc. 67–5536; Filed, May 17, 1967; 8:47 a.m.]

[14 CFR Part 39]

[Docket No. 8168]

AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1–11 200 and 400 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp. Model BAC 1–11 200 and 400 Series airplanes. There have been reports of cracking of the Belleville washers installed in the main undercarriage down lock jacks which can affect the operation of the main undercarriage landing gear. Since this condition is likely to exist or develop in other airplanes of the same type, the proposed airworthiness directive would require inspections in accordance with British Aircraft Corp. BAC 1–11 Alert Service Bulletin, Issue 3 and replacement of broken washers. In addition, the proposed AD establishes service life limits for these washers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 17, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1–11 200 and 400 Series airplanes.

Compliance required as indicated.

To prevent fatigue failures of the Belleville washers installed in the main undercarriage down lock jacks P/N AB43A15 and AB43A16 (200 Series), P/N AK43A15 and AK43A16 (400 Series), accomplish the following:

(a) For airplanes with Belleville washers P/N 1383 No. 12 (Terry) installed in the main undercarriage down lock jacks with less than 4,760 landings on the effective date of this AD, inspect the main undercarriage down lock links P/N AB43A17 (200 Series) or P/N AK43A17 (400 Series), before the accumulation of 5,000 landings, and thereafter at intervals not to exceed 240 landings from the last inspection in accordance with British Aircraft Corp., BAC 1–11 Alert Service Bulletin 32–A–PM 2437, Issue 3, dated February 1, 1967, or later ARB-approved issue and replace cracked or broken washers, remove washers from service before the accumulation of 8,000 landings.

(b) For airplanes with Belleville washers P/N 1383 No. 12 (Terry) installed in the main undercarriage down lock jacks with 4,760 or more landings but less than 7,760 landings on the effective date of this AD, inspect the main undercarriage down lock links P/N AB43A17 (200 Series) or P/N AK43A17 (400 Series) within the next 240 landings after the effective date of this AD, and thereafter at intervals not to exceed 240 landings from the last inspection, in accordance with BAC 1–11 Alert Service Bulletin 32–A–PM 2437, Issue 3, dated February 1, 1967, or later ARB-approved issue and replace cracked or broken washers, remove washers from service before the accumulation of 8,000 landings.

(c) For airplanes with Belleville washers P/N 1383 No. 12 (Terry) installed in the main undercarriage down lock jacks with 7,760 or more landings on the effective date of this AD, remove washers from service within the next 240 landings.

(d) For airplanes with Belleville washers P/N AB44–1791 installed in BAC Modification PM 2437 main undercarriage down lock jacks, with less than 15,800 landings on the effective date of this AD, remove washers from service before the accumulation of 16,000 landings.

(e) For airplanes with Belleville washers P/N AB 44–1791 installed in BAC Modification PM 2437 main undercarriage down lock jacks, with 15,800 or more landings on the effective date of this AD, remove washers from service within the next 200 landings.

(f) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

NOTE: AD 66–24–3 pertains to Belleville washers installed in the nose undercarriage up/down lock jacks.

Issued in Washington, D.C., on May 11, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67–5537; Filed, May 17, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66–EA–100]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Dover, Del., Control Zone and 700-foot floor transition area.

Recently authorized arrival and departure instrument procedures have raised a requirement to provide airspace protection for aircraft arriving and departing Delaware Airpark, Dover-Cheswold, Del. It is also intended to make minor adjustments to the geographical location of Dover Air Force Base, Dover, Del.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the terminal airspace requirements for Dover, Del., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the coordinate 75°28'04" W. in the Dover, Del., Control Zone and insert in lieu thereof the coordinate 75°27'50" W. and delete the words "excluding" through "Wyoming, Del." and insert in lieu thereof the words "excluding a 1-mile radius of the center 39°11'15" N., 75°32'00" W. of Dover Airpark, Dover, Del.".

2. Amend § 71.181 of Part 71 so as to add in the Dover, Del., 700-foot transition area after the phrase "8 miles south of the LOM" the phrase "and within a 5-mile radius of the center 39°13'05" N., 75°35'55" W., of Delaware Airpark, Dover-Cheswold, Del.".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on April 27, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67–5538; Filed, May 17, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17282]

CERTAIN FM BROADCAST STATIONS IN TENN. AND KY.

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, *Table of Assignments,* FM Broadcast Stations. (Rockmart, Ga., De Witt, Ark., Dover-Foxcroft, Maine, Lenoir City, Tenn., Horseheads, N.Y., Jeffersonville, Ind., Donelson, Tenn., Madisonville, Greenville, Russellville, and Columbia, Ky., Denver, Colo., Mount Sterling, Ky., Stephenville and Eastland, Tex., and Redding, Cal.), Docket No. 17282, RM–1081, RM–1086, RM–1089, RM–1090, RM–1102, RM–1097, RM–1109, RM–1108, RM–1110, RM–1092.

1. On March 10, 1967, the Commission issued a notice of proposed rule making (FCC 67–313) in the above-entitled matter involving several petitions for changes in the FM Table of Assignments. The time for filing reply comments (as extended previously) is specified as May 10, 1967. On this date South Kentucky Broadcasters and William O. Barry, petitioners in the matter of RM–1097, filed a request for an extension of time in which to file reply comments until and including May 22, 1967. Petitioners state that the subject matter involves a complex proposal for reassignment of FM channels as well as two counterproposals. These, it is submitted, require additional engineering investigation, but that the time provided would not permit completion of the study.

2. We are of the view that the short extension requested is warranted in this case and that the public interest would be served thereby. *Accordingly, it is ordered,* That the time for filing reply comments with respect to RM–1097 and RM–1109 only, is extended from May 10, to May 22, 1967.

3. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: May 11, 1967.

Released: May 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5555; Filed, May 17, 1967; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release 40-4950]

INVESTMENT COMPANIES

Definition of Exchange

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of Rule 11a-1 under the Investment Company Act of 1940 ("Act") (270.11a-1 of Ch. II of Title 17, Code of Federal Regulations) to define the term "exchange" as used in section 11 of the Act. The proposed rule would be adopted pursuant to the authority granted to the Commission in sections 11(a) and 38(a) of the Act.

Section 11(a) of the Act provides that it is unlawful for a registered open-end company or its principal underwriter to make an offer to any holder of the company's securities to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the Commission by rules, regulations or approval of a specific transaction permits the exchange to be made on such other basis. Accordingly, section 11(a) (of the Act) contemplates that the Commission may adopt rules and regulations relating to offers of exchange to be made on a basis other than relative net asset values. Section 38(a) of the Act authorizes the Commission to make rules and regulations "as are necessary or appropriate to the exercise of the powers conferred upon the Commission elsewhere in this title, including rules and regulations defining accounting, technical, and trade terms used in this title."

Certain registered open-end investment companies have, since before the effective date of the Act, been issuing redeemable securities which, by their terms, mature or terminate, or are to be cancelled at a specified date or after having been outstanding for a certain period of time. In addition, from time to time, inquiries have been received from other investment companies which have proposed to issue redeemable securities having termination provisions. At such termination date, or shortly thereafter, part or all of the proceeds of such terminated security may be used in payment of a redeemable security in the same company with a new termination date and with the imposition of a new sales load. In some instances, terminable redeemable securities may be repurchased by or on behalf of the issuer prior to their termination date and part or all of the proceeds of such repurchased securities similarly reinvested.

The proposed Rule 11a-1 (§ 270.11a-1) would remove any previous uncertainty and would make clear that with respect to the proceeds of any terminable redeemable security issued after the effective date of the rule (§ 270.11a-1), the issuance of a new security under the circumstances discussed above will be considered an "exchange" within the meaning of that term as used in section 11 of the Act so as to preclude the imposition of a new sales load. The proposed rule (§ 270.11a-1) would not apply to the reinvestment of proceeds upon the repurchase, termination, retirement or cancellation of any terminable redeemable security outstanding on the effective date of the rule (§ 270.11a-1) or issued pursuant to a subscription agreement or other plan of acquisition in effect on such date.

The proposed Rule 11a-1 (§ 270.11a-1) would define the term "exchange" as used in section 11 of the Act to include, with certain exceptions, the issuance of any security by a registered investment company in an amount equal to the proceeds, or any portion of the proceeds, paid or payable to a security holder upon the repurchase by the company of an outstanding terminable redeemable security held by him, or upon the termination, retirement or cancellation of such a security in accordance with its terms. Such a security would not be deemed to have been repurchased by the issuer, or terminated, retired or cancelled in accordance with its terms, if the issuer redeemed or repurchased the security and paid the redemption or repurchase price (1) upon presentation of the security for redemption or repurchase at the instance of its holder; (2) upon failure by the security holder to make prescribed payments; or (3) upon surrender of the security by the security holder pursuant to prescribed restrictions upon the security's transferability. In addition, an "exchange" would not be deemed to have occurred if, following the repurchase of such a security by the issuer, or the termination, retirement, or cancellation of such a security in accordance with its terms, the proceeds are actually paid to the security holder by or on behalf of the issuer within seven days, and no sale and no offer (other than by way of exchange) of any security of the issuer is made by or on behalf of the issuer to the person to whom such proceeds were paid, within 60 days after such payment.

The Commission is today also issuing Investment Company Act Release No. 4951 inviting comments on proposed Rule 11b-1 (§ 270.11b-1) under the Investment Company Act of 1940 which is related hereto.

The text of the proposed Rule 11a-1 (§ 270.11a-1) reads as follows:

§ 270.11a-1 Definition of "exchange" for purposes of section 11 of the Act.

(a) For the purposes of section 11 of the Act, the term "exchange" as used therein shall include the issuance of any security by a registered investment company in an amount equal to the proceeds, or any portion of the proceeds, paid or payable—

(1) Upon the repurchase, by or at the instance of such issuer, of an outstanding security the terms of which provide for its termination, retirement, or cancellation, or

(2) Upon the termination, retirement or cancellation of an outstanding security of such issuer in accordance with the terms thereof.

(b) A security shall not be deemed to have been repurchased by or at the instance of the issuer, or terminated, retired or cancelled in accordance with the terms of the security if—

(1) The security was redeemed or repurchased at the instance of the holder; or

(2) A security holder's account was closed for failure to make payments as prescribed in the security or instruments pursuant to which the security was issued, and notice of intention to close the account was mailed to the security holder, and he had a reasonable time in which to meet the deficiency; or

(3) Sale of the security was restricted to a specified, limited group of persons and, in accordance with the terms of the security or the instruments pursuant to which the security was issued, upon its being transferred by the holder to a person not a member of the group eligible to purchase the security, the issuer required the surrender of the security and paid the redemption price thereof.

(c) The provisions of paragraph (a) of this section shall not apply if, following the repurchase of an outstanding security by or at the instance of the issuer or the termination, retirement or cancellation of an outstanding security in accordance with the terms thereof—

(1) The proceeds are actually paid to the security holder by or on behalf of the issuer within 7 days, and

(2) No sale and no offer (other than by way of exchange) of any security of the issuer is made by or on behalf of the issuer to the person to whom such proceeds were paid, within 60 days after such payment.

(d) The provisions of paragraph (a) of this section shall not apply to the repurchase, termination, retirement or cancellation of a security outstanding on the effective date of this § 270.11a-1 or issued pursuant to a subscription agreement or other plan of acquisition in effect on such date.

(Secs. 11(a), 38(a), 54 Stat. 808, 841, 15 U.S.C. 80a-11(a), 80a-37)

All interested persons are invited to submit views and comments on the proposed Rule 11a-1 (§ 270.11a-1). Written statements of views and comments in respect of the proposed rule (§ 270.11a-1) should be submitted to the Securities and Exchange Commission, Washington, D.C. 20549, on or before June 12, 1967. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

May 11, 1967.

[F.R. Doc. 67-5522; Filed, May 17, 1967; 8:46 a.m.]

[17 CFR Part 270]

[Release 40-4951]

INVESTMENT COMPANIES

Definition of Class or Series of Securities Issued by the Same Company

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of Rule 11b-1 under the Investment Company Act of 1940 ("Act") (§ 270.11b-1 of Ch. II of Title 17, Code of Federal Regulations) to define the term "class or series of securities issued by the same company" as used in section 11(b)(2) of the Act. The proposed rule would be adopted pursuant to the authority granted to the Commission in sections 11(a) and 38(a) of the Act.

Section 11(a) of the Act provides that it is unlawful for a registered open-end company or its principal underwriter to make an offer to any holder of the company's securities to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the Commission by rules, regulations, or approval of a specific transaction permits the exchange to be made on a different basis.

Section 11(b)(2) of the Act exempts from section 11(a) (of the Act) any offer made pursuant to the right of conversion, at the option of the security holder, from one class or series into another class or series of securities issued by the same company upon terms specified in the charter, certificate of incorporation, articles of association, bylaws, or trust indenture subject to which the securities to be converted were issued or to be issued.

Section 11(a) of the Act, as noted above, contemplates that the Commission may adopt rules and regulations relating to offers of exchange made at other than net asset value. Section 38(a) of the Act authorizes the Commission to make rules and regulations "as are necessary or appropriate to the exercise of the powers conferred upon the Commission elsewhere in this title, including rules and regulations defining accounting, technical, and trade terms used in this title."

The term "class or series of securities issued by the same company" used in section 11(b)(2) (of the Act) is not defined by any section of the Act. Related language is employed in section 18(f)(2) (of the Act). Section 18(f)(1) (of the Act), in relevant part, provides that it is unlawful for any registered open-end company to issue to the public any class of senior security or to sell any senior security of which it is the issuer, and section 18(f)(2) (of the Act) provides that the term "senior security" "shall not, in the case of a registered open-end company include a class or classes or a number of series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series." Accordingly, under the provisions of section 18(f) (of the Act), a registered open-end company cannot issue any senior convertible security to the public, with the exception of a security of the type described in section 18(f)(2) (of the Act).

The provisions of section 18(f)(2) (of the Act) relate to so-called "series companies," each of which maintains a series of separate differentiated pools of assets, in respect to each of which there is a class or series of securities outstanding which represents the exclusive and entire participation in the particular pool. Thus, section 18(f)(2) (of the Act) provides that each such class or series of securities must have a preference over all other classes or series of securities with respect to the particular pool of assets to which it relates.

The purpose of the proposed rule (§ 270.11b-1) is to specify that the exemption provided by section 11(b)(2) (of the Act) is available only to the type of "series company" described in section 18(f)(2) (of the Act). Accordingly, the proposed Rule 11b-1 (§ 270.11b-1) would define the term "class or series of securities issued by the same company" as used in section 11(b)(2) (of the Act) to mean all securities issued by a registered open-end investment company which are preferred over all other classes or series in respect of assets specifically allocated to that class or series.

The Commission has issued today Investment Company Act Release No. 4950 inviting comments on proposed Rule 11a-1 (§ 270.11a-1) under the Investment Company Act of 1940 which is related hereto.

The text of the proposed Rule 11b-1 (§ 270.11b-1) reads as follows:

§ 270.11b-1 Definition of "class or series of securities issued by the same company" for purposes of section 11(b)(2) of the Act.

For the purposes of subsection 11(b)(2) of the Act, the term "class or series of securities issued by the same company" shall mean any securities issued by a registered open-end investment company which are preferred over all other classes or series in respect of assets specifically allocated to that class or series.

(Secs. 11(a), 38(a), 54 Stat. 808, 841, 15 U.S.C. 80a-11(a), 80a-37)

All interested persons are invited to submit views and comments on the proposed Rule 11b-1 (§ 270.11b-1). Written statements of views and comments in respect of the proposed rule (§ 270.11b-1) should be submitted to the Securities and Exchange Commission, Washington, D.C. 20549, on or before June 12, 1967.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 11, 1967.

[F.R. Doc. 67-5523; Filed, May 17, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

CERTAIN FUNCTIONS

Transfer to the Coast Guard

CROSS REFERENCE: For a document regarding the transfer of certain functions from the Customs Bureau to the Coast Guard, see Department of Transportation, Coast Guard, F.R. Doc. 67–5534, *infra*.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

AREA MANAGERS, FAIRBANKS DISTRICT AND LAND OFFICE, ALASKA

Redelegation of Authority

MAY 4, 1967.

Under authority of Bureau Order 701, dated July 23, 1964, and as amended April 26, 1966, the Area Managers administering the Fairbanks Resource Area, Koyukuk Resource Area and Delta Resource Area of the Fairbanks District and Land Office are authorized to act on the following matters:

Within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the District Manager, they may exercise the functions of the Bureau Director on the matter specified below subject to the limitations of Bureau Order 701, Part III.

AUTHORITY IN SPECIFIC MATTERS

SEC. 3.3 *Fiscal affairs.* The Area Manager may take action on:

* * * * *

(d) Trespass: Determine liability and issue notice of trespass on the public lands; recommend as to acceptance of settlement offer made.

* * * * *

SEC. 3.7 *Range management.* The Area Manager may take all action on:

(a) The issuance of permits to graze or trail livestock or reindeer.

* * * * *

(3) Permits to construct and maintain range improvements and determine the value of such improvements.

(b) The issuance of grazing leases.

* * * * *

(d) Soil and moisture conservation.

SEC. 3.8 *Forest management.* The Area Manager may take all action on:

(a) Disposition of forest products including sales of timber not exceeding $1,000 in value.

* * * * *

SEC. 3.9 *Land use.* The Area Manager may take all action on:

* * * * *

(g) Disposition of materials other than forest products, not exceeding $1,000 in value.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through use of Form 1213–1—District Office Authority and Responsibility Guide.

This order will become effective upon date of publication in the FEDERAL REGISTER.

ROBERT C. KRUMM,
District Manager.

Approved:

BURT SILCOCK,
State Director.

[F.R. Doc. 67–5511; Filed, May 17, 1967; 8:45 a.m.]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

MAY 11, 1967.

1. The Plats of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m. on June 20, 1967.

MOUNT DIABLO MERIDIAN, NEVADA

a. T. 10 N., R. 57 E. (Group 426).
b. T. 11 N., R. 57 E. (Group 426).
c. T. 6 S., R. 57 E. (Group 430).
d. T. 7 S., R. 57 E. (Group 430).
e. T. 6 S., R. 58 E. (Group 430).
f. T. 7 S., R. 58 E. (Group 430).

2. a. The surveyed area of T. 10 N., R. 57 E. aggregates 22,912.30 acres. The plat was accepted March 28, 1967. The land is nearly level, with the elevation about 5,300 feet above sea level. Vegetation consists of sagebrush and greasewood, with bunch grass along the drainages. The township is drained, south, by two main washes, in the west side. No mineral formations of consequence are in evidence. U.S. Highway No. 6 crosses the southeast portion in a northeast and southwest direction; otherwise access to the township is provided by desert roads. Principal users are cattlemen.

b. Surveyed lands in T. 11 N., R. 57 E. total 22,930.07 acres. Plat was accepted March 28, 1967. Terrain of surveyed land is gently rolling to mountainous, with elevations ranging from about 5,000 to 6,300 feet above sea level. Soil varies from sandy clay at the lower elevations to rocky and gravelly in the mountains. The timber is scattered pinon pine and juniper at the higher elevations; vegetation consists of sagebrush and greasewood. Drainage of the township is mostly south, by way of two main washes in the west portion. Principal users of this land are cattlemen, and access to the township is provided by Nevada State Highway No. 20, bearing northwest and southeast in the middle portion.

c. The surveyed area of T. 6 S., R. 57 E. aggregates 22,971.51 acres. The survey plat was accepted April 6, 1967. This township lies mostly in the Tickaboo Valley at an elevation of about 4,500 feet above sea level; the western portion is in the foothills of the Groom Range. Soil varies from a shallow clay with outcroppings to a sandy loam; vegetation is greasewood, shadscale, Joshua trees, and scattered bunch grass. Principal users are cattlemen; there are no settlements in the township. Access to the township is provided by Nevada State Highway No. 25, and desert roads.

d. Surveyed lands in T. 7 S., R. 57 E. total 23,000.16 acres. Plat was accepted April 6, 1967. Most of township lies in Tickaboo Valley, at elevation of about 4,500 feet above sea level, but part of northwest portion lies in foothills of the Groom Range. Soils vary from shallow clay with outcroppings to sandy loam; vegetation consists of greasewood, shadscale, Joshua trees, and scattered bunch grass. Principal use of area is cattle grazing; there are no settlements within the township. Access to the area is provided by Nevada State Highway No. 25 and desert roads.

e. Surveyed area in T. 6 S., R. 58 E. totals 22,976.88 acres. The plat was accepted April 6, 1967. The surveyed lands lie mostly in the Tickaboo Valley at an elevation of about 4,500 feet above sea level. The northeast portion is in the Pahranagat Mountain Range. Soil varies from a shallow clay with rock outcroppings to a sandy loam. Access to the area is provided by Nevada State Highway No. 25 and desert roads; there are no settlements in the township. The principal use of the area is cattle grazing.

f. Surveyed lands in T. 7 S., R. 58 E. aggregate 22,997.84 acres. Survey plat was accepted April 6, 1967. The township lies entirely in the Tickaboo Valley at an elevation of about 4,500 feet above sea level. The soil is a sandy loam with gravel, the east portion being rocky; vegetation consists of greasewood, shadscale, Joshua trees, and scattered bunch grass. Principal use of the area is cattle grazing; there are no settlements in the township. Access to the township is provided by desert roads. No minerals are evident within the township.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following: Applications and selections under the nonmineral public land laws

may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. June 20, 1967, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

DANIEL P. BAKER,
Manager, Nevada Land Office.

[F.R. Doc. 67-5515; Filed, May 17, 1967; 8:45 a.m.]

[Nevada 054565]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 9, 1967.

The U.S. Department of Agriculture, Forest Service, has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, except to such forms of disposition as may by law be made of national forest lands and the mining and mineral leasing laws.

The applicant desires the land for inclusion in the Toiyabe National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 13 N., R. 19 E.,
  Sec. 28, N½SW¼.
T. 3 N., R. 30 E.,
  Sec. 25, W½SW¼;
  Sec. 36, W½NW¼, NW¼SW¼.

The areas described aggregate 280 acres.

DANIEL P. BAKER,
Land Office Manager.

[F.R. Doc. 67-5516; Filed, May 17, 1967; 8:45 a.m.]

[New Mexico 1239]

NEW MEXICO

Notice of Classification of Lands for Multiple Use Management

MAY 12, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below together with any lands therein that may become public lands in the future are hereby classified for multiple use management. Publication of this notice segregates the lands from appropriation under the agricultural land laws (43 U.S.C. Part 7, 43 U.S.C. Part 9, and 25 U.S.C. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. No adverse comments were received following publication of a notice of proposed classification (32 F.R. 3895, 3896), or at the public hearing at Socorro, N. Mex., which was held on March 28, 1967. The record showing comments received and other information is on file and can be examined in the Socorro District Office, Socorro, N. Mex. The public lands affected by this classification are located within the following described areas and are shown on maps designated Classification No. 30-02-01 in the Socorro District Office and at the Land Office of the Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501.

NEW MEXICO PRINCIPAL MERIDIAN

UNIT 02-01

T. 1 N., R. 19 W.,
  Sec. 20;
  Sec. 28, W½;
  Secs. 29 to 32, inclusive;
  Sec. 33, W½.
T. 2 N., R. 19 W.,
  Secs. 5, 6 and 7.
T. 1 N., R. 20 W.,
  Secs. 1 to 6, inclusive;
  Sec. 7, E½;
  Secs. 8 to 17, inclusive;
  Sec. 18, E½;
  Secs. 21 to 28, inclusive;
  Secs. 33 to 36, inclusive.
T. 1 N., R. 21 W.,
  Sec. 1, E½.
T. 2 N., R. 20 W.
T. 2 N., R. 21 W.,
  Secs. 1 to 4, inclusive;
  Secs. 9 to 16, inclusive;
  Secs. 21 to 25, inclusive;
  Secs. 27 and 28;
  Sec. 35, E½;
  Sec. 36.
T. 3 N., R. 19 W.,
  Secs. 19 and 20;
  Secs. 29 to 32, inclusive.
T. 3 N., R. 20 W.,
  Sec. 13, SW¼, and W½SE¼;
  Sec. 19, S½;
  Sec. 20, S½;
  Sec. 21, S½S½;
  Sec. 22, S½;
  Secs. 23 to 36, inclusive.
T. 3 N., R. 21 W.,
  Sec. 21;
  Sec. 22, W½W½, SE¼SW¼, and S½SE¼;
  Sec. 23, S½S½;
  Sec. 24, S½S½, and NE¼SE¼;
  Secs. 25 to 28, inclusive;
  Secs. 33 to 36, inclusive.
T. 1 S., R. 19 W.,
  Sec. 1, S½;
  Sec. 2, S½;
  Secs. 3 to 36, inclusive.
T. 1 S., R. 20 W.
T. 1 S., R. 21 W.,
  Sec. 1, S½N½, and S½;
  Sec. 12;
  Secs. 25 to 28 inclusive;
  Secs. 33 to 36, inclusive.
T. 2 S., R. 19 W.,
  Sec. 1, N½, and SW¼;
  Secs. 2 to 11, inclusive;
  Secs. 13 to 30, inclusive.
T. 2 S., Rs. 20 and 21 W.
T. 3 S., R. 20 W.,
  Secs. 3 to 10, inclusive.
T. 3 S., R. 21 W,
  Secs. 1 to 4, inclusive;
  Secs. 9 to 12, inclusive.

UNIT 02-02

T. 1 N., R. 16 W.,
  Secs. 6 and 7;
  Secs. 18 and 19;
  Secs. 30 and 31.
T. 1 N., Rs. 17 and 18 W.
T. 1 N., R. 19 W,
  Secs. 1 to 19, inclusive;
  Secs. 21 to 27, inclusive;
  Sec. 28, E½;
  Sec. 33, E½;
  Secs. 34 to 36, inclusive.
T. 2 N., R. 17 W.,
  Secs. 17 to 23, inclusive;
  Secs. 26 to 35, inclusive.
T. 2 N., R. 18 W.
T. 2 N., R 19 W.,
  Sec. 1;
  Secs. 11 to 36, inclusive.

T. 3 N., R. 18 W.,
Secs. 29 to 32, inclusive.
T. 3 N., R. 19 W.,
Secs. 25 and 36.
T. 1 S., R. 17 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 and 30.
T. 1 S., R. 18 W.
T. 1 S., R. 19 W.,
Sec. 1, N½;
Sec. 2, N½.
T. 2 S., R. 18 W.,
Secs. 1 to 18, inclusive.
T. 2 S., R. 19 W.,
Sec 1, SE¼;
Sec. 12.

UNIT 02–03

T. 2 N., R. 9 W.,
Secs. 1 to 6, inclusive.
T. 2 N., R. 10 W.,
Secs. 1, 2, and 3.
T. 3 N., R. 9 W.,
Secs. 4 to 9, inclusive;
Sec. 10, W½W½;
Secs. 16 to 36, inclusive.
T. 3 N., R. 10 W.,
Secs. 1 to 4, inclusive;
Secs. 7 to 17, inclusive;
Secs. 20 to 30, inclusive;
Secs. 32 to 36, inclusive.
T. 4 N., R. 8 W.,
Secs. 6, 7, and 18.
T. 4 N., R. 9 W.,
Secs. 1 to 22, inclusive;
Secs. 28 to 33, inclusive.
T. 4 N., Rs. 10 and 11 W.
T. 4 N., R. 12 W.,
Sec. 1.
T. 5 N., Rs. 9, 10, 11, and 12 W.
T. 6 N., R. 10 W.,
Sec. 4, NW¼NE¼, NW¼, and W½SW¼;
Secs. 5 to 10, inclusive;
Sec. 11, W½;
Sec. 14, NW¼, and W½SW¼;
Secs, 15 to 21, inclusive;
Sec. 22, NW¼NE¼, and W½;
Sec. 27 W½;
Secs. 28 to 33, inclusive;
Sec. 34, W½, and W½SE¼.
T. 6 N., Rs. 11 and 12 W.
T. 7 N., R. 10 W.,
Secs. 4 to 9, inclusive;
Sec. 10, W½, and SE¼;
Sec. 14, W½;
Secs. 15 to 22, inclusive;
Sec. 23, W½;
Sec. 27, NE¼, and W½;
Secs. 28 to 33, inclusive;
Sec. 34, NW¼.
T. 7 N., Rs. 11 and 12 W.

UNIT 02–04

T. 6 S., R. 11 W.
Sec. 17, S½;
Sec. 18, S½;
Secs. 19 and 20;
Sec. 21, W½;
Secs. 28 to 33, inclusive.
T. 6 S., R. 12 W.,
Sec. 11, S½;
Sec. 12, SW¼, and S½SE¼;
Secs. 13 and 14;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23 to 26, inclusive;
Sec. 27, E½E½;
Secs. 35 and 36.
T. 6 S., R. 13 W.,
Secs. 20, 21, and 22;
Secs. 27 to 30, inclusive;
Sec. 31 to 35, inclusive.
T. 7 S., R. 9 W.,
Secs. 7 and 31.
T. 7 S., R. 10 W.,
Secs. 1, 2, and 3;
Sec. 4, S½;
Sec. 5, S½;
Sec. 6, S½;
Secs. 7 to 36, inclusive.
T. 7 S., R. 11 W.,
Sec. 1, S½;
Sec. 2, S½;
Sec. 3, S½;
Secs. 4 to 15, inclusive;
Secs. 17 to 20, inclusive;
Secs. 24 and 25.
T. 7 S., R. 12 W.,
Secs. 1 and 2;
Sec. 3, S½;
Sec. 4, S½;
Sec. 5, S½;
Sec. 6, S½;
Secs. 7 to 35, inclusive.
T. 7 S., R. 13 W.,
Sec. 1, S½;
Secs. 2 to 36, inclusive.
T. 7 S., R. 14 W.,
Secs. 1 and 12;
Secs. 13, 24, and 25;
Sec. 27, W½W½;
Secs. 28 and 29;
Secs. 32 to 36, inclusive.
T. 8 S., R. 12 W.,
Secs. 3 to 11, inclusive;
Secs. 15 to 21, inclusive.
T. 8 S., R. 13 W.,
Secs. 1 to 21, inclusive;
Sec. 24.
T. 8 S., R. 14 W.,
Secs. 1 to 5, inclusive;
Secs. 10 to 14, inclusive;
Secs. 23 and 24.

UNIT 02–05

T. 2 S., R. 5 W.,
Sec. 25, E½NE¼ and S½;
Sec. 26, S½;
Sec. 27, S½;
Secs. 32 to 36, inclusive.
T. 2 S., R. 9 W.,
Secs. 19 and 20;
Sec. 21, S½NW¼, and S½;
Sec. 22, S½SW¼, and SW¼SE¼;
Secs. 27, 28, and 29;
Sec. 30, E½;
Secs. 33 and 34.
T. 2 S., R. 10 W.,
Sec. 13, S½SE¼;
Sec. 24, NE¼, and N½SE¼.
T. 3 S., R. 5 W.,
Secs. 1 to 18, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 3 S., R. 6 W.,
Secs. 1, 2, and 3;
Sec. 4, S½;
Sec. 5, S½;
Secs. 7 to 22, inclusive.
T. 3 S., R. 7 W.,
Secs. 7 to 24, inclusive;
Sec. 27, NW¼NE¼, NW¼, and NW¼SW¼;
Secs. 28 to 32, inclusive;
Sec. 33, W½NE¼, W½, and NW¼SE¼.
T. 3 S., R. 8 W.,
Secs. 7 to 36, inclusive.
T. 3 S., R. 9 W.,
Sec. 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive.
T. 4 S., R. 4 W.,
Secs. 6, 7, 18, 19, and 30.
T. 4 S., R. 5 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 15, inclusive;
Sec. 22, E½E½;
Secs. 23 and 24;
Sec. 25, E½, and NW¼;
Sec. 26, NE¼, and E½NW¼.
T. 4 S., R. 7 W.,
Sec. 4, W½;
Secs. 5, 6, and 7.
T 4 S., R. 8 W.,
Secs. 1 to 12, inclusive.

UNIT 02–06

T. 2 N., R. 1 E.,
Secs. 5 and 6.
T. 3 N., R. 1 E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 1 N., R. 2 W.,
Secs. 5, 6, 7, 8, 17, 18, 19, and 20.
T. 1 N., R. 3 W.,
Secs. 1 to 16, inclusive;
Secs. 21 to 24, inclusive;
Secs. 26, 27, and 28;
Secs. 33, 34, and 35.
T. 2 N., R. 2 W.,
Secs. 1 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 2 N., R. 3 W.,
T. 2 N., R. 4 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 17, inclusive;
Secs. 21 to 26, inclusive.
T. 3 N., Rs. 1 and 2 W.
T. 3 N., R. 3 W.,
Secs. 1 to 17, inclusive;
Secs. 19 to 30, inclusive;
Secs. 33 to 36, inclusive.

UNIT 02–07

T. 7 S., R. 2 W.,
Secs. 18, 19, 30, 31, and 32.
T. 7 S., R. 3 W.,
Sec. 15, S½N½ and S½;
Sec. 22, E½;
Secs. 23 to 27, inclusive;
Sec. 28, S½;
Sec. 31, S½S½;
Sec. 32, S½S½;
Secs. 33 to 36, inclusive.
T. 8 S., R. 2 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29, 30, 31, and 32.
T. 8 S., R. 3 W.,
Secs. 1 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 8 S., R. 4 W.,
Sec. 1;
Sec. 12, E½, and NW¼;
Sec. 13, E½;
Sec. 24, NE¼, and S½;
Sec. 33;
Sec. 34, S½.
T. 9 S., R. 3 W.
T. 9 S., R. 4 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 10 S., R. 3 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 20, inclusive;
Secs. 29 and 30.
T. 10 S., R. 4 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Sec. 21, E½;
Secs. 22 to 27, inclusive;
Sec. 28, E½.

UNIT 02–08

T. 1 S., R. 1 W.,
Secs. 7 and 8;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 2 S., R. 1 W.,
Secs. 3 to 10, inclusive;
Sec. 14, W½;
Secs. 15 to 23, inclusive;
Secs. 26 to 33, inclusive.
T. 2 S., R. 2 W.,
Secs. 25, 26, 35, and 36.

T. 3 S., R. 1 W.,
Secs. 6, 7, 18 and 19;
Sec. 20, S½;
Sec. 21, S½;
Sec. 27, S½N½, and S½;
Secs. 28 to 35, inclusive;
Sec. 36, W½.
T. 3 S., R. 2 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Sec. 20, SE¼;
Sec. 21, S½;
Secs. 22 to 28, inclusive;
Sec. 29, E½;
Secs. 34 to 36, inclusive.
T. 4 S., R. 1 W.
T. 4 S., R. 2 W.,
Secs. 1 to 4, inclusive;
Secs 9 to 16, inclusive;
Secs. 20 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 4 S., R. 3 W.,
Sec. 36.
T. 5 S., R. 1 W.,
Secs. 1 to 15, inclusive.
T. 5 S., R. 2 W.,
Secs. 1 to 12, inclusive.
T. 5 S., R. 3 W.,
Secs. 1, 2, and 12.
T. 4 S., R. 1 E.,
Sec. 7, SW¼NW¼, and W½SW¼;
Sec. 18, W½E½, and W½;
Secs. 19, 30, and 31.
T. 5 S., R. 1 E.,
Sec. 6, W½;
Sec. 7, W½;
Sec. 18, W½.

UNIT 02–09

T. 1 S., R. 1 E.,
Secs. 25 and 26;
Sec. 31, E½;
Secs. 32 to 36, inclusive.
T. 1 S., R. 2 E.,
Secs. 25 to 36, inclusive.
T. 2 S., R. 1 E.,
Secs. 1 to 5, inclusive;
Sec. 6, E½E½;
Sec. 7, E½;
Secs. 8 to 17, inclusive;
Sec. 18, E½E½;
Sec. 19, S½NE¼, SE¼NW¼, and SE¼;
Secs. 20 to 29, inclusive;
Secs. 34, 35, and 36.
T. 2 S., R. 2 E.,
Secs. 2 to 36, inclusive.
T. 3 S., R. 1 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Sec. 29, S½NE¼, and SE¼;
Secs. 33 to 36, inclusive.
T. 3 S., R. 2 E.
T. 4 S., R. 1 E.,
Secs. 1 to 4, inclusive;
Sec. 9, NE¼NE¼, and SE¼SE¼;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 4 S., R. 2 E.
T. 4 S., R. 3 E.,
Sec. 7, E½SW¼, and SE¼;
Sec. 8, S½;
Sec. 9, S½;
Sec. 17, W½;
Secs. 18 and 19;
Sec. 20, W½E½, and W½;
Secs. 29 to 32, inclusive.
T. 5 S., R. 1 E.,
Sec. 1, N½N½.
T. 5 S., R. 2 E.,
Secs. 1 to 5, inclusive;
Sec. 6, N½, and N½SE¼;
Sec. 8, NE¼;
Sec. 9, N½;
Sec. 10, N½, and N½S½;
Secs. 11 and 12;
Sec. 13, N½;
Sec. 14, NE¼.
T. 5 S., R. 3 E.,
Secs. 5 and 6;
Sec. 7, N½;
Sec. 8, N½N½.

UNIT 02–10

T. 5 S., R. 1 E.,
Sec. 1, S½N½, and S½;
Secs. 2 and 3;
Secs. 10 to 15, inclusive.
T. 5 S., R. 2 E.,
Sec. 6, SW¼, and S½SE¼;
Sec. 7;
Sec. 8, W½, and SE¼;
Sec. 9, S½;
Sec. 10, S½S½;
Sec. 14, W½, and SE¼;
Secs. 15 to 18, inclusive;
Secs. 20, 21, and 22;
Sec. 23, W½, and W½E½;
Sec. 26, W½W½;
Secs. 27 to 34, inclusive.
T. 6 S., R. 1 E.,
Sec. 1;
Secs. 11 to 14, inclusive;
Secs. 22 to 27, inclusive;
Secs. 33 to 36, inclusive.
T. 6 S., R. 2 E.,
Secs. 5, 6, 7, and 8;
Secs. 17 to 20, inclusive;
Sec. 28, W½;
Secs. 29 to 32, inclusive.
T. 7 S., R. 1 E.,
Secs. 1 to 4, inclusive;
Secs. 8 to 17, inclusive;
Secs. 19 to 36, inclusive.
T. 7 S., R. 2 E.,
Secs. 5, 6, 7, and 8;
Secs. 17 to 20, inclusive;
Secs. 29, 30, 31, and 32.
T. 8 S., R. 1 E.,
T. 8 S., R. 2 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 9 S., R. 1 E.,
Secs. 1 to 5, inclusive;
Secs. 9 to 12, inclusive;
Sec. 13, N½;
Sec. 14, N½;
Sec. 15, N½;
Sec. 16, N½.
T. 9 S., R. 2 E.,
Secs. 5 to 8, inclusive;
Sec. 17, N½;
Sec. 18, N½.

UNIT 02–11

T. 1 S., R. 2 E.,
Sec. 36.
T. 1 S., R. 3 E.,
Secs. 11 to 15, inclusive;
Secs. 21 to 36, inclusive.
T. 1 S., R. 4 E.,
Secs. 7, 18, and 19;
Sec. 20, NE¼, and W½;
Secs. 30 and 31.
T. 2 S., R. 2 E.,
Sec. 1.
T. 2 S., R. 3 E.
T. 2 S., R. 4 E.,
Sec. 5, W½E½, and W½;
Secs. 6 to 9, inclusive;
Sec. 10, S½S½;
Sec. 13, N½NW¼;
Secs. 14 to 22, inclusive;
Sec. 23, W½;
Secs. 25 to 36, inclusive.
T. 2 S., R. 5 E.,
Sec. 28, S½;
Sec. 29, S½;
Sec. 30, W½, and SE¼;
Secs. 31 to 33, inclusive.
T. 3 S., Rs. 3 and 4 E.
T. 3 S., R. 5 E.,
Sec. 4, N½, and SW¼;
Secs. 5 to 8, inclusive;
Sec. 9, W½, and SE¼;
Sec. 10, S½;
Sec. 11, W½SW¼;
Sec. 14, S½NE¼, W½, and SE¼;
Secs. 15 to 36, inclusive.
T. 4 S., R. 3 E.,
Secs. 1 to 6, inclusive;
Sec. 7, N½, and W½SW¼;
Sec. 8, N½;
Sec. 9, N½;
Secs. 10 to 16, inclusive;
Sec. 17, E½;
Sec. 20, E½E½;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 4 S., R. 4 E.
T. 4 S., R. 5 E.,
Secs. 1 to 9, inclusive;
Sec. 10, NW¼;
Secs. 16 to 20, inclusive;
Secs. 23 to 36, inclusive.
T. 4 S., R. 6 E.,
Sec. 31.
T. 5 S., R. 2 E.,
Sec. 13, S½;
Sec. 23, E½E½;
Secs. 24 and 25;
Sec. 26, E½, and E½W½;
Secs. 35 and 36.
T. 5 S., R. 3 E.,
Secs. 1 to 4, inclusive;
Sec. 7, S½;
Sec. 8, S½N½, and S½;
Secs. 9 to 36, inclusive.
T. 5 S., R. 4 E.
T. 5 S., R. 5 E.,
Sec. 2, N½, and N½S½;
Sec. 3, N½, and N½S½;
Sec. 4, N½, and N½S½;
Sec. 5, N½, and N½S½;
Secs. 6 and 7;
Secs. 18, 19, 30, and 31.

The public lands in the area described aggregate approximately 1,161,000 acres.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

W. J. ANDERSON,
State Director.

[F.R. Doc. 67–5512; Filed, May 17, 1967; 8:45 a.m.]

[New Mexico 2047]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 10, 1967.

The Forest Service, U.S. Department of Agriculture has filed application, Serial No. New Mexico 2047 for the withdrawal of lands described below. The lands were conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. They lie within the exterior boundaries of the Cibola National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for the addition to, and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of national resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

T. 9 N., R. 5 E.,
Sec. 17, HES 414, Trs. A & B;
Sec. 18, HES 413, Trs. A & B.

The area described aggregates 301.02 acres.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 67-5517; Filed, May 17, 1967; 8:45 a.m.]

[Utah 2616]

UTAH

Order Opening Lands to Mineral Leasing and Location

MAY 10, 1967.

1. In an exchange of lands made under the provisions of the General Exchange Act of March 20, 1922 (42 Stat. 465), as amended (43 Stat. 1090), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 37 S., R. 15 W.,
Sec. 27, N½N½SW¼NW¼.
T. 37 S., R. 16 W.,
Sec. 14, NW¼SW¼.

The areas described aggregate 50 acres.

2. The lands are a part of the Dixie National Forest, and are located in Washington County. Soils range from deep loams to shallow gravel. Topography is gently sloping, grading into steep slopes, and the lands have values for watershed, grazing, wildlife, and recreation which can best be managed under principles of multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on June 19, 1967 be open to such forms of disposition as may by law be made of national forest lands.

All valid applications received at or prior to 10 a.m. on June 19, 1967 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-5514; Filed, May 17, 1967; 8:45 a.m.]

[Wyoming 6227]

WYOMING

Proposed Classification of Public Lands for Multiple Use Management

MAY 11, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the areas described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating (a) all of the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); and (b) the lands described in paragraph 3 of this notice from appropriation under the general mining laws (30 U.S.C. 21). Except as provided in (a) and (b) above the lands shall remain open to all other applicable forms of appropriation, including the mining and the mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Public lands located within the following described areas are shown on maps and status plats on file in the Rawlins District Office, Bureau of Land Management, Rawlins, Wyo., and the Land Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyo. The overall description of the areas is as follows:

SIXTH PRINCIPAL MERIDIAN

ALBANY-CARBON-FREMONT-SWEETWATER COUNTIES

a. Unit 03-01 (Seven Lakes) is bounded on the north by the Lander-Rawlins District Boundary, the west by a fence which is the proposed Rock Springs-Rawlins District Boundary, on the south by the Railroad Grant Limit and on the east by the Lost Soldier Divide.

b. Unit 03-02 (Ferris) is bounded on the north by the Lander-Casper-Rawlins District Boundary, on the west by the Lost Soldier Divide, on the south by the Railroad Grant Limit and on the east by the North Platte River and the center of the Pathfinder Reservoir.

c. Unit 03-03 (Shirley) is bounded on the north by the Casper-Rawlins District Boundary, on the west by the North Platte River and the center of the Pathfinder Reservoir, on the south by various grazing allotment boundaries and on the east by a north-south line one-half mile east of the Albany-Carbon County line.

d. Unit 03-04 (Sierra Madre) is bounded on the north by the Railroad Grant Limit, on the west by Muddy Creek, on the south by the Medicine Bow National Forest Boundary and an irregular line beginning on the Forest Boundary at the common corner of secs. 28, 29, 32, and 33, T. 15 N., R. 87 W., thence northwesterly to the S¼ corner of sec. 33, T. 16 N., R. 89 W., thence southwesterly and south to the southeast corner of sec. 12, T. 13 N., R. 90 W., thence west and south to Muddy Creek at the junction with the southwest corner of sec. 22, T. 13 N., R. 91 W., and on the east by State Highway 130 to a point one quarter mile west of the southeast section corner of sec. 20, T. 16 N., R. 83 W., thence southwesterly to a point which joins the Forest Boundary one quarter mile west of the southeast corner of sec. 28, T. 15 N., R. 85 W.

e. Unit 03-05 (Shell Creek) is bounded on the north by the Railroad Grant Limit, on the west by the proposed Rock Springs-Rawlins District Boundary, on the south by the Colorado-Wyoming State Line and on the east by Muddy Creek.

f. Unit 03-31 (Laramie Peak) is bounded on the northeast by the Medicine Bow National Forest, on the west by the organized grazing district boundary, on the south by the township line between Tps. 22 and 23 N., Rs. 71 and 72 W., the range line between Rs. 72 and 73 W., Tps. 21 and 22 N., the township line between Tps. 20 and 21 N., Rs. 73 and 74 W., then the range line between Rs. 74 and 75 W., Tps. 18, 19, and 20 N., then the township line between Tps. 17 and 18 N., Rs. 75 and 76 and part of R. 77 W.

g. Unit 03-32 (Red Desert) is bounded on the north by the Railroad Grant Limit, on the west by a fence which is the proposed Rock Springs-Rawlins District Boundary, on the south by the Interstate 80 Highway and on the east by the North Platte River excluding the public lands within secs. 2, 6, 8, 18, and 20, T. 21 N., R. 87 W., 6th P.M.

h. Unit 03-33 (Overland) is bounded on the north by the Interstate 80 Highway, on the west by the proposed Rock Springs-Rawlins District Boundary, on the south by the Railroad Grant Limit and on the east by the North Platte River excluding the public lands within secs. 20, 22, 26, 28, and 30, T. 21 N., R. 87 W., 6th P.M.

i. Unit 03-34 (Hanna) is bounded on the north by various grazing allotment boundaries, on the west by the North Platte River, on the south by the Medicine Bow National Forest and an east-west line dividing in half T. 17 N., Rs. 82 and 83 W., 6th P.M., and on the east by the organized grazing district boundary.

The total area of the public lands included within the purview of this notice of proposed classification aggregates approximately 3,641,500 acres.

3. As provided in paragraph 1 above, the following described lands are further segregated from appropriation under the mining laws (aggregating approximately 3,120 acres):

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 19 N., R. 81 W.,
Sec. 6, NE¼NE¼, and N½SE¼;
Sec. 8, SW¼SW¼NE¼, SE¼SE¼NW¼, NE¼NE¼SW¼, and NW¼NW¼SE¼.
T. 25 N., R. 81 W.,
Sec. 4, SW¼SW¼;
Sec. 5, SE¼SE¼;
Sec. 7, NW¼NE¼;
Sec. 8, S½S½SW¼, and SW¼SW¼SE¼;
Sec 12, NW¼SE¼;
Sec. 17, NW¼NW¼NE¼, and N½NE¼NW¼.
T. 26 N., R. 81 W.,
Sec. 7, SW¼NW¼;
Sec. 17, S½SW¼NW¼, and N½NW¼SW¼;
Sec. 18, S½SE¼NE¼ and N½NE¼SE¼;
Sec. 20, SE¼SW¼.
T. 25 N., R. 82 W.,
Sec. 10, N½NE¼.
T. 26 N., R. 82 W.,
Sec. 11, N½SE¼;
Sec. 24, SE¼SE¼.
T. 20 N., R. 83 W.,
Sec. 24, S½SW¼SW¼, SE¼SW¼, S½SE¼, and S½N½SE¼.
T. 20 N., R. 84 W.,
Sec. 18, W½SW¼, SE¼SW¼, SW¼NE¼SW¼, and SW¼SW¼SE¼;
Sec. 30, W½NE¼, SE¼NW¼, N½NE¼SW¼, and N½N½SE¼.
T. 23 N., R. 84 W.,
Sec. 26, S½NW¼, E½NE¼NW¼, and W½W½NE¼.
T. 16 N., R. 85 W.,
Sec. 18, S½NE¼NE¼, and S½NE¼.
T. 18 N., R. 85 W.,
Sec. 2, NE¼SE¼;
Sec. 12, NE¼NE¼.
T. 19 N., R. 85 W.,
Sec. 2, SE¼NE¼, SW¼NE¼NW¼, S½NW¼NW¼, SW¼NW¼, W½SE¼NW¼, W½SW¼, and NE¼SE¼.
T. 21 N., R. 85 W.,
Sec. 4, SW¼.
T. 22 N., R. 86 W.,
Sec. 12, S½SW¼SW¼;
Sec. 14, NE¼NE¼, E½NW¼NE¼, NE¼SW¼NE¼, and N½SE¼NE¼;
Sec. 24, W½NW¼, S½SE¼NW¼, N½SW¼, N½SE¼SW¼, W½NW¼SE¼, SE¼NW¼SE¼, and S½SE¼.
T. 19 N., R. 88 W.,
Sec. 24, S½N½, and S½.
T. 22 N., R. 88 W.,
Sec. 2, W½NW¼NE¼, NW¼SW¼NE¼, E½SE¼NW¼, SW¼SE¼NW¼, N½NE¼SW¼, and SE¼NE¼SW¼.
T. 18 N., R. 89 W.,
Sec. 12, N½SW¼SE¼.
T. 21 N., R. 89 W.,
Sec. 22, S½SW¼NW¼, and N½NW¼SW¼.
T. 23 N., R. 96 W.,
Sec. 24, SW¼SE¼;
Sec. 25, NW¼NE¼.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Rawlins District Manager, Bureau of Land Management, Rawlins, Wyo.

5. A public hearing on the proposed classification will be held on June 21, 1967 to 1 p.m. in the Jeffrey Center at Rawlins, Wyo.

ED PIERSON,
State Director.

[F.R. Doc. 67-5513; Filed, May 17, 1967; 8:45 a.m.]

[Wyoming 6228]

WYOMING

Proposed Classification of Public Lands for Multiple Use Management

MAY 12, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands described below, together with any lands that may become public lands in the future. Publication of this notice has the effect of segregating (a) all described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) the public lands described in paragraph three of this notice from appropriation under the general mining laws (30 U.S.C. 21). Except as provided in (a) and (b) above the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Public lands located within the following described areas are shown on the Fremont and Natrona County Planning Unit Classification Maps, which are on display in the District Office, Bureau of Land Management, Lander, Wyo., in the Fremont County Courthouse, Lander, Wyo., and in the Land Office, Bureau of Land Management, Federal Building, Cheyenne, Wyo. The overall description of the areas are as follows:

SIXTH PRINCIPAL MERIDIAN

NATRONA COUNTY, WYO.

T. 30 N., R. 85 W.,
Secs. 4 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 29, 31, and 32.
T. 31 N., R. 85 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 32 N., R. 85 W.,
Secs. 2 to 5, inclusive;
Secs. 7 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 29 N., R. 86 W.
T. 30 N., R. 86 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 34, inclusive.
T. 31 N., R. 86 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 32 N., R. 86 W.,
Secs. 1 to 7 inclusive;
Secs. 9 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 29 N., R. 87 W.,
Secs. 1 to 14, inclusive;
Secs. 17 to 29, inclusive;
Secs. 31 to 35, inclusive.
T. 30 N., R. 87 W.,
Secs. 1 to 15, inclusive;
Secs. 18 to 35, inclusive.
T. 31 N., R. 87 W.,
Secs. 1, 2, and 3;
Secs. 5 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 32 N., R. 87 W.,
Secs. 1, 2, and 3;
Secs. 5, 7, and 8;
Secs. 12 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 29 N., R. 88 W.,
Secs. 1 to 6, inclusive;
Secs. 8 to 13, inclusive;
Sec. 15;
Secs. 18, 19, and 20;
Secs. 22 to 25, inclusive;
Secs. 27 to 35, inclusive.
T. 30 N., R. 88 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 27, inclusive;
Secs. 29 to 35, inclusive.
T. 31 N., R. 88 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 32 N., R. 88 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 29 N., R. 89 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 30 N., R. 89 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 31 N., R. 89 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 32 N., R. 89 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.

FREMONT COUNTY, WYO.

T. 33 N., R. 89 W.,
Secs. 4 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 34 N., R. 89 W.,
Secs. 4, 5, 7, and 9;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 35 N., R. 89 W.,
Secs. 6 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28, 29, 32, and 33.
T. 36 N., R. 89 W.,
Secs. 31 and 32.
T. 37 N., R. 89 W.,
Secs. 4 to 9, inclusive;
Secs. 21, 28, and 29.
T. 38 N., R. 89 W.,
Secs. 4 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 39 N., R. 89 W.,
Secs. 4 to 8, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 40 N., R. 89 W.,
Secs. 4 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28, 30, 31, 32, and 33.
T. 41 N., R. 89 W.,
Secs. 28 to 33, inclusive.
T. 27 N., R. 90 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 28 N., R. 90 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.

T. 29 N., R. 90 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 20, inclusive;
Secs. 24 to 35, inclusive.
T. 30 N., R. 90 W.,
Secs. 1 to 14, inclusive;
Secs. 17, 18, 19, and 21;
Secs. 23 to 35, inclusive.
T. 31 N., R. 90 W.,
Secs. 1 to 35, inclusive.
T. 32 N., R. 90 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 33 N., R. 90 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 34 N., R. 90 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 35 N., R. 90 W.,
Secs. 1, 3, and 4;
Secs. 6 to 13, inclusive;
Secs. 17 to 21, inclusive;
Secs. 25 and 26;
Secs. 28 to 35, inclusive.
T. 36 N., R. 90 W.,
Secs. 1 to 10, inclusive;
Secs. 14, 15, and 17;
Secs. 33 to 35, inclusive.
T. 37 N., R. 90 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 27, inclusive;
Secs. 29 to 32, inclusive.
T. 38 N., R. 90 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 39 N., R. 90 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 40 N., R. 90 W.,
Secs. 1 and 2;
Secs. 4 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 27 N., R. 91 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 28 N., R. 91 W.,
Secs. 1 to 14, inclusive;
Secs. 17 to 35, inclusive.
T. 29 N., R. 91 W.,
Secs. 1, 2, 4, 6, 7, and 8;
Secs. 10 to 15, inclusive;
Secs. 21 to 35, inclusive.
T. 30 N., R. 91 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 33, inclusive.
T. 31 N., R. 91 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 32 N., R. 91 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 33 N., R. 91 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 34 N., R. 91 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 35 N., R. 91 W.,
Secs. 2 to 15, inclusive;
Sec. 17;
Secs. 19 to 35, inclusive.
T. 36 N., R. 91 W.,
Secs. 1 to 12, inclusive;
Sec. 15;
Secs. 17 to 21, inclusive;
Secs. 24, 25, 28, 29, 30, 32, and 35.
T. 37 N., R. 91 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 38 N., R. 91 W.,
Secs. 1 and 2;
Secs. 4 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 39 N., R. 91 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 40 N., R. 91 W.,
Secs. 1 and 3;
Secs. 5 to 10, inclusive;
Secs. 12 and 13;
Secs. 17 to 35, inclusive.
T. 27 N., R. 92 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 28 N., R. 92 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 15, inclusive;
Sec. 17;
Secs. 19 to 35, inclusive.
T. 29 N., R. 92 W.,
Secs. 1, 2, 5, 7, 11, and 12;
Secs. 18 to 32, inclusive;
Secs. 34 and 35.
T. 30 N., R. 92 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 21, inclusive;
Secs. 23 to 35, inclusive.
T. 31 N., R. 92 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 32 N., R. 92 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 33 N., R. 92 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 34 N., R. 92 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 35 N., R. 92 W.,
Secs. 1 to 4, inclusive;
Secs. 8, 9, 13, 14, and 15;
Secs. 17 to 20, inclusive;
Secs. 22 to 35, inclusive.
T. 36 N., R. 92 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 25, inclusive;
Secs. 28 to 33, inclusive;
Sec. 35.
T. 37 N., R. 92 W.,
Sec. 1,
Secs. 3 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 38 N., R. 92 W.,
Secs. 1 to 9, inclusive;
Secs. 12 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 39 N., R. 92 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 40 N., R. 92 W.,
Secs. 1 to 11, inclusive;
Secs. 13, 14, and 15;
Secs. 17 to 35, inclusive.
T. 27 N., R. 93 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 28 N., R. 93 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 29 N., R. 93 W.,
Secs. 1 to 9, inclusive;
Secs. 11 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 30 N., R. 93 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 24, inclusive;
Secs. 26 to 35, inclusive.
T. 31 N., R. 93 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 32 N., R. 93 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 33 N., R. 93 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 34 N., R. 93 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 35 N., R. 93 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 36 N., R. 93 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 37 N., R. 93 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 38 N., R. 93 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 39 N., R. 93 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 40 N., R. 93 W.,
Secs. 1 to 5, inclusive;
Secs. 7 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 27 N., R. 94 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 28 N., R. 94 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 29 N., R. 94 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 30 N., R. 94 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 36, inclusive.
T. 31 N., R. 94 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 32 N., R. 94 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 33 N., R. 94 W.,
Sec. 1;
Secs. 3 to 13, inclusive;
Sec. 15;
Secs. 17 to 35, inclusive.
T. 34 N., R. 94 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 35 N., R. 94 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 36 N., R. 94 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 37 N., R. 94 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 38 N., R. 94 W.,
Secs. 1 to 5, inclusive;
Secs. 9 to 14, inclusive;
Secs. 24 to 31, inclusive;
Secs. 33, 34, and 35.
T. 39 N., R. 94 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 15, inclusive;
Sec. 17;
Secs. 21 to 29, inclusive;
Secs. 32, 33, and 35.
T. 40 N., R. 94 W.,
Secs. 4 to 15, inclusive;
Secs. 17 to 30, inclusive;
Secs. 32 to 35, inclusive.
T. 28 N., R. 95 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 29 N., R. 95 W.,
Secs. 1 to 4, inclusive;
Secs. 6 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 30 N., R. 95 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 36, inclusive.
T. 31 N., R. 95 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 32 N., R. 95 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 33 N., R. 95 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 34 N., R. 95 W.,
Secs. 1, 12, and 13;
Secs. 19 to 35, inclusive.

T. 35 N., R. 95 W.,
Secs. 1, 12, 13, 24, and 25.
T. 36 N., R. 95 W.,
Secs. 1, 12, 13, 24, and 25.
T. 28 N., R. 96 W.,
Sec. 1;
Secs. 3 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 29 N., R. 96 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 30 N., R. 96 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 31 N., R. 96 W.,
Secs. 1 to 4, inclusive;
Secs. 8 to 15, inclusive;
Secs. 18 to 35, inclusive.
T. 32 N., R. 96 W.,
Secs. 1, 2, 3, 4, 6, and 7;
Secs. 10 to 14, inclusive;
Secs. 18 and 19;
Secs. 21 to 31, inclusive;
Secs. 34 and 35.
T. 33 N., R. 96 W.,
Secs. 1 to 9, inclusive;
Secs. 11 to 15, inclusive;
Secs. 17 to 28, inclusive;
Secs. 30, 31, 34, and 35.
T. 34 N., R. 96 W.,
Secs. 19 to 35, inclusive.
T. 28 N., R. 97 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 29 N., R. 97 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 30 N., R. 97 W.,
Secs. 1 to 15, inclusive;
Secs. 18 to 35, inclusive.
T. 31 N., R. 97 W.,
Secs. 1 to 12, inclusive;
Secs. 17 to 35, inclusive.
T. 32 N., R. 97 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 33 N., R. 97 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 34 N., R. 97 W.,
Secs. 19 to 35, inclusive.
T. 28 N., R. 98 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 29 N., R. 98 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 30 N., R. 98 W.,
Secs. 1 to 7, inclusive;
Secs. 9 to 15, inclusive;
Sec. 18;
Secs. 21 to 29, inclusive;
Secs. 31 to 35, inclusive.
T. 31 N., R. 98 W.,
Secs. 1 to 5, inclusive;
Secs. 7 to 15, inclusive;
Secs. 17 and 18;
Secs. 20 to 28, inclusive;
Secs. 30, 31, 32, 34, and 35.
T. 32 N., R. 98 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 33 N., R. 98 W.,
Secs. 1 to 4, inclusive;
Sec. 5, that portion east of the Little Popo Agie River;
Sec. 8, that portion east of the Little Popo Agie River;
Secs. 9, 10, 12, 13, 14, 15, and 17;
Sec. 18, that portion east of the Little Popo Agie River;
Secs. 19 to 27, inclusive;
Secs. 29 to 35, inclusive.
T. 34 N., R. 98 W.,
Secs. 22 to 28, inclusive;
Secs. 33, 34, and 35.
T. 28 N., R. 99 W.,
Secs. 1 to 15, inclusive;
Secs. 17 and 18;
Sec. 19, N½N½;
Sec. 21, NE¼NW¼, NW¼NE¼, S½SW¼, N½SE¼, SW¼SE¼;
Secs. 22 to 27, inclusive;
Secs. 34 and 35.
T. 29 N., R. 99 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 30 N., R. 99 W.,
Secs. 2, 3, 4, 5, 8, 9, 10, 11, 13, 14, and 17;
Secs. 20 to 29, inclusive;
Secs. 32 to 35, inclusive.
T. 31 N., R. 99 W.,
Secs. 1, 2, and 3;
Secs. 8 and 9, those portions lying south and east of the Little Popo Agie River;
Secs. 10 to 15, inclusive;
Sec. 17;
Sec. 18, that portion lying south and east of the Little Popo Agie River;
Secs. 19 to 35, inclusive.
T. 32 N., R. 99 W.,
Sec. 1;
Secs. 11, 12, 13, and 24; those portions lying south and east of the Little Popo Agie River;
Sec. 25;
Secs. 26 and 34; those portions lying south and east of the Little Popo Agie River;
Sec. 35.
T. 33 N., R. 99 W.,
Sec. 24, SE¼NE¼;
Sec. 25, W½SW¼, SE¼SW¼;
Sec. 26, SE¼NE¼.
T. 28 N., R. 100 W.,
Secs. 1, 2, and 3;
Sec. 4, lot 1, SE¼NE¼;
Sec. 9, SE¼NE¼, NE¼SE¼, and S½SE¼;
Secs. 10 to 15, inclusive;
Sec. 17 E½SE¼, and SE¼NE¼;
Sec. 20, E½NE¼;
Secs. 21 to 24, inclusive;
Sec. 25, NE¼NW¼, and SW¼NW¼;
Sec. 27, N½NW¼;
Sec. 28, N½NE¼, and NE¼NW¼.
T. 29 N., R. 100 W.,
Secs. 1, 2, and 3;
Secs. 9 to 17, inclusive;
Sec. 18, lots 4 and 6, SE¼NE¼, E½SW¼, and SE¼;
Secs. 19 to 26, inclusive;
Sec. 27, N½, and NE¼SE¼;
Sec. 28, NE¼, and N½NW¼;
Sec. 29, N½N½, and SW¼NW¼;
Sec. 30, N½N½, and SE¼NE¼;
Sec. 35.
T. 29 N., R. 101 W.,
Sec. 24, SE¼NE¼, and NE¼SE¼.

The total area of the public lands included within the purview of this notice of proposed classification aggregates approximately 2,077,702 acres.

3. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the Mining Laws (aggregating approximately 4,128 acres):

SIXTH PRINCIPAL MERIDIAN

FREMONT COUNTY, WYO.

T. 27 N., R. 90 W.,
Sec. 15, S½NW¼, and N½SW¼.
T. 27 N., R. 91 W.,
Sec. 2, NW¼SE¼;
Sec. 3, SE¼SW¼, and SW¼SE¼;
Sec. 4, S½S½SW¼;
Sec. 9, N½N½NW¼;
Sec. 10, NE¼NW¼, and NW¼NE¼;
Sec. 12, S½NE¼, NW¼SE¼, and E½SW¼;
Sec. 13, N½NW¼.
T. 28 N., R. 91 W.,
Sec. 27, SW¼SE¼, NE¼SW¼, and NW¼SE¼;
Sec. 29, NE¼SW¼;
Sec. 34, NW¼NE¼.
T. 28 N., R. 92 W.,
Sec. 25.
T. 28 N., R. 93 W.,
Sec. 7, S½S½SE¼;
Sec. 18, N½NE¼, and NE¼NW¼.
T. 28 N., R. 100 W.,
Sec. 21, SW¼SW¼;
Sec. 28, NW¼NW¼.
T. 29 N., R. 99 W.,
Sec. 6, lots 4 and 5, W½SW¼SE¼NW¼, NW¼NE¼SW¼, and S½NE¼SW¼.
T. 29 N., R. 100 W.,
Sec. 1, lots 1, 5, 9, and 10;
Sec. 3, lots 6, 7, 8, 10, 11, 12, and 13;
Sec. 9, SE¼NE¼SW¼, NE¼SE¼SW¼, SWS¼SE¼, SW¼NW¼SE¼, SE¼NE¼, NE¼SE¼, that portion of the NW¼ lying north and west of State Highway 28;
Sec. 10, NW¼SW¼;
Sec. 12, S½SW¼NW¼;
Sec. 17, S½NW¼NE¼, N½SW¼NE¼;
Sec. 19, SW¼SE¼SW¼, and lot 4.
Sec. 20, lots 1, 2, 3, 4, 5, 6, 7, and 8, NW¼NE¼, N½NW¼, SW¼NW¼, S½S½;
Sec. 21, E½NW¼NE¼SE¼, W½NE¼NE¼SE¼, SE¼NE¼SE¼, and E½NE¼SE¼SE¼;
Sec. 22, W½NW¼SW¼, NW¼SW¼SW¼, E½SW¼SW¼SW¼, and W½SE¼SW¼SW¼;
Sec. 26, S½NE¼;
Sec. 27, NW¼NW¼;
Sec. 28, NE¼NE¼;
Sec. 30, lot 1, and NW¼NE¼NW¼.
T. 30 N., R. 96 W.,
Sec. 10, SE¼NE¼, NE¼SE¼, and N½SE¼SE¼;
Sec. 11, S½NW¼NW¼, SW¼NW¼, and NW¼NW¼SW¼.
T. 30 N., R. 99 W.,
Sec. 29, SW¼SE¼, and S½SW¼;
Sec. 32, N½SE¼NE¼;
Sec. 33, N½SW¼SW¼NW¼.
T. 31 N., R. 97 W.,
Sec. 27, NE¼NE¼.
T. 34 N., R. 90 W.,
Sec. 9, NE¼SE¼;
Sec. 10, NW¼SW¼.
T. 39 N., R. 90 W.,
Sec. 12, SE¼;
Sec. 13, NE¼.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Lander District Office, Bureau of Land Management, Post Office Box 589, Lander, Wyo. 82520.

5. A public hearing on the proposed classification will be held on June 27, 1967, at 9 a.m. in the First Guaranty Savings and Loan Association Building in Riverton, Wyo.

ED PIERSON,
State Director.

[F.R. Doc. 67-5548; Filed, May 17, 1967; 8:48 a.m.]

Office of the Secretary

ALVIN C. HOPE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense

Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) Since filing last statement, have purchased Common Stock in Copper Corp.

This statement is made as of May 21, 1967.

Dated: May 8, 1967.

ALVIN C. HOPE.

[F.R. Doc. 67-5518; Filed, May 17, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

IOWA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Iowa natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IOWA

Worth.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5546; Filed, May 17, 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOW CORNING CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2175) has been filed by Dow Corning Corp., Midland, Mich. 48640, proposing an amendment to paragraph (b)(2) of § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* to provide for the safe use of liquid methylhydrogenpolysiloxane (viscosity 20 to 40 centistokes at 25° C., refractive index 1.3949 to 1.3975 at 25° C.) as a release agent applied at levels up to 50 grams per 1,000 square feet of paper and paperboard products used for packaging frozen and concentrated fruit and vegetable juices.

Dated: May 12, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-5469; Filed, May 17, 1967; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 67-32]

CERTAIN FUNCTIONS FORMERLY PERFORMED BY BUREAU OF CUSTOMS

On April 28, 1967, a memorandum of agreement was signed by the Commandant of the Coast Guard and the Commissioner of Customs which provided that—

1. Treasury Department Order No. 167-81 transferred from the Commissioner of Customs to the Commandant, U.S. Coast Guard, the functions pertaining to the admeasurement of vessels, the documentation of vessels, the publication of merchant vessel registers, the registration of stack insignia, and shoreside port security. Because of the transfer of the Coast Guard from the Treasury Department to the Department of Transportation and because of continuing efforts to reorganize and modernize the shipping laws of the United States now assembled in title 46, U.S. Code, with a view toward eventual codification, it is recognized that the laws and provisions of law that relate to the transferred functions should be identified.

2. It is therefore agreed that—

a. The following sections of the U.S. Code, 1964 edition, relate entirely to the transferred functions:

Title	Chapter	Sections
46	1	2 (nothing in this section is considered vital or necessary to the authority to perform the functions pertaining to entry and clearance of vessels, collection of tonnage tax, or enforcement of the coastwise laws generally).
	2	12, 14-41, 43-56, 58, 61-63, 71, 72, 74, 75, 77, 81-83k.
	3	103, 105, 109.
	6	151-157, 159, 160.
	11	227, 236-238.
	12	252-255, 258-260, 263-265, 267-272, 275, 276, 279, 334.
	13	351-353.
	15	496.
	25	921-297, 941, 981-984.
	26	1011-1014.

b. Parts of the following sections of the U.S. Code, 1964 edition, relate to the transferred functions as indicated:

Title	Chapter	Sections
46	1	3 (except as it relates to tonnage tax). 4 (first two sentences).
	6	158 (second sentence).
	12	262 (second sentence).
46	12	320 (as it relates to sections 45 and 77). 321 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 322 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 323 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 324 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 326 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 328 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 331 (as it relates to measurement of tonnage, issuance or granting of certificates of registry, records or enrollments, recording of bills of sale, mortgages, hypothecations or conveyances, and the furnishing of certificates of title). 333 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 335 (as it relates to sections 252-255, 258, 259, 262-273, 275-277, 279 and 280). 336 (as it relates to sections 252-255, 258. 259, 262-273, 275-277, 279 and 280).
	24	881 (the second proviso).
	25	911 (1), (2), (3), and (5).

c. The following sections and parts of sections of the U.S. Code 1964 edition, relate to functions transferred and to functions retained by Customs:

Title	Chapter	Sections
19	3	261, 267.
	4	1451, 1524.
46	1	7, 4 (last sentence) 8.
	2	11, 13, 59, 60.
	6	158 (the second paragraph), 161, 162.
	11	221.
	12	251(a) (the first sentence), 266, 277, 278, 280, 292, 319, 325, 327, 332.
	14	404a.
46	24	883 (the first and second provisos) 883a, 883b, 883-1.

d. The following sections of the U.S. Code, 1964 edition, relate to functions transferred and to functions administered under the Secretary of Commerce:

Title	Chapter	Sections
46	23	838, 840. 911 (4) (pending transfer to the Department of Transportation under the provisions of Reorganization Plan No. 1-67).
50	12	198(a).

e. The following sections of the U.S. Code, 1964 edition, relate to functions transferred, to functions retained by Customs, and to functions administered under the Secretary of Commerce.

Title	Chapter	Sections
46	23	801, 802, 803, 808.

3. The identification of statutes set forth above is for the information and guidance of the public. Nothing therein

shall be deemed to have the effect of amending in any respect the provisions of Treasury Department Order No. 167–81 or the functions of any agency thereunder.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 67–5534; Filed, May 17, 1967; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18370]

BRAKE AIRFREIGHT, INC., ET AL.

Notice of Proposed Approval

Application of Brake Airfreight Inc.; Brake Delivery Service; Charles Grace Enterprises, Inc., doing business as Meier Transfer Service; Harold M. Brake, Duff Wertz, and Lois M. Harrison; for approval of control and interlocking relationships, et al.; Docket 18370.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the order set forth below under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., May 11, 1967.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Issued under delegated authority.

In the matter of the joint application of Brake Airfreight Inc.; Brake Delivery Service; Charles Grace Enterprises, Inc., doing business as Meier Transfer Service; Harold M. Brake, Duff Wertz, and Lois M. Harrison, Docket 18370, under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, for approval of control and interlocking relationships.

By application filed April 4, 1967, Brake Airfreight Inc. (Air); Brake Delivery Service (Brake); Charles Grace Enterprises, Inc. doing business as Meier Transfer Service (Meier); Harold M. Brake, Duff Wertz, and Lois M. Harrison request the Board's approval of control and interlocking relationships pursuant to sections 408 and 409 of the Act.

Harold M. Brake is presently the sole stockholder of Brake and Meier and holds the positions of president and director of Air, Brake, and Meier. Duff Wertz and Lois M. Harrison are vice president and director, and secretary-treasurer and director, respectively, of Air, Brake, and Meier. Air is a wholly owned subsidiary of Brake.

The Board, in a prior action, approved the common control of Brake and Meier by Mr. Brake; also approved were interlocking relationships involving Brake, a highway common carrier and domestic air freight forwarder; [1] and Meier, an intrastate common carrier by motor vehicle.[2] The interlocking relationships were due to Messrs. Brake and Wertz holding positions of president and director, and vice president and director and Lois M. Harrison holding the position of secretary-treasurer and director of Brake and Meier, respectively.

The approval herein sought is due to a realignment of the corporate activities of Brake, namely the segregation of its motor carrier activities and its air freight forwarding operations. The applicants propose that the air freight forwarding activities of Brake be transferred to Air, its wholly owned subsidiary, and also that international air freight forwarding authority be granted to Air. Applicants further proposed that Brake will submit to the Board its present Operating Authority No. 84 as an air freight forwarder for cancellation concurrently with the grant of operating authority as an air freight forwarder to Air.

No objections to the application have been filed.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

We have concluded that Brake is a common carrier within the meaning of section 408 of the Act and that the common control of Air and Meier by Mr. Brake is subject to section 408 of the Act. However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing.

The subject control relationships will be essentially the same as those approved by the Board in its Order E–19189 except that Mr. Brake will now exercise control over a separate corporation doing business as an air freight forwarder in addition to his control of Brake and Meier. There are no new substantive issues raised by this application. It therefore appears that the common control relationships created by Mr. Brake's being the sole shareholder of Brake and Meier and Brake Delivery Service being the sole shareholder of Air would not be inconsistent with the public interest. However, we will again condition our approval of the instant relationships so that approval shall be effective only so long as the operating of motor vehicles by Brake and Meier is limited to the State of California.

We also find that interlocking relationships within the scope of section 409(a) of the Act will exist arising from the holding by Harold M. Brake, Duff Wertz, and Lois M. Harrison of the positions described herein. In this connection, we have concluded that the parties have made a due showing in the form and manner prescribed that such interlocking relationships will not adversely affect the public interest, provided that approval thereof is made subject to the limitation noted above.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the interlocking relationships should be approved under section 409.

Accordingly, it is ordered:

1. That the common control of Air, Brake, and Meier by Harold M. Brake be and it hereby is approved;

2. That, subject to the provisions of Part 251 of the Economic Regulations, as now in effect or as hereafter amended, the interlocking relationships resulting from the holding by Harold M. Brake, Duff Wertz, and Lois M. Harrison of the positions described above be and they hereby are approved;

3. That the approvals granted herein shall be effective only so long as the operation of motor vehicles by Brake and Meier is limited to the State of California.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By: A. M. Andrews,
Director,
Bureau of Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67–5549; Filed, May 17, 1967; 8:48 a.m.]

[1] Air freight forwarding activities are conducted by a division of Brake, Brake Air Freight Division.

[2] Order E–19189, issued Jan. 14, 1963. Although Brake holds a certificate of registration issued by the ICC, MC–96679 authorizing it to engage in interstate transportation, Brake stated that its operations are limited to the State of California and the Board's approval was granted only so long as the operation of motor vehicles by Brake, and Meier, was limited to the State of California.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17437]

FRANK HOVIS HEMBY

Order Designating Matter for Hearing

In the matter of Frank Hovis Hemby, Zion Lutheran Church and School, 6121 East Lovers Lane, Dallas, Tex. 75214, Docket No. 17437; suspension of radiotelegraph first class operator license and radiotelephone first class operator license.

The Commission, by the Chief of its Field Engineering Bureau, has under consideration the suspension of the Radiotelegraph First Class Operator License, T1–10–210, and the Radiotelephone First Class Operator License, P1–10–5801, issued to Frank Hovis Hemby whose address appears above.

In accordance with the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, Hemby filed with the Commission a timely request for hearing on the Commission's order of February 3, 1967, suspending for 3 months his Radiotelegraph First Class Operator License and his Radiotelephone First Class Operator License.

Under the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, Frank Hovis Hemby is entitled to a hearing in this matter and by filing a timely written request for a hearing, the Commission's order of suspension is held in abeyance until the

conclusion of the proceeding in this matter.

It is ordered, Under authority contained in section 303(m)(2) of the Communications Act of 1934, as amended, and § 0.311(a)(5) of the Commission's rules that the matter of the suspension of the commercial radio operator licenses of Frank Hovis Hemby is hereby designated for hearing at a time and place before a hearing examiner to be specified by further order of the Commission, upon the following issues:

1. To determine whether Frank Hovis Hemby, while serving as the sole radio operator on board the vessel "SS Exemplar," failed to carry out the lawful orders of the master of the vessel.

2. To determine in the light of the evidence adduced in the preceding issue whether the terms of the original order of suspension should be made final, rescinded, or modified.

It is further ordered, That a copy of this order be transmitted by an employee of the Commission to Frank Hovis Hemby, and that Hemby notify the Commission in writing within 10 days after receipt of this order that he will appear in person or by counsel at said hearing.

Adopted: May 11, 1967.

Released: May 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5553; Filed, May 17, 1967; 8:48 a.m.]

[Docket No. 16921; FCC 67M-795]

ULTRAVISION BROADCASTING CO. AND COURIER CABLE CO., INC.

Order Regarding Procedural Dates

In the matter of the petition of Florian R. Burczynski, Stanley J. Jasinski, and Roger K. Lund, doing business as Ultravision Broadcasting Co., Buffalo, N.Y., Docket No. 16921; to stay construction and prevent extension of CATV system operated in Buffalo by Courier Cable Co., Inc.

On May 8, 1967, counsel for Ultravision Broadcasting Co. and Beta Television Corp. filed a motion for continuance. They ask that the procedural schedule be modified, including a rescheduling of the hearing from May 15, to June 26, 1967, to permit movants to avail themselves of the services of an economic expert. Counsel for WBEN, Inc., Capital Cities Broadcasting Corp., and the Broadcast Bureau do not object to the motion. Counsel for Courier Cable Co., Inc., however, filed an opposition on May 9. It asserts that the delay sought by movants will compound the injury it has already suffered through its inability to develop its CATV system as a result of this case, and that its interest is more significant than movants'. It does not oppose a brief continuance of the hearing date, as the interval between the furnishing of exhibits by parties other than Courier Cable (May 12) and the scheduled hearing date is short.

The Hearing Examiner is now presiding in an expedited case which may run into next week. He would therefore probably have had to continue the May 15 hearing in the present case, in any event. But the long extension sought by movants would be unfair to Courier Cable, and shorter extensions will be specified.

Accordingly, it is ordered, That the procedural dates are extended as follows:

	From—to
Parties other than Courier Cable to furnish exhibits under issues on which they have the burden of going forward by	May 12—May 26, 1967.
Receipt of notification regarding witnesses for cross-examination	May 12—May 31, 1967.
Hearing	May 15—June 5, 1967.

Issued: May 10, 1967.

Released: May 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5554; Filed, May 17, 1967; 8:49 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Entry and Withdrawal From Warehouse for Consumption

MAY 15, 1967.

On March 15, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral agreement with the Government of the Polish People's Republic concerning exports of cotton textiles and cotton textile products from Poland to the United States over a 3-year period beginning on March 1, 1967. Under this agreement, the Polish People's Republic has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. The first year of the agreement begins on March 1, 1967, and extends through February 29, 1968. The categories subject to specific limitation in the first year under the agreement are as follows: 19, 26 (including a sublimit on duck), 28, 42, 43, 46, 53, 60, and 62.

There is published below a letter of May 12, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs replacing all previous directives concerning cotton textiles and cotton textile products produced or manufactured in Poland and directing that the amount of cotton textiles and cotton textile products in the above specified categories produced or manufactured in Poland which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning on March 1, 1967, be limited to certain designated levels. The terms of the bilateral cotton textile agreement between the Governments of the United States and Poland were published on March 16, 1967, in State Department Press Release No. 58. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230,
May 12, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive replaces all previous directives issued to you concerning entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Poland.

Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, in accordance with the cotton textile agreement of March 15, 1967, between the Governments of the United States and Poland, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible and for the 12-month period beginning March 1, 1967, and extending through February 29, 1968, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products produced or manufactured in Poland in excess of the following 12-month levels of restraint:

Category		*12-month level of restraint* [1]
19	square yards	900,000
26	do [2]	500,000
28	pieces	200,000
42	dozen	25,000
43	do	45,000
46	do	10,000
53	do	11,000
60	do	13,500
62	pounds	147,000

[1] These levels have not been adjusted to reflect entries made on or after Mar. 1, 1967.

[2] Of this amount, not more than 150,000 square yards may be in duck, T.S.U.S.A. Nos.:

320.__01 through 04, 06, 08
321.__01 through 04, 06, 08
322.__01 through 04, 06, 08
326.__01 through 04, 06, 08
327.__01 through 04, 06, 08
328.__01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles or cotton textile products in Categories 19, 26, 28, 42, 43, 46, 53, 60, and 62, produced or manufactured in Poland, and which have been exported to the United States prior to March 1, 1967, shall not be subject to this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The levels of restraint set forth above are subject to adjustment pursuant to the bilateral agreement of March 15, 1967, which provides in part that within the aggregate and applicable group limits of the agreement, limits on certain categories may be exceeded by not more than 5 percent. Any adjustments provided for in the bilateral agreement will be made in further directives to you as may be appropriate.

The actions taken with respect to the Government of Poland and with respect to imports of cotton textiles and cotton textile products from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

J. Herbert Hollomon,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-5547; Filed, May 17, 1967; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

REGIONAL DIRECTORS

Redelegation of Authority Regarding Grants

I approve the attached amendment of the plan of redelegation of authority previously approved by me on January 14, 1967 (32 F.R. 1008-09, Jan. 27, 1967), and I hereby redelegate to the respective Regional Directors of the Office of Economic Opportunity concurrent authority to approve, deny, amend, revise, supplement, enforce, suspend, and terminate grants and grant actions under section 206(b) of the Economic Opportunity Act of 1964, as amended, in accordance with and subject to the other terms and limitations specified in the January 14, 1967, redelegation of authority.

Dated: May 5, 1967.

THEODORE M. BERRY,
Director, Community Action Program, Office of Economic Opportunity.

I concur in the foregoing amendment and redelegation: May 11, 1967.

SARGENT SHRIVER,
Director, Office of Economic Opportunity.

AMENDMENT TO DELEGATION OF CAP GRANT APPROVAL AND RELATED AUTHORITIES

Section 3 of the Delegation of CAP Grant Approval and Related Authority approved January 14, 1967 (32 F.R. 1008-09, Jan. 27, 1967) is amended to add "Section 206(b)" to the list of statutory provisions as to which authority is redelegated to Regional Directors and to redesignate as section 206(a) the statutory provision as to which authority is redelegated to the Director, Office of Training and Technical Assistance. As amended, the relevant entries in section 3 read as follows:

Delegate Offices	*Delegated Authority*
Regional Directors, OEO.	Sections, 204, 205, 206(b), 211-3, and 402(b). Except for Indian, Territorial, and Upward Bound programs, authority to approve, deny, amend, revise, supplement, enforce, suspend, and terminate grants and grant actions. To the extent delegated to the Department of Labor, subsection 205 (d) and (e) programs will also be excepted from this redelegation.
Director, Office of Training and Technical Assistance.	Section 206(a). Authority to amend and revise grants and grant actions, subject to paragraph 4c.

[F.R. Doc. 67-5520; Filed, May 17, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4489]

CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Charter Amendments and Order Authorizing Solicitation of Proxies in Connection Therewith

MAY 12, 1967.

Notice is hereby given that The Connecticut Light and Power Co. ("CL&P"), 107 Selden Street, Berlin, Conn. 06037, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), proposing amendments of its certificate of incorporation and the solicitation of proxies from preferred stockholders in connection therewith. CL&P has designated sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposals. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed amendments.

CL&P proposes to amend its certificate of incorporation (1) to bring it into conformity with the requirements of this Commission's statement of policy regarding preferred stock subject to the Act, (2) to make other miscellaneous changes in the preferred stock provisions, (3) to change the preferred stock from shares without par value to shares of a par value of $50 per share, and (4) to increase its authorized preferred stock from 2 million shares to 3 million shares. The proposed amendments of the certificate of incorporation include, among other things, restrictions on the payment of dividends on and acquisition by CL&P of stock junior to the preferred stock; a prohibition against the payment of dividends on any series of preferred stock when a dividend arrearage exists with respect to any other series of preferred stock; elimination of the general limitation on the purchase or redemption of outstanding shares of junior stock without approval of the preferred stockholders; a change in the provisions relating to the amounts payable to the preferred stockholders upon voluntary and involuntary liquidation of the company; additional rights for preferred stockholders upon nonpayment of four quarterly dividends; changes in the restrictions on the issuance of unsecured debt; and changes in the provisions relating to a merger, consolidation, or sale or mortgage of substantially all of the company's assets.

CL&P also proposes to amend its certificate of incorporation to change its common stock from shares without par value to shares with a par value of $10 per share. The company presently carries its outstanding common stock on its books at an average stated value of $10.07 per share, and, in order to reflect the change to common stock with a par value of $10 per share, the company proposes to reduce its stated capital from $144,935,311 to $144,310,140, or 7 cents for each of the 8,931,014 shares of common stock outstanding, by a transfer of $625,171 from its common stock to its capital surplus account.

CL&P intends to submit the proposed amendments of the certificate of incorporation to its shareholders for their approval at its annual meeting of shareholders to be held on June 21, 1967. In connection therewith, CL&P proposes to solicit proxies from the holders of its preferred stock through the use of solicitation material which sets forth the proposed amendments in detail. The declaration states that under the applicable provisions of the Connecticut Stock Corporation Act, the proposed amendments require the affirmative vote of the holders of at least two-thirds of the outstanding shares of preferred and common stock voting as separate classes. Northeast Utilities, holder of 98.63 percent of the outstanding shares of CL&P's common stock, has indicated that all such shares will be voted in favor of the proposed amendments.

The fees and expenses incurred and to be incurred in connection with the proposed transactions are to be filed by amendment. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

CL&P has requested that the effectiveness of its declaration with respect to the solicitation of proxies from the preferred stockholders be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than June 12, 1967, request in writing that a hearing be held with respect to the proposed amendments of the certificate of incorporation, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that CL&P's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62 and that jurisdiction should be reserved with respect to the fees and expenses thereof:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and hereby is, permitted to become effective forthwith pursuant to Rule 62 and that jurisdiction be, and hereby is, reserved with respect to the fees and expenses thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-5524; Filed, May 17, 1967; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 12, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 13, 1967, through May 22, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-5525; Filed, May 17, 1967; 8:46 a.m.]

[70-4488]

GEORGIA POWER CO.

Notice of Proposed Acquisition and Retirement of First Mortgage Bonds

MAY 12, 1967.

Notice is hereby given that Georgia Power Co. ("Georgia"), 270 Peachtree Street, Atlanta, Ga. 30303, an electric utility subsidiary company of The Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(c) of the Act and Rule 42 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Georgia proposes to acquire during 1967, and to retire, up to $10 million principal amount of its outstanding First Mortgage Bonds, 3½ percent Series of 1941, due March 1, 1971 ("3½ percent Bonds"). Included within such amount of $10 million of bonds are those which Georgia may acquire and retire pursuant to the 2 percent exemptive provisions of Rule 42(b)(5) under the Act, and, pending Commission action in this proceeding, the company may make acquisitions and retirements pursuant to such exemption.

Georgia intends to effect purchases of 3½ percent Bonds authorized hereunder in the open market or by publishing a request for tenders, or both, in its discretion, at the best price to Georgia which at the time, in its judgment, is obtainable. The company presently contemplates that in any request for tenders it will specify the maximum price at which tenders will be accepted. In no event, however, will any purchases made by Georgia hereunder be at a cost in excess of the principal amount of the bonds, plus accrued interest to the date of purchase. None of such 3½ percent Bonds will be purchased from any associate company or affiliate of Georgia or any affiliate of any such associate company. Georgia proposes to effect the proposed purchases of its 3½ percent Bonds with its general funds or with funds provided from short-term bank loans which is the subject of a pending declaration (Holding Company Act Release No. 15724).

Georgia has outstanding first mortgage indebtedness (by issue or assumption) aggregating $426,605,000 principal amount (exclusive of $55,000 principal amount of 3½ percent Bonds held in its treasury and pledged). Of such $426,605,000 principal amount, almost one-fifth, or $79,886,000 principal amount, consists of the 3½ percent Bonds. It is stated that, to the best knowledge and belief of the company, approximately 92 percent of the outstanding 3½ percent Bonds are held by institutional investors. The declaration states that in order to minimize the possibility of serious problems arising out of the necessity for refunding at their maturity in 1971 the then outstanding principal amount of such 3½ percent Bonds, Georgia has concluded it is desirable to adopt a program periodically to acquire on a reasonable basis and retire 3½ percent Bonds prior to their maturity, to the extent feasible. Georgia began such program of acquiring its 3½ percent Bonds in 1964, and in that year it acquired and retired a total of $7,303,000 principal amount of said bonds, at an average price of 95.39 percent of principal amount (equivalent to an average yield to maturity of 4.38 percent pursuant to the exemption afforded by Rule 42(b)(5) under the Act.

Fees and expenses in connection with the proposed transactions are estimated at $6,500 and consist of $5,000 for publication of notices for tenders, $1,000 for fee of counsel, and $500 for charges of trustee. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 6, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from sucl. rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-5526; Filed, May 17, 1967; 8:46 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

MAY 12, 1967.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 13, 1967, through May 22, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5527; Filed, May 17, 1967; 8:46 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

MAY 12, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 13, 1967, through May 22, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5528; Filed, May 17, 1967; 8:46 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

MAY 12, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended this order to be effective for the period May 13, 1967, through May 22, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5529; Filed, May 17, 1967; 8:46 a.m.]

[File No. 1-4407]

SPORTS ARENAS, INC.

Order Suspending Trading

MAY 12, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value of Sports Arenas, Inc., and the 6 percent convertible debentures being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 13, 1967, through May 22, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5530; Filed, May 17, 1967; 8:46 a.m.]

[File No. 811-1389]

S & P NATIONAL CORP.

Order Suspending Trading

MAY 12, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Common and Class A stock of S & P National Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 12, 1967, through May 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5531; Filed, May 17, 1967; 8:47 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

MAY 12, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 13, 1967, through May 22, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5532; Filed, May 17, 1967; 8:47 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

MAY 12, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 13, 1967, through May 22, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5533; Filed, May 17, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1063]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 12, 1967.

The following applications are governed by Special Rule 1.247 [1] of the Commission's general rules of practice (49

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 409 (Sub-No. 32), filed May 1, 1967. Applicant: O. E. POULSON, INC., Post Office Box 295, Elm Creek, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, acids, and chemicals, petroleum oil* (used in fungicides, herbicides or pesticides), including but not restricted to anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea and urea products, in bulk, from the Gulf Oil Corp.s' River Terminal at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha. Nebr.

No. MC 629 (Sub-No. 25) (Correction), filed April 24, 1967, published in FEDERAL REGISTER issue of May 4, 1967, and republished as corrected, this issue. Applicant: HELM'S EXPRESS, INC., Post Office Box 268, Pittsburgh, Pa. 15230. Applicant's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors and neutral spirits*, in bulk, in tank vehicles and in containers, from New York, N.Y., Baltimore, Md., Philadelphia, Pa., Boston, Mass., and Elizabeth, N.J., to Lawrenceburg, Ind., Alladin, Pa., and Cincinnati, Ohio. NOTE: The purpose of this republication is to show the correct filing date. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 1375 (Sub-No. 13), filed April 26, 1967. Applicant: BELL LINES, INC., Box 4108, Charleston, W. Va. 25304, also 6114 McCorkle Avenue SE., Charleston, W. Va. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Virginia, West Virginia, Kentucky, and Tennessee within 125 miles of Bluefield, W. Va.-Va., restriction: The service sought herein above is restricted to the transportation of traffic moving to, from or through points in Tennessee. NOTE: Applicant indicates tacking possibilities with its presently held authority to enable service to Indiana, North Carolina, South Carolina, Ohio, and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Bristol, Tenn.

No. MC 1756 (Sub-No. 7), filed April 26, 1967. Applicant: PEOPLES EXPRESS CO., a corporation, 497 Raymond Boulevard, Newark, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, empty, in automated trailers, (1) between Danbury, Conn., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, and the District of Columbia, (2) between Passaic and Paterson, N.J., on the one hand, and, on the other, Bridgeport and Milford, Conn., and (3) between New York, N.Y., on the one hand, and, on the other, Menands, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 2202 (Sub-No. 311) (Amendment), filed January 24, 1967, published FEDERAL REGISTER issue of February 9, 1967, amended May 5, 1967, and republished as amended this issue. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. and Douglas W. Faris, Post Office Box 471, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Dallas, and Paris, Tex.: (a) From Dallas over Interstate Highway 30 to Greenville, Tex., thence over Texas Highway 24 to Paris and return over the same route, serving no intermediate points as an alternate route for operating convenience only, and (b) from Dallas over U.S. Highway 67 to Greenville, Tex., thence over Texas Highway 24 to Paris and return over the same route, serving no intermediate points as an alternate route for operating convenience only. NOTE: The purpose of this republication is to clarify the route description. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 2900 (Sub-No. 155), filed May 3, 1967. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, Fla. 32203. Applicant's representative: W. D. Beatenbough (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), from Birmingham, Ala., to Pelham, Ala., over U.S. Highway 31 and return over the same route serving all intermediate points and the off-route point of Helena, Ala., located approximately 1 mile west of Pelham, Ala., on Alabama Highway 52. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 2900 (Sub-No. 156), filed May 4, 1967. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203, also Post Office Box

2408, Jacksonville, Fla. 32203. Applicant's representative: W. D. Beatenbough (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading) (1) Between Cincinnati, Ohio, and Detroit, Mich.: (a) From Cincinnati over U.S. Highway 25 to Detroit, and return over the same route serving the intermediate point of Monroe, Mich.; (b) from Cincinnati over Interstate Highway 75 to Detroit, and return over the same route, serving the intermediate point of Monroe, Mich.; (2) Between Indianapolis, Ind., and Detroit, Mich.: From Indianapolis over Indiana State Highway 37 to Fort Wayne, Ind., thence over U.S. Highway 24 to Toledo, Ohio, thence over U.S. Highway 25 and/or Interstate Highway 75 to Detroit, and return over the same route, serving no intermediate points; (3) Between junction U.S. Highway 127 with U.S. Highway 24 (near Van Wert, Ohio) and Jackson, Mich.: From said junction over U.S. Highway 127 to Jackson, and return over the same route, serving no intermediate points.

(4) Between junction U.S. Highway 30S and Interstate Highway 75 (at or near Lima, Ohio) and junction U.S. Highway 127 and U.S. Highway 24 (near Van Wert, Ohio): From said junction near Lima over U.S. Highway 30S to junction U.S. Highway 30, thence over U.S. Highway 30 to Van Wert, Ohio, thence over U.S. Highway 127 to said junction near Antwerp, and return over the same route, serving no intermediate points; (5) between Jackson, Mich., and Detroit, Mich.: From Jackson over Interstate Highway 94 to Detroit, and return over the same route, serving the intermediate and off-route points of Ann Arbor, Ypsilanti, Willow Run, Romulus, Inkster, Wayne, Plymouth, Livonia, Highland, and Belleville, Mich.; (6) between Lansing, Mich., and Detroit, Mich.: From Lansing over U.S. Highway 127 to junction Interstate Highway 96, thence over Interstate Highway 96 to Detroit, and return over the same route, serving no intermediate points; (7) between Lansing, Mich., and Flint, Mich.: From Lansing over Michigan Highway 78 to Flint, and return over the same route serving the intermediate and off-route points of East Lansing and Swartz Creek, Mich.; (8) between Detroit, Mich., and Bay City, Mich.: From Detroit over Interstate Highway 75 to junction Michigan State Highway 13 (at or near Saginaw, Mich.), thence over Michigan State Highway 13 to Bay City, and return over the same route, serving the intermediate and off-route points of Troy, Pontiac, Flint, and Saginaw, Mich.; (9) between Midland, Mich., and Saginaw, Mich.: From Midland over Michigan State Highway 47 to junction Michigan State Highway 46, thence over Michigan State Highway 46 to Saginaw, and return over the same route, serving no intermediate points.

(10) Between Midland, Mich., and Bay City, Mich.: From Midland over U.S. Highway 10 to Bay City, and return over the same route, serving no intermediate points; (11) between junction Michigan State Highway 13 with Interstate Highway 75 and junction of Interstate Highway 75 with U.S. Highway 10: From junction Michigan State Highway 13 with Interstate Highway 75, northerly over Interstate Highway 75 to junction U.S. Highway 10, and return over the same route, serving no intermediate points; (12) between Jackson, Mich., and Lansing, Mich.: From Jackson over U.S. Highway 127 to Lansing, and return over the same route, serving no intermediate points; (13) between Statesville, N.C., and junction U.S. Highway 23 and U.S. Highway 25 (at or near Toledo, Ohio): From Statesville, N.C., over U.S. Highway 21 to junction U.S. Highway 35 (near Charleston, W. Va.), thence over U.S. Highway 35 to junction U.S. Highway 23 (near Chillicothe, Ohio), thence over U.S. Highway 23 to junction U.S. Highway 25 and return over the same route, serving junction U.S. Highway 23 and U.S. Highway 25 for the purpose of joinder only; (14) between Asheville, N.C. and Cincinnati, Ohio: From Asheville, N.C. over U.S. Highway 25 to junction U.S. Highway 25 and U.S. Highway 25E (near Newport, Tenn.), thence over U.S. Highway 25E to junction U.S. Highway 25 (near Corbin, Ky.), thence over U.S. Highway 25 to Cincinnati, Ohio, and return over the same route, serving no intermediate points.

(15) Between junction U.S. Highway 23 and U.S. Highway 25 (at or near Toledo, Ohio), and Flint, Mich.: From junction U.S. Highway 23 and U.S. Highway 25 over U.S. Highway 23 to Flint, Mich., and return over the same route, serving junction U.S. Highway 23 and U.S. Highway 25; junction U.S. Highway 23 and Interstate Highway 94 (near Ann Arbor, Mich.); junction U.S. Highway 23 and Interstate Highway 96 (near Brighton, Mich.), for the purpose of joinder only; (16) between Winston-Salem, N.C., and Huntington, W. Va.: From Winston-Salem, N.C., over U.S. Highway 52 to Huntington, W. Va., and return over the same route, serving junction U.S. Highway 52 and U.S. Highway 21 (near Bluefield, Va.), and Huntington, W. Va., for purpose of joinder only; (17) between Charleston, W. Va., and Cincinnati, Ohio: From Charleston, W. Va., over U.S. Highway 60 to junction U.S. Highway 52, thence over U.S. Highway 52 to Cincinnati, Ohio, and return over the same route, serving no intermediate points and serving Charleston, W. Va., for purpose of joinder only; (18) serving all points within 25 miles of the commercial zone of Detroit, Mich., as defined by the Interstate Commerce Commission. Restriction: The authority sought herein to be restricted against the transportation of shipments: (a) Having both origin and destination at points in Michigan; (b) between points in Michigan, on the one hand, and, on the other, Louisville, Ky., and points in Illinois, Indiana, Missouri, Ohio, and Wisconsin; and (c) to or from points in Michigan interlined at Cincinnati, Ohio, Indianapolis, Ind., or Louisville, Ky. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Miami, Fla.

No. MC 3018 (Sub-No. 19), filed May 5, 1967. Applicant: McKEOWN TRANSPORTATION COMPANY, a corporation, 10448 South Western Avenue, Chicago, Ill. 60643. Applicant's representative: Gregory J. Scheurich, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste foodstuffs, consisting of bakery or flour mill refuse or stale bread, cake, candy, or cookies*, from points in Illinois, Wisconsin, Minnesota, Iowa, Michigan, Indiana, Ohio, and Missouri, to Chicago, Ill., under contract with International Bakerage, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 8457 (Sub-No. 4), filed May 3, 1967. Applicant: MILWAUKIE TRANSFER & FUEL CO., 836 31st Street, Milwaukie, Oreg. 97222. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products* (except plywood sheets), and *timbers, trusses, and beams, and hardware* used in the installation of, and moving in connection with such commodities, from points in Clackamas and Multnomah Counties, Oreg., to points in Arizona, California, and Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 16903 (Sub-No. 25), filed May 1, 1967. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Post Office Box 1275, Bloomington, Ind. 47402. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, marble, granite, and slate*, between ports of entry located on the international boundary line between the United States and Canada at or near Champlain, Trout River, Chazy, Fort Covington, Roosevelt, Thousand Islands, Niagara Falls, Buffalo, and Rouses Point, N.Y.; Highgate Springs, Vt.; Detroit and Port Huron, Mich., on the one hand, and, on the other, points in Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Michigan, Ohio, Indiana, Illinois, Pennsylvania, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 16903 (Sub-No. 26), filed May 1, 1967. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, Ind. 47402. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis,

Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, marble, granite, and slate*, (1) from points in Watauga, Avery, Mitchell, and Yancey Counties, N.C., to points in New York, Pennsylvania, Maryland, Delaware, New Jersey, Ohio, Indiana, Kentucky, Michigan, Illinois, Wisconsin, Missouri, and the District of Columbia; and (2) from points in Wyoming County, N.Y., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Virginia, and the District of Columbia. NOTE: Applicant states that the authority requested from points in Wyoming County, N.Y., will be tacked at presently authorized points in Ohio, Indiana, Virginia, and Wisconsin for movement to States presently authorized in MC 16903 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 18088 (Sub-No. 45) (amendment), filed April 24, 1967, published in FEDERAL REGISTER issue of May 11, 1967, and republished as amended, this issue. Applicant: FLOYD AND BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Pelham, Ala., as an off-route points in connection with applicant's regular route authority between Birmingham and Anniston, Ala., over U.S. Highway 78, restricted against tacking with any other authority held by applicant. The purpose of this republication is to change from irregular route service to regular route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 21866 (Sub-No. 60), filed May 3, 1967. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa. 19512. Applicant's representative: Paul Coyle, 5631 Utah Avenue NW., Washington, D.C. 20015. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal articles*, except those which because of size or weight require special equipment, from Boyertown, Norristown, Oaks, Philadelphia, and Pottstown, Pa., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, and Tennessee, (2) *metal articles*, except buildings, complete, knocked down, or in sections, and except tractors, agricultural machinery, and parts and attachments therefor, from the above-specified origin points, to points in Illinois, Indiana, Michigan, and Wisconsin and (3) *metal building materials*, from the above-specified origin points, to points in Kentucky, Ohio, and West Virginia. NOTE: Applicant presently is authorized to perform all of the transportation services described above via authorized gateways of Pottsville, Pa., or the plantsite of Aetna Steel Products Corp. at the point, where applicant maintains its Pottsville terminal. The purpose of the instant application is to obtain authority to provide such transportation without being required to utilize such gateways. Applicant also proposes to tack the authority sought with its Subs 1, 40, 41, and 52 for performance of through service from authorized origins in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and the District of Columbia which through services now are permissable via so-called Pottsville, Pa., gateway, subject, however, to the restriction in MC 21866 Sub 42. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 23976 (Sub-No. 21), filed April 27, 1967. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., 5940 North Basin Street, Portland, Oreg. 97217. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, excluding household goods as defined by the Commission and commodities in bulk in tank-type vehicles, (1) between Burns, Oreg., and Boise, Idaho, from Burns over U.S. Highway 20 to Cairo Junction, Oreg., thence over U.S. Highway 201 to Ontario, Oreg., thence over U.S. Highway 30 to Boise, Idaho, and return over the same route, serving all intermediate points in Idaho and serving Ontario, Oreg., as an intermediate point for interchange only and (2) from Ontario, Oreg., to Boise, Idaho, over Interstate Highway 80 and return over the same route, as an alternate route for operating convenience only. NOTE: Applicant states it would tack the proposed authority with its present authority both regular and irregular route. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 25643 (Sub-No. 48), filed May 5, 1967. Applicant: EVERTS' COMMERCIAL TRANSPORT, INC., 815 Garfield Street, Eugene, Oreg. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, and chemical solutions*, in bulk, in tank vehicles, from points in Spokane County, Wash., to points in Idaho and Montana. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Spokane, Wash.

No. MC 29079 (Sub-No. 36), filed May 4, 1967. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in dump vehicles, from the plantsites, warehouses, and facilities of the New Jersey Zinc Co., located at or near Depue and Riverdale, Ill.; Des Moines and Dubuque, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29120 (Sub-No. 92), filed April 28, 1967. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, S. Dak. 57104. Applicant's representative: E. J. Dwyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Bakery goods*, serving the plantsite of the Skalet Biscuit Co., located at or near Mount Horeb, Wis., as an off-route point in connection with applicant's regular route operations from Sioux City, Iowa, to Milwaukee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Sioux Falls, S. Dak.

No. MC 31389 (Sub-No. 85), filed April 28, 1967. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, Suite 502, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Collierville, Tenn., as an off-route point in connection with applicant's regular route of authority to serve Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 33278 (Sub-No. 20), filed April 20, 1967. Applicant: LEE AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, St. Louis, Mo. 63102. Applicant's representative: Gregory M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, materials, and supplies* used in the manufacture of iron and steel and iron and steel articles, except commodities in bulk and commodities which because of size or weight require the use of special equipment, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and Alton and Madison, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 35320 (Sub-No. 95), filed May 1, 1967. Applicant: T.I.M.E. FREIGHT,

INC., 2598 74th Street, Post Office Box 1120, Lubbock, Tex. 79408. Applicant's representative: W. D. Benson, Jr., 9th Floor Citizens Tower, Lubbock, Tex. 79408, and Frank M. Garrison, Post Office Box 1120, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, household goods as defined in practices of *Motor Carriers of Household Goods;* 17 M.C.C. 467, commodities in bulk and those requiring special equipment), serving Stone Mountain, Tucker, and Tucker-Stone Mountain Industrial District, Ga., as off-route points in connection with applicant presently held authorized regular route authority between Cincinnati, Ohio, and Atlanta, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 41849 (Sub-No. 28), filed May 8, 1967. Applicant: KEIGHTLEY BROS. INC., 1601 South 39th Street, St. Louis, Mo. 63110. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of iron and steel articles, from points in Missouri, Illinois, Arkansas, Indiana, Iowa, Kentucky, Tennessee, Kansas, and Nebraska to the St. Louis, Mo., and East St. Louis, Ill., commercial zones and Alton, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 42286 (Sub-No. 4), filed May 4, 1967. Applicant: RIZZO TRUCKING, INC., 71 North Fifth Street, Brooklyn, N.Y. 11211. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packinghouse products*, (1) from points in the New York, N.Y., commercial zone, as determined by the Commission, to points in Bergen, Passaic, Union, Hudson, Essex, and Morris Counties, N.J., and New Brunswick, N.J.; and, (2) from points in Essex and Hudson Counties, N.J., to New Brunswick, N.J., and to points in Nassau, Suffolk, and Westchester Counties, N.Y., and returned, refused, and rejected shipments, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 50002 (Sub-No. 55), filed May 1, 1967. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, a partnership, doing business as BRIDGE BROTHERS, Bridge and Anderson Streets, Post Office Box 929, Lamar, Colo. 81052. Applicant's representative: C. Zimmerman, 503 Schweiter Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer material, acids and chemicals, petroleum oil* (used in fungicides, herbicides, or pesticides), *including but not restricted to anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products*, from Gulf Oil Corp.'s river terminal at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 50069 (Sub-No. 375) (Amendment), filed February 13, 1967, published in the FEDERAL REGISTER issues of March 9, 1967, and April 6, 1967, amended April 28, 1967, and republished as amended this issue. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Depue and Riverdale, Ill., Dubuque and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: Common control and dual operations may be involved. The purpose of this republication is to broaden the origin point by adding Riverdale, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 55), filed May 1, 1967. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood and plywood products, plywood and plywood products combined with veneer and plastics, paneling, doors, wood products and composition wood and composition wood and composition wood products*, from Two Rivers and Neenah-Menasha, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, George, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virgina, West Virginia, Wisconsin, and the District of Columbia, and (2) *returned and rejected shipments* of the above-described commodities and *equipment, material, and supplies* used in the manufacture and distribution of the commodities described in the first commodity description herein, from the above-described destination points to Two Rivers and Neenah-Menasha, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52657 (Sub-No. 653) (Correction), filed April 3, 1967, published FEDERAL REGISTER issue of April 27, 1967, corrected May 10, 1967, and republished as corrected, this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Containers (except containers having a capacity of 5 gallons or less or of 9 cubic feet or less), (a) from Luzerne County, Pa., to points in the United States, including Alaska, but excluding Hawaii and Pennsylvania, and (b) from points in the United States, including Alaska, but excluding Hawaii, to Luzerne County, Pa.; (2) *materials, supplies*, and *parts*, used in the manufacture, assembly, or servicing of containers described in paragraph (1) above, when moving in mixed loads with such containers, from Luzerne County, Pa., to points in the United States, including Alaska, but excluding Hawaii, and (3) *materials, supplies*, and *parts* used in the manufacture, assembly, or servicing of trailers and trailer chassis (except those designed to be drawn by passenger automobiles), when moving in mixed loads with trailers and trailer chassis, from Luzerne County, Pa., to points in the United States, including Alaska, but excluding Hawaii. NOTE: The purpose of this republication is to include the restrictions in paragraph (1) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 55236 (Sub-No. 150) (Amendment), filed March 30, 1967, published in the FEDERAL REGISTER issue of April 20, 1967, amended May 7, 1967, and republished as amended this issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. 54306. Applicant's representative: G. R. Richmond (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids*, in bulk, in tank vehicles, from the plantsite of Central Chemical, Division of Wilson & Co., at or near Elwood, Ill., to points in Wisconsin. NOTE: Applicant states that it intends to tack the proposed authority with present authority at Sheboygan, Wis., to provide service to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, and Ohio. The purpose of this republication is to add the tacking information. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61396 (Sub-No. 186), filed April 28, 1967. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68102. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, acids, and chemicals including but not limited to anhydrous ammonia, fertilizer solutions, insecticides, fungicides, herbicides, aqua ammonia, methanol, urea, and urea products*, in bulk, from the plantsite of Gulf Oil Corp. (Faustina

Works) at or near Donaldsonville, La., to points in Alabama, Arkansas, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Kansas City or St. Louis, Mo.

No. MC 61396 (Sub-No. 187), filed April 28, 1967. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials; acids and chemicals; petroleum oil* (used in fungicides, herbicides, or pesticides); *including but not restricted to, anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products*, in bulk, from the Gulf Oil Corp.'s River Terminal at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 62538 (Sub-No. 14) (Clarification), filed April 10, 1967, published FEDERAL REGISTER issue of April 27, 1967 and republished as clarified, this issue. Applicant: ASHTON TRUCKING CO., a corporation, 1201 North Broadway, Monte Vista, Colo. Applicant's representative: Edward T. Lyons, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, or sold by persons engaged in the milling of flour, and in the sale and distribution of feeds and grains, from Fort Collins, Colo., to points in Wyoming and that part of Nebraska on and west of U.S. Highway 83. Restricted to transportation service to be performed under continuing contract or contracts with the Colorado Milling & Elevator Co., Denver, Colo. NOTE: Applicant holds common carrier authority in MC 57880 Sub 1, therefore dual operations may be involved. The purpose of this republication is to clarify the commodity description. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 63387 (Sub-No. 3), filed April 28, 1967. Applicant: STANLEY STANLEY, doing business as ACME EXPRESS, 23 Fenwick Street, Newark, N.J. 07114. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe*, between Wilmington, Del., points in New Jersey, points in Northampton, Bucks, Montgomery, Philadelphia, Delaware, Lehigh, and Chester Counties, Pa., and in New York east of U.S. Highway 209 and south of U.S. Highway 44, including points on the indicated portions of highways specified, and (2) *iron or steel articles*, weighing 2,000 pounds, or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils*, between Wilmington, Del., points in New Jersey, points in Northampton, Bucks, Montgomery, Philadelphia, Delaware, Lehigh, and Chester Counties, Pa., and in New York, east of U.S. Highway 209 and south of U.S. Highway 44, including points on the indicated portions of the highways specified. NOTE: Applicant states that it would tack with operations authorized in MC 63387 Sub 2, to points in Connecticut on and west of U.S. Highway 5. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 64932 (Sub-No. 423) (Amendment), filed January 30, 1967, published in the FEDERAL REGISTER issue of February 24, 1967, amended May 4, 1967, and republished this issue. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk except in dump vehicles from Depue, Ill., and Dubuqe and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to broaden the origin points, by adding Dubuque and Des Moines, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 105), filed April 27, 1967. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, veneer, wood paneling, hardboard, wall board, or wood particle board*, and *materials, supplies, and accessories* used in connection therewith, from Oshkosh, Wis., to Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, and Vermont, and *damaged or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 74745 (Sub-No. 2), filed April 21, 1967. Applicant: THE ATLAS MOVING & STORAGE COMPANY, a corporation, 1500 Eastwood Avenue, Columbus, Ohio 43203. Applicant's representative: Earl M. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Delaware, Franklin, Fairfield, Guernsey, Licking, Logan, Madison, Muskingham, Pickaway, and Union Counties, Ohio. Restricted: (1) To shipments moving on through bills of lading for a forwarder operating under section 402(b)(2) exemption; (2) to shipments having an immediately prior or subsequent line haul movement by rail, motor, water, or air; (3) to providing a local service for a forwarder of used household goods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 76177 (Sub-No. 313), filed May 1, 1967. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except class A and B explosives, and blasting supplies, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Atlanta, Ga., and Montgomery, Ala., from Atlanta over U.S. Highway 29 to junction U.S. Highway 80 at Tuskegee, Ala., thence over U.S. Highway 80 to Montgomery, Ala., and return over the same route, for operating convenience only, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 82808 (Sub-No. 11), filed April 26, 1967. Applicant: LEWIS R. HUNT AND C. L. HUNT, a partnership, doing business as HUNT AND SON, Box 200, Warrensburg, Mo. Applicant's representative: Ivan E. Moody, 1111 Scarritt Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Poultry processing equipment*, from Kansas City, Mo., to points in the United States (except Chicago, Ill., East St. Louis-St. Louis, Mo., commercial zone, Wichita, Kans., Denver, Colo., Detroit, Mich., Hawaii and Alaska), and (2) *used and damaged poultry processing equipment*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 94350 (Sub-No. 179), filed April 28, 1967. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Madison County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 100666 (Sub-No. 100), filed April 26, 1967. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson,

450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber (flakeboard)*, from Silsbee, Tex., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee. NOTE: Applicant states that he could tack at Duke, Okla., under its MC 100666 Sub 67 and serve Colorado and New Mexico, at Craig, Okla., under its Sub 39 or at plant and warehouse sites of Dierks Forests, Inc., at Broken Bow, Okla., under Sub 63 and serve Iowa and Nebraska or at Flakeboard plantsite of Crossett Lumber Co. at Crossett, Ark., under its Sub 42 and serve Michigan, Minnesota, Ohio, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., Dallas, Tex., or Oklahoma City, Okla.

No. MC 103191 (Sub-No. 23), filed May 4, 1967. Applicant: THE GEORGE A. RHEMAN CO., INC., Post Office Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in pneumatic tank trailers, from points in Charleston County, S.C., to points in North Carolina. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charleston or Columbia, S.C. or Charlotte, N.C.

No. MC 103498 (Sub-No. 16), filed May 1, 1967. Applicant: W. D. SMITH, doing business as W. D. SMITH TRUCK LINE, Box 68, DeQueen, Ark. 71832. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt or composition lumber*, from Briar, Ark., to points in Alabama, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 103880 (Sub-No. 386), filed May 4, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Core oil and resins*, in bulk, in tank vehicles, from Mishawaka, Ind., to points in Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Cleveland, Ohio.

No. MC 104076 (Sub-No. 12), filed April 26, 1967. Applicant: THE PIONEER AND FAYETTE RAILROAD COMPANY, a corporation, South State Street, Post Office Box 281, Pioneer, Ohio 43554. Applicant's representative: David L. Pemberton, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry fertilizer materials* (except lime used as a fertilizer base), *agricultural insecticides, agricultural fungicides, and agricultural herbicides*, between Franklin Junction and Fostoria, Ohio, on the one hand, and on the other, points in Jackson, Hillsdale, Calhoun, Branch, St. Joseph, and Lenawee Counties, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Toledo or Columbus, Ohio.

No. MC 105375 (Sub-No. 31), filed April 28, 1967. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Leonard Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, acids and chemicals, petroleum oil* (used in fungicides, herbicides, or pesticides) including but not restricted to, anhydrous ammonia, fertilizer solution, insecticides, herbicides fungicides, aqua ammonia, methanol, urea, and urea products, in bulk, from the Gulf Oil Corp.'s River Terminal at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Kansas City, Mo.

No. MC 106485 (Sub-No. 12), filed May 1, 1967. Applicant: LEWIS TRUCK LINES, INC., Post Office Box 642, Lisbon, N. Dak. 58102. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading), (1) Between Enderlin, and Kintyre, N. Dak., serving all intermediate points which are stations on the Soo Line Railroad's lines and serving those off-route points which are stations on the Soo Line Railroad's lines extending (a) between Enderlin and Fairmount, N. Dak., (b) between Fairmount, N. Dak., and Grenville, S. Dak., (c) between Fairmount and Kintyre, N. Dak., and (d) between Wishek, N. Dak., and Pollack, S. Dak., (2) from Enderlin over North Dakota Highway 46 to junction with North Dakota Highway 32, thence over North Dakota Highway 32 to junction with North Dakota Highway 27, thence over North Dakota Highway 27 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to junction North Dakota Highway 13, thence over North Dakota Highway 13 to junction North Dakota Highway 3, thence over North Dakota Highway 3 to junction North Dakota Highway 34, thence over North Dakota Highway 34 to junction with unnumbered highway, thence over unnumbered highway, to Kintyre, and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 107010 (Sub-No. 27), filed May 2, 1967. Applicant: D & R BULK CARRIERS, INC., Post Office Box 106, Auburn, Nebr. 68305. Applicant's representative: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, acids, and chemicals, petroleum oil* (used in fungicides, herbicides, or pesticides), *including but not restricted to, anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products*, in bulk, from the Gulf Oil Corp.'s River Terminal at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107012 (Sub-No. 69), filed April 26, 1967. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, from Roanoke, Va., to points in the United States (except Alaska, Hawaii, Missouri, and Wisconsin). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107064 (Sub-No. 55), filed May 1, 1967. Applicant: STEERE TANK LINES, INC., 2808 Fairmont Street, Post Office Box 2998, Dallas, Tex. 75201. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Livestock feeds, feedstuff, feed supplements and ingredients* thereof; and (2) *agricultural defoliants* (except petroleum products), in bulk, between points in Texas, New Mexico, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107496 (Sub-No. 528) (Amendment), filed February 6, 1967, published FEDERAL REGISTER issue of March 2, 1967, amended May 2, 1967, and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate* (1) from the plantsite of The New Jersey Zinc Co. in Depue, Ill., to points in Illinois, Iowa,

Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan, (2) from Riverdale, Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, and (3) from Des Moines and Dubuque, Iowa, to points in Iowa, Illinois, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to broaden the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107496 (Sub-No. 561), filed May 1, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, acids and chemicals, petroleum oil* (used in fungicides, herbicides or pesticides), including but not restricted to, *anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products*, in bulk, from the Gulf Oil Corp.'s River Terminal located at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Kansas City, Mo.

No. MC 107496 (Sub-No. 562), filed May 4, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Core oil and resin*, in bulk, from Mishawaka, Ind., to points in Pennsylvania, New York, Michigan, Illinois, Missouri, Wisconsin, Ohio, Minnesota, and Iowa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Gary, Ind.

No. MC 108228 (Sub-No. 36), filed April 25, 1967. Applicant: MILES TRUCKING CO., INC., Post Office Box 578, Plant City, Fla. 33566. Applicant's representative: Carl H. Fondren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, from points in Florida, to Niagara Falls and Champlain, N.Y., for export for destinations in the Canadian Provinces of Quebec and Ontario. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 108228 (Sub-No. 37), filed May 1, 1967. Applicant: MILES TRUCKING CO., INC., Post Office Box 578, Plant City, Fla. 33566. Applicant's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic articles*, from Franklin, Pa., to points in Kentucky, Tennessee, Mississippi, Alabama, North Carolina, South Carolina, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 108449 (Sub-No. 248) (Amendment), filed January 23, 1967, published in FEDERAL REGISTER issue of February 16, 1967, and republished as amended, this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Depue, and Riverdale, Ill., and Dubuque and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to expand the origin area. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 109595 (Sub-No. 9), filed April 3, 1967. Applicant: REX TRANSPORTATION CO., a corporation, 34350 Goddard Road, Post Office Box 278, Romulus, Mich. 48174. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Avon, Ind., to points in Indiana and Illinois, restricted to shipments having a prior movement by rail from Wampum, Pa., or Toledo, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 543), filed May 3, 1967. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives*, in bulk, from Battle Creek, Mich., to points in Indiana, Ohio, New York, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110988 (Sub-No. 232) (Amendment), January 30, 1967, published in FEDERAL REGISTER of February 24, 1967, amended April 12, 1967, and republished, as amended this issue. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in tank or hopper type vehicles, from Depue, and Riverdale, Ill., and Dubuque and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to broaden the scope of the origin points by adding Riverdale, Ill., and Dubuque and Des Moines, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111069 (Sub-No. 45), filed April 28, 1967. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coffee whitener (coffee pak), vegetable oil base, and half and half with stabilizers*, a dairy product, in containers in vehicles equipped with mechanical refrigeration, from Louisville, Ky., and Clarksville, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, under contract with Food Specialties of Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 111255 (Sub-No. 1), filed April 28, 1967. Applicant: JOE LUPINACCI, doing business as CLARKSTON DELIVERY SERVICE, Post Office Box 58, Clarkston, Wash. 99403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Livestock, agricultural products, hay, feed, lumber, cement blocks, cement, lime, sand, gravel, presto logs, and wood and coal fuel*, between points in Asotin, Whitman, Walla Walla, Columbia, Spokane, and Garfield Counties, Wash., on the one hand, and, on the other, points in Nez Perce, Idaho, Latah, Lewis, and Clearwater Counties, Idaho, and (2) *such commodities* as are dealt in by retail department stores, from points in Nez Perce County, Idaho, and Asotin County, Wash., to points in Whitman, Garfield, and Asotin Counties, Wash., and Nez Perce, Idaho, Latah, Lewis, and Clearwater Counties, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 111375 (Sub-No. 24), filed May 4, 1967. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, a corporation, 3567 East Barnard Avenue, Cudahy, Wis. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spoiled, returned or rejected dairy products*, from points in Washington, Oregon, Montana, Utah, Idaho, California, Colorado, Arizona, Nevada, New Mexico, and Wyoming, to points in Minnesota and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison or Milwaukee, Wis.

No. MC 111729 (Sub-No. 230), filed April 20, 1967. Applicant: AMERICAN

COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Claude J. Jasper, Suite 301, 111 South Fairchild Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit, and accounting media of all kinds (except plant removals), and payroll checks,* (1) between Watertown, Wis., on the one hand, and, on the other, Elk Grove Village and Gilberts, Ill.; and (2) between St. Louis, Mo., on the one hand, and, on the other, Hannibal, Mo. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 112750 and Subs thereunder, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or St. Louis, Mo.

No. MC 111729 (Sub-No. 231), filed April 26, 1967. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between New York, N.Y., on the one hand, and, on the other, points in New Haven County (except New Haven), Conn.; (b) between points in Hartford County, Conn., on the one hand, and, on the other, points in Hillsboro County, N.H., and Norfolk County, Mass.; (c) between points in Fairfield County, Conn., on the one hand, and, on the other, points in Middlesex County, N.J.; Philadelphia and Delaware Counties, Pa.; Prince Georges County, Md.; and Alexandria, Va.; (d) between Niagara Falls, N.Y., and Fostoria, Ohio; (e) between points in New Haven County, Conn., on the one hand, and, on the other, points in Hampden, Middlesex, and Norfolk Counties, Mass., and Providence County, R.I.; (f) between Worcester, Mass., and New Haven, Conn.; (g) between points in Middlesex County, Mass., on the one hand, and, on the other, points in Litchfield County, Conn.; Knox, Penobscot, Kennebec, Androscoggin, and Cumberland Counties, Maine; Hillsboro and Rockingham Counties, N.H.; and Providence County, R.I.

2. *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes and packaging materials, and advertising literature* moved therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between Springfield, Mass., on the one hand, and, on the other, points in Connecticut and Rhode Island; Auburn, Augusta, Bangor, Bath, Belfast, Bethel, Biddeford, Brewer, Brunswick, Caribou, Eastport, Ellsworth, Gardiner, Houlton, Kittery, Lewiston, Mexico, Millinocket, Norway, Oldtown, Paris, Portland, Presque Isle, Rockland, Rumford, Saco, Skowhegan, Waterville, Westbrook, and Yarmouth, Maine; Bennington, Berlin, Claremont, Concord, Dover, Gorham, Hanover, Keene, Laconia, Manchester, Milton, Nashua, Newport, Pittsfield, Plymouth, Rindge, Rochester, Troy, and Winchester, N.H.; Barre, Bellows Falls, Bennington, Bradford, Brattleboro, Burlington, Essex Junction, Middlebury, Montpelier, Newport, Orleans, Rutland, St. Albans, St. Johnsbury, Springfield, White River Junction, and Windsor, Vt.

3. *Payroll checks,* (a) from Niagara Falls, N.Y., to Fostoria, Ohio; (b) between points in Middlesex County, Mass., on the one hand, and, on the other, points in Litchfield County, Conn.; Knox, Penobscot, Kennebec, Androscoggin, and Cumberland Counties, Maine; Hillsboro and Rockingham Counties, N.H.; and Providence County, R.I.

4. *Pharmaceutical goods,* between points in New Haven County, Conn., on the one hand, and, on the other, points in Hampden, Middlesex, and Norfolk Counties, Mass., and Providence County, R.I. 5. *Research items and samples consisting of firearms in the process of being developed, tools used in the development of small arms and Ram-Set tools,* between New York, N.Y., on the one hand, and, on the other, points in New Haven County, Conn. 6. *Molds, experimental dies for plastic containers, and samples consisting of plastic containers, for research,* between points in Hartford County, Conn., on the one hand, and, on the other, points in Hillsboro County, N.H., and Norfolk County, Mass. 7. *Meter books, meter reading scan sheets, sales slips, cashier payment stubs, data runs, payroll runs and related data, and audit media,* between points in Worcester County, Mass., on the one hand, and, on the other, Littleton, N.H.; Bellows Falls, East Barnet, McIndoe Falls, Readsboro, Vernon, and Wilder, Vt. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 112750, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 112014 (Sub-No. 9), filed May 1, 1967. Applicant: SKAGIT VALLEY TRUCKING CO., INC., Post Office Box 400, Mount Vernon, Wash. 98273. Applicant's representative: George Kargianis, 609 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other ladings), between airports in King, Pierce, and Snohomish Counties, Wash., on the one hand, and, on the other, points in Thurston, Pierce, King, Snohomish, Skagit, Whatcom, Island, and Kitsap Counties, Wash., restricted to shipments having a prior of subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 112822 (Sub-No. 74), filed April 24, 1967. Applicant: EARL BRAY, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and syrups, and blends thereof,* in bulk, from Bonner Springs, Kans., and points within 5 miles thereof, to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 113325 (Sub-No. 119) (Amendment), filed February 20, 1967, published in FEDERAL REGISTER issue of March 9, 1967, amended April 20, 1967, and republished as amended this issue. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: Kenneth C. Dillman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, dry, in bulk, from the plantsite of the New Jersey Zinc Co., at or near Depue, and Riverdale, Ill., and from Dubuque and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to include diammonium as part of the commodity description and to broaden the scope of the origin point by adding Riverdale, Ill., and Dubuque and Des Moines, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 114019 (Sub-No. 173), filed May 4, 1967. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the warehouse and/or storage facilities of the Colgate Palmolive Co. located at Clarksville and Jeffersonville, Ind., to points in Wisconsin, Illinois, the Lower Peninsula of Michigan, Ohio (except Cincinnati), Pennsylvania, New York, New Jersey, Minnesota, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 277), filed April 27, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tulsa, Okla., to points in Ohio, Kentucky, New York, Maryland, Massachusetts, Virginia, West Virginia, Pennsylvania, New Jersey, and Tennessee (except Memphis). NOTE: If a hearing is

deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 114045 (Sub-No. 278), filed April 27, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842 Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tulsa, Okla., to points in Colorado, New Mexico, California, Oregon, Washington, Nevada, Arizona, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 114165 (Sub-No. 4), filed May 1, 1967. Applicant: PELICAN TRUCKING COMPANY, INC., 1600 Wells Island Road, Post Office Box 7172, Shreveport, La. 71102. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) The following iron or steel articles, in bales or bundles weighing 2,000 pounds or more each, which require the use of special equipment: *plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Arkansas, and Louisiana, and (2) the following iron or steel articles, weighing 2,000 pounds or more, which require the use of special equipment: *sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 114274 (Sub-No. 13), filed April 27, 1967. Applicant: ELMER VITALIS, doing business as VITALIS TRUCK LINES, 1656 East Grand Avenue, Des Moines, Iowa 50316. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities, in bulk), from the plantsite of Oscar Mayer & Co., Inc., located at or near Beardstown, Ill., to points in Indiana, Iowa, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, restricted to traffic originating at the described plantsite and destined to points in the States named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114725 (Sub-No. 33), filed May 3, 1967. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, acids and chemicals, petroleum oil* (used in fungicides, herbicides, or pesticides), including but not restricted to, *anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products;* in bulk, from the Gulf Oil Corp.'s River Terminal at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115257 (Sub-No. 35), filed May 5, 1967. Applicant: SHAMROCK VAN LINES, INC., Post Office Box 5447, Dallas, Tex. 75222. Applicant's representatives: Allen Melton, Rio Grande National Life Building, Dallas, Tex. 75202, and Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, between Little Rock, Stamps, and Waldron, Ark., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Ohio, Louisiana, Mississippi, North Carolina, Oklahoma, Pennsylvania, Texas, South Carolina, Tennessee, Virginia, West Virginia, Delaware, New York, Maryland, Wisconsin, Michigan, Connecticut, Massachusetts, Rhode Island, New Jersey, New Hampshire, Vermont, Maine, and the District of Columbia. NOTE: Applicant states that it does not intend to tack within the area proposed above, however tacking possibility exists with Subs 25 and 32. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Little Rock, Ark.

No. MC 115331 (Sub-No. 226), filed May 1, 1967. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas E. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Chicago, Ill., and Evansville, Ind., to points in Illinois, Iowa, and Missouri, and (2) *empty malt beverages containers* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 116254 (Sub-No. 71), filed May 2, 1967. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35661. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue*, from Fox, Ala., to points in Texas. NOTE: Applicant states it is authorized to transport liquid glue from Fox, Ala., to points in Louisiana, Mississippi, Arkansas, Georgia, and Florida. At the present time its shipments of glue are transported to points in the northeastern part of Mississippi, near Luka, Miss. (which is within 10 miles of Waterloo, Ala., located in the northwestern part of Alabama), thence transports said shipments to Sheffield, Ala., thence to points in Texas. By this application, applicant seeks authority to operate directly from Fox, Ala., to points in Texas (except points in Harris County), so as to eliminate the necessity of operating through the tack points referred to above. Hence, this application is in the nature of an alternate route or elimination of gateway application. Applicant further states it does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 116273 (Sub-No. 85) (Amendment), filed January 29, 1967, published in the FEDERAL REGISTER issue of February 16, 1967, amended April 24, 1967, and republished as amended, this issue. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, except in dump vehicles, from Depue and Riverdale, Ill., and Dubuque and Des Moines, Iowa, and points within 5 miles of each, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states there is possibility of tacking with present authority in MC 116273 Sub 20, wherein it is authorized to operate in Michigan, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas. The purpose of this republication is to broaden the authority sought by adding points to the origin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116314 (Sub-No. 11), filed April 26, 1967. Applicant: MAX BINSWANGER TRUCKING, a corporation, 13846 Alondra Boulevard, Santa Fe Springs, Calif. 90670. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pozzolan*, in bulk, from points in Kern County, Calif., to points in Arizona and Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 117439 (Sub-No. 28), filed May 3, 1967. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Post Office Box 89, Port Allen, La. 70767. Applicant's representative: John Schwab, 617 North

Boulevard, Post Office Box 1350, Baton Rouge, La. 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, (1) from Shreveport, La., to points in Texas, Oklahoma, Arkansas, and Mississippi, and (2) from Alexandria, La., to points in Texas, Arkansas, and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston or Dallas, Tex., or Birmingham, Ala.

No. MC 117815 (Sub-No. 121), filed April 26, 1967. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., located at or near Beardstown, Ill., to points in Iowa, Minnesota, Missouri, Nebraska, and Wisconsin, restricted to traffic originating at the described plantsite and destined to points in the States named. NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 118196 (Sub-No. 95), filed April 26, 1967. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. 64836. Applicant's representative: James E. Raye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities, in bulk, in tank vehicles), from the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans., to points in Arizona, California, Idaho, Illinois, Minnesota, Montana, Nevada, Oregon, Utah, Washington, Wisconsin, and Wyoming. Restriction: The authority granted above is restricted to the transportation of traffic originating at the plantsite and storage facilities of Griffith Provision Co., Inc., at or near Downs, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 118288 (Sub-No. 20), filed April 28, 1967. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from Billings, Mont., to points in Oregon and Washington and points in Ada, Adams, Benewah, Boise, Bonner, Boundary, Canyon, Clearwater, Gem, Idaho, Kootenai, Latah, Lewis, Nez Perce, Payette, Shoshone, Valley, and Washington Counties, Idaho; and (2) from points in Oregon and Washington to points in Montana and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 118529 (Sub-No. 3), filed May 1, 1967. Applicant: I & M, Inc., 2525 Euclid Avenue, Des Moines, Iowa 50310. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, and phosphatic feed supplements*, from the plantsite of Sargent Calcium Co., near Weeping Water, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Montana, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 118806 (Sub-No. 5), filed May 1, 1967. Applicant: ARNOLD BROS. TRANSPORT LTD., 1101 Dawson Road, Winnipeg 6, Manitoba, Canada. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wheeled vehicles* (except cars and trucks), (2) *agricultural machinery and implements*, (3) *industrial and construction machinery and equipment*, (4) *attachments* for the commodities described in (1), (2), and (3) above, (5) *parts, accessories, and incidental supplies* for the commodities described in (1), (2), (3), and (4) above, and (6) *advertising and promotional material* used in connection with the above-described commodities, between Noyes, Minn., and the port of entry on the international boundary line between the United States and Canada located at or near Noyes, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 119384 (Sub-No. 14), filed April 26, 1967. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Perry, Iowa 50220. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., Beardstown, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, restricted to traffic originating at the described plantsite and destined to points in the States named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119400 (Sub-No. 1), filed May 1, 1967. Applicant: SIMANEK OIL TRANSPORT, doing business as TOM SIMANEK, 150 West Seventh Street, Wahoo, Nebr. 68066. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials; acids and chemicals; petroleum oil (used in fungicides, herbicides, or pesticides)*; including but not restricted to anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products, in bulk, from the Gulf Oil Corp.'s River Terminal located at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119489 (Sub-No. 12), filed May 4, 1967. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Post Office Box 596, Norfolk, Nebr. 68701. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials; acids and chemicals; petroleum oil* (used in fungicides, herbicides or pesticides); including but not restricted to anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products, in bulk, from the Gulf Oil Corp.'s River Terminal at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119815 (Sub-No. 8), filed April 21, 1967. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., 1518 L Street, Bedford, Ind. 47421. Applicant's representative: Walter F. Jones, Jr., Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Culvert pipe and fittings therefor, corrugated sheets (iron, aluminum, and steel) with or without asphalt coating, and materials and supplies* used in the installation of the aforementioned commodities, between the plantsite of the Kaiser Aluminum & Chemical Corp. at Bedford, Ind., on the one hand, and, on the other, points in Alabama, Ohio, Arkansas, Delaware, Florida, Georgia, Iowa, Missouri, Mississippi, Maryland, Michigan, New York, New Jersey, North Carolina, and Pennsylvania, under con-

tract with Kaiser Aluminum & Chemical Sales, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 121281 (Sub-No. 2), filed April 28, 1967. Applicant: BIG MAC TRUCKING CO., a corporation 2002 Gaynard, Houston, Tex. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) The following iron or steel articles, in bales or bundles, weighing 2,000 lbs. or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe,* and (2) the following iron or steel articles weighing 2,000 lbs. or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 123067 (Sub-No. 58), filed April 27, 1967. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. 27105. Applicant's representative: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Limestone and limestone products,* dry, in bulk, in tank or hopper vehicles, from points in Roanoke County, Va., to points in North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123067 (Sub-No. 59), filed April 26, 1967. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representatives: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C., and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Olivine,* in bulk, in tank or hopper vehicles, from points in Jackson County, N.C., to points in Alabama, Georgia, Pennsylvania, and Tennessee (except Elizabethton and Kingsport, Tenn.). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123584 (Sub-No. 1), filed April 26, 1967. Applicant: JET TRANSPORT COMPANY, a corporation, 618 14th Avenue SW., Cedar Rapids, Iowa 52406. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, in tank vehicles, from the plantsite and facilities of Armour Agricultural Chemical Co. at or near Bellevue, Jackson County, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 123681 (Sub-No. 10), filed May 5, 1967. Applicant: WIDING TRANSPORTATION, INC., Post Office Box 03159, 97203, 3347 Northwest St. Helens Road, Portland, Oreg. 97210. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Acids, chemicals, and chemical solutions,* in bulk, in tank vehicles, from points in Spokane County, Wash., to points in Montana and ports of entry on the United States-Canadian boundary line on traffic destined to points in Canada. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Spokane, Wash.

No. MC 124032 (Sub-No. 5), filed May 1, 1967. Applicant: REED'S FUEL COMPANY, a corporation, 138 Fifth Street, Springfield, Oreg. Applicant's representative: Henry J. Camarot, 655 North A Street, Springfield, Oreg. 97477. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, plywood, hardboard, and chip products,* from points in Lane County, Oreg., to dock sites at Yaquina Bay, Newport, and/or Florence, Oreg., for foreign shipment. NOTE: If a hearing is deemed necessary, applicant requests it be held at Eugene or Portland, Oreg., or Seattle, Wash.

No. MC 124078 (Sub-No. 262) (Amendment), filed January 26, 1967, published in FEDERAL REGISTER issue of February 16, 1967, amended April 28, 1967, and republished as amended, this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Diammonium phosphate,* in bulk, from Depue and Riverdale, Ill., and Dubuque and Des Moines, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states it would tack the proposed authority with its Sub 225 at Indianapolis, Ind., to serve Kentucky. The purpose of this republication is to broaden the origin point by adding Riverdale, Ill., Des Moines and Dubuque, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 275), filed May 1, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant) Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid yeast,* in bulk, in tank vehicles, from Peoria Heights, Ill., to Juneau, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 124078 (Sub-No. 276), filed May 1, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fish oil, fish meal, fish flour, and blends thereof,* in bulk, from Menominee, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applican states it intends to tack at Montpelier, Iowa, to serve points in Kansas. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 124078 (Sub-No. 277), filed May 5, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients,* (1) from Kansas City Mo., to points in Kansas, Nebraska, Missouri, and Iowa, (2) from Cairo, Ill., to points in Illinois, Missouri, Kentucky, Tennessee, and Indiana, and (3) from Louisville, Ky., to points in Kentucky, Illinois, Indiana, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 124174 (Sub-No. 60), filed May 3, 1967. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa 51301. Applicant's representative: Karl E. Momsen, 6801 L Street, Omaha, Nebr. 68117. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hides, skins, pelts, chromes, crusts, and pieces therefrom,* between points in the United States on and east of the Continental Divide including the ports of entry and export between the United States and Canada and the United States and Mexico on the international boundaries. NOTE: Applicant states that no duplicating authority is being sought. Applicant further states that tacking is possible in connection with its presently held authority. It further seeks to move this traffic in shipper owned or controlled trailers/equipment as well as its own or that operated by the applicant. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124251 (Sub-No. 17), filed May 4, 1967. Applicant: JACK JORDAN, INC., Post Office Box 244, Dalton, Ga. Applicant's representative: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor

vehicle, over irregular routes, transporting: *Feldspar*, in bulk and in bags, from points in Jasper County, Ga., to points in Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chattanooga, Tenn.

No. MC 124411 (Sub-No. 7), filed April 26, 1967. Applicant: SULLY TRANSPORT, INC., Sully, Iowa 50251. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite and facilities of Armour Agricultural Chemical Co. at or near Bellevue, Jackson County, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 124451 (Sub-No. 1), filed May 1, 1967. Applicant: DONALD W. CHERRY, Tipton, Pa. 16684. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities as are transported in dump trucks*, between points in Cattaraugus, Allegany, and Erie Counties, N.Y., on the one hand, and, on the other, points in Cameron, Elk, McKean, and Potter Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 124472 (Sub-No. 3), filed May 1, 1967. Applicant: HARDING TRANSPORTATION, INC., 921 East Sixth Street, Topeka, Kans. 66607. Applicant's representative: Marvin B. Launchbaugh (same address as applicant), and Bill C. Honeyman, Suite 608–618, New England Building, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, plate glass, polished wire, and rolled glass, caulking compounds, glazing units, and putty*, between points in Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, and Tennessee, under contract with Thermoglas, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans., or Kansas City, Mo.

No. MC 124576 (Sub-No. 6), filed May 3, 1967. Applicant: WILLIAMS TRANSPORTATION, INC., Belle Fourche, S. Dak. 57717. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles, piling, and lumber*, from points in Lawrence County, S. Dak., and Crook County, Wyo., to points in Iowa, Minnesota, Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming, under contract with Whitewood Post and Pole Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 124621 (Sub-No. 3), filed May 1, 1967. Applicant: CLEMENT RISBERG, doing business as RISBERG TRUCK SERVICE, 2339 Southeast Grand Avenue, Portland, Oreg. 97214. Applicant's representative: John G. McLaughlin, 624 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between Portland, Oreg., and points in Clark County, Wash., under contract with Fred Meyer, Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 124908 (Sub-No. 5), filed April 26, 1967. Applicant: IRON & METAL TRUCKING SERVICE, INC., 13828 Jennings, Detroit, Mich. 48227. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron*, in bulk, in dump vehicles, between points in Ohio, Indiana, and Michigan, under continuing contracts with William Wolok, doing business as Ben Lee Industrial Salvage Co., Superior Scrap Products Co., Grant Southern Iron & Metal Co., and David J. Joseph Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 125293 (Sub-No. 6), filed May 1, 1967. Applicant: INDUSTRIAL CONTRACT CARRIERS, INC., 1942 Westlake, Seattle, Wash. 98101. Applicant's representatives: Robert E. Ahern, 1704 Southwest Alder Street, Portland, Oreg. 97205 and George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulphate, sodium sulphate, soda ash, methylene chloride, copper sulphate, carbon disulphide, and carbon tetrachloride mixtures; boric acid, pentachlorophenol, metasilicates, trichloroethylene, nitric, phosphoric, acetic and hydrofluoric acids; plating and buffing compounds, detergents, and filtering agents*, all moving in drums, cartons, or bags (1) from Portland, Oreg., and Vancouver, Wash., to points in Washington, Oregon, and Idaho, and (2) from points in California to points in Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126428 (Sub-No. 1) (Amendment), filed March 16, 1967, published in the FEDERAL REGISTER issue of March 30, 1967, amended April 10, 1967, and republished this issue. Applicant: ZIBERT TRANSPORT CO., a corporation, Post Office Box 65, 2828 Market Street, Peru, Ill. 61354. Applicant's representative: Robert H. Levy, 29 South La Salle Strect, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the warehouses facilities and the plantsite of the New Jersey Zinc Co. at or near Depue, and Riverdalc, Ill., Dubuque and Des Moines, Iowa, to points in Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, Michigan, and Illinois. NOTE: The purpose of this republication is to broaden the destination point, by adding Illinois. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127215 (Sub-No. 29), filed April 28, 1967. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. 62881. Applicant's represcntative: W. C. Kendrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grinding wheels, materials, equipment, and supplies used in the manufacture and distribution thereof* (except commodities in bulk and those requiring the use of special equipment), between Salem, Ill., on the one hand, and, on the other, Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or St. Louis, Mo.

No. MC 127353 (Sub-No. 2), filed April 27, 1967. Applicant: PRESTON FEED & SEED LIMITED, a corporation, Rural Route No. 2, Preston, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain and grain products and feed ingredients*, in bulk, in vehicles equipped with auger unloading equipment, between the ports of entry located on the United States-Canadian boundary, at or near Port Huron, and Detroit Mich., on the one hand, and, on the other, points in Michigan, Illinois, Indiana, and Ohio, under a continuing contract with Maple Leaf Mills, Ltd., of Toronto, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 127614 (Sub-No. 2), filed May 3, 1967. Applicant: TANNERS TRANSPORTATION, INC., 400 West 14th Street, New York, N.Y. 10014. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* used in the tanning of hides and skins, in containers, when transported in the same vehicle with hides and skins, from New York, N.Y., Newark, N.J., and Philadelphia, Pa., to Milwaukee, Wis., under a continuing contract or contracts with A. F. Gallun & Sons Corp., Milwaukee, Wis. NOTE: If a hearing is deemcd necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 127619 (Sub-No. 2), filed April 26, 1967. Applicant: HENRY A. BUTTERWORTH, doing business as BUTTERWORTH TRANSPORTATION SERVICE, 150 Brookview Avenue, Fairfield, Conn. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having an immediately prior or subsequent movement by aircraft, between points in Fairfield County, Conn., Seymour, New Haven, and Ansonia, Conn., on the one hand, and, on the other, John F. Kennedy International Airport and LaGuardia Airport, N.Y., and Newark Airport, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bridgeport or Hartford, Conn.

No. MC 127951 (Sub-No. 2) (Clarification), filed February 28, 1967, published FEDERAL REGISTER issue of April 6, 1967, and clarified this issue. Applicant: SOUTHEASTERN CARRIERS, INC., 2400 Northwest 75th Street, Miami, Fla. Applicant's representative: Bernard C. Pestcoe, Suite 412, City National Bank Building, 25 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition floor covering, carpet underlay*, and necessary *adhesives*, from Brooklyn, N.Y., Plainfield, N.J., and Shelton, Conn., to points in Florida, and (2) (a) *damaged or rejected merchandise and* (b) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with damaged or rejected merchandise, on return, under contract with Kentile Floors, Inc., Brooklyn, N.Y., and Northern Distributors, Miami, Fla. NOTE: The purpose of this republication is to clarify the commodity description. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or New York, N.Y.

No. MC 128279 (Sub-No. 3), filed May 1, 1967. Applicant: ARROW FREIGHTWAYS INC., 3101 Princeton Drive, NE., Albuquerque, N. Mex. 87107. Applicant's representative: Olif Q. Boyd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials, and supplies*, used in the installation and distribution thereof, from Rosario and Albuquerque, N. Mex., to points in Arizona, Colorado, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 128345 (Sub-No. 1) (Amendment), filed July 21, 1967, published in the FEDERAL REGISTER issue of April 6, 1967, amended May 1, 1967, and republished as amended this issue. Applicant: OTTO SCOTT TRUCKING CO., 517 Tennessee Avenue, Chickasha, Okla. 73018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Piggyback trailers*, loaded or empty, having a prior movement by rail, and containing general commodities when loaded, between points in Graddo, and Caddo, Counties, Okla., those parts of Garvin, McClain, and Cleveland Counties on and west of Oklahoma Highway 74, that part of Stephens County on and north of Oklahoma Highway 29; and that part of Canadian County, Okla., on and west of U.S. Highway 81 and on and south of Interstate Highway 40. NOTE: The purpose of this republication is to clarify the commodity description, and the territory involved, by elimination of the mileage radius as previously published. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 128633 (Sub-No. 3), filed April 28, 1967. Applicant: LAUREL HILL TRUCKING COMPANY, a corporation, 614 New County Road, Secaucus, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between, Dover, Del.; McGuire Air Force Base, N.J.; Albany, N.Y.; Boston, Mass.; Newark, N.J.; La Guardia Airport, N.Y.; Kennedy International Airport, N.Y.; Charleston, S.C.; Norfolk, Va.; Washington, D.C.; Philadelphia International Airport, Pa.; Friendship International Airport, Baltimore, Md.; Dulles International Airport, Va.; Hartford, Bridgeport, and New Haven, Conn.; St. Louis, Mo.; and Harrisburg, Pa., under contract with Trans World Airlines, Inc. Restricted to shipments having a prior or subsequent movement by aircraft. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 128828 (Sub-No. 1), filed April 26, 1967. Applicant: BERTON S. TOBER, doing business as BERT TOBER CO., 99 Terrace Drive, East Greenwich, R.I. Applicant's representative: John F. Curley, 33 Broad Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper and copper based alloys, aluminum, tin, and lead alloyed scrap metals*, from Providence, R.I., to Carteret, Kenilworth, Newark, Jersey City, Perth Amboy, and Bloomfield, N.J.; Philadelphia, Pa.; Maspeth (Long Island), and New York City, N.Y.; New Bedford and Boston, Mass.; and Bridgeport, Waterbury, Waterville, and Thomaston, Conn., under contract with New England Metal Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 128946 (Sub-No. 1), filed April 27, 1967. Applicant: GEORGE GRAULICH, doing business as GEORGE GRAULIC AUTO TRANSPORT, 3810 East Meadowbrook, Phoenix, Ariz. 85018. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, between points in Arizona, California, Nevada, New Mexico, and El Paso, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 128986 (Sub-No. 1), filed May 3, 1967. Applicant: DOUGLAS F. WEGNER, doing business as WEGNER TRUCKING, Route No. 3, Adrian, Mich. 49221. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer material*, dry, in bags and in bulk; and *damaged, refused, or rejected shipments of above-specified commodities*, on return, between Riga, Mich., on the one hand, and, on the other, Sandusky, Delta, Carey, and Columbus, Ohio, under contract with The Borden Chemical Co., Smith-Douglas Division, Norfolk, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich., or Columbus, Ohio.

No. MC 129025, filed April 17, 1967. Applicant: DWIGHT E. FOUST, R.F.D. No. 2, Erie, Kans. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, (1) from points in the Kansas City, Mo.-Kans., commercial zone and Sikeston, Mo., to points in Allen, Bourbon, Neosho, Crawford, Labette, and Cherokee Counties, Kans., and (2) between points in Neosho and Crawford Counties, Kans., on the one hand, and, on the other, points in Tulsa, Rogers, Creek, Osage, Washington, and Wagoner Counties, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Wichita or Topeka, Kans.

No. MC 129044, filed April 24, 1967. Applicant: DOUGLASS SILVERNAIL, doing business as LAKEWOOD PETROLEUM CO. AND SILVERNAIL'S SERVICE, 8190 West Colfax Avenue, Lakewood, Colo. 80215. Applicant's representative: William D. Mitchell, The 1560 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled or wrecked motor vehicles*, from points in Colorado and Wyoming, and those parts of South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Arizona, Utah, Idaho, Montana, and North Dakota bounded by a line beginning at the North Dakota-South Dakota State line and extending south along U.S. Highway 83 to its junction with U.S. Highway 16 south of Pierre, S. Dak., thence eastward on U.S. Highway 16, approximately 15 miles, to its junction with U.S. Highway 183, thence south on U.S. Highway 183 to its junction with U.S. Highway 66 near Clinton, Okla., thence west on U.S. Highway 66 to its junction with U.S. Highway 89 at or near Flagstaff, Ariz., thence north on U.S. Highway 89 to its junction with U.S. Highway 191 north of Ogden, Utah, thence via U.S. Highway 191 to its junction with U.S. Highway 10 and Interstate Highway 90 near Bozeman, Mont., thence east on U.S. Highway 10 and Interstate

Highway 90 to Billings, Mont., thence via U.S. Highway 10 to Miles City, Mont., thence via U.S. Highway 12 to its junction with the northern boundary of South Dakota near Whitte Butte, S. Dak., thence east along the North Dakota-South Dakota State line to point of beginning, including points on the named highways; to Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 129046, filed April 24, 1967. Applicant: BURKS-PELZ TRANSFER, INC., 1724 West Franklin Street, Evansville, Ind. 47712. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Over regular routes: (1) *Baby food preparations, medicinal oils, cereal food preparations, and soybean flour*, from Evansville, Ind., to Chicago, Ill., over U.S. Highway 41, and (2) *refined corn products, empty cans, compounds, chemicals, and empty malt beverage containers*, from Chicago, Ill., to Evansville, Ind., over U.S. Highway 41; serving no intermediate points in (1) and (2) above. (B) Over irregular routes: (1) *Powdered milk*, between Evansville, Ind., on the one hand, and, on the other, Zeeland, Mich. (2) *Malt beverages*, (a) from Evansville, Ind., to Cincinnati, Dayton, and Toledo, Ohio, points in Illinois, Tennessee, Iowa, Missouri (except St. Louis) and Kentucky (except Louisville) (b) from Evansville and Freeport, Ill., to points in Michigan; and (3) *empty malt beverage containers*, from the specified destination points (2) (a) and (b) to the specified points of origin. (4) *Ground bone meal*, from Calumet City, Ill., to Evansville, Ind., (5) *maltose* (malt sugar) from Evansville, Ind. to Zeeland, Mich.

(6) *Meat, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as defined in *Modification of Permits—Packinghouse Products*, 46 M.C.C. 23, from Evansville, Ind., to points in Kentucky on and west of Kentucky Highway 71 between Owensboro and Bowling Green, Ky., and on and west of U.S. Highway 31W between Bowling Green and the Kentucky-Tennessee State line. (7) *Veneer and plywood*, from Jasper, Ind., to points in Illinois, Kentucky, Michigan, Missouri (except St. Louis), Ohio (except Cincinnati), and Pennsylvania. (8) *Veneer and glue*, from points in Illinois, Kentucky, Michigan, Missouri (except St. Louis), Ohio, and Pennsylvania, to Jasper, Ind. (9) *Lumber*, from points in Illinois, Kentucky, Michigan, Missouri, Ohio, and Pennsylvania, to Jasper, Ind. (10) *Ice cream and frozen dessert specialties*, in shipper-owned trailers, from Evansville, Ind., to points in Illinois, Kentucky, Tennessee, and Missouri, and *empty shipper-owned trailers and empty containers* used in transporting the above-described commodities, on return, (11) *Bakery products and canned soups*, from Evansville, Ind., to Chicago, Ill. (12) *Ice cream and frozen desserts*, in shipper-owned trailers, (a) from the plantsite of the Edgewood Dairy Co., at Evansville, Ind., to points in Ohio, (b) between the plantsite of the Edgewood Dairy Co., at Evansville, Ind., and the plantsite of the Dunkirk Ice Cream Co., at Dunkirk, N.Y.

(13) *Pharmaceuticals, foodstuffs, food formulas, and dietary foods* (except such commodities in bulk, in tank vehicles) and (b) *materials and supplies* used in the manufacture and packaging of products specified above, between the plantsite of Mead Johnson & Co. at Evansville, Ind., on the one hand, and, on the other, Chicago, Ill., and Zeeland, Mich. (14) (a) *Pharmaceuticals, foodstuffs, food formulas, and dietary foods* (except such commodities in bulk, in tank vehicles) and *materials, supplies, and equipment* used in the manufacture of the commodities specified in (a) above. Between Evansville, Ind., on the one hand, and, on the other, points in Michigan (except Zeeland, Mich.). NOTE: Applicant states it now holds the above authority in permit MC 69876 and subs thereunder. By the instant application it seeks to convert such contract carrier authority to common carrier authority. Applicant further states this is necessitated because of the order of Finance Board No. 1 issued in MC-F-9528, January 9, 1967, wherein control of Burks-Pelz Transfer, Inc., was acquired by Richard S. Wathen, the latter owning 50 percent of a certificated common carrier, Wathen Transport, Inc., Docket MC 124951 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 129053, filed April 27, 1967. Applicant: FIDELITY MOVING & STORAGE CO., INC., 610 Commerce Street, Fayetteville, N.C. 28302. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina. Restricted to shipments moving on the through bill of lading of a section 402(b)(2) exempt forwarder, having an immediate, prior or subsequent line-haul movement by rail, motor, water or air. The proposed service is limited providing a local service for a forwarder of usual household goods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fayetteville, N.C., or Washington, D.C.

No. MC 129059, filed May 1, 1967. Applicant: ROBERT M. KINATEDER, doing business as WILSON DRIVEAWAY COMPANY, 3117 North Broadway, Chicago, Ill. 60657. Applicant's representatives: Jerome Lerner and Bernard M. Kaplan, 77 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, with or without baggage, sporting equipment, and personal effects of the owners thereof, by driveaway movement, between points in the United States (but excluding Alaska and Hawaii), restricted against the transportation of trucks having a capacity in excess of ¾ ton, and further restricted against transportation for and on behalf of manufacturers of automobiles or trucks, and against the handling of such traffic on U.S. Government bills of lading. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129061, filed May 1, 1967. Applicant: ROLAND McCREERY ELEVATOR CO., INC., Rural Route 1, Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, from Walnut Ridge, Ark., and Sikeston, Mo., to points in Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, Chicago, Ill., or St. Louis, Mo.

No. MC 129062, filed April 28, 1967. Applicant: CAPITOL VAN & STORAGE CO., 1810 Frink Street, Cayce, S.C. 29033. Applicant's representative: James E. Hunter, 315 State Street, West Columbia, S.C. 29169. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated and loose household goods and furnishings*, between Cayce, S.C., on the one hand, and, on the other, points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 129067, filed May 5, 1967. Applicant: ILLINOIS VALLEY CARTAGE, INC., Box 45, Peru, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the plantsites, warehouses, and facilities of The New Jersey Zinc Co., located at or near Depue, and Riverdale, Ill., and Des Moines and Dubuque, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126620 (Sub-No. 3), filed March 31, 1967. Applicant: CALIFORNIA PARLOR CAR TOURS, a corporation, 371 Market Street, San Francisco, Calif. 94106. Applicant's representative: Craig McAtee, 601 California Street, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in special operations, one-way and round trip, in sightseeing or pleasure tours, between San Francisco and Los Angeles, Calif., over presently authorized routes to Carmel, Calif., thence over presently authorized routes to Salinas, Calif., thence over presently authorized routes, to Merced, Calif., thence over U.S. Highway 99 to Fresno, Calif., thence over U.S. Highway 99 to junction Interstate Route 405 near San Fernando, Calif., thence over Interstate Route 405 to Los Angeles,

Calif., and return over the same route, serving the intermediate points of Merced, and Fresno, Calif., with transfers at those points to and from transportation to and from Yosemite National Park, Calif., and serving the suburban points of Santa Monica and Beverly Hills, Calif. NOTE: Passengers on these tours may be originated or terminated only at San Francisco, Oakland, Los Angeles, Beverly Hills, and Santa Monica, Calif.

Applicant holds authority in number MC 126620 in part, which reads as follows: Between San Francisco, Calif., and Los Angeles, Calif., serving all intermediate points, and the off-route points of San Pedro and Wilmington, Calif., and those within 5 miles of the three routes described immediately below, restricted to stop-over privileges only: From San Francisco over California Highway 82 (formerly portion U.S. Highway 101) via Palo Alto, Calif., to Sunnyvale, Calif., thence over unnumbered highway (formerly portion California Highway 9) to Saratoga, Calif., thence over California Highway 9 (formerly unnumbered highway) to Los Gatos, Calif., thence over California Highway 17 via Mount Hermon, Calif., to Santa Cruz, Calif., thence over California Highway 1 via Monterey, Calif., to Carmel, Calif., thence over unnumbered highway to Salinas, Calif., thence over U.S. Highway 101 to Beverly Canyon Junction, Calif., a point north of Santa Monica, Calif., thence over unnumbered highway via Hollywood, Calif., to Los Angeles, Calif., and return over the same route.

From San Francisco over U.S. Highway 101 (formerly Alternate U.S. Highway 101) to Palo Alto, Calif., thence to Los Angeles as specified above, and return over the same route. From San Francisco over unnumbered highway to junction U.S. Highway 101 (formerly Alternate U.S. Highway 101) at a point south of Colma, Calif., thence over U.S. Highway 101 to Palo Alto, Calif., thence to Mount Hermon, Calif., as specified above, thence over unnumbered highway to Felton, Calif., thence over California Highway 9 to Santa Cruz, Calif., thence to Monterey, Calif., as specified above, thence over unnumbered highway via Pacific Grove Calif., and "The 17 Mile Drive" to Carmel, Calif., thence over unnumbered highway to junction unnumbered highway, approximately 4 miles southwest of Salinas, Calif., thence over unnumbered highway via Spreckels, Calif., to junction U.S. Highway 101, thence over U.S. Highway 101 to junction California Highway 1 (formerly Alternate U.S. Highway 101) at a point east of Montalvo, Calif., thence over California Highway 1 to Los Angeles, and return over the same route. Passengers and their baggage, restricted to the transportation of persons moving in one-way or round trip special tours between San Francisco, Calif., and Los Angeles, Calif. Between San Francisco, Calif., and Salinas, Calif., serving the intermediate point of Merced, Calif. From San Francisco, across the San Francisco Bay to Oakland, Calif., thence over U.S. Highway 50 to junction California Highway 120 to Manteca, Calif., thence over U.S. Highway 99 to Merced, Calif., thence over California Highway 59 (formerly fornia Highway 152 to junction California Highway 152, thence over California Highway 152 to junction California Highway 156, thence over California Highway 156 via Hollister, Calif., to junction U.S. Highway 101, thence over U.S. Highway 101 to Salinas, and return over the same route. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 128999, filed April 5, 1967. Applicant: CONNECTICUT RAILWAY AND LIGHTING COMPANY, a corporation, 55 Congress Street, Bridgeport, Conn. 06603. Applicant's representative: Norman K. Parsells, 955 Main Street, Bridgeport, Conn. 06603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Hartford, Litchfield, Fairfield, and New Haven Counties, Conn., and extending to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bridgeport, Norwalk, Waterbury, or Hartford, Conn.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 4941 (Sub-No. 21) (Amendment), filed September 27, 1965, published FEDERAL REGISTER issues of October 14, 1965, and April 7, 1966, amended May 10, 1967, and republished as amended, this issue. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, knocked down or in sections, and when transported in connection with the transportation of such buildings, *componcnt parts* thereof, and *equipment and materials* incidental to the erection and completion of such buildings, from Sudbury, Acton, Dartmouth, and Dedham, Mass., to points in Maine, Vermont, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and Tennessee. (1) Restricted against the transportation of trailers designed to be drawn by passenger automobiles; (2) restricted against the transportation of portable buildings travelling on their own or removable undercarriages, equipped with hitchball coupler. NOTE: The purpose of this republication is to change the territorial scope of the application, and add the restrictions.

No. MC 19553 (Sub-No. 30), filed May 1, 1967. Applicant: KNOX MOTOR SERVICE, INC., Post Office Box 359, Rockford, Ill. 61105. Applicant's representative: Robert M. Kaske (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, and except livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, including bulk liquids, assembled automobiles, and heavy machinery requiring special equipment for handling), between Milwaukee, Wis., and Peoria, Ill.: From Milwaukee over Interstate Highways 94 and 294 to junction U.S. Highway 66, thence over U.S. Highway 66 and Interstate Highway 55 to junction U.S. Highway 24, thence over U.S. Highway 24 to Peoria, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

No. MC 119987 (Sub-11), filed May 1, 1967. Applicant: FRANK RUSSELL CROCKETT, doing business as F. R. CROCKETT, R.F.D. 2, North Tazewell, Va. 24630. Applicant's representative: Robert M. Richardson, 602 Law and Commerce Building, Bluefield, W. Va. 24701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Fruit juices, dairy products, fruit and milk beverages, frozen confections, and advertising matter*, between Bluefield, Va., and Prestonsburg, Ky., from Bluefield over U.S. Highway 460 to Prestonsburg and return over the same route, serving intermediate points of Richlands and Grundy, Va., and Pikeville, Ky. NOTE: Applicant holds contract carrier authority in MC 125553, therefore dual operations may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5493; Filed, May 17, 1967; 8:45 a.m.]

[Notice 386]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 15, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also

in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111069 (Sub-No. 46 TA), filed May 11, 1967. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47130. Applicant's representative: Ollie L. Merchant, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coffee whitener (coffee pak), vegetable oil base, and half and half with stabilizers, a dairy product*, in one-half-ounce containers, in vehicles equipped with mechanical refrigeration, from Louisville, Ky., and Clarksville, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Food Specialties of Kentucky, Post Office Box 1017, Louisville, Ky. 40201. Send protests to: R. M. Hagarty, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 111103 (Sub-No. 23 TA), filed May 11, 1967. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: John M. Demcisak, Land Title Building, Philadelphia, Pa. 19110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonnegotiable checks, check letters, coupons, invoices, instruments, business papers, magnetic tape, and all types of audit and accounting media*, between Baltimore, Md., on the one hand, and, on the other, points in Adams, Bedford, Cumberland, Dauphin, Franklin, Fulton, Lancaster, and York Counties, Pa.; points in Arlington, Clarke, Fairfax, Frederick, Henrico, King George, Loudoun, Prince William Stafford, and Spotsylvania Counties, Va., and Alexandria, Va.; and points in Berkeley, Hampshire, Hardy, Grant, Jefferson, Mineral, Morgan and Pendleton Counties, W. Va., for the account of The Equitable Trust Co., Baltimore, Md., for 150 days. Supporting shipper: The Equitable Trust Co., Baltimore, Md. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111401 (Sub-No. 224 TA), filed May 11, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Max E. Barton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl acetate*, in bulk, in tank vehicles, from Calvert, Ky., to the ports of entry on the international boundary line between the United States and Mexico, located in Texas, in foreign commerce only, for 180 days. Supporting shipper: Air Reduction Co., Inc. (J. W. Peterson, Director of Traffic), 150 East 42d Street, New York, N.Y. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 114965 (Sub-No. 31 TA) (Amendment), filed April 25, 1967, published FEDERAL REGISTER, issue of May 3, 1967, and republished as amended this issue. Applicant: CYRUS TRUCK LINE, INC., Post Office Box 327, R.F.D. No. 1, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, 104 South Washington, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in dump- or hopper-type vehicles, from the plant facilities of Occidental Agricultural Chemicals Corp., Kansas City, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, for 180 days. Supporting shipper: Occidental Agricultural Chemicals Corp., 1301 Avenue of Americas, New York, N.Y. 10019. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202. NOTE: The purpose of this republication is to show that the transportation will originate at the above-named plant facilities in Kansas City, Mo.

No. MC 127505 (Sub-No. 9 TA), filed May 11, 1967. Applicant: RALPH BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stoves, ovens, refrigerators, freezers, washers, dryers, air conditioners, and garbage disposals*, from Louisville, Ky., to points in Illinois (except points in the Chicago commercial zone), and points in Rock County, Wis., for 180 days. Supporting shipper: Major Appliance and Hotpoint Division, General Electric Co., Appliance Park, Louisville, Ky. 40225. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086 U.S. Courthouse and FOB, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128859 (Sub-No. 1 TA), filed May 11, 1967. Applicant: BULK TRANSPORTATION, Post Office Box 397, Walnut, Calif. 91789. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from Fontana and Ontario, Calif., to Los Angeles Harbor and Long Beach, Calif., for 180 days. Supporting shipper: Monsanto Co., Post Office Box 120, Santa Clara, Calif. 95052. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

MOTOR CARRIER OF PASSENGERS

No. MC 129037 (Sub-No. 1 TA) (Cor-FEDERAL REGISTER, issue of May 3, 1967, rection), filed April 26, 1967, published and republished as corrected this issue. Applicant: JOSEPH PESCE AND PASQUALE PORCARO, a partnership, doing business as J & P TRACK LIMOUSINE SERVICE, 671 East 230th Street, Bronx, N.Y. 10466. Applicant's representative: W. J. Augello, Jr., 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Passengers*, in special operations, in door-to-door service, in vehicles not exceeding eight passengers per vehicle, between Stamford, Conn., and race tracks located in New York City, and points in Nassau and Westchester Counties, N.Y., and Saratoga, N.Y., for 150 days. Supporting shippers: This application is supported by eleven individual passengers. Their statements may be examined at the offices of the Interstate Commerce Commission in Washington, D.C., or at the field office listed below. Send protests to: Robert E. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013. NOTE: The purpose of this correction is to show the correct trade name of applicants, as shown above, in lieu of J & P *Truck* Limousine Service, which was in error.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-5632; Filed, May 17, 1967; 8:50 a.m.]

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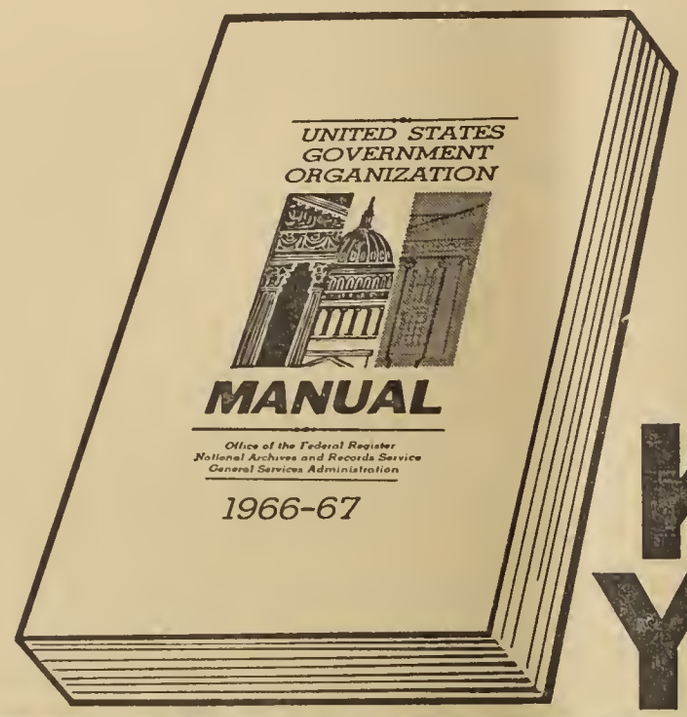
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Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Black Stem Rust

ERADICATION AREAS

Under authority conferred by § 301.38–2 of the Black Stem Rust Quarantine regulations (7 CFR 301.38–2, as amended 31 F.R. 13888), the following supplemental regulation is hereby revised to appear in 7 CFR 301.38–2c as follows:

§ 301.38–2c List of eradication areas.

The States and portions of States designated below have adopted and are enforcing specific procedures to eradicate Berberis, Mahoberberis, and Mahonia plants susceptible to black stem rust, in cooperation with the Plant Pest Control Division. Therefore, such States and portions of States are listed as eradication areas:

All counties within the States of:

Colorado.	Montana.
Illinois.	Nebraska.
Indiana.	North Dakota.
Iowa.	Ohio.
Kansas.	South Dakota.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	Wyoming.

All counties within the following States except the counties specified below:

Pennsylvania. Except Delaware and Philadelphia counties.

Virginia. Except Accomack, Amelia, Brunswick, Caroline, Charles City, Charlotte, Chesterfield, Cumberland, Dinwiddie, Elizabeth City, Essex, Gloucester, Goochland, Greensville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Northampton, Northumberland, Norfolk, Nottoway, Patrick, Pittsylvania, Powhatan, Princess Anne, Prince Edward, Prince George, Richmond, Southampton, Sussex, Surry, Warwick, Westmoreland, and York counties.

Washington. Except Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom counties.

(29 F.R. 16210, as amended; 30 F.R. 5799, as amended; 7 CFR 301.38–2, as amended, 31 F.R. 13888)

The purpose of this revision is to add Island and San Juan counties to the list of those counties where eradication work is not undertaken in the State of Washington. In this regard, the revision relieves restrictions of the regulations which would otherwise apply to interstate shipments of regulated articles into such counties. Insofar as this revision relieves restrictions it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved. This revision also imposes restrictions with respect to establishments located within Island and San Juan counties as regards interstate shipments of regulated articles from such counties. These restrictions are necessary to prevent the spread of black stem rust and should be made effective promptly in the public interest.

It is found upon good cause under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with regard to this revision are impracticable and contrary to the public interest, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

This revised regulation shall become effective May 19, 1967, when it shall supersede 7 CFR 301.38–2c, effective October 29, 1967.

Done at Hyattsville, Md., this 15th day of May 1967.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 67–5636; Filed, May 18, 1967; 8:51 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 14]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

TRANSFER OF COTTON ACREAGE AFFECTED BY NATURAL DISASTER

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to designate parishes in Louisiana and eight counties in Missouri that have been affected by a natural disaster within the meaning of section 344(n) of the act for the 1967 crop.

In order that determinations with respect to transfer of acreage for the 1967 crop may be made prior to the end of the cotton planting season, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.430(i) of the regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) is amended by adding the following additional counties to the list of designated States and counties:

LOUISIANA

All parishes

MISSOURI

Pemiscot.	New Madrid.
Mississippi.	Scott.
Stoddard.	Butler.
Dunklin.	Ripley.

(Secs. 344(n), 375; 78 Stat. 177, 52 Stat. 66, as amended; 7 U.S.C. 1344(n), 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 11, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67–5638; Filed, May 18, 1967; 8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 1]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4)

GENERAL STATEMENT

The regulations containing the terms and conditions governing the Commodity Credit Corporation Export Credit Sales Program, published in the FEDERAL REGISTER of April 27, 1967, and corrected in the FEDERAL REGISTER of May 4, 1967 (32 F.R. 6496–6500, 6836), are amended as follows:

Section 1488.1 *General statement* is amended by revising paragraph (a) to read:

§ 1488.1 General statement.

(a) Except as otherwise provided in this paragraph (a), the regulations contained in this Subpart A supersede Announcement GSM–3, Revision II, as amended, and set forth the terms and conditions governing the CCC Export Credit Sales Program (GSM–4). The maximum financing period shall be 3 years. GSM–3, Revision II, as amended,

shall remain in effect for all transactions under credit approvals issued thereunder before April 27, 1967, the effective date of GSM–4: *Provided, however,* That, notwithstanding the provisions of GSM–3, Revision II, as amended, relating to the issuance and redemption of Export Commodity Certificates, such unexpired Certificates, except those issued on cotton transactions, may be presented, at the option of the holders thereof, to the issuing ASCS office for redemption at face value in cash: *Provided further,* That, except for cotton transactions, when an Export Commodity Certificate has not been issued to the exporter, he may request payment in cash in lieu of certificates.

* * * * *

(Sec. 5(f), 62 Stat. 1072, 15 U.S.C. 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 4, P.L. 89–808, 80 Stat. 1538)

Effective date. Date of signature.

Signed at Washington, D.C. on May 16, 1967.

D. M. RUBEL,
Acting Vice President, Commodity Credit Corporation and Acting Administrator, Foreign Agricultural Service.

[F.R. Doc. 67–5639; Filed, May 18, 1967; 8:51 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 144—PERMIT IMPRINTS

New Style Permit Imprints and New Optional Procedure for Accepting Permit Imprint Mail

The regulations of the Post Office Department are amended as follows:

In Part 144 make the following changes:

A. Section 144.3 is revised to authorize a new style permit imprint for firms depositing mail at two or more post offices under different permits. The new style will substitute in the imprint the name of the permitholder for the name of the City and State and permit number. The statement accompanying such mailings will continue to show the number of the permit held by the firm at the post office where mailings are made. As so revised § 144.3 reads as follows:

§ 144.3 Content of permit imprints.

(a) *First-class mail.* Permit imprints must show City and State; date (may be omitted); the words "First-class mail" and "U.S. Postage paid" with the amount of postage; and permit number. The ZIP Code of the permitholder may be shown immediately following the name of the State or in a separate inscription reading "ZIP Code 00000" when it is possible to include the ZIP Code without creating uncertainty as to permitholder's correct address or permit number.

(b) *Second-, third-, and fourth-class mail.* Permit imprints must show same information as first-class, except the date and the words "First-class mail" must be omitted. The amount of postage may be omitted on matter mailed at bulk third-class pound rates, but should be included when it is known the per-piece rates will apply.

(c) *Company permit imprints for any class of mail.* The city, State, and permit number may be omitted if the permitholder has permits at two or more post offices, provided the exact name of the company or individual holding the permits is shown in the permit imprint. When this style of company permit imprint is used, the mailing piece must bear a complete return address. The permitholder must maintain for a 3-year period and make available for inspection and audit upon request of Post Office officials, records showing the post office at which any particular mailing was made, date of mailing, total weight of the mailing, weight of a single piece, and the amount of postage paid. A sample piece from the mailing must also be available. Permit imprint permits for the acceptance of company permit imprint mail at a post office other than the ones where the permitholders maintain their places of business will be authorized only after the local postmaster has obtained from his Regional Director a determination that the post office has adequate facilities for accepting the mail and is served by transportation facilities which will enable the mailings to be effectively and economically handled in the postal transportation patterns. A company permit imprint is illustrated in § 144.4 (b).

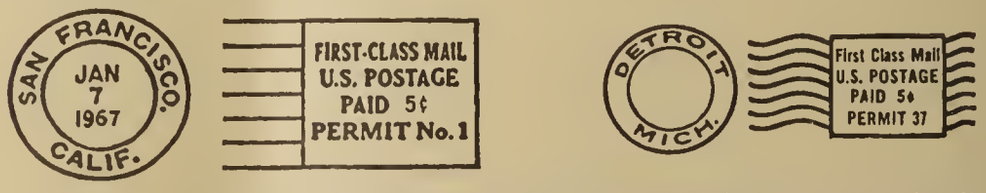
NOTE: The corresponding Postal Manual section is 144.3.

B. The illustrations under § 144.4 are revised to show new forms of permit imprints.

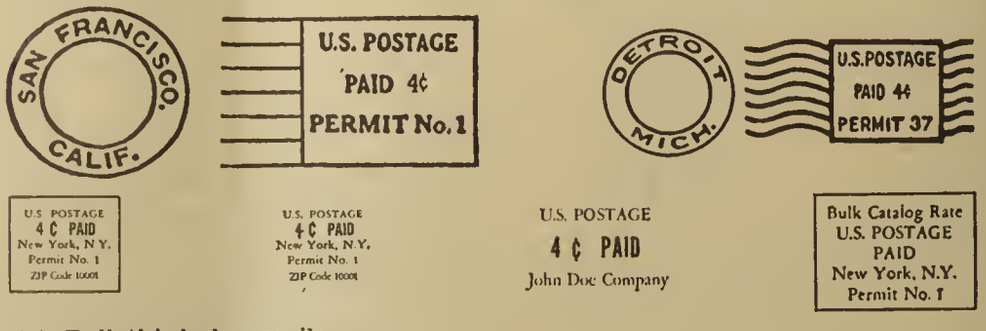
§ 144.4 Form of permit imprints.

* * * * *

(a) First-class mail:



(b) Second-, third-, and fourth-class mail (date and first-class mail omitted):



(c) Bulk third-class mail:



(d) Authorized Nonprofit Organization Mailings only: See § 134.4(b)(3) of this chapter.



NOTE: The corresponding Postal Manual section is 144.4.

C. A new § 144.8 is added to show an optional procedure for accepting permit imprint mail which will use the minimum amount of space, time, and manpower, and at the same time will make full use of the latest developments in mechanization, facilities, and transportation while maintaining adequate control of the collection of correct postage charges.

§ 144.8 Optional procedure for accepting permit imprint mail.

(a) *Objective.* The purpose of this optional procedure is to provide for the acceptance of permit imprint mail using the minimum amount of space, time, and manpower, and utilizing the latest developments in mechanization, facilities, and transportation while maintaining adequate control of the collection of correct postage charges.

(b) *Procedure.* Weighing of the entire mailing on scales is not required. Postage is computed from the mailers' "Mail-

ing Statement," Form 3602 or "Mailing Statement-4th Class Bulk Rates," Form 3605, which must always show the total number of pieces. The total computed weight must also be shown when it is known that the minimum per piece postage charge will not apply.

(c) *Verification.* Sample pieces from each mailing shall be weighed by a post office employee, either at the mailers' plant or at the post office, to determine whether the pound or the minimum per piece postage charges apply. Post office employees may be sent on rotating assignments to the mailers' plants to weigh sample pieces and observe preparation of mail by mailers only when the mail is not to be delivered to the post office for dispatch or when considered necessary and authorized in writing by Regional Directors. Mailers must maintain for a 3-year period, and make available for inspection and audit upon request of post office officials, all production and billing records relating to any particular mailing. A sample piece from the mailing must also be available.

(d) *Limited use of optional procedure.* The optional procedure must be approved by the Regional Director in each case. It will be approved only when the mailers can make one or more of the following arrangements which are mutually beneficial to the mailers and the postal service:

(1) Loading at the mailers' plant the major portion of the mailings into single or combination destination trailers with any remaining portion transported at the mailers' expense and risk from the plant to an acceptance place such as a special acceptance facility or sectional center facility designated by the Regional Director.

(2) Transportation of the entire mailing at the mailers' expense and risk from the plant to the acceptance place designated by the Regional Director.

(3) Merger by mailers of different varieties and classes of mailing pieces into direct sacks which could not be prepared if the pieces were mailed separately.

(4) Unusual arrangements for which the Regional Director has obtained approval from the Classification and Special Services Division, Bureau of Operations.

NOTE: The corresponding Postal Manual section is 144.8.

As the foregoing amendments to Part 144 relate to a proprietary function of the Government and do not affect substantive rights, public rule making procedures, advance notice, as well as a delayed effective date are unnecessary and would be contrary to the public interest.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

MAY 12, 1967.

[F.R. Doc. 67-5521; Filed, May 18, 1967; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

PART 60-2—ELIMINATION OF SEGREGATED FACILITIES BY GOVERNMENT CONTRACTORS AND SUBCONTRACTORS

Part 60-2 is added to Title 41 of the Code of Federal Regulations, reading as follows:

Sec.
60-2.1 General.
60-2.2 Pre-award procedure.
60-2.3 Termination procedure.
60-2.4 Definitions.
60-2.5 Exemptions.

AUTHORITY: The provisions of this Part 60-2 issued under E.O. 11246, September 24, 1965, 30 F.R. 12319, 12935; 3 CFR 1965 Supp.

§ 60-2.1 General.

(a) For over a quarter century, it has been the policy of the Government of the United States that no person shall be discriminated against because of his race, creed, color, or national origin, in any of the conditions of his employment with a Government contractor or subcontractor. Although progress has been made, in recent years, in ensuring equal employment opportunities to all Americans, it is an unfortunate fact that many persons are still being denied basic equal employment rights, including the right to the use of their employer's facilities free from segregation on the basis of race, creed, color, or national origin.

(b) The Government contractor's obligation is not only to eliminate any written or oral policies and practices he may have requiring segregation on a basis of race, creed, color, or national origin; he must ensure that facilities he provides for his employees are provided in a manner that such segregation cannot result. He may neither require such segregated use by explicit directives nor tolerate such use by employee custom. His obligation extends further to ensuring that his employees are not assigned to perform their services at any location under his control where the facilities are segregated. Such segregation at any facility provided by a Government contractor is an unacceptable failure to comply with the contractor's equal opportunity obligations.

(c) It must be emphasized that the issuance of this Part 60-2 or compliance therewith shall in no way whatsoever diminish or relieve the contractor's responsibility to fully carry out the other nondiscrimination and affirmative action requirements of his contract.

§ 60-2.2 Pre-award procedure.

(a) Each agency shall inform any prospective contractor by a notice (the form of which is approved by the Office of Federal Contract Compliance) that the agency shall require submission of an assurance prior to the award of any nonexempt contract exceeding $10,000, that the prospective contractor does not and will not maintain any facilities he provides for his employees in a segregated manner; or permit his employees to perform their services at any location, under his control, where segregated facilities are maintained.

(b) Each agency shall require the submission of the assurance, in the form prescribed by this Part 60-2 (Appendix 1), or in any form hereinafter approved by the Director of the Office of Federal Contract Compliance, prior to the award of any nonexempt contract exceeding $10,000.

(c) Each contractor shall inform any prospective subcontractor by a notice (the form of which is approved by the Office of Federal Contract Compliance) that the contractor shall require submission of an assurance prior to the award of any nonexempt subcontract exceeding $10,000, that the prospective subcontractor does not and will not maintain any facilities he provides for his employees in a segregated manner; or permit his employees to perform their services at any location, under his control, where segregated facilities are maintained.

(d) Each contractor shall require the submission of the assurance, in the form prescribed by this Part 60-2 (Appendix 2), or in any form hereinafter approved by the Director of the Office of Federal Contract Compliance, prior to the award of any nonexempt subcontract exceeding $10,000.

§ 60-2.3 Termination procedure.

Failure of the contractor or subcontractor to comply with the terms of the equal opportunity clause as construed by this Part 60-2, shall be grounds for termination or cancellation of the contract or subcontract. Whenever the Director of the Office of Federal Contract Compliance (hereinafter "the Director") or an agency, upon prior notification to the Director, proposes to terminate or cancel a prime contract or to require termination or cancellation of a subcontract, the contractor or the subcontractor shall be notified in writing of such proposed action and given 10 days from the mailing of the notice either to comply with the provisions of the equal opportunity clause, as construed by this Part 60-2, or to mail a request for a hearing to the Director or the head of the agency, whoever may be appropriate. In accordance with section 209(b) of Executive Order 11246 reasonable efforts shall be made to secure compliance by methods of conference, conciliation, mediation, and persuasion. These efforts shall be continued during the 10-day period referred to above. Whenever the contractor or subcontractor requests a hearing in accordance with these provisions, the contract may be suspended, in the discretion of the Director, during the pendency of the hearing. The Director or any agency head, with the approval of the Director, may convene a hearing. When the hearing is

conducted by an agency, no decision by the head of the agency, or his authorized representative, shall be final without the prior approval of the Director.

§ 60–2.4 Definitions.

(a) The definitions in § 60–1.2 of this chapter are applicable to this Part 60–2.

(b) "Prospective contractor" means any person proposing to enter into a contract with an agency of the Government whether such person is a bidder, offeror, or otherwise; or an applicant for Federal assistance within the meaning of section 302(c) of Executive Order 11246.

§ 60–2.5 Exemptions.

(a) Requests for exemptions from this Part 60–2 must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, Washington, D.C., and shall be forwarded through and with the endorsement of the agency head.

(b) The provisions set forth in this Part 60–2 shall not apply to any contract when the head of the contracting agency determines that such contracts are essential to the national security and that its award without the requirement of an assurance is necessary to the national security. Upon making such determination, the agency head will notify, in writing, the Director within 30 days.

Effect of Part 60–2 on other rules and regulations. (a) All orders, instructions, regulations, and memoranda of the Secretary of Labor, other officials of the Department of Labor and contracting agencies are superseded to the extent that they are inconsistent herewith.

(b) Each contracting agency will submit to this Office on or before June 1, 1967, its program to implement Part 60–2.

(c) Nothing in Part 60–2 shall be interpreted to diminish the present contract compliance review and complaint programs.

Authority. (a) General: Executive Order 11246, dated September 24, 1965, and Secretary's Order No. 26–65, dated October 5, 1965 (31 Fed Reg. 6921).

(b) Specific:

(1) Part II, Subpart C, section 205 of Executive Order 11246.

(2) Part II, Subpart D, section 211 of Executive Order 11246.

(3) Part II, Subpart D, section 209(a)(5) of Executive Order 11246.

(4) Part IV, Subpart D, section 403(b) of Executive Order 11246.

Effective date. Part 60–2 shall be effective immediately.

Signed at Washington, D.C., this 9th day of May 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

Appendix 1

ASSURANCE

(To be obtained by contracting agency from Government contractor)

The bidder (offeror or applicant) assures the (*Name of Agency*) that he does not and will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not and will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder (offeror or applicant) understands that the phrase "segregated facilities" includes facilities which are in fact segregated on a basis of race, color, creed, or national origin, because of habit, local custom, or otherwise. The bidder (offeror or applicant) understands and agrees that maintaining or providing segregated facilities for his employees or permitting his employees to perform their services at any locations, under his control, where segregated facilities are maintained is a violation of the equal opportunity clause required by Executive Order 11246 of September 24, 1965.

The bidder (offeror or applicant) further understands and agrees that a breach of the assurance herein contained subjects him to the provisions of Order ---------- of the Secretary of Labor dated ---------- and the provisions of the equal opportunity clause enumerated in contract (description or number) between (*Name of Agency*) and the bidder (or offeror or applicant).

The bidder (offeror or applicant) obligates himself to obtain a substantially similar assurance addressed to him and the contracting agency and signed by proposed subcontractors prior to awards of nonexempt subcontracts exceeding $10,000.

Whoever knowingly and willfully makes any false, fictitious, or fraudulent representation may be liable to criminal prosecution under 18 U.S.C. § 1001.

Appendix 2

ASSURANCE

(To be obtained by Government contractor from subcontractor)

The bidder (offeror or applicant) assures the (*Name of the Government Contractor*) and (*Name of Agency*) that he does not and will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not and will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder (offeror or applicant) understands that the phrase "segregated facilities" includes facilities which are in fact segregated on a basis of race, color, creed, or national origin, because of habit, local custom, or otherwise. The bidder (offeror or applicant) understands and agrees that maintaining or providing segregated facilities for his employees or permitting his employees to perform their services at any locations, under his control, where segregated facilities are maintained is a violation of the equal opportunity clause required by Executive Order 11246 of September 24, 1965.

The bidder (offeror or applicant) further understands and agrees that a breach of the assurance herein contained subjects him to the provisions of Order ---------- of the Secretary of Labor dated ---------- and the provisions of the equal opportunity clause enumerated in contract (description or number) between (*Name of the Government Contractor*) and the bidder (offeror or applicant).

Whoever knowingly and willfully makes any false, fictitious, or fraudulent representation may be liable to criminal prosecution under 18 U.S.C. § 1001.

[F.R. Doc. 67–5519; Filed, May 18, 1967; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7, Amdt. 1]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Manufacturer for Bidding on Government Procurements for Products Classified in SIC Industry 2011, Meat Packing Plants

On March 23, 1967, there was published in the FEDERAL REGISTER (32 F.R. 4432) a notice that the Administrator of the Small Business Administration had proposed to amend the Small Business Size Standards Regulation by establishing a new definition for a small business manufacturer for the purpose of bidding on Government procurements for products classified in SIC Industry 2011, Meat Packing Plants.

Under the proposed amendment, the size standard for the purpose of Government procurements of products classified in SIC Industry 2011, Meat Packing Plants, would be 750 employees.

Interested persons were given 30 days to file with the Small Business Administration written statements of facts, opinions, or arguments concerning the proposal. After consideration of all relevant matters regarding the proposal, the amendment set forth below is hereby adopted.

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding to Schedule B of § 121.3–8 the following industry size standard:

Census classification code	Industry	Employment size standard (number of employees)
2011	Meat Packing Plants-------	750

Effective date. This amendment shall become effective 15 days after publication in the FEDERAL REGISTER.

Dated: May 12, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67–5596; Filed, May 18, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 885—APPOINTMENT OF OFFICERS IN THE REGULAR AIR FORCE

Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

Part 885 is revised to read as follows:

Sec.
885.1 Purpose.
885.2 Applicable forms.
885.3 Policy.
885.4 Category of personnel to be considered for Regular Air Force appointment and statutory authority.
885.5 Consideration for Regular appointment.
885.6 Basic eligibility.
885.7 How to apply.
885.8 Additional requirements.
885.9 Selection procedures for distinguished AFROTC graduates.
885.10 Service credit for dental officers.
885.11 Service credit for distinguished ROTC graduate.
885.12 Permanent grade.
885.13 Temporary grade.
885.14 Sample letter to references (dentist).

AUTHORITY: The provisions of this Part 885 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 36–5, Mar. 18, 1966.

§ 885.1 Purpose.

This part outlines eligibility for consideration for appointment as commissioned officers in the Regular Air Force.

§ 885.2 Applicable forms.

(a) DD Form 398, "Statement of Personal History."

(b) AF Form 17, "Application for Appointment in the Regular Air Force."

(c) AF Form 17a, "Supplement to Application for Commission in the U.S. Air Force—Medical Service."

(d) AF Form 1370, "Statement of Acceptance of Regular Air Force Appointment" (local reproduction).

(e) AF Form 1371, "Statement of Declination of Regular Air Force Appointment" (local reproduction).

(f) AF Form 1373, "Honor Code Statement" (local reproduction).

(g) SF 88, "Report of Medical Examination."

(h) SF 89, "Report of Medical History."

(i) FD Form 258, "FBI Fingerprint Card."

§ 885.3 Policy.

Regular Air Force appointments are made annually to sustain the Regular officer structure established by law.

§ 885.4 Category of personnel to be considered for Regular Air Force appointment and statutory authority.

If individual is to be considered for Regular Air Force appointment as—	*Statutory authority for such appointment is contained in—*
Line of the Air Force	Ch. 835, 10 U.S.C.
Physician	Ch. 835, 10 U.S.C.
Dentist	Ch. 835, 10 U.S.C.
Nurse	Ch. 835, 10 U.S.C.
Biomedical science (except dietition, physical and occupational therapist).	Ch. 835, 10 U.S.C.
Biomedical science (dietitian, physical and occupational therapist).	Ch. 835, 10 U.S.C.
Medical service officer	Ch. 835, 10 U.S.C.
Veterinarian	Ch. 835, 10 U.S.C.
Judge advocate	Ch. 835, 10 U.S.C.
Chaplain	Ch. 835, 10 U.S.C.
Distinguished OTS graduate.	Ch. 835, 10 U.S.C.
Distinguished AFROTC graduate (graduated before Oct. 13, 1964).	Ch. 835, 10 U.S.C.
Distinguished AFROTC graduate (graduated on or after Oct. 13, 1964).	Ch 103, 10 U.S.C.
Cadet or midshipman of the military or naval academy.	10 U.S.C. 541 and 9353, and Ch 835, 10 U.S.C.
Regular officer of Army, Navy or Marine Corps applying for interservice transfer.	10 U.S.C. 716

§ 885.5 Consideration for Regular appointment.

(a) If individual is a dentist not on EAD, he must submit AF Form 17 (see § 885.7) to be considered for appointment.

(b) A distinguished OTS or AFROTC graduate [1] will not submit an application for consideration.

§ 885.6 Basic eligibility.

(a) If individual to be considered is a distinguished AFROTC graduate, then he:

(1) Must hold a valid appointment as Reserve of the Air Force officer and be serving on EAD;

(2) At time of appointment must be at least 21 years of age and of such age that would permit completion of 20 years of active commissioned service in the U.S. Armed Forces before his 55th birthday (see § 885.11, footnote 5);

(3) Must have been designated as a distinguished graduate by appropriate authority.

(i) For service credit see § 885.11.

(b) If individual to be considered is a dentist not on active duty applying more than 1 year after graduation from dental school, then he:

(1) At time of appointment must be at least 21 years of age and may not exceed the age of 35 by more than the number of years, months, and days that he has served on active duty as a commissioned officer of the U.S. Armed Forces.[2]

(2) Must be a graduate of a dental school acceptable to the Surgeon General and possess a license to practice dentistry in a state or territory of the United States or in the District of Columbia.

(i) For service credit see § 885.10.

(c) If individual to be considered is a dentist not on active duty applying less than 1 year after graduation from dental school and senior dental students within 4 months of graduation:

(1) See paragraph (b)(1) of this section.

(2) He must be a graduate (or prospective graduate) of a dental school acceptable to the Surgeon General, USAF.

(i) For service credit see § 885.10.

§ 885.7 How to apply.

(a) A dentist not on EAD and applying less than 1 year after graduation from dental school must:

(1) Prepare and submit AF Forms 17 and 17a in two copies.

(2) Include with application a copy of DD Form 214, for any prior military service; copy of diploma awarding D.D.S. degree; evidence of post-graduate work or residency; current head and shoulder type photo, 3 by 5 inches or larger, with name typed or printed on back; five copies of DD Form 398; one FBI Fingerprint Card and Honor Code Statement (AF Form 1373).

(3) Submit application to USAFMPC (AFPMAJC1), Randolph AFB TX 78148.

(4) In addition, forward a request for a letter of reference to each individual listed in Item 7 of AF Form 17a, one of whom must be Dean of appropriate medical or dental school (see § 885.14).

(b) A dentist not on EAD and applying more than 1 year after graduation from dental school must:

(1) Comply as in subparagraphs (1) through (4) of paragraph (a) of this section, and

(2) Include a copy of State license with his application.

(c) A senior dental student within 4 months of graduation [3] must:

(1) Prepare and submit AF Forms 17 and 17a in two copies.

(2) Include with application a copy of DD Form 214, for any prior military service; current head and shoulder type photo, 3 by 5 inches or larger, with name typed or printed on back; five copies of DD Form 398; one FBI Fingerprint Card and Honor Code Statement (AF Form 1373) (see footnotes 3 and 4).

NOTE: Applicants who are not U.S. citizens by birth furnish a certificate accomplished by an officer, Notary Public, or other person authorized by law to administer oaths, as follows: "I certify that I have this date seen the original Certificate of Citizenship No. ---------- (or certified copy of court order establishing citizenship) stating that (full name) was admitted to U.S. citizenship by the ---------- Court of (District or County & State) on (Date)." Facsimiles or copies, photographic or otherwise, of naturalization certificates will not be made under any circumstances (18 U.S.C. 1426 (h)).

§ 885.8 Additional requirements.

(a) *Citizenship.* An individual must be a U.S. citizen to be eligible for Regular Air Force appointment. Any person selected for Regular appointment who is not a citizen by birth is required to fur-

[1] Applies to AFROTC graduates commencing with those graduating in April 1966. Personnel graduating before that date who have not submitted applications for Regular appointment are considered under separate instructions.

[2] Age requirement may be waived upon recommendation by the Surgeon General, USAF.

[3] Persons who are participating in the Senior Dental Student Program must be available for active duty not later than 90 days after their graduation.

[4] Upon graduation, and before finalization of appointment, selectees are required to furnish a copy of their diploma awarding D.D.S. degree and a statement indicating their actual date of graduation to USAFMPC (AFPMAJC1) upon receipt of notification of selection.

nish documentary evidence of citizenship, if such evidence is not contained in his Master Personnel Record.

(b) *Physical qualification.* (1) Physical qualification is a prerequisite to appointment. Determination of such qualification is made by the Surgeon General, USAF, according to the physical standards for commission outlined in AFM 160–1 (Medical Examination and Medical Standards).

(2) Officers who are found medically disqualified for Regular appointment continue to be eligible for appointment provided they can reasonably be expected to qualify medically within 1 year of the date of Presidential approval of their appointment.

(c) *Background requirements.* (1) Each appointee must be of such background, character, and reputation to assure that his appointment in the Regular Air Force is clearly in the best interests of the Air Force. Before Regular appointment can be finalized, favorable National Agency Check requirements must be fulfilled.

(2) Each individual must state his intention to accept or decline a Regular Air Force appointment by completing AF Forms 1370 or 1371, as appropriate, and forwarding such form to USAFMPC (AFPMAJC1), Randolph AFB TX 78148. If he accepts he is required to indicate whether he has prior service academy affiliation and whether he has ever resigned or been dismissed from any officer training program of the Army, Navy, or Air Force for reason of Honor Code violation, military inaptitude, indifference, undesirable traits of character, or disciplinary reasons. Any person indicating prior service academy affiliation is not eligible for Regular Air Force appointment until such time as his former academy classmates have been graduated. Any person indicating resignation or dismissal for the above reasons is not eligible for Regular Air Force appointment unless he can furnish a favorable recommendation for waiver by the superintendent or commander of the officer training program from which he was disenrolled. If a similar recommendation for waiver was previously obtained and approved in order to attain commissioned status, furnish Hq USAF full details of the incident or incidents leading to resignation, dismissal, or disenrollment. A copy of the correspondence approving the waiver also must be furnished.

(3) Male selectees are not restricted with regard to dependents. However, a female selectee may not be appointed if she:

(i) Is the parent, by birth or adoption, of a child under 18 years of age, of whom she has personal or legal custody;

(ii) Is the stepparent of a child under 18 years of age, and the child is within her household for a period of more than 30 days a year; or

(iii) Has or has assumed personal custody of any child under 18 years of age.

(4) An officer in a deferred promotion status by virtue of failure of selection for permanent grade or an officer who failed of temporary promotion from within the primary zone of eligibility is not eligible for consideration for Regular Air Force appointment.

§ 885.9 Selection procedures for distinguished AFROTC graduates.

Boards are convened twice annually by Hq-AU, in November and May, to align in "order to merit" all prospective DGs who are scheduled to graduate during the periods April through August and September through March, respectively. Such alignments are based on the "best qualified" method of selection.

§ 885.10 Service credit for dental officers.

Normally, doctors of dentistry are awarded promotion list service credit equal to the number of years, months, and days since their graduation from dental school, and in addition, are credited with 4 years of promotion list service credit. However, if the Surgeon General determines that an applicant has had outstanding professional training or experience, he may recommend that additional promotion list credit be awarded. To determine permanent grade see § 885.12.

§ 885.11 Service credit for distinguished ROTC graduate.

If distinguished ROTC graduate is selected for appointment then, upon appointment in the Regular Air Force he is credited with an amount of service equal to the length of active Federal commissioned service that he performed in the U.S. Armed Forces before Regular appointment and after becoming 21 years of age.[5] See § 885.12.

§ 885.12 Permanent grade.

If promotion list service credit is—	*Then Regular grade upon appointment is* [6]—
Less than 3 years	2d lieutenant
3 years but less than 7	1st lieutenant
7 years but less than 14	Captain
14 years but less than 21	Major
21 years or more [7]	Lt. colonel

[6] All Regular Air Force appointed grades and corresponding dates of rank are computed as of the date of Presidential nomination.

[7] When the Surgeon General determines that a dental applicant has had outstanding professional training or experience, and recommends that he be awarded more than 28 years promotion list service credit upon Regular appointment, such appointment is made in the grade of colonel. Dental appointments in the grade of major and above normally require the individual to be certified by an American Specialty Board and/or to have outstanding qualifications for a special position as determined by the Surgeon General.

§ 885.13 Temporary grade.

(a) If an AFROTC graduate is:

(1) Serving on active duty in a Reserve of the Air Force grade that is equal to or higher than the Regular grade to which appointed, then, upon acceptance of Regular appointment, he vacates any Reserve appointment and is tendered a temporary appointment in grade equal to the Reserve grade in which he was serving with no change in active duty date of rank.

(2) Serving on active duty in a temporary grade that is equal to or higher than the Regular grade to which appointed, then, upon acceptance of Regular appointment, he continues to serve in his temporary grade and date of rank which are not affected by Regular appointment.

(3) Serving on active duty in a lower grade than the Regular grade to which he would be appointed, then he is not eligible for Regular Air Force appointment.

(b) If a dentist is not serving on active duty and is being appointed in the Regular Air Force grade of first lieutenant or captain, then, upon acceptance of Regular appointment, he is appointed to the temporary grade of captain with rank from date of graduation.

§ 885.14 Sample letter to references (dentist).

Dear _____:

I am applying for a commission in the Regular Air Force. My application must be indorsed by members of our profession who can render a personal evaluation of my suitability for such an appointment, professional capabilities and potential, relative class standing,[8] personal attributes, and any other comments deemed appropriate. I have listed your name for such reference. Please furnish this information to USAFMPC (AFMSMB), Randolph AFB TX 78148, at your earliest convenience. Your evaluation and comments will be held in confidence and not disclosed to me.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67–5565; Filed, May 18, 1967; 8:45 a.m.]

[5] Distinguished graduates of the AFROTC program appointed under the ROTC Vitalization Act of 1964 may be appointed in the Regular Air Force before attaining age 21.

[8] Include only in letter to the Dean.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 67–WE–13–AD; Amdt. 39–420]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Amendment 39–404 (32 F.R. 6674) requires operators of Boeing Model 727 Series airplanes to incorporate the modification outlined in Boeing Service Bulletin 32–79, Revision 1, in two stages. Since the issuance of Amendment 39–404, it has been brought to the attention of the

agency that reference to "Part II" of the Boeing Service Bulletin No. 32-79, Revision 1, in Paragraph 1 of the AD describing the manner in which the first stage of the modification must be accomplished is causing confusion. It is the intent of the FAA that each stage of the modification required by Amendment 39-404 be accomplished in accordance with the appropriate accomplishment instructions in the Boeing Service Bulletin. To eliminate all confusion on this point, Paragraphs 1 and 2 of Amendment 39-404 are being amended herein to indicate more clearly the manner in which the airworthiness directive requires each stage of the modification to be accomplished.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-404 (32 F.R. 6674) is amended as follows:

1. Amend Paragraph 1 by striking the words "Part II" and inserting in place thereof the words "the appropriate accomplishment instructions outlined in the section entitled 'II. Accomplishment Instructions (PRR 21974 and 22392)'".

2. Amend Paragraph 2 by striking the words "Part II" and inserting in place thereof the words "the appropriate accomplishment instructions outlined in the section entitled 'II. Accomplishment Instructions (PRR 21974 and 22392)'".

This amendment becomes effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on May 9, 1967.

LEE E. WARREN,
Acting Regional Director,
FAA Western Region.

[F.R. Doc. 67-5597; Filed, May 18, 1967; 8:47 a.m.]

[Docket No. 8172; Amdt. 39-422]

PART 39—AIRWORTHINESS DIRECTIVES

Graviner Automatic Single Headed Fire Extinguishers P/N's 147A, 1147A

There has been a structural failure of a Graviner automatic single headed fire extinguisher around the neck weld joint while it was being manually operated during ground starting of an Auxiliary Power Unit. Since failures are likely to occur in other fire extinguishers of the same type, an airworthiness directive is being issued to require inspection within the next 25 hours' time in service of these fire extinguishers in accordance with Graviner Alert Service Bulleitn No. 26-A30 dated March 1967 and replacement of defective extinguisher containers before further flight.

In view of the possible seriousness of the failure of the fire extinguisher containers, a situation exists that requires immediate adoption of this regulation, and it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRAVINER. Applies to Automatic Single Headed Fire Extinguishers P/N's 147A and 1147A installed on, but not necessarily limited to, BAC 1-11 200 and 400 Series airplanes.

Compliance required as indicated.

To prevent failure of Graviner P/N 147A and 1147A fire extinguisher containers, accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 100 hours' time in service, visually inspect fire extinguisher containers Graviner P/N 147A and 1147A for cracks or leaks and weight in accordance with Graviner Alert Service Bulletin No. 26-A30 dated March 1967, or later ARB-approved issue.

(b) Repeat the inspection specified in (a) at intervals not to exceed 500 hours' time in service from the last inspection for fire extinguisher containers with a stamp date October 1965 or before, and at intervals not to exceed 1,500 hours' time in service from the last inspection for fire extinguisher containers with a stamp date later than October 1965.

(c) Replace all defective fire extinguisher containers with fire extinguisher containers of the same part number with a stamp date later than October 1965 before further flight.

This amendment becomes effective May 24, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 12, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-5598; Filed, May 18, 1967; 8:47 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-SO-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On April 20, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6207) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Lauderdale, Fla., control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., June 26, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Fort Lauderdale, Fla., control zone is amended to read:

FORT LAUDERDALE, FLA.

Within a 5-mile radius of Fort Lauderdale-Hollywood International Airport (latitude 26°04'25" N., longitude 80°09'10" W.); within a 3-mile radius of North Perry Airport (latitude 26°00'06" N., longitude 80°14'24" W.); within 2 miles each side of the Fort Lauderdale VOR 079° radial, extending from the 5-mile radius zone to 10 miles E of the VOR; within 2 miles each side of the Fort Lauderdale VOR 278° radial, extending from the 5-mile radius zone to 8 miles W of the VOR; within 2 miles each side of the Fort Lauderdale VOR 306° radial, extending from the 5-mile radius zone to the INT of the Fort Lauderdale VOR 306° radial and the Miami, Fla., VORTAC 043° radial; within 2 miles each side of the 135° bearing from the Fort Lauderdale RBN, extending from the 5-mile radius zone to the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on May 11, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-5599; Filed, May 18, 1967; 8:47 a.m.]

[Airspace Docket No. 67-WE-24]

PART 75—ESTABLISHMENT OF JET ROUTES

Revocation of Jet Route Segment

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to revoke the segment of Jet Route No. 93, designated from Portland, Oreg., to Seattle, Wash., via the intersection of the Portland 353° and the Seattle 197° radials.

The latest Federal Aviation Administration IFR peak day traffic survey shows no aircraft movements on this segment of J-93. In addition, segments of Jet Route Nos. 1 and 26 aligned direct between Portland and Seattle provides adequate replacement routes. Accordingly, action is taken herein to revoke this segment of J-93 between Portland and Seattle.

Since the controlled airspace associated with this segment of J-93 is being released for other purposes, the burden on the public is reduced. For this reason the Administrator finds that notice and public procedures hereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth.

Section 75.100 (32 F.R. 2341) is amended by deleting Jet Route 93.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 11, 1967.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 67-5600; Filed, May 18, 1967; 8:48 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8148; Amdt. 536]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELED, EFFECTIVE 10 JUNE 1967.							
City, Billings; State, Mont.; Airport name, Logan Field; Elev., 3606'; Fac. Class., H-SAB; Ident., BIL; Procedure No. 2, Amdt. 3; Eff. date, 3 Sept. 66; Sup. Amdt. No. 2; Dated, 24 Apr. 65							
BGD VOR	PAMPA RBn	Direct	4800	T-dn	300–1	300–1	300–1
Skellytown Int	PAMPA RBn	Direct	4800	C-dn	500–1	500–1	500–1½
Colt Inf	PAMPA RBn	Direct	4800	A-dn	NA	NA	NA

Procedure turn W side of crs, 350° Outbnd, 170° Inbnd, 4800' within 10 miles.
Minimum altitude over facility on final approach crs, 3744'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing Pampa RBn, turn right, climb to 4800' on a bearing of 350° from Pampa RBn within 20 miles.
NOTES: (1) Facility operated by county. Authorized for public use. (2) Weather service available from Amarillo FSS. (3) Altimeter from Amarillo FSS. (4) Procedure not completely contained within controlled airspace.
MSA within 25 miles of facility: 000°–360°—4700'.

City, Pampa; State, Tex.; Airport name, Perry Le Fors Field; Elev., 3244'; Fac. Class., MIIW; Ident., PPA; Procedure No. NDB (ADF–1), Amdt. Orig.; Eff. date, 10 June 67

Hyannis VOR	Provincetown RBn	Direct	1700	T-dn	300–1	300–1	NA
Brant Rock Int	Provincetown RBn	Direct	1500	C-dn	600–1	600–1	NA
				S-dn			
				A-dn	NA	NA	NA

Radar available.
Procedure turn S side of crs, 253° Outbnd, 073° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs., 600'.
Crs. and distance, facility to airport, 073°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing the PVC RBn, make left-climbing turn to 1500'; return to the PVC RBn. Hold W of PVC RBn, 073° Inbnd, right turns, 1 minute.
CAUTION: Pilgrim Monument 353' located 1.7 miles SSE of airport.
NOTES: (1) Altimeter setting from Otis approach control. (2) Facility must be monitored aurally during this procedure. (3) Approach from a holding pattern not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°–090°—1500'; 090°–180°—1500'; 180°–270°—1500'; 270°–360°—1500'.

City, Provincetown; State, Mass.; Airport name, Provincetown Municipal; Elev., 8'; Fac. Class., MIIW; Ident., PVC; Procedure No. NDB (ADF) Runway 7, Amdt. 1; Eff. date, 10 June 67; Sup Amdt. No. ADF 1, Orig.; Dated, 9 Oct. 65

San Diego VOR	LOM	Direct	2300	T-dn*	300–1	300–1	200–½
Bostonia Int	LOM	Direct	4000	C-dn	800–2	800–2	800–2
Sargo Int	LOM (final)	Direct	1000	S-dn-9	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

ASR available.
Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 1500' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1000'.
CAUTION: 281' obstruction between LOM and LMM.
Crs and distance, facility to airport, 092°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LMM, make immediate left-climbing turn to 1500' on a 272° crs from LOM within 10 miles, or when directed by ATC, make immediate left-climbing turn to 2800' on a 326° bearing from LMM within 15 miles, or turn right, climb to 2000' on 135° crs from LMM within 10 miles.
CAUTION: Buildings and terrain 469', 0.5 mile E of airport.
*500–1 required for takeoff all runways except 27. Runway 9 takeoff required 552' per mile minimum climb rate to 1000'.

City, San Diego; State, Calif.; Airport name, San Diego International-Lindbergh Field; Elev., 15'; Fac. Class., LOM; Ident., SA; Procedure No. NDB (ADF) Runway 9, Amdt. 8; Eff. date, 10 June 67; Sup. Amdt. No. ADF 1, Amdt. 7; Dated, 31 Oct. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Sharon Int	OTR NDB	Direct	3000	T-dn	300–1	300–1	
Dalton Int	OTR NDB	Direct	3000	C-dn	600–1	600–1	
Wooster Int	OTR NDB	Direct	3000	A-dn	NA	NA	

Procedure turn E side of crs, 176° Outbnd, 356° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 356°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles after passing OTR NDB, climb to 3000′ on 356° crs within 10 miles, return to OTR NDB, hold S, 1-minute right turns, 356° Inbnd.
MSA within 25 miles of facility: 000°–090°—2800′; 090°–360°—2600′.

City, Wooster; State, Ohio; Airport name, Wooster Municipal; Elev., 1150′; Fac. Class., M11W; Ident., OTR; Procedure No. NDB(ADF)-1, Amdt. Orig.; Eff. date, 10 June 67

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 122°, MCW VOR clockwise	R 176°, MCW VOR	Via 7-mile DME Arc.	2300	T-dn	300–1	300–1	200–½
R 230°, MCW VOR counterclockwise	R 176°, MCW VOR	Via 7-mile DME Arc.	2300	C-dn	400–1	500–1	500–1½
7-mile DME Fix, R 176°, MCW VOR	MCW VOR (final)	Direct	2200	S-dn-35$	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 176° Outbnd, 356° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 356°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing MCW VOR, climb to 2800′ on R 358° within 10 miles.
$400–¾ authorized with operative HIRL or REIL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—3800′; 090°–270°—2600′; 270°–360°—2700′.

City, Mason City; State, Iowa; Airport name, Mason City Municipal; Elev., 1216′; Fac. Class., H-BVORTAC; Ident., MCW; Procedure No. VOR Runway 35, Amdt. 8; Eff. date, 10 June 67; Sup. Amdt. No. VOR 1, Amdt. 7; Dated, 1 May 55

HCT VOR	MCK VOR	Direct	4700	T-dn*	300–1	300–1	200–½
				C-dn$&	600–1	600–1	600–1½
				S-dn-12$&	600–1	600–1	600–1
				A-dn$&	800–2	800–2	800–2

Procedure turn N side of crs, 313° Outbnd, 133° Inbnd, 4000′ within 10 miles.
Minimum altitude over facility on final approach crs, $3179′.
Facility on airport. Crs and distance, breakoff point to Runway 12, 119°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MCK VOR, climb to 4000′ on MCK R 109° within 10 miles and return to MCK VOR.
NOTES: (1) Use North Platte altimeter setting when control zone not effective. (2) Lights operating Runways 12/30 only.
*When weather is below 500–3, westbound (220° through 320°) IFR departures climb on MCK, R 060°, depart MCK VOR 4000′ or above, account towers to 3049′, 2.5 miles W.
$Circling and straight-in minimums are raised 200′ and alternate minimums not authorized when control zone not effective.
&These minimums apply at all times for those air carriers with approved weather reporting service.
MSA within 25 miles of facility: 090°–270°—4600′; 270°–090°—4100′.

City, McCook; State, Nebr.; Airport name, McCook Municipal; Elev., 2579′; Fac. Class., L-BVOR (State owned); Ident., MCK; Procedure No. VOR Runway 12, Amdt. 2; Eff. date, 10 June 67; Sup. Amdt. No. TerVOR-12, Amdt. 1; Dated, 6 Jan. 66.

HCT VOR	MCK VOR	Direct	4700	T-dn*	300–1	300–1	200–½
				C-dn$&	500–1	500–1	500–1½
				S-dn-30$&	500–1	500–1	500–1
				A-dn$&	800–2	800–2	800–2
				Minimums with McCook FM received:			
				C-dn$&	400–1	500–1	500–1½
				S-dn-30$&	400–1	400–1	400–1

Procedure turn N side of crs, 109° Outbnd, 289° Inbnd, 4000′ within 10 miles.
Minimum altitude over McCook Fan Marker on final approach crs, $3079′.
Facility on airport. Crs and distance, breakoff point to Runway 30, 298°—0.81 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MCK VOR turn right, climb to 4000′ on MCK R 313° within 10 miles and return to MCK VOR.
NOTES: (1) Use North Platte altimeter setting when control zone not effective. (2) Lights operating Runways 12/30 only.
*When weather is below 500–3, westbound (220° through 320°) IFR departures climb on MCK, R 060°, depart MCK VOR 4000′ or above, account towers to 3049′, 2.5 miles W.
$Circling and straight-in minimums are raised 200′ and alternate minimums not authorized when control zone not effective.
&These minimums apply at all times for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 090°–270°—4600′; 270°–090°—4100′.

City, McCook; State, Nebr.; Airport name, McCook Municipal; Elev., 2579′; Fac. Class., L-BVOR (State owned); Ident., MCK; Procedure No. VOR Runway, 30 Amdt. 2, Eff. date, 10 June 67; Sup. Amdt. No. TerVOR-30, Amdt. 1; Dated, 6 Jan. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ruby Int/10-miles DME FIX	Randall Int/4-miles DME Fix (final)	Via LGA, R 050°	1500	T-dn C-dn A-dn	300–1 700–1 800–2	300–1 700–2 800–2	200–½ 700–2 800–2

Radar required.
Procedure turn not authorized.
Minimum altitude on final approach crs (LGA, R 050°) over Ruby Int (10-miles DME Fix), 1500'; over Randall Int (4-miles DME Fix), 1500'; over facility, 721'.
Crs and distance, facility to airport, 168°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LGA VOR, climb to 2500' on LGA VOR R 220° to Prospect Int. Hold SW, 1-minute left turns, Inbnd crs, 040°.
NOTE: Dual VOR receivers or VOR/DME receivers required for this procedure.
MSA within 25 miles of facility: 010°–100°—2000'; 100°–190°—1600'; 190°–280°—2600'; 280°–010°—2600'.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., L-VOR/DME; Ident., LGA; Procedure No. VOR-1, Amdt. 6; Eff. date, 10 June 67; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 12 Nov. 66

Liberty VHF Int	Int LGA, R 220° and JFK, R 269°	Via radar vectors to JFK, R 269°.	2500	T-dn C-dn A-dn	300–1 700–1 800–2	300–1 700–2 800–2	200–½ 700–2 800–2
Keansburg VHF Int	Prospect VHF Int	Direct	2500				
Int LGA, R 220° and JFK, R 269°	Prospect VHF Int	Direct	2500				
Prospect VHF Int	Diamond Int (final)	Via LGA, R 220°	1200				

Radar available.
Procedure turn not authorized.
Minimum altitude on final approach crs (LGA, R 220°) over Prospect Int, 2500'; over Diamond Int, 1200'; over facility, 721'.
Crs and distance, Diamond Int to VOR, 040°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LGA VOR, climb to 4000' on LGA VOR, R 045° to Stamford Int. Cross Scarsdale Int at 3000' or above. Hold NE Stamford Int, 1-minute left turns, Inbnd crs, 225°.
NOTES: (1) Radar vectors may be substituted for the above transitions. (2) Dual VOR equipment required for execution of this procedure.
MSA within 25 miles of facility: 010°–100°—2000'; 100°–190°—1600'; 190°–280°—2600'; 280°–010°—2600'.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., L-VOR/DME; Ident., LGA; Procedure No. VOR-2, Amdt. 6; Eff. date, 10 June 67; Sup. Amdt. No. VOR 2, Amdt. 5; Dated, 19 Feb. 66

Sapphire Int/11-mile DME Fix	City Int/3.8-mile DME Fix (final)	Via LGA, R 055°	1500	T-dn C-dn A-dn	300–1 700–1 800–2	300–1 700–2 800–2	200–½ 700–2 800–2

Radar required.
Procedure turn not authorized. Final approach crs, 235°.
Minimum altitude on final approach crs (LGA, R 055°) over Sapphire Int (11-mile DME Fix), 1500'; over City Int (3.8-mile DME Fix), 1500'; over facility, 721'.
Crs and distance, facility to airport, 168°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LGA VOR climb to 2500' on LGA VOR, R 220° to Prospect Int. Hold SW, 1-minute left turns, Inbnd crs, 040°.
NOTE: Dual VOR receivers or VOR/DME receivers required for this procedure.
MSA within 25 miles of facility: 010°–100°—2000'; 100°–190°—1600'; 190°–280°—2600'; 280°–010°—2600'.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., L-VOR/DME; Ident., LGA; Procedure No. VOR-3, Amdt. 1; Eff. date, 10 June 67; Sup. Amdt. No. VOR 3, Orig.; Dated, 12 Nov. 66

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MCW VOR	9-mile DME Fix, R 356°	Direct	2800	T-dn	300–1	300–1	200–½
R 343°, MCW VOR clockwise	R 356°, MCW VOR	Via 15-mile DME Arc.	2800	C-dn S-dn-17$	400–1 400–1	500–1 400–1	500–1½ 400–1
R 032°, MCW VOR counterclockwise	R 356°, MCW VOR	Via 15-mile DME Arc.	2800	A-dn	800–2	800–2	800–2
15-mile DME Fix, R 356° MCW VOR	9-mile DME Fix, R 356° (final)	Direct	2500				

Procedure turn W side of crs, 356° Outbnd, 176° Inbnd, 2800' between 9- and 19-mile DME Fix, R 356°.
Minimum altitude over 9-mile DME Fix, R 356° on final approach crs, 2500'.
Crs and distance, 9-mile DME Fix, R 356° to airport, 176°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.3-mile DME Fix, R 356°, climb to 2800' on R 176° within 10 miles.
$400–¾ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—3800'; 090°–270°—2600'; 270°–360°—2700'.

City, Mason City; State, Iowa; Airport name, Mason City Municipal; Elev., 1216'; Fac. Class., H-BVORTAC; Ident., MCW; Procedure No. VOR/DME Runway 17, Amdt. 3; Eff. date, 10 June 67; Sup. Amdt. No. VOR/DME No. 2, Amdt. 2; Dated, 1 May 65

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA VOR	LOM	Direct	5000	T-dn**	300–1	300–1	200–½
Canyon Int	LOM	Direct	5000	C-dn	500–1	500–1	500–1½
Claude Int	LOM	Direct	5000	S-dn-03*#%	300–½	300–½	300–½
Finley Int	LOM	Direct	5000	A-dn	600–2	600–2	600–2
Palo Duro Int	LOM	Direct	5000				
Plant Int	LOM	Direct	5300				
Sam Int	LOM	Direct	5300				
Tower Int	LOM	Direct	5300				
West Side Int	LOM	Direct	5000				
ARO VOR	LOM	Direct	5000				

Radar transitions and vectoring using Amarillo radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 5000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd on final, 5000′.
Altitude of glide slope and distance to approach end of runway at OM, 5000′—5 miles; at MM, 3815′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 5000′ on NE crs, ILS within 20 miles, or when directed by ATC, (1) turn right, climb to 5000′ and intercept R 076°, AMA VOR within 20 miles or (2) turn left, climb to 5300′ on R 307°, AMA VOR within 20 miles.
NOTE: Glide slope restricted below 300′ AGL.
CAUTION: Towers 3994′, 3.4 miles SW; 3886′, 2.1 miles SW; 3885′, 2.7 miles SW of airport, 3764′ grain elevator located adjacent to SW boundary of airport.
*400–¾ required when glide slope not received, 400–½ authorized with operative ALS, except for 4-engine turbojets.
#300–¾ required when approach lights inoperative.
**RVR 2400′ authorized Runway 3.
%RVR 2400′. Descent below 3905′ not authorized unless approach lights are visible.

City, Amarillo; State, Tex.; Airport name, Amarillo AFB/Municipal; Elev., 3605′; Fac. Class., ILS; Ident., I-AMA; Procedure No. ILS Runway 3, Amdt. 8; Eff. date, 10 June 67; Sup. Amdt. No. ILS-3, Amdt. 7; Dated, 8 May 65

Appleton VOR	E crs ILS (final)	Via APE, R 186°–	2700	T-dn**	300–1	300–1	200–½
Hanover Int	CM LOM (final)	Direct	2700	C-dn	500–1	500–1	500–1½
				S-dn-28L#	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2
				When glide slope not utilized:			
				S-dn-28L	500–¾	500–¾	500–¾

Radar available.
Procedure turn N side E crs, 096° Outbnd, 276° Inbnd, 2700′ within 10 miles of CM LOM.
Minimum altitude at glide slope interception Inbnd, 2700′.
Altitude of glide slope and distance to approach end of runway at OM, 2634′—5.4 miles; at MM, 1093′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing CM/LOM, climb to 2500′ and proceed to CB LOM. Hold W 1-minute right turns, 096° Inbnd.
#RVR 2400′. Descent below 1016′ not authorized unless approach lights are visible.
**RVR 2400′ authorized 28L.
MSA within 25 miles of facility: 000°–090°—2600′; 090°–180°—2400′; 180°–360°—2600′.

City, Columbus; State, Ohio; Airport name, Port Columbus International; Elev., 816′; Fac. Class., ILS; Ident., I-CMH; Procedure No. ILS Runway 28L, Amdt. 14; Eff. date, 10 June 67; Sup. Amdt. No. ILS-28L, Amdt. 13; Dated, 23 Apr. 66

Sargo Int (I SAN 10.1 DME)	LOM (final) (I SAN 2.9 DME)	Direct	#1000	T-dn*	300–1	300–1	200–½
Bostonia Int	LOM	Direct	4000	C-dn	800–2	800–2	800–2
SAN VOR	LOM	Direct	2300	S-dn-9**	400–¾	400–¾	400–1
10-mile I SAN DME Fix on SAN, R 326	Counterclockwise to 10-mile I SAN DME Fix on I SAN front crs.	10-mile Arc CHAN 46.	2500	A-dn	800–2	800–2	800–2

ASR available.
Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 1500′ within 10 miles of LOM.
Minimum altitude at 3.7 DME on final approach crs, 1300′; over LOM (2.9 DME), 1020′.
Crs and distance, LOM to airport, 092°—2.7 miles.
#Minimum altitude at glide slope intercept, 3.7 DME, 1300′, altitude of glide slope and distance to approach end of runway at LOM, 1020′—2.7 miles, at LMM, 352′—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LMM, make immediate left-climbing turn to 2500′ on SAN VORTAC, R 146° and R 326 or 331° crs from LMM to Mt. Dad Int (SAN, R 326, 3.2 DME), or when directed by ATC, make a right-climbing turn to 2000′ on SAN VORTAC, R 140° within 10 miles.
NOTE: If DME is lost, proceed direct to LOM at 2500′. DME should not be used to determine aircraft position over LMM, runway threshold, or runway touchdown point. DME located at glide slope site.
CAUTION: Buildings and terrain 469′, 0.5 mile E of airport.
**600–1 required if glide slope not utilized, 600–¾ authorized with operative ALS, except for 4-engine turbojets.
CAUTION: 281′ obstruction between LOM and LMM.
*500–1 required for takeoff all runways except 27. Runway 9 takeoff requires 552′ per mile minimum climb rate to 1000′.

City, San Diego; State, Calif.; Airport name, San Diego International-Lindbergh Field; Elev., 15′; Fac. Class., ILS; Ident., I-SAN; Procedure No. ILS Runway 9, Amdt. 7; Eff. date, 10 June 67; Sup. Amdt. No. ILS-9, Amdt. 6; Dated, 21 July 66

Bostonia Int	Sweetwater Int (I SAN 12 DME)	Direct	3700	T-dn*	300–1	300–1	200–¼
Sweetwater Int (I SAN 12 DME)	Encanto Int (I SAN 6 DME) (final)	Direct	1900	C-dn	800–2	800–2	800–2
12-mile I SAN DME Fix on SAN R 076	Clockwise to 12-mile I SAN DME Fix on I SAN back crs.	12-mile Arc CHAN 46.	3700	A-dn	800–2	800–2	800–2

ASR available.
Procedure turn not authorized. Final approach crs, Inbnd 272°.
Minimun altitude over Encanto Int on final approch crs, 1900′.
Crs and distance, Encanto Int to airport, 272°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing Encanto Int turn right, climb to 2500′ on SAN VOR, R 326° to Mt. Dad Int (SAN, R 326°, 3.2 DME), or when directed by ATC, climb to 1500′ on localizer crs to Sargo Int (I SAN, 10.1 DME).
NOTE: If DME is lost proceed direct to LOM at 3700′. DME should not be used to determine aircraft position over runway threshold or runway touchdown point. DME located at glide slope site.
CAUTION: Buildings and terrain 469′, 0.5 mile E of airport.
*500–1 required for takeoff all runways except 27. Runway 9 takeoff requires 552′ per mile minimum climb rate to 1000′.

City, San Diego; State, Calif.; Airport name, San Diego International-Lindbergh Field; Elev., 15′; Fac. Class., ILS; Ident., I-SAN; Procedure No. LOC (BC) Runway 27, Amdt. 7; Eff. date, 10 June 67; Sup. Amdt. No. ILS-27 (back crs), Amdt. 6; Dated, 21 July 66

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Surveillance approach			
335°	205°	0–5 miles	5000	T-dn	300–1	300–1	200–½
335°	205°	5–15 miles	5500	C-dn	400–1	500–1	500–1½
335°	205°	15–20 miles	7000	S-dn-21	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar terminal area maneuvering altitudes and azimuth measured clockwise around radar antenna.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, proceed direct to ELP VOR climbing to 6000', continue on R 120° within 20 miles.

NOTE: Radar control must provide 1000' vertical clearance within a 3-mile radius of 4148' stacks, 5 miles S; radio towers 4267' 3–5 miles NW; hill 5067' 13 miles NE; hill 4651' 9.5 miles E; and hill 6717' 22 miles NE.

City, Fort Bliss; State, Tex.; Airport name, Biggs AAF; Elev., 3947'; Fac. Class. and Ident., El Paso Radar; Procedure No. Radar Runway 21, Amdt. 1; Eff. date, 10 June 67; Sup. Amdt. No. Radar 1, Orig.; Dated, 8 Apr. 67

045°	230°	25 miles	*2000	Surveillance approach			
230°	045°	10 miles	*2200	T-dn$	300–1	300–1	200–½
230°	045°	15 miles	2500	C-dn-12R, 30L, 21.#	400–1	500–1	500–1½
230°	045°	25 miles	3000	C-dn-3	500–1	500–1	500–1½
				S-dn-12R, 30L, 21.**#	400–1	400–1	400–1
				S-dn-3**	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Bearings are from radar antenna site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 12R and 21—Climb to 3000' via SAT, R 158° within 20 miles. Runways 3 and 30L—Climb to 3300' on R 353° SAT VOR within 20 miles.

*Radar control must provide 1000' vertical or 3-mile horizontal separation from the following obstructions: Towers 2049', 19 miles SE, 1241', 5 miles SSE, 1190', 10 miles SE, 1107', 3.5 miles SE, 1230', 7.5 miles S, 1326', 6.8 miles WSW, 1649', 12.2 miles NW of airport.

**400–½ authorized runway 12R and 500–½ authorized runway 3 with operative ALS, except for 4-engine turbojets.

**400–¾ authorized for runways 21 and 30L with operative HIRL, except for 4-engine turbojets.

$RVR 2400' authorized Runways 3 and 12R.

#Radar control must restrict descent to 1400' until aircraft is past 1120' water tower located 2.1 miles W of approach end of Runway 12R.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class. and Ident., San Antonio Radar; Procedure No. 1, Amdt. 10; Eff. date, 10 June 67; Sup. Amdt. No. 1, Amdt. 9; Dated, 4 Mar. 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on May 4, 1967.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 67-5269; Filed, May 18, 1967; 8:45 a.m.]

[Reg. Docket No. 8160; Amdt. 95-154]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective June 22, 1967, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes—United States* is amended to delete:

From, to, and MEA

Spartanburg, S.C., VOR; Hickory, N.C., VOR; 3,000.

Haletown INT, Tenn.; Dunlap INT, Tenn.; *4,000. *3,600—MOCA.

Columbus, Ga., VOR; Pine Mountain INT, Ga.; 3,400.

Norcross, Ga., VOR; Buckhead INT, Ga.; 3,000.

Atlanta, Ga., VOR; Rome, Ga., VOR; 2,500.

Eastport INT, Fla.; Gateway INT, Fla. via Control 1153; *2,000. *1,000—MOCA.

Johnsonville INT, S.C.; Myrtle Beach, S.C., VOR; 1,600.

From, to, and MEA

Fulton, Ga., VOR; Int, 275° M rad, Fulton VOR and 358° M rad, La Grange VOR; *3,000. *2,400—MOCA.

Gadsden, Ala., VOR; Geraldine INT, Ala.; *3,000. *2,400—MOCA.

San Simon, Ariz., VOR; Redrock INT, N. Mex.; *11,500. *8,500—MOCA.

Redrock INT, N. Mex.; Dusty INT, N. Mex.; *23,000. *11,500—MOCA.

Dusty INT, N. Mex.; *Socorro, N. Mex., VOR; **#15,500. *10,700—MCA Socorro VOR, southwestbound. **12,500—MOCA. #23,000—MAA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Birmingham, Ala., RBN; Trussville, INT, Ala.; 2,800.

Int, 090° M rad, Decatur VOR and 136° M rad, Huntsville VOR; Int, 080° M rad, Huntsville VOR and 177° M rad, Shelbyville VOR; *4,000. *2,800—MOCA.

College Station, Tex., VOR; Leona, Tex., VOR; 1,900.

Egmont Key, Fla., LF/RBN; Grand Isle, La., LF/RBN; *2,000. *1,300—MOCA.

From, to, and MEA

Bahama Routes

1 Lima:

Melbourne, Fla., LF/RBN; Grand Bahamas, Bahamas, AAFB RBU; *2,000. *1,500—MOCA.

Panama Routes

V–3:

Chorrera INT, Canal Zone; Taboga, Republic of Panama, VOR; *3,600. *2,700—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Lake Tahoe, Calif., VOR; Richardson INT, Calif.; 12,000.
Gateway INT, Fla., via Control 1153; Carp INT, Fla.; *2,000. *1,200—MOCA MAA—40,000.
Carp INT, Fla.; Abaco INT, Bahama via Control 1151; *2,000. *1,200—MOCA.
Jacksonville, Fla., VOR; Waverly INT, Ga.; *1,800. *1,300—MOCA.
Waverly INT. Ga.; Brunswick, Ga., VOR; *1,800. *1,100—MOCA.
Jacksonville, Fla., VOR; Swordfish INT, Fla.; *1,800. *1,300—MOCA.
Waycross, Ga., VOR; Pogo INT, Ga.; 2,200.
Taylor, Fla., VOR; Pogo INT. Ga.; *1,700. *1,400—MOCA.
Pogo INT, Ga.; Jacksonville, Fla., VOR; *1,800. *1,400—MOCA.
Jacksonville, Fla., VOR; Goldfish INT, Fla.; *1,800. *1,200—MOCA.
Goldfish INT, Ga.; Amelia INT, Ga.; *2,000. *1,200—MOCA.
Goldfish INT, Ga.; Brunswick, Ga., VOR; *1,700. *1,200—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Atlantic City, N.J., VOR; Beachwood INT, N.J.; *3,000. *1,500—MOCA.
Beachwood INT, N.J.; Int., 058° M rad, Atlantic City VOR and 227° M rad, Riverhead VOR; 3,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

*Wenatchee, Wash., VOR via N alter.; Ephrata, Wash., VOR via N alter.; 5,500. *8,200—MCA Wenatchee VOR, westbound.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

Ventura, Calif., VOR; *Henderson INT, Calif.; 5,000. *5,600—MCA Henderson INT, westbound.

Section 95.6027 *VOR Federal airway 27* is amended to read in part:

Ventura, Calif., VOR; Henderson INT, Calif; 5,000.

Section 95.6038 *VOR Federal airway 38* is amended by adding:

Elkins, W. Va., VOR; Crawford INT, Va.; 8,000.
Crawford INT, Va.; Mission INT, Va.; 5,000.
Mission INT, Va.; Gordonsville, Va., VOR northwestbound, 5,000. Southeastbound, 4,000.
Gordonsville, Va., VOR; Richmond, Va., VOR; 2,000.
Richmond, Va., VOR; Harcum, Va., VOR; 2,000.
Harcum, Va., VOR; Cape Charles, Va., VOR; 2,000.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

Presque Isle, Maine, VOR; United States-Canadian border; *5,000. *2,600—MOCA.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

From, to, and MEA

Atlantic City, N.J., VOR; Beachwood INT, N.J.; *3,000. *1,500—MOCA.
Beachwood INT, N.J.; Riverhead, N.Y., VOR; 3,000.

Section 95.6059 *VOR Federal airway 59* is amended by adding:

Florence, S.C., VOR; Fayetteville, N.C., VOR; 1,900.
Fayetteville, N.C., VOR; Oak Grove INT, N.C.; *3,000. *1,600—MOCA. MAA—8,000.
Oak Grove INT, N.C.; New Bern, N.C., VOR; 2,000. MAA—8,000.

Section 95.6063 *VOR Federal airway 63* is amended to delete:

Charlotte INT, Iowa; Freeport INT, Ill.; *4,000. *2,200—MOCA.
Freeport INT, Ill.; Janesville, Wis.; VOR; *2,700. *2,500—MOCA.

Section 95.6063 *VOR Federal airway 63* is amended by adding:

Burlington, Iowa, VOR; Moline, Ill., VOR; *2,300. *2,100—MOCA.
Moline, Ill., VOR; Cordova, Ill., VOR; 2,600.
Cordova, Ill., VOR; Thomson INT, Ill.; *2,600. *1,900—MOCA.
Thomson INT, Ill.; Rockford, Ill., VOR; *2,700. *2,300—MOCA.
Rockford, Ill., VOR; Janesville, Wis., VOR; 2,500.

Section 95.6072 *VOR Federal airway 72* is amended by adding:

Rosewood, Ohio, VOR; Meeker INT, Ohio; 3,000.
Meeker INT, Ohio; Mansfield, Ohio, VOR; *2,900. *2,500—MOCA.
Mansfield, Ohio, VOR; Sharon INT, Ohio; *2,800. *2,500—MOCA.
Sharon INT, Ohio; Akron, Ohio, VOR; 3,000.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Llano, Tex., VOR; Marble Falls INT, Tex.; 63,000. *2,600—MOCA.
Marble Falls INT, Tex.; Lake Travis INT, Tex.; *3,000. *2,300—MOCA.

Section 95.6082 *VOR Federal airway 82* is amended by adding:

Baudette, Minn., VOR; Bemidji, Minn., VOR; *3,100. *2,500—MOCA.

Section 95.6082 *VOR Federal airway 82* is amended to delete:

Grand Forks, N. Dak., VOR; Bemidji, Minn., VOR; *3,300. *2,900—MOCA.
Grand Forks, N. Dak., VOR via N alter.; Thief River Falls, Minn., VOR via N alter.; *2,800. *2,600—MOCA.
Thief River Falls, Minn., VOR via N alter.; Bemidji, Minn., VOR via N alter.; *3,000. *2,600—MOCA.

Section 95.6099 *VOR Federal airway 99* is deleted.

Section 95.6106 *VOR Federal airway 106* is amended to delete:

Charleston, W. Va., VOR; Walnut Grove INT, W. Va.; 4,000.
Walnut Grove INT, W. Va.; Benson INT, W. Va.; *4,000. *3,100—MOCA.
Benson INT, W. Va.; Clarksburg, W. Va., VOR; 3,200.
Clarksburg, W. Va., VOR; Morgantown, W. Va., VOR; 4,000.
Morgantown, W. Va., VOR; Indian Head, Pa., VOR; 5,000.

From, to, and MEA

Indian Head, Pa., VOR; Johnstown, Pa., VOR; 5,000.

Section 95.6111 *VOR Federal airway 111* is amended to read in part:

Big Sur, Calif., VOR; Salinas, Calif., VOR; 7,000.

Section 95.6112 *VOR Federal airway 112* is amended by adding:

Pendleton, Oreg., VOR via E alter.; Walla Walla, Wash., VOR via E alter.; 4,800.
Walla Walla, Wash., VOR via E alter.; Spokane, Wash., VOR via E alter; 5,000.

Section 95.6113 *VOR Federal airway 113* is amended by adding:

San Luis Obispo, Calif., VOR; Paso Robles, Calif., VOR; *5,000. *4,800—MOCA.
Reno, Nev., VOR; Nixon INT, Nev.; 10,000.
Nixon INT, Nev.; Rose Bud INT, Nev.; *#12,000. *10,400—MOCA. #MEA is established with a gap in navigation signal coverage.
Rose Bud INT, Nev.; Sod House, Nev., VOR; *10,000. *9,000—MOCA.
Sod House, Nev., VOR; Rome, Oreg., VOR; 10,000.
Rome, Oreg., VOR; Reynolds INT, Idaho; 9,000.
*Reynolds INT, Idaho; Boise, Idaho, VOR; 6,000. *7,300—MCA Reynolds INT, southwestbound.

Section 95.6117 *VOR Federal airway 117* is deleted.

Section 95.6129 *VOR Federal airway 129* is amended by adding:

Capital, Ill., VOR; Luther INT, Ill.; *2,400. *1,700—MOCA.
Luther INT, Ill.; *Pekin INT, Ill.; **2,300. *2,900—MRA. **1,700—MOCA.
Pekin INT, Ill.; Peoria, Ill., VOR; *2,200. *1,700—MOCA.
Peoria, Ill., VOR; Cordova, Ill., VOR; *2,400. *2,100—MOCA.

Section 95.6133 *VOR Federal airway 133* is amended by adding:

Marquette, Mich., VOR; Houghton, Mich., VOR; *3,300. *3,100—MOCA.
Houghton, Mich., VOR; Lakehead, Ontario, VOR; *#3,100. *2,500—MOCA. #For that airspace over U.S. territory.

Section 95.6135 *VOR Federal airway 135* is amended to read in part:

*Goffs, Calif., VOR; **Wheaton INT, Calif.; ***12,000. *8,600—MCA Goffs VOR, northwest bound. **12,000—MRA. ***9,900—MOCA.
Wheaton INT, Calif.; Clark INT, Calif.; *12,000. *9,900—MOCA.
Clark INT, Calif.; Hidden Hills INT, Calif.; 12,500.
Hidden Hills INT, Calif.; Beatty, Nev., VOR; northwest bound, *11,000. Southeast bound, 12,500. *8,400—MOCA.

Section 95.6137 *VOR Federal airway 137* is amended to read in part:

*Gorman, Calif., VOR; Ranger INT, Calif.; 11,000. *9,500—MCA Gorman VOR; west bound.

Section 95.6137 *VOR Federal airway 137* is amended by adding:

Imperial, Calif., VOR; *Brawley INT, Calif.; 3,000. *4,500—MRA.
Brawley INT, Calif.; *Wister INT, Calif.; 3,000. *4,000—MCA Wister INT, northwestbound.

From, to, and MEA

Wister INT, Calif.; *Mortmar INT, Calif.; 5,000. *7,300—MCA Mortmar INT, southwestbound.
Mortmar INT, Calif.; Thermal, Calif., VOR; 5,000.
Thermal, Calif., VOR; Palm Springs, Calif., VOR; 4,000.

Section 95.6138 *VOR Federal airway 138* is amended to delete:

*Boise, Idaho, VOR; Arrow Rock INT, Idaho, eastbound, 9,000. Westbound, 8,000. *7,000—MCA Boise VOR, eastbound.
Arrow Rock INT, Idaho; Hill City INT, Idaho; *11,500. *9,800—MOCA.
Hill City INT, Idaho; Richfield INT, Idaho; *12,500. *11,000—MOCA.
Richfield INT, Idaho; Bear Trap INT, Idaho; 9,500.
Bear Trap INT, Idaho; Pocatello, Idaho, VOR; 7,500.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Sea Isle, N.J., VOR; Manta INT, N.J.; *5,000. *1,500—MOCA.
Manta INT, N.J.; Int, 124° M rad, Kennedy VOR and 236° M rad, Hampton VOR; *6,000. *1,500—MOCA.
Int. 124° M rad, Kennedy VOR and 236° M rad, Hampton VOR; Hampton, N.Y., VOR; *5,000. *1,500—MOCA.

Section 95.6139 *VOR Federal airway 139* is amended by adding:

Wilmington, N.C., VOR; *Maple Hill INT, N.C.; **1,600. *3,500—MRA. **1,400—MOCA.
Maple Hill INT, N.C.; New Bern, N.C., VOR; *1,600. *1,400—MOCA.
New Bern, N.C., VOR; Cofield, N.C., VOR; *2,000. *1,800—MOCA.
Cofield, N.C., VOR; *Sunbury INT, N.C.; 2,000. *2,500—MRA.
Sunbury INT, N.C.; Norfolk, Va., VOR; 2,000.
Norfolk, Va., VOR; Cape Charles, Va., VOR; 2,000.

Section 95.6143 *VOR Federal airway 143* is amended by adding:

Front Royal, Va., VOR; Martinsburg, W. Va., VOR; 3,000.
Martinsburg, W. Va., VOR; Delroy INT, Pa.; 4,000.
Delroy INT, Pa.; Lancaster, Pa., VOR; 3,000.
Lancaster, Pa., VOR; Pottstown, Pa., VOR; 2,100.
Pottstown, Pa., VOR; Yardley, Pa., VOR; *2,300. *1,700—MOCA.

Section 95.6154 *VOR Federal airway 154* is amended to read in part:

Kewanee, Miss., VOR; Craig, Ala., VOR; *2,000. *1,600—MOCA.
Craig, Ala., VOR; *Benton INT, Ala.; **2,000. *2,800—MRA. **1,300—MOCA.

Section 95.6156 *VOR Federal airway 156* is deleted.

Section 95.6159 *VOR Federal airway 159* is amended by adding:

Birmingham, Ala., VOR; Jasper INT, Ala.; *2,200. *1,900—MOCA.
Jasper INT, Ala.; Hamilton, Ala., VOR; *2,500. *2,000—MOCA.
Hamilton, Ala., VOR; *Guntown INT, Miss.; 2,200. *3,000—MRA.
Guntown INT, Miss.; Holly Springs, Miss., VOR; *2,000. *1,900—MOCA.
Birmingham, Ala., VOR via N alter.; Empire INT, Ala., via N alter.; *2,200. *1,700—MOCA.
Empire INT, Ala., via N alter.; Double Springs INT, Ala., via N alter.; *2,600. *2,100—MOCA.

From, to, and MEA

Double Springs INT, Ala., via N alter.; Maud INT, Ala., via N alter.; *4,000. *2,300—MOCA.
Maud INT, Ala., via N alter.; Holly Springs, Miss., VOR via N alter.; *3,500. *2,000—MOCA.
Holly Springs, Miss., VOR; Memphis, Tenn., VOR; *2,000. *1,700—MOCA.
Hamilton, Ala., VOR via S alter.; Wyatte INT, Miss., via S alter.; *2,400. *1,900—MOCA.
Wyatte INT, Miss., via S alter.; Memphis, Tenn., VOR via S alter.; *1,900. *1,700—MOCA.
Memphis, Tenn., VOR.; *Gilmore INT, Ark.; **2,000. *3,000—MRA. **1,800—MOCA.
Gilmore INT, Ark.; Walnut Ridge, Ark., VOR; *2,300. *1,900—MOCA.
Walnut Ridge, Ark., VOR; Dogwood, Mo., VOR; *3,400. *2,700—MOCA.
Dogwood, Mo., VOR; Springfield, Mo., VOR; 3,600.
Springfield, Mo., VOR; *Bolivar INT, MO.; **3,000. *6,000—MRA. **2,500—MOCA.
Bolivar INT, Mo.; Blue Springs, Mo., VOR; *3,000. *2,500—MOCA.
Blue Springs, Mo., VOR; Kansas City, Mo., VOR; *2,600. *2,300—MOCA.
Kansas City, Mo., VOR; Camden INT, Mo.; *2,600. *2,300—MOCA.
Camden INT, Mo.; St. Joseph, Mo., VOR; 2,800.
St. Joseph, Mo., VOR; Skidmore INT, Mo.; *2,800. *2,300—MOCA.
Skidmore INT, Mo.; Elmo INT, Mo.; *2,800. *2,100—MOCA.
Elmo INT, Mo.; Coin INT, Iowa; *2,900. *2,200—MOCA.
Coin INT, Iowa; Emerson INT, Iowa; *2,700. *2,500—MOCA.
Emerson INT, Iowa; Omaha, Nebr., VOR; *2,800. *2,500—MOCA.
Omaha, Nebr., VOR; Sioux City, Iowa, VOR; *3,000. *2,800—MOCA.
Omaha, Nebr., VOR via W alter.; Blair INT, Nebr., via W alter.; 2,900.
Blair INT, Nebr., via W alter.; Sioux City, Iowa, VOR via W alter.; *3,000, *2,500—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

Brainerd, Minn., VOR; Grand Rapids, Minn., VOR; *3,400. *2,700—MOCA.
Grand Rapids, Minn., VOR; Hibbing, Minn., VOR; *3,300. *2,600—MOCA.

Section 95.6165 *VOR Federal airway 165* is amended by adding:

*Fresno, Calif., VOR; Coarsegold INT, Calif.; northbound, 6,500. Southbound, 5,000. *4,000—MCA Fresno VOR, northbound.
*Coarsegold INT, Calif.; **Reno, Nev., VOR; ***16,000. *8,500—MCA Coarsegold INT, northbound. **10,000—MCA Reno VOR, southbound. ***13,600—BOCA.
Reno, Nev., VOR; Pyramid INT, Nev.; 11,000.
Pyramid INT, Nev.; *Bonham INT, Nev.; northbound, **14,000. Southbound, **12,000. *14,000—MRA. **10,700—MOCA.
Bonham INT, Nev.; Lakeview, Oreg., VOR; *14,000. *12,000—MOCA.
Lakeview, Oreg., VOR; Redmond, Oreg., VOR; 9,500.
*Redmond, Oreg., VOR; Elkhorn DME Fix, Oreg.; 12,500. *10,500—MCA Redmond VOR, northwestbound.
Elkhorn DME Fix, Oreg.; *Maverick INT, Oreg.; southeastbound, 12,500. Northwestbound, 7,000. *9,400—MCA Maverick INT, southeastbound.
Maverick INT, Oreg.; Aurora INT, Oreg.; 5,000.
Aurora INT, Oreg.; Newberg, Oreg., VOR; 4,000.
Newberg, Oreg., VOR; Pittsburg INT, Oreg.; 4,000.

From, to, and MEA

Pittsburg INT, Oreg.; Centralia INT, Wash.; 5,000.
Centralia INT, Wash.; Olympia, Wash., VOR; northbound, 3,000. Southbound, 4,000.
Olympia, Wash., VOR; Seattle, Wash., VOR; 3,000.

Section 95.6166 *VOR Federal airway 166* is amended by adding:

Woodstown, N.J., VOR; Bridgeton INT, N.J.; *1,900. *1,600—MOCA.
Bridgeton INT, N.J.; Sea Isle, N.J.; VOR; 1,800.

Section 95.6171 *VOR Federal airway 171* is amended to delete:

Bemidji, Minn., VOR; Baudette, Minn., VOR; *3,000. *2,700—MOCA.

Section 95.6176 *VOR Federal airway 176* is deleted.

Section 95.6177 *VOR Federal airway 177* is amended by adding:

Janesville, Wis., VOR; Kokey INT, Wis.; *2,800. *2,100—MOCA.
Kokey INT, Wis.; Dells, Wis., VOR; 3,300.
Dells, Wis., VOR; Stevens Point, Wis., VOR; *3,000. *2,400—MOCA.

Section 95.6184 *VOR Federal airway 184* is amended by adding:

Harrisburg, Pa., VOR; West Chester, Pa., VOR; 2,500.
West Chester, Pa., VOR; Darby INT, Pa.; *2,000. *1,800—MOCA.
Darby INT, Pa.; Woodstown, N.J., VOR; 1,800.
Woodstown, N.J., VOR; Millville, N.J., VOR; 1,900.
Millville, N.J., VOR; Atlantic City, N.J., VOR; 1,800.

Section 95.6191 *VOR Federal airway 191* is amended to delete:

Memphis, Tenn., VOR; *Gilmore INT, Ark.; **2,000. *3,000—MRA. **1,800—MOCA.
Gilmore INT, Ark.; Walnut Ridge, Ark., VOR; *2,300. *1,800—MOCA.
Walnut Ridge, Ark., VOR; Farmington, Mo., VOR; 2,900.
Farmington, Mo., VOR; Crystal City INT, Mo.; *3,000. *2,400—MOCA.
Crystal City INT, Mo.; Troy, Ill., VOR; 2,600.

Section 95.6194 *VOR Federal airway 194* is amended to delete:

Cofield, N.C., VOR via S alter.; *Sunbury INT, N.C., via S alter.; 2,000. *2,500—MRA.
Sunbury INT, N.C., via S alter.; Norfolk, Va., VOR via S alter.; 2,000.

Section 95.6205 *VOR Federal airway 205* is deleted.

Section 95.6210 *VOR Federal airway 210* is amended to delete:

Kansas City, Mo., VOR; Missouri City INT, Mo.; *2,600. *2,400—MOCA.
Missouri City INT, Mo.; Fleming INT, Mo.; *2,500. *2,100—MOCA.
Fleming INT, Mo.; Lexington INT, Mo.; *2,500. *2,000—MOCA.
Lexington INT, Mo.; Marshall, Mo., VOR; *2,500. *2,100—MOCA.
Marshall, Mo., VOR; Hallsville, Mo., VOR; *2,600. *2,300—MOCA.
Hallsville, Mo., VOR; St. Paul INT, Mo.; *2,700. *2,100—MOCA.
St. Paul INT, Mo.; St. Louis, Mo., VOR; *2,200. *1,700—MOCA.
Hallsville, Mo., VOR; via N alter.; St. Louis, Mo., VOR; via N alter.; *2,700. *2,300—MOCA.
St. Louis, Mo., VOR; Praire INT, Ill.; *2,200. *2,000—MOCA.

From, to, and MEA

Praire INT, Ill.; Vandalia, Ill., VOR; *2,500. *2,000—MOCA.
Vandalia, Ill., VOR; Sandford INT, Ill.; *2,400. *2,000—MOCA.
Sandford INT, Ill., Terre Haute, Ind., VOR; *2,200. *2,000—MOCA.
Terre Haute, Ind., VOR; Manhattan INT, Ind.; *2,300. *2,100—MOCA.
Manhattan INT, Ind.; Fillmore INT, Ind.; *2,700. *2,200—MOCA.
Fillmore INT, Ind.; Indianapolis, Ind., VOR; *2,500. *2,300—MOCA.
Terre Haute, Ind., VOR via S alter.; Cloverdale INT, Ind., via S alter.; *2,200. *2,100—MOCA.
Cloverdale INT, Ind., via S alter.; Indianapolis, Ind., VOR via S alter.; *2,500. *2,300—MOCA.

Section 95.6216 *VOR Federal airway 216* is amended by adding:

Charlotte INT, Iowa; Freeport INT, Ill.; *4,000. *2,200—MOCA.
Freeport INT, Ill.; Janesville, Wis., VOR; *2,700. *2,500—MOCA.

Section 95.6229 *VOR Federal airway 229* is deleted.

Section 95.6233 *VOR Federal airway 233* is deleted.

Section 95.6238 *VOR Federal airway 238* is deleted.

Section 95.6239 *VOR Federal airway 239* is deleted.

Section 95.6246 *VOR Federal airway 246* is deleted.

Section 95.6251 *VOR Federal airway 251* is deleted.

Section 95.6254 *VOR Federal airway 254* is amended to read in part:

Pottstown, Pa., VOR; Columbus INT, N.J.; 3,000.

Section 95.6255 *VOR Federal airway 255* is deleted.

Section 95.6256 *VOR Federal airway 256* is deleted.

Section 95.6266 *VOR Federal airway 266* is amended to read in part:

Franklin, Va., VOR; Portsmouth INT, Va.; 2,000.
Portsmouth INT, Va.; Deep Creek INT, Va.; *2,000. *1,000—MOCA.
Deep Creek INT, Va.; Norfolk, Va., VOR; 2,000.

Section 95.6271 *VOR Federal airway 271* is deleted.

Section 95.6276 *VOR Federal airway 276* is amended to read in part:

Robbinsville, N.J., VOR; Int, 115° M rad, Robbinsville VOR and 058° M rad, Atlantic City VOR; 4,000.
Int, 115° M rad, Robbinsville VOR and 058° M rad, Atlantic City VOR; Dutch INT, N.J.; *6,000. *1,500—MOCA.

Section 95.6281 *VOR Federal airway 281* is deleted.

Section 95.6283 *VOR Federal airway 283* is deleted.

Section 95.6287 *VOR Federal airway 287* is amended by adding:

North Bend, Oreg., VOR via W alter.; Newport, Oreg., VOR via W alter.;
Newport, Oreg., VOR via W alter.; 4,500. Newberg, Oreg. VOR via W alter.; 6,000.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

Texarkana, Ark., VOR; *Umpire INT, Ark.; **2,500. *3,500—MCA Umpire INT, northbound. **2,000—MOCA.

From, to, and MEA

Umpire INT, Ark.; Greenwood INT, Ark.; *4,500. *3,800—MOCA.

Section 95.6294 *VOR Federal airway 294* is amended by adding:

Cedar Rapids, Iowa, VOR; Solon INT, Iowa; *2,400. *1,900—MOCA.
Solon INT, Iowa; Big Rock INT, Ill.; *2,500. *2,100—MOCA.
Big Rock INT, Ill.; Cordova, Ill., VOR; *2,400. *2,000—MOCA.

Section 95.6308 *VOR Federal airway 308* is amended to read in part:

Avalon INT, N.J.; Manta INT, N.J.; *5,000. *1,500—MOCA.
Manta INT, N.J.; Int, 124° M rad, Kennedy VOR and 236° M rad, Hampton VOR; *6,000. *1,500—MOCA.
Int, 124° M rad, Kennedy VOR and 236° M rad, Hampton VOR; Hampton, N.Y., VOR; *5,000. *1,500—MOCA.

Section 95.6312 *VOR Federal airway 312* is amended to read:

Coyle, N.J., VOR; Beachwood INT, N.J.; 3,000.
Beachwood INT, N.J.; Dutch INT, N.J.; 6,000.

Section 95.6416 *Hawaii VOR Federal airway 16* is amended to read in part:

Pineapple INT, Hawaii; *Southgate INT, Hawaii; **2,000. *3,000—MCA Southgate INT, eastbound. **1,000—MOCA.

Section 95.6430 *VOR Federal airway 430* is amended by adding:

Grand Forks, N. Dak., VOR; Bemidji, Minn., VOR; *3,300. *2,900—MOCA.
Grand Forks, N. Dak., VOR via N alter.; Thief River Falls, Minn., VOR via N alter.; *2,800. *2,600—MOCA.
Thief River Falls, Minn., VOR via N alter.; Bemidji, Minn., VOR via N alter.; *3,000. *2,600—MOCA.
Bemidji, Minn., VOR; Grand Rapids, Minn., VOR; *3,400. *2,800—MOCA.
Grand Rapids, Minn., VOR; Duluth, Minn., VOR; *3,200. *3,000—MOCA.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

*Marion INT, Fla.; **Swordfish INT, Fla.; ***7,500. *3,500—MRA. **7,500—MCA Swordfish INT, southbound. ***1,000—MOCA.
Swordfish INT, Fla.; *Amelia INT, Ga.; **7,500. *7,500—MCA Amelia INT, northbound. **1,000—MOCA.
Amelia INT, Ga.; *Starfish INT, Ga.; **7,500. *3,000—MRA. **1,000—MOCA.

Section 95.6462 *VOR Federal airway 462* is amended to delete:

Bemidji, Minn., VOR; Duluth, Minn., VOR; *6,300. *3,000—MOCA.

Section 95.6470 *VOR Federal airway 470* is amended to delete:

Lakehead, Ontario, VOR; Houghton, Mich., VOR; *#3,100. *2,500—MOCA. #For that airspace over U.S. territory.
Houghton, Mich., VOR; Marquette, Mich., VOR; *3,300. *3,100—MOCA.

Section 95.6485 *VOR Federal airway 485* is amended to read in part:

Ventura, Calif., VOR; *Henderson INT, Calif.; 5,000. *7,700—MCA Henderson INT, northwest bound.

Section 95.6500 *VOR Federal airway 500* is amended by adding:

*Boise, Idaho, VOR; Arrow Rock INT, Idaho, eastbound, 9,000. Westbound, 8,000. *7,000—MCA Boise VOR, eastbound.

From, to, and MEA

Arrow Rock INT, Idaho; Hill City INT, Idaho; *11,500. *9,800—MOCA.
Hill City INT, Idaho; Richfield INT, Idaho; *12,500. *11,000—MOCA.
Richfield INT, Idaho; Bear Trap INT, Idaho; 9,500.
Bear Trap INT, Idaho; Pocatello, Idaho, VOR; 7,500.

Section 95.6503 *VOR Federal airway 503* is deleted.

Section 95.6507 *VOR Federal airway 507* is deleted.

Section 95.6525 *VOR Federal airway 525* is deleted.

Section 95.6536 *VOR Federal airway 536* is amended by adding:

Redmond, Oreg., VOR; Pendleton, Oreg., VOR; *10,000. *7,600—MOCA.
Pendleton, Oreg., VOR; Walla Walla, Wash., VOR; 4,000.

Section 95.7015 *Jet Route No. 15* is amended to delete:

John Day, Oreg., VOR; Newberg, Oreg., VOR; 18,000; 45,000.

Section 95.7015 *Jet Route No. 15* is amended by adding:

John Day, Oreg., VORTAC; Portland, Oreg., VORTAC; 18,000; 45,000.

Section 95.7016 *Jet Route No. 16* is amended to read in part:

Portland, Oreg., VORTAC; Portland, Oreg., VORTAC; 18,000; 45,000.

Section 95.7067 *Jet Route No. 67* is amended to read:

Lakeview, Oreg., VORTAC; Portland, Oreg., VORTAC; 18,000; 45,000.

Section 95.7073 *Jet Route No. 73* is deleted.

Section 95.7074 *Jet Route No. 74* is amended to read in part:

Socorro, N. Mex., VORTAC; Texico, N. Mex., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7076 *Jet Route No. 76* is amended to read in part:

Tuba City, Ariz., VORTAC; Las Vegas, N. Mex., VORTAC; #27,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7082 *Jet Route No. 82* is amended by adding:

Portland, Oreg., VORTAC; McCall, Idaho, VORTAC; 18,000; 45,000.

Section 95.7093 *Jet Route No. 93* is amended to delete:

Newport, Oreg., VOR; Portland, Oreg., VORTAC; 18,000; 45,000.

Section 95.7114 *Jet Route No. 114* is deleted.

Section 95.7136 *Jet Route No. 136* is amended to delete:

Portland, Oreg., VORTAC; Yakima, Wash., VOR; 18,000; 45,000.

Section 95.7136 *Jet Route No. 136* is amended by adding:

Newport, Oreg., VORTAC; Portland, Oreg., VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows: Section 95.8003 *VOR Federal airway changeover points* is amended as follows:

Airway segment: from; to—changeover point: distance; from

V–2 is amended by adding:
Wenatchee, Wash., VOR via N alter.; Ephrata, Wash., VOR via N alter.; 10; Wenatchee.
V–38 is amended by adding:
Elkins, W. Va., VOR; Gordonsville, Va., VOR; 46; Elkins.
V–143 is amended by adding:
Pottstown, Pa., VOR; Yardley, Pa., VOR; 20; Pottstown.
V–156 is amended to delete:
Elkins, W. Va., VOR; Gordonsville, Va., VOR; 46; Elkins.
V–165 is amended by adding:
Fresno, Calif., VOR; Reno, Nev., VOR; 94; Fresno.
Reno, Nev., VOR; Lakeview, Oreg., VOR; 70; Reno.
Lakeview, Oreg., VOR; Redmond, Oreg., VOR; 73; Lakeview.
V–238 is amended to delete:
Philipsburg, Pa., VOR; Harrisburg, Pa., VOR; 21; Philipsburg.
V–256 is amended to delete:
Pottstown, Pa., VOR; Yardley, Pa., VOR; 20; Pottstown.
V–283 is amended to delete:
Fresno, Calif., VOR; Reno, Nev., VOR; 65; Reno.
Reno, Nev., VOR; Lakeview, Oreg., VOR; 70; Reno.
Lakeview, Oreg., VOR; Redmond, Oreg., VOR; 73; Lakeview.
V–462 is amended to delete:
Bemidji, Minn., VOR; Duluth, Minn., VOR; 40; Bemidji.
V–503 is amended to delete:
Goffs, Calif., VOR; Beatty, Nev., VOR; 31; Goffs.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on May 9, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67–5472; Filed, May 18, 1967; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–493]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Explanation and Data Supporting Tariff Changes and New Matter in Tariff Publications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of May 1967.

Requiring information from air carriers relating to the effect of new or changed rates or fares for interstate or overseas air transportation on their revenue, traffic, and fares per mile or rates or charges per ton-mile.

In a supplemental notice of proposed rule making published in the FEDERAL REGISTER on January 27, 1967 (32 F.R. 990), and circulated to the industry as EDR–97A,[1] Docket 16864, the Board indicated that it had under consideration an amendment to § 221.165 of the Economic Regulations (14 CFR 221.165) which would require air carriers to state the effect of new or changed rates, fares or charges for interstate or overseas air transportation proposed in tariff filings on their revenue, traffic, and fares per mile or rates or charges per ton-mile in or attached to the transmittal letters accompanying tariff publications they file with the Board. The proposed amendment also made clear that the current exception from certain informational requirements which occurs when a tariff change is filed "to meet competition" refers only to tariff changes which effect decreases or to rule changes which operate to decrease fares, rates or charges. In the notice the Board invited interested persons to submit pertinent information and data pertaining to the proposed amendments.

Pursuant to the supplemental notice, three comments were filed: A joint comment on behalf of 32 air carriers and foreign air carriers including 11 trunkline carriers, 13 local service carriers, two Alaskan route carriers, two all-cargo carriers, one U.S.-flag carrier, one helicopter route carrier and two foreign route carriers;[2] a comment from the Air Freight Forwarders Association; and one from Railway Express Agency, Inc. (REA Express).

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented. We shall adopt the rule as proposed with the following modifications: (1) Special provision will be made for the samplings in the table of rates when the rate scale method of publication is used (see footnote 5, p. 8, infra); and (2) air freight forwarders and international air freight forwarders will be exempt from § 221.165 except with respect to providing an explanation of the new or changed matter and the reasons for the filing (see § 221.165(d)(1)(iii), infra). Therefore, except as modified herein, the tentative findings set forth in the Explanatory Statement to the proposed rule (EDR–97 and EDR–97A, supra) are incorporated herein by reference and finalized.

The direct air carriers do not object to the proposed rule. However, they indicate their understanding that the amendment is experimental and, in this connection, they urge the Board, in appraising the results of the amendment, to remove any requirements for the furnishing of data which are found not to be needed or useful.

REA Express asserts that it is exempt from § 221.165 (b) and (c) of the proposed rule since its tariffs are filed "pursuant to an intercarrier agreement approved by the Board." (See § 221.165 (d)(1)(ii), infra.) It refers to Board Order E–22271, dated June 4, 1965, which approved the agreement establishing the rate-making machinery for agreed carrier rates and which required REA Express and the direct carriers to file with the Board minutes of meetings of the Joint Committee for Air Express at which such rates are agreed upon.

We find that REA is not within the exemption of § 221.165(d)(1)(ii). This provision refers to instances where the Board, pursuant to section 412(b) of the Act, has approved an agreement stipulating particular rates or fares, or a specific formula for rates or fares.[3] The Board order relied on by REA did not approve any particular rates, but rather was limited to approval of rate-making machinery.[4] In order to clarify this matter, § 221.165(d)(1)(ii) is revised herein.

REA Express maintains, in the alternative, that if its interpretation of the exemption of § 221.165(d)(1)(ii) is not correct, the Board should exempt it from having to file a table setting forth a comparsion between existing rates and proposed rates, which table is required by § 221.165(c), infra. It states that its air express charges take three forms: (1) A rate per hundred; (2) a minimum shipment charge; and (3) a scale of graduated charges setting forth the charge assessed for shipments weighing less than 100 pounds by weight brackets ranging from 100 pounds to 1 pound, in 1 pound steps. It points out that the proposed rule requires carriers to submit data on a sampling basis with respect to a number of pairs of points, but that REA publishes rates by rate scale numbers, each rate scale representing a mileage block of distance; that points served in air express service are assigned rate zone numbers; that each pair of these zone numbers is connected by a rate scale number corresponding to the inter-

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[1] EDR–97A supersedes EDR–97, adopted Jan. 14, 1966, 31 F.R. 754, which proposed an amendment of § 221.165.

[2] Trunkline carriers American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc. Local service carriers Allegheny Airlines, Inc., Bonanza Air Lines, Inc., Central Airlines, Inc., Frontier Airlines, Inc., Lake Central Airlines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Pacific Air Lines, Inc., Piedmont Aviation Inc., Southern Airways, Inc., Trans-Texas Airways, Inc., West Coast Airlines, Inc. U.S. flag carrier Pan American World Airways, Inc. Alaskan route carriers Alaska Airlines, Inc., Pacific Northern Airlines, Inc. All-cargo carriers Airlift International, Inc., The Flying Tiger Line Inc. Helicopter route carrier New York Airways, Inc. Foreign route carriers Alitalia Airlines, Scandinavian Airlines System, Inc.

[3] See e.g., Board Orders E–23798 and E–24205 dated June 9, 1966, and Sept. 20, 1966, respectively, which pertain to Air Transport Association of America (ATA) agreements relative to incentive discounts for containerized shipments; also Orders E–24577 and E–24719 dated Dec. 29, 1966, and Feb. 3, 1967, respectively, pertaining to International Air Transportation Association (IATA) agreements relating to fare matters.

[4] Of course, should the Board approve any REA-carrier agreement as to the particular rates, then the pertinent air express tariffs would come within the exemption.

zonal distance involved; and that there are 459 zones with more than 21,000 pairs of air express zones. It further maintains that since the proposed rule calls for a minimum sample of 75 pairs of points affected by a rate change, a literal interpretation as applied to REA would require a sample of 75 pairs of points detailing the effect of an air express rate change for the air express rate per hundred, for the air express minimum shipment charge and for each of the 100 graduated charges applying in each air express rate scale, and would amount to more than 7,000 sample items.

We agree that the requirements of § 221.165(c), as proposed, would result in an undue burden on carriers employing the REA type of rate scale. Accordingly, when this method is used, we shall limit the samplings in the table of rates to not more than 75 individual changes in the rate scale, even though each of such changes may apply between a number of pairs of points. See footnote 5, infra. If changes in the rate scales are based on a formula, the formula should be supplied.

The Air Freight Forwarders Association asks for complete exemption from the rule for air freight forwarders and international air freight forwarders operating under Parts 296 and 297, respectively. They assert, inter alia, that: (1) Most rate changes by forwarders are directly related to changes in rates effected by direct carriers which will provide the necessary economic support for such changes; (2) since rate reductions based on competition are exempt under the rule and in view of (1) above, the data from the forwarders would serve little purpose and would be meaningless; and (3) many forwarders are small and such requirements would place and unreasonable burden upon them.

We shall not exempt air freight forwarders and international air freight forwarders from the provisions of § 221.165(a). This information is required to be furnished by them under the present regulation, and no showing has been made that it would be an undue burden on them to explain the new or changed matter and the reason for the filing, including (if applicable) the basis of rate making employed. However, we shall exempt the freight forwarders from the remaining requirements of § 221.165 pertaining to the supplying of economic data supporting rate changes and providing a table setting forth other data on such changes (paragraphs (b) and (c) of § 221.165, infra). In the past, the Board has not found it necessary to regulate closely the rates and charges of freight forwarders. These rates are heavily influenced by the level of the rates of the direct air carriers, by competition among the large number of authorized forwarders and by the type of service performed by the particular forwarder. Accordingly, at this juncture, it does not appear that the burden which would be imposed on the forwarders by requiring compliance with paragraphs (b) and (c) of the proposed rule is warranted by the benefits of the additional information. See § 221.165(d)(1)(iii), infra.

Accordingly, the Civil Aeronautics Board hereby amends Part 221 of its Economic Regulations (14 CFR Part 221), effective June 19, 1967, by amending § 221.165 to read as follows:

§ 221.165 Explanation and data supporting tariff changes and new matter in tariff publications.

When a tariff publication is filed with the Board which contains new or changed local or joint rates, fares, or changes for interstate or overseas air transportation, or new or changed classifications, rules, regulations, or practices affecting such rates, fares, or charges, or the value of the service thereunder, the issuing air carrier or agent shall submit with the filing of such publication the following information and data in or attached to the transmittal letter:

(a) An explanation of the new or changed matter and the reasons for the filing, including (if applicable) the basis of rate making employed.

(b) Economic data and/or information in support of the new or changed matter, on which the filing air carrier intends that the Board rely, including, in cases where pertinent,

(1) Estimates of costs of service, and

(2) Estimates of the aggregate effect of the new or changed matter upon such carrier's traffic and revenues, and an explanation of the basis for the estimates (including, where available, data as to past traffic and revenues).

(c) In cases where such publication contains new or changed local or joint rates (other than charter rates), fares, or charges (whether such rates, fares, or charges are published specifically or by rule), a table prepared as follows:

(1) In the first column, a sample of the pairs of points between which such new or changed rates, fares, or charges apply, which sample shall contain every 10th pair of all such pairs (but not less than 10 pairs, unless such new or changed rates, fares, or charges apply between fewer than 10 pairs of points, in which event all such pairs shall be included), but need not include more than 75 pairs of points, for each new or changed type of rate, fare (e.g., first class, coach, etc.), or charge included in such publication; [6]

(2) In the second column, the existing rates, fares, or charges canceled or superseded by the new or changed rates, fares, or charges, except in cases where the publication contains new rates, fares, or charges which do not cancel or supersede existing rates, fares, or charges, in which event the second column shall contain those rates, fares, or charges upon which the filing air carrier relies for comparison [6] in evaluating such new rates, fares, or charges;

(3) In the third column, the new or changed rates, fares, or charges;

(4) In the fourth column, the differences between the rates, fares, or charges listed in the second and third columns, expressed as percentages of those listed in the second column;

(5) In the fifth column, the existing fares per mile or rates or charges per ton-mile;

(6) In the sixth column, the new or changed fares per mile, or rates or charges per ton-mile; and

(7) In the seventh column, the airport-to-airport mileage [7] used in computing the fares per mile or rates or charges per ton-mile.

(d) Exceptions:

(1) The requirement for data and/or information in paragraphs (b) and (c) of this section will not apply to tariff publications containing new or changed matter which are filed

(i) In response to Board orders or specific policy pronouncements of the Board directly related to such new or changed matter,

(ii) Pursuant to an intercarrier agreement approved by the Board prescribing the rates, fares, charges (or specific formulas therefor) or other matter,

(iii) By air freight forwarders or international air freight forwarders as defined in Parts 296 and 297 of this subchapter, or

(iv) To meet competition: *Provided*, That

(*a*) Changed matter will be deemed to have been filed to meet competition only when it effects decreases in rates, fares, or charges and/or increases the value of service so that the level of the rates or fares or charges and the services provided will be substantially similar to the level of rates or fares or charges and the services of a competing carrier or carriers.

(*b*) New matter will be deemed to have been filed to meet competition only when it establishes or effects a rate, fare, or charge and a service which will be substantially similar to the rates, fares, or charges and the services of a competing carrier or carriers.

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[5] If a carrier's freight rates are published in rate scales rather than on a point-to-point basis, the table shall contain a representative sample of the proposed rates and charges for each rate scale, which sample shall contain 10 percent of all rates or charges, but not less than 10 rates or charges unless such new or changed rates or charges are less than 10, in which event all such rates or charges shall be included: *Provided, however*, That the sample need not include more than a total of 75 representative rates and charges for each new or changed type of rate or charge (e.g., general commodity or specific commodity) included in such publication.

[6] Identify as, e.g., jet coach fare, general commodity rate, etc. If reliance is placed upon rates, fares, or charges for different pairs of points than shown in the first column, such points should be indicated by footnote.

[7] The direct airport-to-airport mileage between the points shown in the first column shall normally be used for purposes of this table. Where points with multiple airports are involved, show the mileage to/from the principal airport with respect to the related service. Other than direct mileages may be used where appropriate (e.g., where the filing carrier is not authorized to provide direct service, or where a joint fare involves a circuitous routing via a junction point). In all instances where a mileage other than the direct airport-to-airport mileage is used, show the points by which it is computed and the reason for its use.

(c) When new or changed matter is filed to meet competition over a portion of the filing air carrier's system and is simultaneously made applicable to the balance of the system, such matter, insofar as it applies over the balance of the system, will be deemed to be within the exception in this subdivision (iv) only if such carrier submits an explanation as to the necessity of maintaining uniformity over its entire system with respect to such new or changed matter.

(2) The requirement for information in paragraph (c) of this section will not apply to tariff publications containing new or changed rates, fares, or charges which result from (i) uniform percentage adjustments, (ii) specific increment adjustments, or (iii) cancellation of rates, fares, or charges.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 403, 72 Stat. 758; 49 U.S.C. 1373)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-5625; Filed, May 18, 1967; 8:50 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 16; Docket No. 65-33]

PART 502—RULES OF PRACTICE AND PROCEDURE

Procedure for Adjudication of Small Claims

On August 27, 1965, the Federal Maritime Commission instituted the subject proceeding to establish a simplified procedure for the adjudication of claims of $1,000 or less by shippers against carriers. Proposed rules were published in the FEDERAL REGISTER affording interested persons an opportunity for comment. Upon consideration of the comments submitted the proposed rules were republished with appropriate modifications on January 12, 1966, and oral argument was held March 2, 1966, in which interested parties presented their positions on the modified proposed rules. The Commission has carefully considered the positions of the parties and in light thereof herewith publishes its final rules. Comments and arguments not discussed or reflected herein have been considered and found not justified or not material.

The rules are divided into two subparts, Subpart S, dealing with informal procedure for adjudication of small claims, and Subpart T, dealing with formal procedure for such adjudication.

The purpose of the small claims procedure is the determination of claims of $1,000 or less against carriers in simplified proceedings. Opposition has been voiced against this basic policy alleging generally that a special procedure should not be set up for the adjudication of small claims against carriers because:

1. It is one-sided in that it allows no similar relief in respect to claims by carriers against shippers;

2. It is contrary to the reparation remedy set forth in section 22 of the Shipping Act, 1916;

3. Shortened procedure in the old rules was adequate for the handling of small claims;

4. Inbound conferences would not fall within the scope of the rules; and

5. The Commission is not the appropriate forum for the determination of overcharge claims.

1. Any one-sidedness in the rules is caused not by the rules but by section 22 itself which authorizes reparation only against a carrier or other person subject to the Act and not against a shipper. Furthermore, if a need has been indicated, as in this instance, for proposed rules, the fact that they may have a one-sided effect is irrelevant so long as they achieve a lawful purpose.

2. The Commission plainly has authority to promulgate the rules under section 22 which states that the Commission shall investigate unsatisfied complaints "in such manner and by such means, and make such order as it deems proper." Section 23 requires "full hearing" and "a sworn complaint", but as noted below, "hearings" in proceedings like those involved here may utilize solely written evidence, and sworn complaints are required by rule 502.304.

3. The Administrative Procedure Act requires only as full a hearing as the statute under which an agency operates itself requires. As noted above, the statute provides that unsatisfied complaints may be investigated as the Commission deems proper. Furthermore, the Administrative Procedure Act (section 7(c)) provides that "in determining claims for money * * * any agency may, where the interest of any party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form." As will be detailed further below, at the least, written evidence will be allowed in all disputed claims. Although the shortened procedure provided for the utilization of written evidence alone, it was cumbersome and self-defeating inasmuch as the consent of all parties and the Examiner was needed before it could be used, a shift to the regular procedure could be made by the Examiner prior to the issuance of his decision at the request of any party, and use of the regular procedure could be ordered by the Commission at any time. The fact that the shortened procedure was seldom used indicates that it did not accomplish its objective.

4. The argument that the rules would have no application to inbound conferences is as specious in this proceeding as it has been in many other proceedings in which it has been made. No indication has been made in the rules that they will not apply to inbound conferences and none has been intended. The power of the Commission to regulate activities of inbound conferences is plainly set forth in the statute itself and has often been upheld by the courts.

5. Section 22 empowers the Commission to award reparation for any injury caused by violation of the statute. The collection of overcharges is a violation of section 18(a) and section 18(b) of the 1916 Act for which reparation may be awarded. Isbrandtsen Co. Inc. et al. v. States Marine et al., 6 F.M.B. 422, 447 (1961); Swift and Co. et al. v. Gulf and South Atl. Havana Conf., 6 F.M.B. 215, 230–231 (1961).

Some parties contend that the word "administratively" in the last sentence of § 502.301 unlawfully deprives them of Commission review of Examiners' determinations. The word was inserted merely to counter the argument that court review of determinations under the rules was unavailable. The availability of Commission review of Examiners' determinations is discussed below.

A sentence defining "damages" has been added to § 502.303 for the sake of clarity.

Section 502.304, which outlines the informal procedure, provides for the determination of small claims by an Examiner, if the carrier consents, on the basis of written evidence only. Various carriers attacked this section as proposed because of the lack of an opportunity for Commission review as required under Reorganization Plan No. 7 (sec. 105(b)), and its inconsistency with Administrative Procedure Act which requires "an appeal to the agency or review upon motion of the agency within time provided by rule" (sec. 8(a)). The consent of a carrier to the use of the informal procedure cannot deprive the Commission of its statutory right of review. Section 502.304 (b) has been revised in order that the Commission retain its discretionary right to review Examiners' determinations. Parties utilizing the informal procedure are required to submit affidavits stating they agree to be bound by the Examiner's decision subject to discretionary Commission review. However, the carrier is not being deprived of any of its rights to petition for Commission review because it has the alternative of rejecting the informal procedure and having the shipper's claim determined under the formal procedure of Subpart T, under which both discretionary Commission review and such petition are allowed.

Parties commented that the proposed rules were unclear as to how the Commission would proceed and as to who was to serve what upon whom and within what time periods. In response thereto, the following changes have been made to simplify and clarify the informal procedure:

1. A separate numbering system has been adopted for informal dockets.

2. A simple notification to the claimant will be used if the claim filed fails to state a cause of action.

3. Refiled claims will be treated as new complaints.

4. The last subsections of proposed §§ 502.304 and 502.305 have been consolidated and reworded to make clear that these rules do not extend the 2-year limitation period set forth in section 22.

Sections 502.311 through 502.321 comprise Subpart T, and outline the formal procedure for adjudication of small claims. Section 502.311 indicates that carriers have the alternative of having claims determined pursuant to a "formal" procedure, that is, a procedure which may involve oral hearings and arguments, rather than informal procedures.

Oral hearing before the Examiner is provided in situations in which such hearing is necessary for the "fair and expeditious disposition of the claim." Oral argument and intervention are likewise made discretionary with the Examiner.

The requirement that the Hearing Examiner notify the claimant of a change to formal procedure contained in the proposed rules is unnecessary as § 502.304(d) already provides for such notification to claimant in the form of an answer, and such requirement has been deleted.

In accordance with the comments of some of the carriers, the time for answer (§ 502.312) has been enlarged from 30 days to 60 days to bring it into conformity with the time for response under the informal procedure outlined in § 502.304(f).

In the interest of compiling as complete a record as possible in the most informal manner, 20 days rather than 10 days has been allowed for reply (§ 502.313).

As noted above appeal by either party and discretionary Commission review of Examiner's decisions are allowed under the formal procedure. The Commission has, however, modified the appeal procedure as proposed by requiring that persons seeking review of an Examiner's decision be required to assert as grounds for review erroneous material findings of fact or erroneous necessary legal conclusions or other prejudicial error (§ 502.318). If such were not required the objectives of the shortened procedure would be thwarted.

Two new sections, §§ 502.319 and 502.320, have been added to clarify further any uncertainties which may have arisen with respect to service and computation of time.

Therefore, pursuant to section 204(b), Merchant Marine Act, 1936, 49 Stat. 1987; 46 U.S.C. 1114(b); sections 3 and 4, Administrative Procedure Act, 80 Stat. 383; 5 U.S.C. 552, 553, and sections 22 and 43 of the Shipping Act, 1916 (39 Stat. 736, 75 Stat. 766; 46 U.S.C. 820, 841(a)), Part 502 of Title 46 CFR is hereby amended by the addition of Subparts S and T, reading as below:

Subpart S—Informal Procedure for Adjudication of Small Claims

Sec.
502.301 Policy.
502.302 Limitation of actions.
502.303 Overcharges and damages defined.
502.304 Procedure.

Subpart T—Formal Procedure for Adjudication of Small Claims

502.311 Applicability.
502.312 Answer to complaint.
502.313 Reply of complainant.
502.314 Additional information.
502.315 Request for oral hearing.
502.316 Intervention.
502.317 Oral argument.
502.318 Decisions.
502.319 Date of service and computation of time.
502.320 Service.
502.321 Applicability of other rules of this part.
Appendix A.
Appendix B.

AUTHORITY: The provisions of this Part 502 issued under sec. 204(b), Merchant Marine Act, 1936, 49 Stat. 1987; 46 U.S.C. 1114(b); secs. 3, 4, Administrative Procedure Act, 80 Stat. 383; 5 U.S.C. 552, 553; and secs. 22, 43, Shipping Act, 1916 (39 Stat. 736, 75 Stat. 766; 46 U.S.C. 820, 841(a)).

Subpart S—Informal Procedure for Adjudication of Small Claims

§ 502.301 Policy.

Claims against common carriers subject to the Shipping Act, 1916, as amended and the Intercoastal Shipping Act, 1933, as amended, in the amount of $1,000 or less, for the recovery of damages (not including claims for loss of or damage to property), or for the recovery of overcharges, will with the written consent of all parties, be determined by Hearing Examiners of the Commission pursuant to this subpart, without the necessity for formal proceedings under other rules of this part. Determination of such claims under Subparts S and T of this part shall be administratively final and conclusive.

§ 502.302 Limitation of actions.

Claims may be filed with the Commission within 2 years from the time the cause of action accrues. The cause of action shall, for the purpose of this section, be deemed to accrue (a) for overcharges upon delivery of the property or the payment of the charges, whichever is later, (b) for damages on the date on which the act which is the basis of the claim occurred.

§ 502.303 Overcharges and damages defined.

The term "overcharges" as used in Subparts S and T means charges for transportation services in excess of those applicable under tariffs lawfully on file with the Commission. The term "damages" as used in Subparts S and T means such violations of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended, other than overcharges for which reparation may be granted.

§ 502.304 Procedure.

(a) A sworn claim under this subpart shall be filed in the form prescribed in Appendix A to this part. Three (3) copies of the claim must be filed, together with the same number of copies of such supporting documents as may be deemed necessary to establish the claim. Copies of tariff pages need not be filed; reference to such tariffs or to pertinent parts thereof will be sufficient. Supporting documents may consist of affidavits, correspondence, bills of lading, paid freight bills, export declarations, dock or wharf receipts, or of such other documents as, in the judgment of the claimant, tend to establish the claim. The Hearing Examiner may, if deemed necessary, request additional documents or information from claimants. Claimant may attach a memorandum, brief or other document containing discussion, argument, or legal authority in support of its claim. If a claim filed under this subpart involves any shipment which has been the subject of a previous claim filed with the Commission, formally or informally, full reference to such previous claim must be given.

(b) Claims under this subpart shall be addressed to the Office of the Secretary, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573.

(c) Each claim under this subpart will be acknowledged with a reference to the Informal Docket Number assigned. The number shall consist of a numeral(s) followed by capital "I" in parentheses. All further correspondence pertaining to such claims must refer to the assigned Informal Docket Number. If the documents filed fail to establish a claim for which relief may be granted, the parties affected will be so notified in writing. The claimant may thereafter, but only if the period of limitation has not run, resubmit its claim with such additional proof as may be necessary to establish the claim. In the event a complaint has been amended because it failed to state a claim upon which relief may be granted, it will be considered as a new complaint.

(d) A copy of each claim filed under this subpart, with attachments, shall be served by the Hearing Examiner on the carrier involved. The carrier shall, within 10 days after service, indicate whether it will consent to have the claim determined this subpart and, if so, it shall, by affidavit in the form shown in Appendix B to this part, agree to be bound by the informal procedure outlined in this subpart subject to discretionary Commission review. If the carrier refuses to consent to the claim being informally adjudicated pursuant to this subpart, the claim will be considered a complaint under § 502.311 and the carrier shall file an answer under § 502.312.

(e) The decision of the Hearing Examiner shall be final, unless, within fifteen (15) days from the date of service of the decision, the Commission exercises its discretionary right to review the decision.

(f) Within sixty (60) days from the date of the affidavit prescribed in paragraph (d) of this section, the carrier shall file with the Commission its response to the claim. The response may consist of documents, arguments, legal authorities, or precedents, or any other matters considered by the carrier to be a defense to the claim. The Hearing Examiner may request the carrier to furnish such further documents or information as he deems necessary, or he may require the claimant to reply to the defenses raised by the carrier.

(g) Both parties shall promptly be served with the Hearing Examiner's determination and the report shall state the basis upon which the determination was made. The case will then be closed and may be reopened within 6 months, but only if the period of limitation has not run, and only to correct mathematical computation of the claim.

Subpart T—Formal Procedure for Adjudication of Small Claims

§ 502.311 Applicability.

In the event the carrier elects not to consent to determination of the claim under Subpart S of this part, it shall be adjudicated under the procedures set forth in this subpart. The previously assigned Docket Number shall be used except that it shall now be followed by capital "F" in parentheses. The complaint shall consist of the documents submitted by the claimant under Subpart S of this part.

§ 502.312 Answer to complaint.

The carrier shall file with the Commission an answer within 60 days of service of the complaint and shall serve a copy of said answer upon complainant. The answer shall admit or deny each matter set forth in the complaint. Matters not specifically denied will be deemed admitted. Where matters are urged in defense, the answer shall be accompanied by appropriate affidavits, other documents, and memoranda.

§ 502.313 Reply of complainant.

Complainant may within 20 days of service of the answer filed by carrier, file with the Commission and serve upon the carrier a reply memorandum accompanied by appropriate affidavits and supporting documents.

§ 502.314 Additional information.

The Hearing Examiner may require the submission of additional affidavits, documents, or memoranda from complainant or carrier.

§ 502.315 Request for oral hearing.

In the usual course of disposition of complaints filed under this subpart, no oral hearing will be held; however, the Hearing Examiner in his discretion may order such hearing. A request for oral hearing may be incorporated in the answer or in complainant's reply to the answer. Requests for oral hearing will not be entertained unless they set forth in detail the reasons why the filing of affidavits or other documents will not permit the fair and expeditious disposition of the claim, and the precise nature of the facts sought to be proved at such oral hearing. The Hearing Examiner shall rule upon a request for oral hearing within 10 days of its receipt. In the event an oral hearing is ordered, it will be held in accordance with the rules applicable to other formal proceedings, as set forth in Subparts A through Q of this part.

§ 502.316 Intervention.

Intervention will ordinarily not be permitted.

§ 502.317 Oral argument.

No oral argument will be held, unless otherwise directed by the Hearing Examiner.

§ 502.318 Decisions.

The decision of the Hearing Examiner shall be final, unless, within 5 days from the date of service of the decision, either party requests review of the decision by the Commission asserting as grounds therefor that a material finding of fact or a necessary legal conclusion is erroneous or that prejudicial error has occurred, or unless, within 15 days from the date of service of the decision, the Commission exercises its discretionary right to review the decision.

§ 502.319 Date of service and computation of time.

The date of service of documents served by the Commission shall be that which is shown in the service stamp thereon. The date of service of documents served by parties shall be the date when the matter served is mailed or delivered in person as the case may be. When the period of time prescribed or allowed is 10 days or less, intermediate Saturdays, Sundays, and holidays shall be excluded from the computation.

§ 502.320 Service.

All claims, resubmitted claims, petitions to intervene and rulings thereon, notices of oral hearings, notices of oral arguments (if necessary), decisions of Hearing Examiners, notices of review, and Commission decisions shall be served by the Hearing Examiner or the Commission. All other pleadings, documents and filings shall, when tendered to the Commission, evidence service upon all parties to the proceeding. Such certificate shall be in substantially the following form:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by mailing (or by delivering in person), a copy to each such person in sufficient time to reach such person on the date document is due to be filed with the Commission.

Dated at ---------- this ------ day of ----------, 19----.

(Signature) ----------.

§ 502.321 Applicability of other rules of this part.

In situations not covered by the rules in Subparts S and T, the rules in Subparts A through Q, inclusive, of this part will apply.

Effective date. These rules shall become effective 30 days from date of publication in the FEDERAL REGISTER, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553).

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Special Assistant to the Secretary.

APPENDIX A

FEDERAL MARITIME COMMISSION

Washington, D.C.

Informal Docket No. ------

(Claimant)

vs.

(Carrier)

I. The claimant is (state in this paragraph whether claimant is an association, corporation, firm or partnership, and if a firm or partnership, the names of the individuals composing the same. State the nature and principal place of business.)

II. The carrier named above is a common carrier engaged in transportation by water from ---------- to ----------, and as such is subject to the provisions of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended.

III. That (state in this and subsequent paragraphs to be lettered A, B, etc., the matters that gave rise to the claim. Name specifically each rate, charge, classification, regulation or practice which is challenged. Refer to tariffs, tariff items or rules, or agreement numbers, if known.)

IV. If claim is for overcharges, state commodity, weight and cube, origin, destination, bill of lading description, bill of lading number and date, rate and/or charges assessed, date of delivery, date of payment, by whom paid, rate or charge claimed to be correct and amount claimed as overcharges. (Specify tariff item for rate or charge claimed to be proper.)

V. State section of statute claimed to have been violated. (Not required if claim is for overcharges.)

VI. The undersigned authorizes the Hearing Examiner to determine the above-stated claim pursuant to the informal procedure outlined in Subpart S (46 CFR 502) of the Commission's informal procedure for adjudication of small claims subject to discretionary Commission review.

Attach memorandum or brief in support of claim. Also attach bill of lading, copies of correspondence or other documents in support of claim.

(Date)

(Claimant's signature)

(Claimant's address)

(Signature of agent or attorney)

(Agent's or attorney's address)

VERIFICATION

State of ----------, County of ----------, *ss:* ----------, being first duly sworn on oath deposes and says that he is----------

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(The claimant, or if a firm, association, or corporation, state the capacity of the affiant.)

and is the person who signed the foregoing claim, that he has read the foregoing and that the facts set forth without qualification are true and that the facts stated therein upon information received from others, affiant believes to be true.

Subscribed and sworn to before me, a notary public in and for the State of _____, County of _____, this _____ day of _____, 19__.

(SEAL) _____
(Notary Public)

My Commission expires _____.

APPENDIX B

FEDERAL MARITIME COMMISSION
WASHINGTON, D.C.

Informal Docket No. _____

CARRIER'S AFFIDAVIT

I authorize the Hearing Examiner to determine the above-numbered claim in accordance with Subpart S (46 CFR 502) of the Commission's informal procedure for adjudication of small claims subject to discretionary Commission Review.

_____ _____
(Date) (Signed)

_____
(Capacity)

VERIFICATION

State of _____, County of _____, *ss:* _____, being first duly sworn on oath deposes and says that he is _____, _____,
(conference chairman or secretary, or officer of carrier)
and is the person who signed the foregoing and agrees without qualification to its truth.

_____

Subscribed and sworn to before me, a notary public in and for the State of _____, County of _____, this _____ day of _____, 19__.

(SEAL) _____
(Notary Public)

My Commission expires _____.

[F.R. Doc. 67-5619; Filed, May 18, 1967; 8:49 a.m.]

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 1191]

PART 531—PUBLICATION, POSTING, AND FILING OF FREIGHT AND PASSENGER RATES, FARES, AND CHARGES IN THE DOMESTIC OFFSHORE TRADE

Uniform Weights and Measurements of Automobiles

The Federal Maritime Commission published in the FEDERAL REGISTER on July 28, 1964 (29 F.R. 10472, 10473) proposed rules for the purpose of establishing a uniform method of declaring shipment weights and/or cubic measurements on new and/or used passenger automobiles moving in the domestic offshore trades. Revised rules were published on September 2, 1966 (31 F.R. 11616, 11617).

Because passenger automobiles vary extensively in size and are susceptible to mismeasurement it is believed that publication of uniform measurements is a necessity in order to provide identical treatment for all such shipments; to enable shippers of automobiles to accurately ascertain ocean transportation charges prior to movement; and to facilitate billing of automobile shipments by the carrier. Since publication of such measurements might impose a burden on the individual carriers, the Commission proposes to publish on a yearly basis this reference material showing the cubic measurements as prescribed by the manufacturers for each particular make and model of automobile for the last 5 model years. This would be a continuous publication. The publication would contain the cubic measurement for the five most recent model years and each succeeding year the earlier model year would be omitted from the publication and the latest model year added. The individual carriers can adopt this publication or in the alternative republish the cubic measurements in its own tariff. The subscription cost to each carrier for the reference publication will be the cost per copy incurred by the FMC in compiling and publishing the material.

Comments on the original and revised rules were received from various interested parties. The Commission has considered the comments and has decided to adopt, with certain minor changes as discussed below, the revised rules as published on September 2, 1966.

The second full sentence of page 2 of the preamble to the September 2, 1966, revised proposal reads:

Each year new models will be added and the last 5 years' model omitted from each succeeding publication.

It was suggested that this language was ambiguous and that clearer language be incorporated in the text of the rules to reflect this provision. We agree. The adopted rules were amended to reflect these suggestions.

It was also suggested that the proposed rules be modified to provide that the standards of weight to be used in computting ocean freight charges should also be those prescribed by the manufacturers. In the original proposed rules as published on July 28, 1964, such a provision was embodied. After considering carrier comments this provision was rejected as not being feasible. The adopted rule requires that each automobile moving on a weight basis for rating purposes shall be weighed by the carrier, if possible, or by the shipper.

It was argued that to require carriers to rely on cubic measurements prepared by parties over which the carrier has no control would be arbitrary and unreasonable and could constitute a denial of due process of law. The Commission does not consider this to be a viable argument. Information received by this Commission indicates that tables issued by the manufacturer are extremely reliable and that carriers normally accepted these tables as correct. The carrier is thus saved the trouble of measuring each vehicle and the shipper can accurately predict the shipping costs.

Opposition was also expressed to the proposed rules on the grounds that the Commission proposes to enter into competition with private industry by publishing a tariff. The Commission does not propose to publish a tariff but only reference material showing the measurements as prescribed by the manufacturers. The Commission feels the publication is consistent with its duty to prevent discriminatory rates in the domestic offshore trade. Moreover, independent private publishing houses are in no way precluded from publishing tariffs utilizing the measurements compiled by the Commission.

Some confusion was expressed concerning whether this rule would be applicable to shipments of automobiles to or from foreign ports. Part 531 of Title 46 CFR applies only to the domestic offshore trade and accordingly foreign ports will not be affected. To eliminate any future confusion in this regard we are adding the phrase "In the Domestic Offshore Trade" to the heading of Part 531.

Comments and arguments not discussed nor reflected herein have been considered by the Commission and found not justified or not material.

Therefore, pursuant to section 4, Administrative Procedure Act (5 U.S.C. 1003), sections 2, 4, and 7 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844, 845(a), and 847) and section 43 of the Shipping Act, 1916 (46 U.S.C. 841 (a)), Part 531 of Title 46 CFR is hereby amended as set forth below:

1. The heading of Part 531 is amended to read as set forth above.

2. Section 531.5 is amended by adding a new paragraph (i) as follows:

§ 531.5 Contents of tariff publications.

* * * * *

(i) Tariffs naming rates and charges for the transportation of automobiles shall contain either a (measurement) rule or, in the alternative, a (weight) rule governing such transportation. The measurement and weight rules shall be worded substantially as subparagraphs (1) and (2), respectively, of this paragraph.

(1) In the computation of charges for the transportation of automobiles, the cubic measurements for the five most recent model years will be those prescribed by the manufacturer of the particular make and model as shown on pages _____ to _____ herein. Or (as shown in Federal Maritime Commission's Publication No. 1 entitled "Automobile Manufacturers' Measurements.")[1]

(i) Automobiles whose measurements are not shown in the carrier's tariff or in the Federal Maritime Commission's Publication No. 1 entitled "Automobile Manufacturers' Measurements", whichever is controlling, shall be individually measured by the carrier for rating purposes.

(ii) Automobiles which, because of added accessories or equipment, vary in dimensions from the standard measurements shown in the carrier's tariff or in the Federal Maritime Commission's Publication No. 1 entitled "Automobile Manufacturers' Measurements" shall be individually measured by the carrier for rating purposes. The fact that such vehicles were individually measured by the carrier and the actual variation from the standard measurement (in cubic feet) shall be noted on the bill of lading.

(2) Freight charges for transportation of automobiles on a weight basis shall be determined by individually weighing each automobile on the carrier's scale. Where the carrier does not provide weighing facilities, the shipper shall have the vehicle weighed and provide the carrier with a certification showing the weight thereof.

[1] Parenthetical clause to be used, as appropriate, in lieu of "as shown on pages _____ to _____ herein."

Effective date. The rules contained in this amendment shall be effective 60 days after date of publication in the FEDERAL REGISTER.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 67-5620; Filed, May 18, 1967; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SULFANITRAN, AKLOMIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Salsbury Laboratories, Charles City, Iowa 50616, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of a combination drug containing aklomide (2-chloro-4-nitrobenzamide) and sulfanitran (acetyl-*p*-nitrophenyl)-sulfanilamide) in the drinking water of chickens for the treatment of coccidiosis. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended in Subpart C in the following respects:

1. Section 121.264(c) is amended by designating the table therein as "Table 1—Sulfanitran in Animal Feed" and by adding thereto a new Table 2, as follows:

§ 121.264 Sulfanitran (acetyl-(*p*-nitrophenyl)-sulfanilamide).

* * * * *

(c) * * *

TABLE 2—SULFANITRAN IN DRINKING WATER

Principal ingredient	Milligrams per gallon	Combined with—	Milligrams per gallon	Limitations	Indications for use
Sulfanitran.....	374-747	Aklomide.....	477-954	For chickens; administer for 2 days at 747 mg. of sulfanitran per gallon and 954 mg. of aklomide per gallon, followed by 5 days at 374 mg. of sulfanitran per gallon and 477 mg. of aklomide per gallon; do not treat birds over 6 weeks of age; do not administer within 5 days of slaughter; not for laying chickens.	As an aid in the treatment of coecidiosis caused by *E. tenella E. necatrix*, and *E. acervulina*.

* * * * * * *

2. Section 121.269(c) is amended by designating the table therein as "Table 1—Aklomide in Animal Feed" and by adding thereto a new Table 2, as follows:

§ 121.269 Aklomide (2-chloro-4-nitrobenzamide).

* * * * * * *

(c) * * *

TABLE 2—AKLOMIDE IN DRINKING WATER

Principal ingredient	Milligrams per gallon	Combined with—	Milligrams per gallon	Limitations	Indications for use
Aklomide.....	477-954	Sulfanitran....	374-747	For chickens; administer for 2 days at 954 mg. of aklomide per gallon and 747 mg. of sulfanitran per gallon, followed by 5 days at 477 mg. of aklomide per gallon and 374 mg. of sulfanitran per gallon; do not treat birds over 6 weeks of age; do not administer within 5 days of slaughter; not for laying chickens.	As an aid in the treatment of coccidiosis caused by *E. tenella, E. necatrix*, and *E. acervulina*.

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 11, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-5613; Filed, May 18, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

N-OCTYLBICYCLOHEPTENE DICARBOXIMIDE, PIPERONYL BUTOXIDE, AND PYRETHRINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6H1946) filed by McLaughlin Gormley King Co., 1715 Southeast Fifth Street, Minneapolis, Minn. 55414, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of a combination of *N*-octylbicycloheptene dicarboximide, piperonyl butoxide, and pyrethrins as an insecticide in food-processing and storing areas.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to § 121.1074 new paragraphs (b) and (c)(3) and by revising paragraph (d) of that section; by adding to § 121.1075 new paragraphs (b) and (c)(3) and by revising paragraph (d) of that section; and by adding new § 121.1205. The affected portions read as follows:

§ 121.1074 Piperonyl butoxide.

* * * * *

(b) It is used or intended for use in combination with pyrethrins and *N*-octylbicycloheptene dicarboximide for insect control in accordance with § 121.1205.

(c) * * *

(3) Foods treated in accordance with § 121.1205.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture, and it shall be used in accordance with such label and labeling.

* * * * *

§ 121.1075 Pyrethrins.

* * * * *

(b) It is used or intended for use in combination with piperonyl butoxide and *N*-octylbicycloheptene dicarboximide for insect control in accordance with § 121.1205.

(c) * * *

(3) Foods treated in accordance with § 121.1205.

(d) To assure safe use of the additive, its label and labeling shall conform to

that registered with the U.S. Department of Agriculture, and it shall be used in accordance with such label and labeling.

* * * * *

§ 121.1205 *N*-octylbicycloheptene dicarboximide.

The food additive *N*-octylbicycloheptene dicarboximide may be safely used in accordance with the following prescribed conditions:

(a) It is used in combination with piperonyl butoxide and pyrethrins for insect control in food-processing and food-storage areas, provided that the food is removed or covered prior to such use.

(b) Residues in food resulting from the use described in paragraph (a) of this section shall not exceed 10 parts per million of *N*-octylbicycloheptene dicarboximide, 10 parts per million of piperonyl butoxide, and 1 part per million of pyrethrins.

(c) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture and it shall be used in accordance with such label and labeling.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 11, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-5611; Filed, May 18, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4H1443) filed by Wyandotte Chemicals Corp., Wyandotte, Mich. 48192, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of a sanitizing solution, identified below, on food-processing equipment and utensils and on glass bottles and other glass containers intended for holding milk. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2547 is amended by revising the introduction to the section and by adding respectively to paragraphs (b) and (c), new subparagraphs (7) and (5), as follows:

§ 121.2547 Sanitizing solutions.

Sanitizing solutions may be safely used on food-processing equipment and utensils, and on other food-contact articles as specified in this section, within the following prescribed conditions:

* * * * *

(b) * * *

(7) An aqueous solution containing dodecylbenzenesulfonic acid, polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,800), together with components generally recognized as safe. In addition to use on food-processing equipment and utensils, this solution may be used on glass bottles and other glass containers intended for holding milk.

(c) * * *

(5) Solutions identified in paragraph (b)(7) of this section will provide not more than 400 parts per million of dodecylbenzenesulfonic acid and not more than 80 parts per million of polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,800).

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 11, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-5612; Filed, May 18, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1060]

[Docket No. AO 360]

MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed marketing agreement and order regulating the handling of milk in the Minnesota-North Dakota marketing area, which was issued April 28, 1967 (32 F.R. 6872), is hereby extended to June 5, 1967.

Signed at Washington, D.C., on May 16, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-5641; Filed, May 18, 1967; 8:51 a.m.]

[7 CFR Part 1063]

MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Notice of Proposed Suspension or Termination of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension or termination of certain provision of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area is being considered for a period beginning May 1, 1967.

The provision proposed to be suspended or terminated is the phrase "(except plants)" in § 1063.10(a), relating to the qualification of a pool distributing plant.

Suspension or termination of this provision would result in § 1063.10(a) reading as follows:

§ 1063.10 Pool plant.

* * * * *

(a) A distributing plant from which a volume of Class I milk not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area.

* * * * *

The proposed suspension or termination would make it possible for route sales which are delivered to other plants to be included in the Class I route sales which are required to qualify a distributing plant for pool status.

Termination of this provision was requested by a handler who operates a distributing plant which packages Class I products and moves large quantities of such products to other plants. Unless this provision is suspended the handler may not meet the requirements for pool status of this plant during May 1967. The cooperative association of producers which is the handler's principal supplier has also requested the suspension.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension or termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on May 16, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-5642; Filed, May 18, 1967; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 8015]

AIRWORTHINESS DIRECTIVES

Allison-Aero Products Models A6441FN-606, A6441FN-606A Propellers

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Allison-Aero Products Models A6441FN-606 and A6441FN-606A propellers installed on Convair Models 340/440 airplanes modified in accordance with STC SA 4-1100 and Lockheed Model 188 series airplanes. There have been instances of failure in the torque unit components of these propellers which indicate that the pitch lock system may not be adequate to prevent serious overspeeds. Since this condition is likely to exist or develop in other propellers of the same design, and in order to make the propeller pitch lock more effective under remote combinations of critical component failures, the proposed AD would require, on or before November 1, 1967, modification of Allison-Aero Products Models A6441FN-606 and A6441FN-606A propellers by the installation of a restrictor in the increase pitch port of each hub island and the replacement of the master gear retention bolts with those having higher strength.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Docket Number and be submitted in duplicate to the Director, Central Region, Attention: Regional Counsel, Airworthiness Rules Docket, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new AD:

ALLISON-AERO PRODUCTS. Applies to Models A6441FN-606 and A6441FN-606A propellers installed on Allison-Convair Model 340/440 airplanes modified in accordance with STC SA 4-1100 or Lockheed Model L-188 series airplanes.

Compliance required as indicated, unless already accomplished.

To prevent serious overspeeds and to make the propeller pitch lock more effective under remote combinations of critical component failures, accomplish the following:

(a) On or before November 1, 1967, install Part No. 6859637 restrictor in the increase pitch port of each hub island, as outlined in Allison Commercial Service Letter CSL 189, pages 14 and 15, paragraph C2b (1), (2), (3), and (4), entitled "Hub Assembly—Preparation for Assembly."

(b) On or before November 1, 1967, remove the eight master gear retention bolts and install eight Part No. 6859722 bolts as

replacements, as outlined in Allison Commercial Service Letter CSL 189, page 28, paragraph C8b(5), entitled "Hub Final Assembly—Install Master Gear Assembly."

Issued in Kansas City, Mo., on May 10, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-5601; Filed, May 18, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-56]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the St. Paul, Minn., control zone.

The St. Paul, Minn., control zone is presently designated as follows:

That airspace within a 5-mile radius of St. Paul Downtown Airport (Holman Field) (latitude 44°56'06" N., longitude 93°03'39" W.), and within 2 miles each side of the St. Paul VOR 295° radial, extending from the 5-mile radius zone to the VOR, excluding the portion which overlies the Minneapolis, Minn., control zone and excluding the area within a 1-mile radius of Fleming Field (latitude 44°51'29" N., longitude 93°01'59" W.), from 0600 to 2200 hours, local time, daily.

Due to the present designation of the control zone, any change in the hours during which the control zone is effective requires rule making action which is often time consuming. This requirement will be eliminated by altering the control zone designation to permit its effective hours to be changed by NOTAM. As a result, and having completed a comprehensive review of the terminal airspace structural requirements at St. Paul Downtown Airport (Holman Field), St. Paul, Minn., the Federal Aviation Administration proposes the following airspace action:

Redesignate the St. Paul, Minn., control zone as that airspace within a 5-mile radius of St. Paul Downtown Airport (Holman Field) (latitude 44°56'06" N., longitude 93°03'39" W.), and within 2 miles each side of the St. Paul VOR 295° radial, extending from the 5-mile radius zone to the VOR, excluding the portion which overlies the Minneapolis, Minn., control zone and excluding the area within a 1-mile radius of Fleming Field (latitude 44°51'29" N., longitude 93°01'59" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

During the time the proposed control zone is in effect, it will provide controlled airspace protection for aircraft executing prescribed arrival and departure procedures at St. Paul Downtown Airport (Holman Field) during descent below 1,000 feet above the surface and during climb to 700 feet above the surface. The control zone will continue to be effective during the hours that the FAA control tower is in operation at St. Paul Downtown Airport, presently from 0600 to 2200 hours, local time, daily. The FAA will continue to provide weather observations and disseminate weather information during the times that the control zone is in effect. In the event the hours for the operation of the control tower change, the effective times of the control zone will change. When this occurs, notice will be given prior to any such change by a Notice to Airmen, and continuously published thereafter in the Airman's Information Manual.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communicatons should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on May 2, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-5602; Filed, May 18, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-55]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the Oshkosh, Wis., control zone.

The Oshkosh, Wis., control zone is presently designated as follows:

That airspace within a 5-mile radius of Winnebago County Airport (latitude 43° 59'20" N., longitude 88°33'15" W.); within 2 miles each side of the Oshkosh VOR 176° radial, extending from the 5-mile radius zone to 7 miles S of the VOR; and within 2 miles each side of the Oshkosh ILS localizer W course, extending from the 5-mile radius zone to 5.5 miles W of the W end of Runway 9, from 0700 to 2300 hours, local time, daily.

Since designation of this part-time control zone, the instrument approach procedure for Winnebago County Airport has been modified. The present control zone does not adequately protect this modified procedure. In addition, due to the present designation of the control zone, any change in the hours during which the control zone is effective requires rule making action which is often time consuming. This requirement will be eliminated by altering the control zone designation to permit its effective hours to be changed by NOTAM. As a result, and having completed a comprehensive review of the terminal airspace structural requirements at Winnebago County Airport, Oshkosh, Wis., the Federal Aviation Administration proposes the following airspace action:

Redesignate the Oshkosh, Wis., control zone as that airspace within a 5-mile radius of Winnebago County Airport (latitude 43°59'20" N., longitude 88°33'-15" W.); within 2 miles each side of the Oshkosh VOR 175° radial, extending from the 5-mile radius zone to 7 miles S of the VOR; and within 2 miles each side of the Oshkosh ILS localizer W course, extending from the 5-mile radius zone to 5.5 miles W of the W of Runway 9. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

During the times the proposed control zone is in effect, it will provide controlled airspace protection for aircraft executing prescribed arrival and departure procedures at Winnebago County Airport during descent below 1,000 feet above the surface and during climb to 700 feet above the surface. The control zone will continue to be effective during the hours that the FAA control tower is in operation at Winnebago County Airport, presently from 0700 to 2300 hours, local time, daily. The FAA will continue to provide weather observations and disseminate weather information during the times that the control zone is in effect. In the event the hours for the operation of the control tower change, the effective times of the control zone will change. When this occurs, notice will be given prior to any such change by a Notice to Airmen, and continuously published thereafter in the Airman's Information Manual.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they

may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on May 3, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-5603; Filed, May 18, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-25]

CONTROL AREA EXTENSION AND TRANSITION AREA

Proposed Revocation and Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Battle Mountain, Nev., area.

Controlled airspace for prescribed instrument procedures for Lander County Airport is currently provided by the Battle Mountain, Nev., control area extension in conjunction with the airways structure in the vicinity of the Battle Mountain, Nev., VOR. This airspace is floored at 700 feet above the surface. In order to provide a less restrictive designation of airspace, the FAA proposes to revoke the Battle Mountain control area extension and describe a transition area in lieu thereof. Such action will reduce the area of controlled airspace and raise the floor of the greater portion of the transition area to 1,200 feet above the surface.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

In consideration of the foregoing, the FAA proposes the following airspace actions:

1. In § 71.165 (32 F.R. 2068) the Battle Mountain, Nev., control area extension is revoked.

2. In § 71.181 (32 F.R. 2148) the following transition area is added:

BATTLE MOUNTAIN, NEV.

That airspace extending upward from 700 feet above the surface, within a 5-mile radius of Lander County Airport (latitude 40°36'00" N., longitude 116°52'15" W.), and within 2 miles each side of the Battle Mountain VOR 218° radial, extending from the 5-mile radius area to 8 miles SW of the VOR; that airspace extending upward from 1,200 feet above the surface, within 9 miles N and 6 miles S of the Battle Mountain VOR 077° and 257° radials, extending from 18 miles E to 2 miles W of the VOR, within 8 miles NW and 5 miles SE of the Battle Mountain VOR 038° and 218° radials, extending from 4 miles NE to 14 miles SW of the VOR, and within 5 miles each side of the Battle Mountain VOR 218° radial, extending from 14 miles to 26 miles SW of the VOR..

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on May 12, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67-5604; Filed, May 18, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-24]

FEDERAL AIRWAY SEGMENTS

Proposed Extension, Designation, and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate a south alternate segment to VOR Federal airway No. 16; extend VOR Federal airway No. 222 and revoke VOR Federal airway No. 260 south alternate segment.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration proposes the following airspace actions:

1. Designate V-16 south alternate segment from Pulaski, Va., with a 1,200-foot AGL floor via the intersection of the Pulaski 094°T (097°M) and Lynchburg, Va., 253°T (257°M) radials; Lynchburg; to Gordonsville, Va.

2. Realign and extend V-222 segment from Lynchburg with a 1,200-foot AGL floor via the intersection of Lynchburg 058°T (062°M) and Brooke, Va., 230°T (236°M) radials; Brooke; to the intersection of the Brooke 045°T (051°M) and Richmond, Va., 009°T (015°M) radials.

3. Revoke V-260 south alternate segment from Roanoke, Va., to Lynchburg.

The proposed alteration and extension of V-222 would provide an alternate departure route from the Washington, D.C., terminal area to terminals southwest of Washington. In addition, its utilization would relieve traffic density in the vicinity of the Casanova, Va., and Gordonsville VORTAC's. The proposed designation of V-16 south alternate between Pulaski and Gordonsville would provide single numbered route by-passing the Roanoke terminal area and would eliminate the need for retention of V-260 south alternate segment between Roanoke and Lynchburg.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 11, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-5605; Filed, May 18, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-52]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Dubuque, Iowa, terminal area.

The Dubuque, Iowa, transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.), within 8 miles SW and 5 miles NE of the Dubuque VORTAC 321° radial, extending from the VORTAC to 12 miles NW of the VORTAC, and within 8 miles NE and 5 miles SW of the Dubuque 126° radial, extending from the VORTAC to 12 miles SE of the VORTAC; and that airspace exending upward from 1,200 feet above the surface within an 18-mile radius of the Dubuque VORTAC, and that area bounded on the N by the S edge of V-100, on the E by the W edge of V-63, on the S by the N edge of V-172, on the W by the E edge of V-67, excluding the portions which coincide with Cedar Rapids, Iowa, and Waterloo, Iowa, transition areas.

The Federal Aviation Administration, having completed a comprehensive review of the terminal airspace structural requirements in the Dubuque, Iowa, terminal area, which revealed the need for revising the designated transition area at Dubuque, Iowa, proposes the following airspace action:

Redesignate the Dubuque, Iowa, transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'55" W.), within 8 miles SW and 5 miles NE of the Dubuque VORTAC 321° radial, and within 8 miles NE and 5 miles SW of the Dubuque VORTAC 126° radial extending from the VORTAC to 12 miles NW and SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence W along latitude 42°05'00" N., to and N along longitude 92°15'00" W., to and counterclockwise along the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC, to and E along the S edge of V-100, to and clockwise along the arc of a 29-mile radius circle centered on the Dubuque VORTAC, to and SE along the SW edge of V-218, to and S along longitude 89°55'00" W., to and SW along the NW edge of V-63, to and W along the N edge of V-172, to and N along longitude 91°00'00" W., to the point of beginning.

The proposal contained herein will not change the existing 700-foot floor transition area as it is presently designated at Dubuque, Iowa.

The proposed additional 1,200-foot floor transition area will permit the Chicago Air Route Traffic Control Center to provide more efficient air traffic radar vectoring services to aircraft operating between Dubuque, Iowa, and surrounding terminal areas. It will also permit the Chicago Center to use this additional transition area for radar positioning of aircraft arriving and departing Dubuque, Iowa.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floors of the transition area.

No procedural changes will be effected in conjunction with the actions proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on May 3, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-5623; Filed, May 18, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-12]

ADDITIONAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the following additional control area at Omak, Wash.

That airspace extending upward from 5,500 feet MSL and within 5 miles each side of a line extending from the Omak radio beacon (latitude 48°27'30" N., longitude 119°30'45" W.), to the Ephrata, Wash., VOR.

This controlled airspace would provide access to the Federal airway structure for IFR aircraft operating to and from Omak airport.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 15, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-5624; Filed, May 18, 1967; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

RAW HUMAN HAIR

Importation Directly From Taiwan (Formosa); Available Certification by Government of Republic of China

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodity:

Human hair, raw.

A previous notice announced the availability of certificates of origin for "hair, human, processed (wigs, etc.)." All of the hair products included in this category along with "human hair, raw" are now certifiable under the category "Hair, human, raw and processed (wigs, etc.)."

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-5631; Filed, May 18, 1967; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DEPUTY ADMINISTRATOR ET AL.

Redelegations of Authority

The Redelegations of Authority published in the FEDERAL REGISTER November 14, 1964 (29 F.R. 15295), as amended January 29, 1965 (30 F.R. 957), August 13, 1965 (30 F.R. 10121), April 8, 1966 (31 F.R. 5577), May 28, 1966 (31 F.R. 7724), and April 21, 1967 (32 F.R. 6304), are hereby further amended by revising as follows:

Section 1 is revised to read as follows:

1. *Acting Administrator—succession and authority.* a. The line of succession as Acting Administrator is prescribed in the Departmental Manual (302 DM 4.13) and provides that in case of the death, resignation, or absence of the Administrator, the following officers or employees shall act as Administrator in the order indicated:

(1) Deputy Administrator;

(2) Assistant Administrator for Power Management (Power Manager);

(3) Assistant Administrator for Administrative Management (Director of Administrative Management);

(4) Assistant Administrator for Engineering (Chief Engineer);

(5) In the event the above officials are unavailable, the Administrator may designate any one of the following to act as Administrator for a period not to exceed 7 days: Assistant Power Manager, Assistant Director of Administrative Management, Assistant Chief Engineer, Field Operations Officer, Assistant to the Administrator, or Assistant to the Administrator—Operations and Policy.

b. The Acting Administrator shall perform the duties and exercise the powers of the Administrator except where otherwise provided by law, or Departmental regulation. Any person exercising the functions of the Acting Administrator shall sign documents as "Acting Administrator."

(302 DM 4.13)

Section 3.c is revised to read as follows:

3. *Designation of acting officials other than Acting Administrator.* * * *

c. Employees serving in an acting capacity shall perform the duties and exercise the powers of the position and shall sign all documents in an acting capacity. Records shall be kept of periods during which and by whom the duties of the position are temporarily assumed.

(302 DM 1)

* * * * *

Section 4 is amended by adding paragraph 4.d as follows:

4. *Delegated authority—limitation.* * * *

d. The following contracting authority is retained by the Administrator:

(1) Power contracts, except as provided in Section 9 of these redelegations;

(2) Contracts negotiated without advertising for services to be rendered by any educational institution;

(3) Contracts negotiated without advertising for professional services for industrial, economic, engineering and related studies necessary to carry out the power planning and power marketing activities except as provided in Section 6 of these redelegations;

(4) Sale and acquisition of electric utility system real properties;

(5) Compromise or final settlement of any claim pursuant to section 2(f) of the Bonneville Act except as provided in section 9, paragraph (2) of these redelegations with regard to power contracts, and as provided in section 10, paragraph a. with regard to all other contracts.

* * * * *

Section 6 is revised to read as follows:

6. *Negotiated contracts.* a. The Assistant to the Chief Engineer (Programs Management) may negotiate and execute contracts without advertising, for professional engineering and architectural services pursuant to section 302(c) (4) and (10) of the Federal Property and Administrative Services Act of 1949 as amended, 41 U.S.C. 252, and the limitations prescribed by the Secretary of the Interior.

(205 DM 11.4) (404 DM 1)

b. Officials who are authorized to execute contracts for materials, equipment, and services (including construction and clearing) may negotiate for property and services (except as provided in section 4 of these redelegations) within the scope of their general redelegations, and within the limitations prescribed by the Secretary of the Interior. Such authority to negotiate includes circumstances where laws or regulations applicable to the Administrator, and redelegable by him, exempt the contracts from advertising requirements, including those circumstances where prerequisite determinations to negotiate are made by the Administrator or higher authority.

Section 7 is revised to read as follows:

7. *Land activities.* a. The Chief, Branch of Land, may:

(1) Authorize the acquisition of all interests in real estate necessary for the Administration's program, except electric utility system real properties, and authorize payment therefor;

(2) Negotiate and execute agreements for the acquisition of all interests in real estate and other rights and privileges pertaining to real property necessary for the Administration's program, except electric utility system real properties;

(3) Approve appraisals;

(4) Negotiate for the disposal of land and real property rights, except electric utility system real properties, for which the Administration is the authorized disposal agency under delegations heretofore or hereafter made pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 378, as amended, 40 U.S.C. 471 to 492 (1964);

(5) Execute conveyances for the full or partial release of easement rights relating to roads or highways to a State, political subdivision thereof, instrumentality of a State, and to a municipal corporation;

(6) Execute conveyances for the full or partial release of land and real property rights which are excess to the Administration's needs where the appraised value of the property being conveyed is less than $1,000;

(7) Determine, for the purpose of making reimbursements pursuant to the Act of May 29, 1958, 72 Stat. 152, 43 U.S.C. 1231 to 1234 (1958), the fair value of any parcel of land acquired by the Administration, fix the amounts of reimbursement to which owners and tenants of such parcels of land may be entitled under said Act for moving expenses, losses and damages, and authorize payment therefor;

(8) Execute agreements under which the Administration grants rights or privileges pertaining to real property;

(9) Authorize the publication of advertisements, notices, or proposals when required by law, and authorize payment therefor, pursuant to section 3828 of the Revised Statutes, 16 Stat. 308, 44 U.S.C. 324 (1964);

(10) Execute trust fund agreements for the accomplishment of work for others relating to real property owned by the Government, and other agreements necessary for the protection of land rights obtained by the Government, except those involving power contracts;

(11) Issue purchase orders for procuring title services.

b. The Head, Appraisal Section, may exercise the authority described in subparagraph a.(3) of this section.

c. The Assistant Chief, Branch of Land, the Head, Acquisition Section, and the Head, Title Section, each may exercise the authority described in subparagraphs a.(2) and (4) of this section and, when the amount involved does not exceed $2,500, the authority described in subparagraphs a.(1), (8), (9), and (10) of this section.

d. The Head, Title Section, may exercise the authority described in subparagraph a.(11) of this section when the amount of the purchase order does not exceed $1,500 and the Conveyances Examiner for title services may exercise similar authority when the amount of the purchase order does not exceed $100.

(Secretary's Order No. 2840, 24 F.R. 3615; 205 DM 5.1; 205 DM 10, 28 F.R. 9884)

Section 8 is amended by revising paragraph a. to read as follows:

8. *Construction and clearing contracts* * * *

a. The Assistant to the Chief Engineer (Interties and Contracts) may execute contracts and amendments to contracts for construction or clearing.

* * * * *

Dated: May 11, 1967.

DAVID S. BLACK,
Administrator.

[F.R. Doc. 67-5586; Filed, May 18, 1967; 8:46 a.m.]

Office of the Secretary

RALPH F. BOVIER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Add Martin Marietta Corp. Add Manhatten Fund. Inc.
(3) No change.
(4) No change.

This statement is made as of May 11, 1967.

Dated: May 11, 1967.

RALPH F. BOVIER.

[F.R. Doc. 67-5588; Filed, May 18, 1967; 8:47 a.m.]

WILLIAM ANGUS DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 9, 1967.

Dated: May 9, 1967.

WILLIAM ANGUS DAVIS.

[F.R. Doc. 67-5589; Filed, May 18, 1967; 8:47 a.m.]

FRANKLIN STUART FEHR

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Metropolitan Edison Co., 3.8-percent preferred, 3 shares; First National Bank of Bernville, common, 4 shares; New York State Electric & Gas Corp., common, 8 shares; General Public Utilities Corp., common, 88 shares.
(3) No change.
(4) No change.

This statement is made as of May 9, 1967.

Dated: May 9, 1967.

F. STUART FEHR.

[F.R. Doc. 67-5590; Filed, May 18, 1967; 8:47 a.m.]

DONALD B. GREGG

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 14, 1967.

Dated: May 8, 1967.

DONALD B. GREGG.

[F.R. Doc. 67-5591; Filed, May 18, 1967; 8:47 a.m.]

WILLIAM C. PORTER, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 10, 1967.

Dated: May 10, 1967.

W. C. PORTER, Jr.

[F.R. Doc. 67-5592; Filed, May 18, 1967; 8:47 a.m.]

GEORGE LESTER WILKINS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of May 9, 1967.

Dated: May 9, 1967.

GEO. L. WILKINS.

[F.R. Doc. 67-5593; Filed, May 18, 1967; 8:47 a.m.]

SETH N. WITTS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) (a) Deletions: Alleghany Corp., Lionel Corp., North American Van Lines; (b) additions: None.
(3) No change.
(4) No change.

This statement is made as of May 9, 1967.

Dated: May 9, 1967.

SETH N. WITTS.

[F.R. Doc. 67-5594; Filed, May 18, 1967; 8:47 a.m.]

Southwestern Power Administration

[SPA General Order No. 218; Amdt. 1]

CHIEF, DIVISION OF ADMINISTRATIVE SERVICES, ET AL.

Contracting and Procurement; Redelegation of Authority

MAY 4, 1967.

Sections 3, 4, and 5 of SPA General Order No. 218, as published in 30 F.R. 11926, Number 180, September 17, 1965, are hereby revised to conform to recent internal reorganization and position title changes.

Section 3 is revised to read as follows:

SEC. 3. *Procurement contracts (general).* The Chief, Division of Administrative Services, the Assistant Chief, Division of Administrative Services, the Chief, Branch of Supply, the Chief, Procurement Section, and the Contract Specialist in the Branch of Supply, are designated Contracting Officers and are authorized to:

.01 Enter into procurement contracts and amendments or modifications thereof for supplies or services, including construction contracts, except for authority to award, administer, and terminate construction contracts as specifically assigned to others in section 4 hereof (205 DM 11.1, 26 F.R. 11748); acquire electric utility facilities including land upon which they are located and used incident thereto (270 DM 2.1, 32 F.R. 63); lease special purpose space and facilities (Secretary's Order No. 2509, as amended, 22 F.R. 5778); and make all determinations, findings, and commitments incident to disposal of surplus personal property (205 DM 9.4, 26 F.R. 3543).

.02 Negotiate and enter into contracts without advertising pursuant to the provisions of section 302(c), 1 to 14, inclusive, of the Federal Property and Administrative Services Act of 1949, as amended, subject to the provisions and limitations of 205 DM 11.4A, B, C, and D (27 F.R. 9359).

Section 4 is revised to read as follows:

SEC. 4. *Construction contracts.* The Chief, Division of Power, the Assistant Chiefs, Division of Power, the Chief, Branch of Construction and Maintenance, the Assistant Chiefs, Branch of Construction and Maintenance, and the Chief, Contracting Unit, are designated Contracting Officers and are authorized to award, administer, and terminate procurement contracts developed through negotiation or advertising for competitive sealed bids for construction of electric transmission lines, related facilities and supplies and services for construction projects, including amendments and modifications thereof (205 DM 11.1, 26 F.R. 11748). This authority extends to all related actions subsequent to award, except as assigned to others in section 3 hereof.

Section 5 is revised to read as follows:

SEC. 5. *Power contracts.* The Chief, Division of Power, the Assistant Chiefs, Division of Power, and the Chief, Branch of Customer Service are authorized, subject to applicable statutes, executive orders, and directives of the Secretary of the Interior, to exercise the authority delegated to the Administrator, Southwestern Power Administration, by the Secretary of the Interior under 270 DM 2.1 (32 F.R. 63) and 270 DM 2.2 (28 F.R. 6198), to enter into contracts for the sale or interchange of electric power and energy.

Dated: May 8, 1967.

DOUGLAS G. WRIGHT,
Administrator.

[F.R. Doc. 67-5587; Filed, May 18, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[P.P.C. 640 Rev.]

GYPSY AND BROWN-TAIL MOTHS

Revision of List of Establishments

Pursuant to § 301.45(b)(2) of the gypsy moth and brown-tail moth quarantine (Notice of Quarantine No. 45, 7 CFR 301.45), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the list of specifically approved establishments eligible to ship stone and quarry products without a gypsy moth certification or permit (30 F.R. 9012, 31 F.R. 7636, 32 F.R. 336) is hereby revised to read as follows:

MAINE

Establishment or Dealer; Address; Product

Deer Island Granite Corp.; Stonington; Granite.
Deer Island Granite Products Corp.; Stonington; Granite.
Hocking Granite Co.; Clark Island; Granite.
Lime Products Corp.; Union; Lime Rock.
Lime Products Corp.; Warren; Lime Rock.
Rockland-Rockport Lime Co.; 457 Main Street, Rockland; Lime Rock.
The John Swenson Granite Co., Inc.; Highpine; Granite.
The John Swenson Granite Co., Inc.; Ogunquit; Granite.
The John Swenson Granite Co., Inc.; Vinal Haven; Granite.

MASSACHUSETTS

Bates Bros. Seam-Face Granite Co.; 1372 Hancock Street, Quincy; Granite.
Berkshire Pink Granite Co.; Lee Road, Becket; Pink Granite.
Caniff, W. C. & Sons, Inc.; 64–84 Penn Street, Quincy; Granite.
Carrigg, Thos. & Son, Monuments; 165 Brook Road, Quincy; Granite.
Chester Granite Co.; Chester; Granite.
Chester Granite Industries Co.; Chester; Granite.
Colonial Granite Co.; 34 Intervale Street, Quincy; Granite.

MASSACHUSETTS—Continued

Eastern Quarries, Inc.; Route 53, Hingham; Granite.
Erikson, E. A., Monumental Works; 3 Garfield Street, Quincy; Granite.
Fletcher, H. E., Co.; Milford; Granite.
Fletcher, H. E., Co.; West Chelmsford; Granite.
Forest Road Granite Co.; 20 Adams Street, North Chelmsford; Granite.
Goldbranson & Co., Inc. (D)*; 106 Merrimount Road, Quincy; Granite.
Guilmette Bros. Granite Quarry; 57 Ledge Road, Westford; Granite.
Hancock Monument Co.; 366 Centre Street, Quincy; Granite.
Lincoln Granite Co.; 400 Centre Street, Quincy; Granite.
McCormick-Longmeadow Stone Co.; East Longmeadow; Brown Sandstone.
Monti, A., Granite Co., Inc.; 260–262 Centre Street, Quincy; Granite.
Morris Bros. Granite Co.; Box 277, North Chelmsford; Granite.
Morse Granite Co. (D)*; 241–243 Willard Street, Quincy; Granite.
Oak Hill Quarries; Box 708, Lowell; Granite.
Otis-Chester Granite Co.; Box 24, Chester; Granite.
Persson, Karl A.; Rockport; Granite.
Peruzzi Bros.; 86 Centre Street, Quincy; Granite.
Plymouth Quarries, Inc.; Route 53, Hingham; Granite.
Premier Granite & Polishing Co., Inc.; 52–64 Vernon Street, Quincy; Granite.
Quincy Memorial Co., Inc.; 218 Willard Street, Quincy; Granite.
Ricciardi & Son Granite Co.; 218 Willard Street, West Quincy; Granite.
Rockport Quarries Co., Inc.; Rockport; Granite.
Rolly, L. J. (D)*; Box 303, Highland Station, Springfield; Granite.
Ruscitto, Antonio & Sons, Inc.; 159 Brook Road, Quincy; Granite.
Settimelli, Emanuel & Sons, Inc.; 24 Totman Street, Quincy; Granite.
Swingle, J. S., Inc.; Quarrywood Lane, Quincy; Granite.
United Granite Co.; 106 Columbia Street, Quincy; Granite.
Volpe, L. & Sons, Inc.; 3 Nightingale Avenue, Quincy; Granite.
W. Quincy Granite & Polishing Co.; 253 Willard Street, West Quincy; Granite.

NEW HAMPSHIRE

H. E. Fletcher Co.; Madison; Granite.
The John Swenson Granite Co., Inc.; Concord; Granite.

NEW JERSEY

Samuel Braen's Sons; Central Avenue, Haledon (Mail: Brookside Avenue, Wyckoff); Basalt.
Samuel Braen's Sons; Route 23, Hamburg (Mail: Brookside Avenue, Wyckoff); Gneiss.
Samuel Braen's Sons; Route 23, Riverdale (Mail: Brookside Avenue, Wyckoff); Gneiss.
Anthony Ferranti & Sons, Inc.; Mine Brook Road, Bernardsville; Gneiss.
Peter W. Kero, Inc.; Route 206, Byram (Mail: 216 Washington Avenue, Carlstadt); Gneiss-Jettystone.
Passaic Crushed Stone, Inc.; Broad Street, Pompton Lakes; Gneiss-Jettystone.
Shamoon Industries, Inc.; Mount Hope; Gneiss.

NEW YORK

American Bluestone Co., Inc.; Unandilla; Bluestone.
Baratta & D'Amato, Stone Quarry; Yonkers; Granite.

*(D)—Dealer.

NEW YORK—Continued

Barton Mines, Inc.; North Creek; Feldspar.
Bassett, Fred; Granville; Slate.
Bassett, Jerry (D)*; Middle Granville; Slate.
Bassett, Ralph R.; Granville; Slate.
Clark's Yard (D)*; Middle Granville; Slate.
Darius Slate Products; Middle Granville; Slate.
Di Rienzo Bros., Stone Quarry; Yonkers; Granite.
Evergreen Slate Co. (D)*; Granville; Slate.
Granville Slate Co.; Granville; Slate.
Green Mt. Slate Co., Inc.; Middle Granville; Slate.
Hadeka, Adolph; Middle Granville; Slate.
Hadeka, John G.; Middle Granville; Slate.
Hankins, The Willis, Bluestone Quarries (D)*; Hancock; Bluestone.
Helderberg Bluestone, Inc.; East Berne; Bluestone.
Hill Top Slate Co.; Middle Granville; Slate.
Johnson & Rhodes Bluestone Co. (D)*; East Branch; Bluestone.
Jones, Robert O., Slate Co.; Granville; Slate.
Jurnak Brothers; Granville; Slate.
Jurnak, Peter, Red Flagstone Products; Granville; Slate.
Kelly, Edward; Granville; Slate.
Kelly Wholesale Stone & Slate Co.; Route 17M, Monroe; Stone, slate and bluestone.
Kordiyak George, Slate Co.; Granville; Slate.
Labas, Andy; Route 22; Granville; Slate.
Lake Placid Granite Co.; Jay; Granite.
Loomis, John R.; Granville; Slate.
McCullen Quarry; Granville; Slate.
Mead & Sons; Middle Granville; Slate.
Multari Stone Quarry; Yonkers; Granite.
Newmont Slate Co. (D)*; Granville; Slate.
Newmont Slate Co. (D)*; Middle Granville; Slate.
New York Stone & Mineral; Whitehall; Building Stone.
O'Brien Bros. Slate Co., Inc. (D)*; Granville; Slate.
Ponda, J. A., Slate Co.; Granville; Slate.
Potter, Ab Slate Co.; Hampton; Slate.
Rising & Nelson Slate Co., Inc.; Granville; Slate.
Ritchie Brothers; Middle Granville; Slate.
Ritchie, William, Jr. (D)*; Middle Granville; Slate.
Sheldon Slate Co., Inc.; Middle Granville; Slate.
Somich Brothers Slate Co.; Granville; Slate.
Strong, W. R. & Son (D)*; Deposit; Bluestone.
Tatko Brothers Slate Co., Inc.; Middle Granville; Slate.
Thomas, Owen; Granville; Slate.
Tompkins, Paul A., Establishment of (D)*; Hancock; Bluestone.
Valley Brook Slate Co.; Granville; Slate.
Vermont Structural Slate Co.; Granville; Slate.
Western Slate Co.; Granville; Slate.
Williams Brothers Slate Co.; Middle Granville; Slate.
Williams, William W., Slate Co.; Middle Granville; Slate.
Wolcott, K. (D)*; Granville; Slate.
Yorkmont Slate Co. (D)*; Granville; Slate.
Zayachek Brothers; Granville; Slate.

RHODE ISLAND

Bonner Monument, Inc.; Ashaway Road, Westerly; Granite.
Castellucci & Sons, Inc.; 44 Cross Street, Providence; Granite.
Gencarell's Quarry; Oak Street, Westerly; Granite.
Harrisville Quarries, Inc.; Cherry Farm Road, Harrisvile; Granite.
Providence Granite Co.; 210 Kinsley Avenue, Providence; Granite.

*(D)—Dealer.

RHODE ISLAND—Continued

Starck, James A.; 11 Bassett Street, Providence; Granite.
Westerly Granite Co.; Bradford; Granite.

VERMONT

Acme Granite Co.; 46 Webster Street, Barre; Granite.
Adams Granite Co., Inc.; Lewis Street, Barre; Granite.
Allain Custom Polishing Co.; Granite Street, Barre; Granite.
Allain Granite Co.; Granite Street, Barre; Granite.
Amerio Bros. Slate Co.; Fair Haven; Slate.
Amerio Bros. Slate Co.; Poultney; Slate.
Anair Memorials; Route U.S. No. 2, St. Johnsbury; Granite.
Anderson & Johnson, Inc.; Smith Street, Barre; Granite.
Anderson-Friberg Co., Inc.; Willey Street, Barre; Granite.
Andreoletti, E. & Sons; South Ryegate; Granite.
Apex Memorial Co.; Richardson Road, Barre; Granite.
Associated Memorial Products, Inc.; Circle Street, Barre; Granite.
Baker Slate Tile; Poultney; Slate.
Barre Granite Association, Inc. (D)*; Church Street, Barre; Granite.
Barre Guild Consolidation Service (D)*; Church Street, Barre; Granite.
Barre Monumental Co. (D)*; 62 Circle Street, Barre; Granite.
Barre Sales Co. (D)*; West Second Street, Barre; Granite.
Barre Sample & Novelty Co.; Richardson Road, Barre; Granite.
Beach, C. R., Slate Co.; Fair Haven; Slate.
Beck & Beck, Inc.; 41 Center Street, Barre; Granite.
Bethel Quarries, Division of Rock of Ages Corp.; Bethel; Granite.
Better Craft Memorial Co., Inc.; West Second Street, Barre; Granite.
Bilodeau, J. O. & Co., Inc., Bianchi Place, Barre; Granite.
Bonazzi & Bonazzi; Pioneer Street, Montpelier; Granite.
Brooks Granite Co., Inc.; Mill Street, Barre; Granite.
Brookside Memorial Co.; East Barre; Granite.
Brusa Bros.; West Second Street, Barre; Granite.
Buttura & Sons, Inc.; Boynton Street, Barre; Granite.
Fred Capron, Vermont Slate Products; Pittsford; Slate.
Celenti & Bianchi; 27½ Flint Place, Barre; Granite.
Celestial Memorial Co.; 40 Willey Street, Barre; Granite.
Cerasoli & Cerasoli; Smith Street, Barre; Granite.
Cetrangolo Finishing Works, Inc.; Northfield; Granite.
Chioldi Granite Co., Inc.; South Front Street, Barre; Granite.
Ciampi Saw Plant; 14 Granite Street, Barre; Granite.
Colombo Granite Co.; West Second Street, Barre; Granite.
Comolli & Co., Inc.; Burnhams Meadow, Barre; Granite.
Consolidated Memorials, Inc.; Boynton Street, Barre; Granite.
Cook, Watkins & Patch, Inc.; 15 Blackwell Street, Barre; Granite.
Couture Custom Polishing Co.; East Barre; Granite.
Cozzi, John (D)*; 33 Elmwood Avenue, Barre; Granite.
D & R Slate Co.; Poultney; Slate.
Davidson, C. R., Co., Inc.; Barre; Granite.
Davidson, C. R., Co., Inc.; South Ryegate; Granite.

VERMONT—Continued

Deforage Granite Co.; Graniteville; Granite.
Densmore, Carl D., Co., Inc.; 967 Williston Road, South Burlington; Granite.
Desilets Granite Co., Inc.; 221 Barre Street, Montpelier; Granite.
DuBois Granite; 10 Blackwell Street, Barre; Granite.
East Barre Granite Co.; East Barre Road, East Barre; Granite.
Everlasting Memorial Works, Inc.; Pioneer Street, Montpelier; Granite.
Fair Haven Slate Co., Inc.; Fair Haven; Slate.
Fair Haven Slate Co., Inc.; Hydeville; Slate.
Gandin Bros.; South Ryegate; Granite.
Garand, S. L. & Co., Inc.; Pioneer Street, Montpelier; Granite.
Garland-Teed Quarry, Inc.; Calais; Granite.
Gawet, J. P. & Sons; Center Rutland; Marble.
Gibb, John & Co.; Willey Street, Barre; Granite.
Giudici Bros. & Co., Inc.; South Front Street, Barre; Granite.
Granville Slate Co.; Pawlet; Slate.
Grearson & Lane Co., Inc.; Burnhams Meadow, Barre; Granite.
Greater Barre Chamber of Commerce; 36 North Main Street, Barre; Granite.
Green Mountain Marble Co.; West Rutland; Marble.
Guardian Memorials; 700 North Main Street, Barre; Granite.
H & H Slate Co.; Poultney; Slate.
Hadeka, Adolph A.; Poultney; Slate.
Hadeka, John G.; Fair Haven; Slate.
Hadeka, John G.; Poultney; Slate.
Handcraft Memorials; Box 431, Barre; Granite.
Herberts Memorial Service; St. Johnsbury; Granite.
Hillside Saw Plant; Richardson Road, Barre; Granite.
Hotte, L. Z., Granite Co., Inc.; Ayers Street, Barre; Granite.
Houle Bros. Granite Co., South Front Street, Barre; Granite.
Houle Customs Cutting; East Barre; Granite.
Hutchins & Perreault; East Barre; Granite.
Immediate Granite Deliveries (D)*; Post Office Box 233, Barre; Granite.
Industrial Granite Co.; Barre Street, Montpelier, Granite.
Johnson & Gustafson, Inc.; 7 Boynton Street, Barre; Granite.
Johnson's Custom Sandblast; Burnhams Meadow, Barre; Granite.
Jones Bros. Co., Inc.; 700 North Main Street, Barre; Granite.
Jones, Robert O., Slate Co.; West Pawlet; Slate.
Jurras Granite Co., Inc.; Granite Street, Montpelier; Granite.
Kordiyak, George Slate Co.; West Pawlet; Slate.
LaCross Memorial, Inc.; Boynton Street, Barre; Granite.
Lawson Granite Co., Inc.; Quarry Street, Barre; Granite.
Letter Granite Co., Inc.; Boynton Street, Barre; Granite.
M & W Polishingon Co.; Barre; Granite.
Mail Order Granite Co.; Bianchi Place, Barre; Granite.
Mascitti Granite Co., Inc.; Burnhams Meadow, Barre; Granite.
Maurice Memorials, Inc., Granite Street, Barre; Granite.
Milne, Alexander, Granite Co.; Circle Street, Barre; Granite.
Minoli, Silvio A. (D)*; 102 Beckley Street, Barre; Granite.
Modern Granite Co., Inc.; Batchelder Street, Barre; Granite.
Montpelier Granite Works; Upper Granite Street, Montpelier; Granite.
Morlote, S., Granite Co.; Burnhams Meadow, Barre; Granite.

VERMONT—Continued

Morrison Granite Service (D)*; Willey Street, Barre; Granite.
Nationwide Granite Industries, Inc.; Box 181, Barre; Granite.
Nativi & Son, Inc.; Center Street, Barre; Granite.
Newmont Slate Co. (D)*; Poultney; Slate.
North Barre Granite, Inc.; 48 Railroad Street, Barre; Granite.
O'Brien Bros. Slate Co., Inc. (D)*; Fair Haven; Slate.
Olympic Granite Co.; 32 Granite Street, Barre; Granite.
Parnigoni Bros. (D)*; 89 South Main Street, Barre; Granite.
Peerless Granite Co.; South Front Street, Barre; Granite.
Pepin Granite Co.; 160½ Granite Street, Barre; Granite.
Perpetual Memorial Co. (D)*; Barre; Granite.
Perrins Custom Sandblast; East Barre; Granite.
Pirie Quarry, Division of Rock of Ages Corp.; Barre; Granite.
Pirie Quarry, Division of Rock of Ages Corp.; Graniteville; Granite.
Planer Co., Inc.; Willey Street, Barre; Granite.
Potter, Ab Slate Co., Inc.; Poultney; Slate.
Prehoda Slate Co.; Wells; Slate.
R & R Granite Co.; 51 Prospect Street, Barre; Granite.
Railroad Granite Co.; 140 Railroad Street, Barre; Granite.
Rising & Nelson Slate Co., Inc.; Poultney; Slate.
Rising & Nelson Slate Co., Inc.; West Pawlet; Slate.
Rivard Granite Co.; Mill Street, Barre; Granite.
Riverside Granite Co.; Mill Street, Barre; Granite.
Riverton Memorial Co.; East Barre Road, Barre; Granite.
Rock of Ages Corp., Building Division; Barre; Granite.
Rock of Ages Corp.; Barre; Granite.
Rock of Ages Corp.; Graniteville; Granite.
Rosa, Chester Granite Co.; South Ryegate; Granite.
Rose-Crest Sandblasting Co.; Lewis Street, Barre; Granite.
Roselli Bros. Granite Co. (D)*; 193 Barre Street, Montpelier; Granite.
Rouleau Granite Co., Inc.; Depot Square, Barre; Granite.
Sangulnetti Granite Co.; Williamstown; Granite.
Saporiti, William & Co.; East Barre Road, Barre; Granite.
Sheldon Slate Co., Inc.; Poultney; Slate.
Sheldon Slate Co., Inc.; Rupert; Slate.
Sheridan & Poole (D)*; Montpelier; Granite.
Sierra, R., Granite Co., Inc.; 18 Blackwell Street, Barre; Granite.
Smith, E. L., Quarry, Division of Rock of Ages Corp.; Barre; Granite.
Smith, E. L., Quarry, Division of Rock of Ages Corp.; Graniteville; Granite.
South Barre Granite Co., Inc.; Circle Street, Barre; Granite.
South End Polishing Mill, Inc.; Boynton Street, Barre; Granite.
Split Face Marble Corp.; Center Rustland; Marble.
Swanton Lime Works; Swanton; Limestone.
Sweeney Slate Co.; Fair Haven; Slate.
Taran Brothers, Inc.; Poultney; Slate.
Taran's Stone Quarries; Poultney; Slate.
Tardie Memorial; Rural Free Delivery, Montpelier; Granite.

*(D)—Dealer.

VERMONT—Continued

Tatko Bros. Slate Co., Inc.; Poultney; Slate.
Thurber Granite Co.; Burnhams Meadow; Barre; Granite.
Tip Top Tile Co.; Fair Haven; Slate.
Townsend, W. C. & Co. (D)*; 162 North Main Street, Barre; Granite.
Twin City Memorials; Montpelier Road, Barre; Granite.
Twin City Custom Sandblast, Inc.; 32 Granite Street, Barre; Granite.
United Slate Co., Inc.; Poultney; Slate.
Usle & Perojo Granite Co.; Boynton Street, Barre; Granite.
Valz Granite Co.; Willey Street, Barre; Granite.
Vermarco Ground Products; Florence; Marble.
Vermarco Ground Products; West Rutland; Marble.
Vermarco Lime Co.; Florence; Marble.
Vermont Cut Slate Co.; Fair Haven; Slate.
Vermont Granite, Inc.; Barre; Granite.
Vermont Granite, Inc.; South Ryegate; Granite.
Vermont Marble Co.; Center Rutland; Marble.
Vermont Marble Co.; Florence; Marble.
Vermont Marble Co.; Proctor; Marble.
Vermont Marble Co.; West Rutland; Marble.
Vermont Structural Slate Co., Inc.; Fair Haven; Slate.
Vermont Structural Slate Co., Inc.; Hydeville; Slate.
Vermont Structural Slate Co., Inc.; Poultney; Slate.
Vermont Structural Slate Co., Inc.; West Pawlet; Slate.
Wells-Lamson Quarry Co., Inc.; 102 North Main Street, Barre; Granite.
Wells-Lamson Quarry Co., Inc.; Websterville; Granite.
Wetmore & Morse Quarry, Division of Rock of Ages Corp.; Barre; Granite.
Wetmore & Morse Quarry, Division of Rock of Ages Corp.; Websterville; Granite.
White Marble Shop; West Rutland; Marble.
Wildbur Granite Co. (D)*; 72 Onward Street, Barre; Granite.
Williams, William W., Slate Co.; Poultney; Slate.
Williamson Polishing Co.; South Vine Street, Barre; Granite.
Woodbury Quarries, Inc.; Woodbury; Granite.
Zampleri & Buttura; West Second Street, Barre; Granite.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended; 7 CFR 301.45 (b)(2))

The foregoing revision shall become effective May 19, 1967 (when it shall supersede P.P.C. 640, effective July 16, 1965, as amended May 26, 1966, and January 12, 1967.

This revision, of the list of specifically approved establishments eligible to ship stone and quarry products without gypsy moth certification or permit, combines the previous lists of such establishments; corrects names and addresses of some previously listed establishments, and names of products listed for some specifically approved establishments; deletes 15 previously listed establishments that are now non-operative; and adds five establishments to the revised list.

Under administrative instructions designated as 7 CFR 301.45a(e), mined, quarried, or manufactured stone and quarry products are exempt from the certification and permit requirements of 7 CFR 301.45–3 when they have not been exposed to infestation or when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector, and when the Director specifically approves the establishment from which the products are shipped. It has been determined under 7 CFR 301.45(b)(2) that sanitation practices adequate to prevent the spread of infestation are being maintained at the premises of the five establishments added to the list. Accordingly, these establishments are specifically approved for the purposes of said administrative instructions. This action relieves certain restrictions presently imposed. The above-mentioned corrections concerning names of products also have the effect of relieving restrictions. These changes should, therefore, be made effective promptly to be of maximum benefit to persons subject to the restrictions which are being relieved.

The 15 establishments removed from the list are no longer operating and since they are no longer shipping regulated products, notice and other public procedure with respect to the deletion of the names of these establishments from the list would serve no useful purpose; and the consolidation of previous lists of approved establishments and correction of certain names and addresses are nonsubstantive in nature.

It is found upon good cause under the provisions of 5 U.S.C., section 553, that notice and other public procedure with respect to this revision are unnecessary and contrary to the public interest, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 16th day of May 1967.

[SEAL] LEO G. K. IVERSON,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 67-5637; Filed, May 18, 1967; 8:51 a.m.]

Office of the Secretary

JUDICIAL OFFICER

Delegation of Authority

Pursuant to 54 Stat. 81 (5 U.S.C. 516a et seq.) and Reorganization Plan No. 2 of 1953 (18 F.R. 3219), the Judicial Officer, Department of Agriculture, is authorized to act as final deciding officer in rate proceedings under the Packers and Stockyards Act, reparation proceedings, and adjudication proceedings subject to 5 U.S.C. 556 and 557, formerly sections 7 and 8 of the Administrative Procedure Act.

This shall not affect the authority of the Secretary, the Under Secretary, or any Assistant Secretary to perform any such function nor shall it limit the au-

thority of the Judicial Officer to perform any other function which may be assigned by the Secretary to him.

Done at Washington, D.C., this 15th day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5606; Filed, May 18, 1967; 8:48 a.m.]

FEDERAL EXTENSION SERVICE

Organization, Functions, and Delegations

1. Pursuant to the authority vested in the Secretary of Agriculture by 5 U.S.C. 302 and Reorganization Plan No. 2 of 1953 (67 Stat. 633), the Delegation of Authority to the Federal Extension Service in section 155 of the Statement of Organization and Delegations, 29 F.R. 16210 et seq., is amended as follows:

A. Paragraphs (i), (j), and (k) are relettered as paragraphs (j), (k), and (l), respectively.

B. A new paragraph (i) is added, which reads:

(i) Responsible for information and educational services, essential to carrying out pre-emergency and emergency USDA defense operations through the State Extension Services.

2. Pursuant to the authorities stated in section 1 above, and the Act of October 29, 1951 (65 Stat. 661, 662; 48 U.S.C. 1409m–1409o), providing for an agricultural program in the Virgin Islands: *It is hereby ordered,* That:

A. All functions and responsibilities of the Agricultural Research Service in the administration of the Virgin Islands Extension Service program are transferred from the Agricultural Research Service to the Federal Extension Service. All functions and responsibilities of the Agricultural Research Service in the administration of the Virgin Islands agricultural research programs shall remain in the Agricultural Research Service.

B. The Delegation of Authority to the Agricultural Research Service, 30 F.R. 5801, as amended by 31 F.R. 4975, is further amended by changing section 115c (1) to read:

(1) Administration of the Virgin Islands agricultural research program (48 U.S.C. 1409m–1409o).

C. The Delegation of Authority to the Federal Extension Service in section 155 of the Statement of Organization and Delegations, 29 F.R. 16210 et seq., is amended by adding a new paragraph (m), which reads:

(m) Administration of the Virgin Islands Extension Service program (48 U.S.C. 1409m–1409o).

This order shall be effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of May 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-5608; Filed, May 18, 1967; 8:48 a.m.]

FLORIDA

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Florida natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

FLORIDA

Brevard	Monroe
Broward	Orange
Dade	Osceola
De Soto	Palm Beach
Flagler	Pinellas
Hardee	Polk
Highlands	Putnam
Hillsborough	Sarasota
Indian River	St. Johns
Manatee	St. Lucie
Martin	

It also has been determined that in the hereinafter-named counties in the State of Florida natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Florida	*Original Designation*
Charlotte	31 F.R. 10288
Collier	31 F.R. 10288
Glades	31 F.R. 10288
Hendry	31 F.R. 10288
Lee	31 F.R. 10288
Okeechobee	31 F.R. 10288

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5607; Filed, May 18, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

HARVARD UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes of which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket number: 67-00062-15-14030. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Blink Comparator modified and with motorized drive, Type 4 with E12 drive, Serial number 6/67. Manufacturer: Grubb Parsons and Co., Ltd., England. Intended use of article: Photographic plates of the same area of the sky taken at different times will be compared on this device to determine the appearance of new or changed objects. Application received by Commissioner of Customs: May 8, 1967.

Docket number: 67-00063-85-30500. Applicant: Saint Louis University, Post Office Box 8020, College Station, St. Louis, Mo. 63156. Article: Ground Electromagnetic Equipment, model Ronka Mark III. Manufacturer: Huntec Ltd., 1450 O'Connor Drive, Toronto 16, Ontario, Canada. Intended use of article: Applicant states:

This equipment is to be used for the purpose of instructing geophysics seniors about modern geophysical exploration methods. It will form part of our undergraduate geophysical exploration laboratory and will be used in the course entitled Electrical Exploration Laboratory.

Application received by Commissioner of Customs: May 10, 1967.

Docket number: 67-00066-65-77040. Applicant: Arizona State University, Tempe, Ariz. 85281. Article: Mass Spectrometer, model CH-4B and accessories. Manufacturer: Atlas Mess-Und-Analysen Technik GMBH, West Germany. Intended use of article: Applicant states:

The instrument is intended primarily for the study of relatively high molecular weight (approaching mass 2000) and sensitive naturally occuring compounds.

Application received by Commissioner of Customs: May 8, 1967.

Docket number: 67-00070-01-77040. Applicant: University of Arkansas, Fayetteville, Ark. 72701. Article: Mass Spectrometer, Double Focusing, Hitachi Perkin-Elmer model RMU-6E with accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

1. Elucidation of molecular structure of organic and inorganic solids, liquids, and gases. 2. Indentification of unknown compounds. * * * 5. Determination of the location and amount of an isotopic atomic species in a molecule, for study of the mechanisms of chemical reactions involving that molecule. 6. Study of metastable transitions, both for an added understanding of the molecular fragmentation process per se and for use in deducing molecular structure of unknown molecules. * * * 10. Study of reaction kinetics, using the spectrometer as an instrument for analysis of the composition of a reaction mixture. * * * 12. Study of both positive and negative ion mass spectra. 13. Training graduate students in the use of mass spectrometry for the above purposes.

Application received by Commissioner of Customs: May 11, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-5562; Filed, May 18, 1967; 8:45 a.m.]

TULANE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket number: 67-00045-33-46040. Applicant: Tulane University, 6823 St. Charles Avenue, New Orleans, La. 70118. Article: Electron microscope, Norelco Type Em-300 with specimen chamber cooling device and parts and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: Applicant states:

The electron microscopic study for which the instrument is to be used is a research project on the pathological tissue changes which occur following injury to nerves, particularly the processes of repair and healing. Methods for improving regeneration and repair of nerves are to be studied. Of particular and immediate importance is the possible application of results to treatment of patients with nerves damaged as a result of accidents and war injuries. Most observations will be made on ultrathin sections cut from plastic-embedded tissue specimens.

Application received by Commissioner of Customs: April 25, 1967.

Docket number: 67-00057-60-46040. Applicant: Oregon State University, Corvallis, Oreg. 97331. Article: Electron microscope, Norelco Type Em-300, model PW 6001/00 with Anticontamination device, model PW 6526/00. Manufacturer: N. V. Philips' Gloeilampen fabrieken Eindhoven, The Netherlands. Intended use of article: The article will be used in research and teaching. Principle areas of investigation will be concerned with virological studies of naturally occurring substances in *Chenopodium Amaranticolor* coat virus particles *in vitro*.

Extracts mixed with viruses to demonstrate inhibitive effects on infectivity will be measured. Coating of anisometric virus particle ends will be measured. Presence and condition of coated particle cells will be determined. Research will be conducted on formation of inclusion body root cells and progress of the viruses in plants will be examined. Characterization of two unknown viruses will be further examined. Application received by Commissioner of Customs: May 1, 1967.

Docket number: 67-00058-65-46040. Applicant: University of Arkansas, Fayetteville, Ark. 72701. Article: Electron microscope with Specimen decontaminating device, Elmiskop IA-125, spare parts kit, and 70 mm roll film camera. Manufacturer: Siemens & Halske AG, Karlsruhe, West Germany. Intended use of article: The Elcctron microscope will be used for scientific research and to a limited degrec for teaching purposes. Research will encompass biological and physical science problems including electron transmission examination of thin metallic films. Application received by Commissioner of Customs: May 3, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-5563; Filed, May 18, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN PETROLEUM INSTITUTE

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2176) has been filed by American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y. 10020, proposing an amendment to § 121.1182 *Odorless light petroleum hydrocarbons* to provide for the safe use of the food additive identified therein as a coating on shell eggs.

Dated: May 12, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-5614; Filed, May 18, 1967; 8:49 a.m.]

BYRNES & KIEFER CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2171) has been filed by Byrnes & Kiefer Co., 1127-1133 Penn Avenue, Pittsburgh, Pa. 15222, proposing the issuance of a regulation to provide for the safe use of calcium D-saccharate as a component of stabilizers used in meringue made from whites of eggs.

Dated: May 12, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-5615; Filed, May 18, 1967; 8:49 a.m.]

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Paraquat

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0592) has been filed by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94801, proposing the establishmen of tolerances for residues of the herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium) derived from application of either the bis(methyl sulfate) or dichloride salt, calculated in both cases as the cation, in or on raw agricultural commodities as follows:

0.5 part per million in or on almond hulls, apples, apricots, bananas, citrus, figs, grapes, olives, peaches, pears, plums, prunes, sugar beets, and sugar beet tops.

0.05 part per million in or on almonds, avocados, cherries, coffee beans, corn (fresh vegetable), corn fodder and forage, corn grain, lettuce, macadamia nuts, melons (including cantaloups, honeydew melons, and muskmelons), papaya, pecans, peppers, sorghum forage, sorghum grain, soybeans, tomatoes, and walnuts.

The analytical method proposed in the petition for determining residues of the herbicide is that the sample is refluxed with sulfuric acid to free the paraquat cation and, after cleanup and reduction with sodium dithionite, the paraquat is determined spectrophotometrically.

Dated: May 12, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-5616; Filed, May 18, 1967; 8:49 a.m.]

DREW CHEMICAL CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Drew Chemical Corp., 416 Division Street, Boonton, N.J. 07005, has withdrawn its petition (FAP 6A2022), notice of which was published in the FEDERAL REGISTER of May 17, 1966 (31 F.R. 7193), proposing an amendment to § 121.1120 *Polyglycerol esters of fatty acids* to provide for the safe use of certain polyglycerol esters of fatty acids as emulsifiers in food. The esters, up to and including the decaglycerol esters, are prepared from edible coconut oil and fatty acids derived therefrom meeting the requirements of § 121.1070(b).

Dated: May 12, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-5617; Filed, May 18, 1967; 8:49 a.m.]

ELANCO PRODUCTS CO.

Notice of Withdrawal of Petition Regarding Pesticide 2-Aminobutane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, has withdrawn its petition (PP 7F0520), notice of which was published in the FEDERAL REGISTER of September 2, 1966 (31 F.R. 11623), proposing the establishment of a tolerance of 35 parts per million for residues of the fungicide 2-aminobutane in or on oranges.

Dated: May 12, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-5618; Filed, May 18, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 17160, 17167; Order E-25146]

AIR TRANSPORT ASSOCIATION AND AIR FREIGHT FORWARDER ASSOCIATION

Air Carrier Discussions Regarding Accessorial Cargo Services

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of May 1967.

By letter dated May 3, 1967, the Air Transport Association (ATA) requests a 90-day extension of the Board's authorization of carrier discussions of accessorial cargo services.[1] The Air Freight Forwarder Association (AFFA), by letter dated May 4, 1967, supports the ATA request, and asks for similar extension in their own behalf. In support of their request, ATA states that substantial progress has been made on the following subjects, and that final agreements are being circulated to all carriers for signature: [2]

1. In-bound shipments, customs procedures, and warehousing;
2. Extra copies of airbills;
3. Proof-of-delivery requests;
4. Special procedures for shippers documents;
5. Advance charges.

Not resolved are matters embraced within Special Handling Services, and particularly those relating to the furnishing or leasing of carrier-owned ramp and terminal equipment (carts, tractors, etc.). In this instance, time did not permit the carriers to conclude their discussions prior to the expiration of the period granted by the Board (May 3, 1967).

In addition, the carriers did not resolve the Assembly and Distribution Rules. Several proposals are under serious study and consideration by the carriers, and have been referred to an ad hoc working group for the purpose of developing standard methodology as to costing techniques and traffic analyses. A meeting of this group is tentatively scheduled for May 23, 1967, subject to the Board's approval of their request for extension of the discussions.

No opposition to the ATA/AFFA requests for extension of these discussions has been filed with the Board, and the Board will grant the requests. It appears that progress has been made and that the further efforts contemplated might result in additional carrier agreements. We would expect the carriers, however, to continue to grant air freight forwarders and other shippers an opportunity to comment and be heard on the air carrier proposals, and we would further caution the air carriers to be prepared to support their proposed agreements with adequate and appropriate factual data.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof: *It is ordered*, That:

1. The authority granted in Order E-24599 dated January 3, 1967, as amended by Order E-24729 dated February 8, 1967, is extended for a period of 90 days;
2. A notice of any meeting called pursuant to this order, to be attended by direct air carriers only or the freight forwarders only, and an agenda of matters to be discussed, shall be filed with the Board in this docket at least 5 calendar days in advance;
3. A notice of any meeting called pursuant to this order, to be attended by both direct air carriers and shippers (including indirect air carriers), shall be filed with the Board in this docket at least 15 calendar days in advance;
4. All meeting notices and agendas shall also be mailed to shippers (including indirect air carriers) with such notice to include an invitation for shippers and indirect air carriers to submit comments upon the agenda matters and to request appointments for personal appearances at the carriers' meetings;
5. Complete and accurate minutes shall be kept of all meetings and a true copy thereof filed with the Board not later than 15 days (excluding Saturdays and Sundays) after the conclusion of each meeting; and
6. All other terms and conditions of Orders E-24599 and E-24729 shall remain unchanged.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-5626; Filed, May 18, 1967; 8:50 a.m.]

[Docket No. 17828; Order E-25153]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Inflight Entertainment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of May 1967.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to inflight entertainment; Docket 17828, Agreement C.A.B. 19234, R-93, R-94, R-95.

By Order E-24823, dated March 6, 1967, the Board, in acting upon resolutions adopted by the member carriers of

[1] Order E-24599, dated Jan. 3, 1967, as amended by Order E-24729, dated Feb. 8, 1967.

[2] In addition, it appears that no action is contemplated on three other items, i.e., Consignee Notification, Reserved and Confirmed Space, and Courier Shipments.

the International Air Transport Association (IATA), inter alia, approved for one year a $2.50 inflight entertainment charge which had been agreed upon for worldwide application for a 2-year period. Earlier resolutions stipulating this charge had been considered and approved by the Board in its Order E–23708 adopted May 20, 1966, for a period ending March 31, 1967.

By motion [1] for reconsideration filed March 20, 1967, Inflight Motion Pictures, Inc. (Inflight) has requested the Board to vacate Order E–24823 and to require each air carrier proponent of the agreement to file certain data for the use of the Board and interested parties. Inflight requests that the carriers show by class of service the number of users of headsets, and the number of passengers carried, on a monthly basis on each international route on which it provided inflight entertainment during the period the charge has been in effect, and during the preceeding 12-month period, and to file such other data pertinent to a consideration of the public acceptance of the $2.50 charge as each such carrier may have. Inflight further requests a reasonable time after the filing of such data for the filing of comments by interested parties, and a further reasonable time for the filing of reply comments by interested parties.

In support of its petition, Inflight states that it is in the business of supplying talking motion picture services aboard planes and that it has furnished the equipment and service to TWA, Philippine Air Lines, Air France, and Olympic Airways, which are members of IATA and parties to the relevant agreements. Inflight alleges that, notwithstanding its several requests of the Board for an opportunity to be heard with respect to the agreement on the inflight entertainment charge, the Board made and issued the order approving it without affording Inflight an opportunity to be heard. Inflight further contends "so far as appears", that the Board issued its order extending approval of the $2.50 charge through March 31, 1968, without considering data with respect to carrier experience with the charge since May 20, 1966, particularly its effect on passenger acceptance of inflight entertainment; that although the Board initially approved the charge as an experiment, it approved the agreement without taking into account the experience of the air carriers and that there was nothing before the Board warranting approval; that the Board overlooked or disregarded carrier experience with the charge, particularly its effect on passenger acceptance of inflight entertainment as contained in the minutes of the Honolulu Conference; and, that the Board's statement in the order, that there is no indication that the $2.50 charge has been or is likely to be tantamount to a ban on inflight entertainment, is contrary to the data before the Board. Finally, Inflight alludes to its communications addressed to the Board requesting opportunity to be heard and requesting that the Board require the submission of usage data from the carriers before taking any action on the agreement, and the Board's responses.[2] Inflight contends that the Board's action has denied to it every right and remedy under the antitrust laws with respect to injury and damage it may suffer as a consequence of the agreement, and such order was a denial of its opportunity to be heard and was arbitrary and capricious and in violation of its rights under the Fifth Amendment to the U.S. Constitution. Pan American World Airways, Inc. (Pan American), filed an answer on March 30, 1967, in opposition to Inflight's request.

The Board has reviewed the facts and allegations set forth in the Motion for Reconsideration and, upon consideration thereof and the facts before the Board, the petition will be denied, insofar as it requests that the Board vacate its order approving the agreement. The Board, however, will require that usage data be supplied as described below.

Early last year the IATA carriers reached an agreement on charges for inflight entertainment. The agreement was filed with the Board pursuant to section 412 of the Act. Section 412 requires that the Board approve all agreements which are not found to be adverse to the public interest. Less than a year ago, by Order E–23708, we approved the agreement after full consideration of carrier cost and usage data and the urging by Inflight that the agreement be disapproved. In that order we stated that we viewed the $2.50 charge as an experiment which can be resolved only in the market place. By Order E–24823, the Board approved the current agreement without requiring additional data requested by Inflight. We stated that there was no apparent reason to conclude that data considered so recently were no longer valid and that there was no indication that the charge is or is likely to be tantamount to a ban.

The critical matter, as far as Inflight is concerned, is whether the agreement will injure Inflight, i.e., will the charge result in nonuse of the service by passengers and thus in the long run result in causing the carriers to discontinue the showing of movies and cancel their contracts with Inflight. At no time either before the order was issued, or in its petition, has Inflight alleged that this is happening. At most it alleges that it might be damaged and requests that usage data be obtained. It has made no allegations as to what the requested data would or might show to support revocation of the Board's order.

Inflights' only factual comments are its references to the Honolulu minutes which it believes show that the $2.50 charge has had a serious effect on passenger acceptance of inflight entertainment. The minutes show that the one carrier was of the opinion that the charge was virtually a ban. However, the minutes show that while a very few carriers favored or would accept a lower charge, the majority favored the status quo. While the minutes might be construed to show that some passengers might not be sufficiently interested to pay a reasonable price to see movies, they cannot be construed to show that there has been a serious resistance to the charge. Clearly the minutes do not provide a basis for concluding that the $2.50 charge is a ban.[3] Under these circumstances we find no present basis for disapproval of the agreement for a $2.50 charge which has been approved since May 1966.

Although Inflight asserts the Board issued its order without affording it any opportunity to be heard, the record shows, and it appears upon the face of the petition, that Inflight had opportunity to be heard, and was so advised [4] Nevertheless, the Board has concluded that it will require that usage data be submitted by the carriers, and by Inflight, as well. We will also establish

[1] The motion was filed pursuant to § 302.37 of the Board's Economic Regulations which deals with Petitions for Reconsideration, and we are treating the motion as a petition.

[2] Inflight cites and incorporates into its petition its letters of Dec. 29, 1966, and Feb. 16, 1967, and the staff responses dated Jan. 18 and Mar. 2, 1967, respectively. In its letter of Dec. 29, 1966, Inflight requested an opportunity to be heard before action was taken on any new agreement relating to the charge for inflight entertainment. By the letter dated January 18, counsel for Inflight was advised that a new agreement has been filed, that the agreement could be examined in the Board's offices, that in accordance with customary practices time would be allowed for receipt of comments on its action or proposed action, and that "In the meantime you may submit any comments you care to make". In its subsequent letter of February 16, Inflight requested that before taking action on the agreement, the Board require the carriers to furnish data showing use of the entertainment during the period the charge had been in effect and that the Board take no action until interested parties had been afforded an opportunity, after receipt of such data, to file their comments. It submitted no costs, facts, or other matters therein except a reference to the minutes of the IATA meeting at Honolulu. On March 2, counsel for Inflight was advised that with respect to its request that no action be taken until the data had been secured and its client had had an opportunity to review it and submit comments, the matter had been brought to the attention of the Board in connection with the agreement pending before it.

[3] In declining to vacate the order of approval, the Board notes that Inflight has not shown that the agreement is adverse to the public interest, nor has it shown that the considerations supporting the $2.50 charge, as found in our Order of May 20, 1966, are not still applicable. In that order the Board considered carrier estimates of a $4 to $6 cost per viewer and found that $2.50 was not an excessive charge when viewed from the standpoint of carrier costs. Further, the Board there observed that inflight entertainment is an ancillary service and that if not charged to the user would be paid for by the passengers either in increased fares or delays in fare reductions.

[4] Inflight's response, however, in its letter of Feb. 16, 1967, was directed principally to a request that carriers be required to furnish data as to passenger usage as a basis for comment before Board action. It submitted no costs, facts, or other matters except a reference to the minutes of the IATA meeting at Honolulu. See footnote 2, supra.

times for submission of comments thereon, and replies thereto. Upon reconsideration, the Board believes that it would be advantageous to all concerned to have available the latest data showing experience with the $2.50 charge. These data will best enable us to ascertain if a pattern of resistance to the charge is developing, and thus maintain a current evaluation of the impact of the charge. In requiring these data, we do not conclude that a showing of a degree of diminishing use is necessarily a basis for disapproval of the charge.

We will, therefore, require by this order that the experience data of the U.S. IATA member carriers which provide inflight entertainment, be supplied. More specifically, we will require that there be shown, for each U.S. IATA member which provides inflight entertainment upon international routes, by month, the number of flights on which entertainment was provided since the introduction of the $2.50 charge together with the number of seats, passengers, and viewers/listeners on the flights separately for first- and economy-class services; and comparable data for the same months of the preceding year.

By the same token, since we are reviewing carrier experience data in response to Inflight's petition, it is equally appropriate that this firm submit detailed data upon its contracts. We will, therefore, require Inflight to submit, by month, by carrier, the dollar revenues per flight and the number of flights on which Inflight's entertainment was provided since the introduction of the $2.50 charge and comparable data for the same months of the preceding year.[5]

In addition to requiring these data from air carrier members of IATA, we invite submission of such data from foreign air carrier members of IATA which provide this service on international routes.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 407(a), and 412 thereof: *It is ordered*, That:

1. The petition of Inflight Motion Pictures, Inc., to vacate, amend, set aside, and revoke the order, is denied;

2. The U.S. carrier members of IATA submit the carrier data described above within 20 days from the date of this order;

3. That Inflight Motion Pictures, Inc., submit the data upon its contracts described above within 20 days from the date of this order;

4. The Board will receive data from foreign air carrier members of IATA within such 20-day period;

5. Comments upon data or other material submitted will be received within 35 days of the date of this order, and replies to such comments will be received within 42 days from the date of this order. An original and 10 copies of all documents shall be filed with the Board's Docket Section and a copy shall also be served upon each U.S.-flag carrier member of IATA and upon the IATA Secretary of Traffic Conference 1, 500 Fifth Avenue, New York, N.Y. 10036, and upon Inflight Motion Pictures, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-5627; Filed, May 18, 1967; 8:50 a.m.]

[5] Information submitted by Inflight, as well as by the U.S. IATA carriers, should be for the period through Apr. 30, 1967.

CIVIL SERVICE COMMISSION

GENERAL DEPUTY, RENEWAL ASSISTANCE ADMINISTRATION

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective April 18, 1967, that there is a manpower shortage for the single position of General Deputy, Renewal Assistance Administration, GS-301-17, Department of Housing and Urban Development, Washington, D.C. This finding will terminate when the position is filled.

An appointee to this position may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-5609; Filed, May 18, 1967; 8:48 a.m.]

MICROBIOLOGY SERIES

Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that previously approved minimum educational requirements for positions in the Microbiology Series, GS-403, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

THE MICROBIOLOGY SERIES, GS-403
(All Grades)

Superseded requirements. The following material supersedes that previously published in 29 F.R. 3077, March 29, 1963.

Minimum educational requirements. Candidates must show that they have successfully completed one of the following:

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in microbiology, biology, or chemistry. Such study must have included: (1) At least 30 semester hours in biological science of which 20 hours are in microbiology and related subjects oriented toward the study of micro-organisms; and (2) 20 semester hours in the physical and mathematical sciences combining course work in organic chemistry or biochemistry, physics, and college algebra, or their equivalent.

B. A total of (1) at least 30 semester hours in the biological sciences of which 20 semester hours are in microbiology and related subjects oriented toward the study of micro-organisms; (2) 20 semester hours in the physical and mathematical sciences, as described in paragraph A; plus (3) additional appropriate experience or education which, when combined with the completed study, will total 4 years of education and experience. Such combination must have provided professional and technical knowledge comparable to that normally acquired through the successful completion of the 4-year course of study described in paragraph A.

Candidates for positions involving highly technical research, development, or similarly complex scientific functions must have completed the full 4-year course of study described in paragraph A.

Duties. Microbiologists perform professional and scientific work in connection with the identification, culture, study, control, and use of micro-organisms. Most of the work is performed in a laboratory environment and is generally concerned with research and development, regulatory, public health, or medical activities. The nature of the work may vary considerably with the assignment, some dealing primarily with specific kinds of micro-organisms, such as the protozoa, microparasites, algae, fungi, viruses, rickettsiae, and similar microscopic and submicroscopic forms; some being concerned with a specific field or area of work, such as immunology, serology, physiology, genetics, taxonomy, and cytology as these fields relate to microbiology; some placing emphasis on micro-organisms as pathogenic and immunizing agents; and some relating to the development and use of specific kinds of methodologies and techniques or to the use of organisms in agricultural, industrial, medical, sanitary, and similar fields where the science of microbiology is applied.

Reasons for requirements. The duties of these positions cannot be performed without a sound basic knowledge of biological science, a fundamental knowledge of micro-organisms and their life processes, a broad knowledge of microbiological methods, techniques, and procedures, and a strong background knowledge of chemistry, physics, and related mathematics. The duties of these positions are of a highly technical or research nature, or involve the application of highly technical scientific information, or of research findings, and require exacting and detailed knowledge and training. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research, or to perform research in the field of microbiology. The knowledge and training required can only be acquired through the successful completion of a directed course of study in an accredited college or uni-

versity which has scientific libraries, well-equipped laboratories, and thoroughly trained instructors, gives expert guidance, and evaluates progress competently.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-5610; Filed, May 18, 1967; 8:48 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on May 24, 1967. The hearing will take place in Room 1600 of the Municipal Services Building, 15th and Kennedy Boulevard in Philadelphia, beginning at 2 p.m. The subject of the hearing will be proposals to amend the Comprehensive Plan so as to include therein the following projects.

1. *Commonwealth of Pennsylvania.* A multipurpose dam and reservoir project to be constructed by the Pennsylvania Department of Forests and Waters on Tohickon Creek in Nockamixon State Park, Bucks County, Pa. The project will be located approximately 10 miles east of Quakertown and will create a 1,500-acre reservoir that will be used for recreation, flood control, and water supply.

2. *U.S. Army Corps of Engineers.* A flood control project on the North Branch Newton Creek in the Borough of Woodlynne and vicinity, Camden County, N.J. The project will consist of a tidal barrier, a ponding area, and channel improvements.

3. *City of Reading.* A sewage treatment plant providing a secondary treatment for collection systems in the city of Reading, Pa. Ninety percent reduction of BOD will be achieved for a present flow of approximately 14 million gallons per day. Treated effluent will discharge to the Schuylkill River.

4. *Borough of Weatherly.* A project for the collection and treatment of sewage in the Borough of Weatherly, Carbon County, Pa. A treatment plant will provide 86 percent removal of BOD for a peak flow rate of 600,000 gallons per day. Treated effluent will be discharged to Black Creek, a tributary of the Lehigh River.

5. *Penns Grove Water Supply Co.* A well water supply project to augment public water supplies in the township of Upper Penns Neck, Salem County, N.J. The new facility is expected to yield 1 million gallons per day.

6. *Lake Mohawk-Sparta Water Co.* A well water supply project to augment public water supplies in the township of Sparta, Sussex County, N.J. The new facility is expected to yield 144,000 gallons per day.

Documents relating to the above proposed additions to the Comprehensive Plan may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission, 609-883-9500.

W. BRINTON WHITALL,
Secretary.

MAY 12, 1967.

[F.R. Doc. 67-5566; Filed, May 18, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16440; FCC 67-573]

WORLD ADMINISTRATIVE CONFERENCE OF INTERNATIONAL TELECOMMUNICATION UNION

Fifth Notice of Inquiry

In the matter of preparation for a World Administrative Conference of the International Telecommunication Union to consider amendment of the international radio regulations presently applicable to the maritime mobile radio service and new provisions for the radio requirements of the service of oceanography, Docket No. 16440.

1. On February 23, 1967, the Commission adopted its fourth notice of inquiry (32 F.R. 3847) in this docket, attaching thereto a document reflecting generally the recommendations of non-Government users and Executive Branch agencies with respect to those items to be considered by the World Administrative Radio Conference (WARC) to deal with matters relating to the maritime mobile service, scheduled to convene in Geneva, Switzerland, on September 18, 1967, on which U.S. preparatory work had been completed. That document was developed jointly by the Commission and the Director of Telcommunications Management (DTM).

2. A number of comments have been filed in response to the fourth notice of inquiry. These comments are under continuing consideration by the Commission.

3. In the fourth notice of inquiry, it was anticipated that additional proposals would be made on items not treated in the document attached to that notice. The attached document,[1] which is responsive to the WARC agenda item concerning possible revision of Appendix 18 to the ITU Radio Regulations, has been developed jointly by the Commission and the Director of Telecommunications Management (DTM). The Commission and the DTM have recommended to the Department of State that this document be transmitted to the Secretary General of the ITU as the formal proposal of the United States with respect to revision of Appendix 18. The Commission has been informed by the Department of State that it concurs in the joint recommendation and will transmit the proposals to the ITU.

4. It is anticipated that additional proposals will be made on items not treated in the preceding notices in this docket, as the U.S. preparatory work progresses. In the meantime, it is important that the items on which work has been completed reach the ITU as soon as possible so that the necessary translations and distribution to other administrations can be made well in advance of the WARC. It is expected that such additional proposals will be made the subject of further notices in this proceeding.

5. Interested parties are invited to file with the Commission their views relative to the attached proposals. Authority for the further inquiry instituted herein is contained in section 403 of the Communications Act of 1934, as amended. Comments in response to this inquiry, pursuant to § 1.415 of the Commission's rules, should be submitted on or before June 19, 1967, and reply comments on or before July 5, 1967. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements or comments shall be furnished to the Commission. In reaching its decision in this proceeding, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this notice.

Adopted: May 10, 1967.

Released: May 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5628; Filed, May 18, 1967; 8:50 a.m.]

[Docket No. 16891; FCC 67M-804]

AUGUSTINE L. CAVALLARO, JR.

Order Continuing Hearing

In re application of Augustine L. Cavallaro, Jr., Bayamon, P.R., Docket No. 16891, File No. BP-16182; for construction permit.

The Hearing Examiner having under consideration a petition filed May 11, 1967, requesting that the further hearing in the above-styled proceeding now scheduled for May 15, 1967, be continued to June 12, 1967, or thereafter; and

It appearing that the applicant, discovering that he can economize by leveling the site to a greater degree, plans to petition to amend his application to reflect this situation; and

It further appearing that the Chief of the Broadcast Bureau, the only other party to this proceeding, consents to the change in the date of hearing and to waiver of the 4-day rule;

It is ordered, That the petition filed May 11, 1967, on behalf of Augustine L. Cavallaro, Jr. is granted, and the further hearing in the above-styled proceeding is

[1] Attachment filed as part of the original document.

[2] Commissioner Wadsworth absent.

continued from May 15, 1967 to June 12, 1967.

Issued: May 12, 1967.

Released: May 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5629; Filed, May 18, 1967; 8:50 a.m.]

[Docket Nos. 17353, 17354; FCC 67M-807]

WBIZ, INC., AND WECL, INC.

Statement and Order After Prehearing Conference

In re applications of WBIZ, Inc., Eau Claire, Wis., Docket No. 17353, File No. BPH-5567; WECL, Inc., Eau Claire, Wis., Docket No. 17354, File No. BPH-5623; for construction permits.

At today's prehearing conference, among other things the following schedule was set up:

Direct affirmative written cases of applicants to be furnished by June 12, 1967.

Receipt of notification of witnesses for cross-examination by June 26, 1967.

Hearing (rescheduled from June 20) July 5, 1967.

So ordered.

Issued: May 11, 1967.

Released: May 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5630; Filed, May 18, 1967; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD. AND STRAITS STEAMSHIP CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

W. R. Purnell, District Manager, American Mail Line, 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement 9629 between American Mail Line and Straits Steamship Co. establishes a through billing arrangement for movement of cargo from Sarawak, Borneo to U.S. Pacific Coast ports in Washington, Oregon, and California with transshipment at the port of Singapore in accordance with terms and conditions set forth in the agreement.

Dated: May 15, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5621; Filed, May 18, 1967; 8:49 a.m.]

CITY OF NEW YORK AND CUNARD STEAMSHIP CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers. New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreements filed for approval by:

Mr. Roy H. Rudd, General Counsel, The City of New York, Department of Marine and Aviation, Battery Maritime Building, New York, N.Y. 10004.

Agreements Nos. T-764-1, T-764-2, and T-764-3 between the City of New York (City) and the Cunard Steamship Co., Ltd. (Cunard), modify the basic lease between the parties which provides for the lease of certain terminal property in New York City. The purpose of the modifications is to provide for additional construction and rehabilitation work at the leased premises.

Dated: May 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5622; Filed, May 18, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-317]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

MAY 11, 1967.

Take notice that on April 28, 1967, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP67-317 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 1.07 miles of 30-inch pipeline under the Hudson River in Stoney Point and Buchanan, N.Y. Applicant states that it presently operates two 24-inch pipelines across the Hudson River at the same point and that last winter one of the lines developed a leak and had to be repaired. Applicant states further that it feels it is necessary to install the proposed pipeline to assure continuity of service to its customers.

Applicant estimates the total cost of the proposed facilities at approximately $2,007,000, said cost to be financed through retained earnings, short-term loans as required and by inclusion as necessary in its next long term issue of debt securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 2, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commssion on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5568; Filed, May 18, 1967; 8:45 a.m.]

[Docket No. CP67-167]

ATLANTIC SEABOARD CORP.

Notice of Amendment to Application

MAY 11, 1967.

Take notice that on April 25, 1967, Atlantic Seaboard Corp. (Applicant), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP67-167 an amendment to its original application, filed December 14, 1966, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

In the original application, Applicant requested authority to construct and operate certain natural gas transmission facilities. Applicant states that it has since completed estimates of gas requirements and gas available for the period 1967-1971 and said estimates indicate that Applicant's requirements do not exceed its transmission capacity available in its present system. Applicant therefore proposes to amend its original application so as to (1) eliminate from its 1967 construction program those facilities specifically designed to increase the transmission capacity of its pipeline system, (2) request authorization to construct and/or operate those facilities designed to assure continued continuity and reliability of existing services, and (3) request permission and approval of the Commission, pursuant to section 7(b) of the Natural Gas Act, to abandon an existing measuring and regulating station no longer required as a delivery point. In view of the above-mentioned factors, Applicant now seeks authorization to construct and operate the following natural gas facilities:

(1) Two additional 3,165 horsepower gas turbine compressor units at its Seneca Compressor Station, Pendleton County, W. Va.,

(2) Approximately 21.5 miles of 20-inch transmission pipeline replacing approximately 21.2 miles of its 20-inch pipeline extending in a southwesterly direction from Dranesville Measuring and Regulating Station, Fairfax County, Va.,

(3) Approximately 32.2 miles of 20-inch transmission pipeline replacing approximately 31.2 miles of 20-inch transmission pipeline between Waynesboro, Augusta County, Va., and Bickers Compressor Station, Greene County, Va., and

(4) Approximately 37.4 miles of 20-inch transmission pipeline replacing approximately 36.6 miles of 20-inch transmission pipeline between Covington, Allegheny County, Va., and Lexington, Rockbridge County, Va.

Applicant also seeks permission and approval of the Commission to abandon an existing measuring and regulating station at Beaver Dam, Baltimore County, Md., said facilities no longer needed as a point of delivery to Baltimore Gas and Electric Co.

Applicant estimates the total cost of the proposed facilities, as revised by this amendment, at approximately $3,804,000, said cost to be financed through the issuance and sale of promissory notes and stock to its parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (§ 157.10) on or before June 8, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this amended application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5569; Filed, May 18, 1967; 8:45 a.m.]

[Docket Nos. G-14181 etc.]

MURPHY H. BAXTER

Order Severing Proceeding, Terminating Proceedings, and Making Rates Effective

MAY 10, 1967.

Murphy H. Baxter (Baxter) has submitted a request that the Commission terminate the docketed proceedings, Docket Nos. G-14181, RI63-289, RI63-290, and RI63-291, involving increased rates for sales of natural gas made by Baxter in the Permian Basin Area to Phillips Petroleum Co. under Baxter's FPC Gas Rate Schedule Nos. 2, 3, 4, 5, 6, and 7. On December 12, 1962, Baxter filed proposed increased rates from 12.5 cents to 13.5 cents per Mcf of natural gas at 14.65 p.s.i.a. under each of the subject rate schedules. The proposed rate increases were suspended by order of the Commission issued January 3, 1963. Baxter has never filed a motion to place the proposed increased rates in effect subject to refund.

Docket No. G-14181 involved a proposed increased rate of 12.5 cents per Mcf of natural gas at 14.65 p.s.i.a. previously filed by Baxter under his FPC Gas Rate Schedule No. 2 which was being charged and collected subject to refund. This proceeding was consolidated in the area rate proceeding, Docket No. AR61-1. The other proceedings involved herein were included in the Commission's show cause order which it issued with its Opinion No. 468 in Docket No. AR61-1 on August 5, 1965.

On November 19, 1965, Baxter filed Quality Statements in compliance with the Commission's Opinion Nos. 468 and 468-A. Said Quality Statements were accepted by the Commission by order issued June 30, 1966, in Docket No. AR61-1. They reveal that the increased rates of Baxter proposed in each of the proceedings involved herein do not exceed the applicable area just and reasonable ceilings set forth in Permian for these sales. Consequently, we find it proper to sever Docket No. G-14181 from the consolidated proceeding in Docket No. AR61-1, and to terminate it with the proceedings in Docket Nos. RI63-289, RI63-290, and RI63-291. Since the Commission determined in Opinion No. 468 that the suspended rates involved here were just and reasonable Baxter may also collect the 13.5 cents rates under the subject rate schedules effective as of September 1, 1965, the effective date of Opinion No. 468.

The Commission orders:

(A) The proceeding in Docket No. G-14181 is severed from the consolidated proceedings in Docket No. AR61-1, and it and the proceedings in Docket Nos. RI63-289, RI63-290, and RI63-291 are terminated and Baxter is relieved of any refund obligation in connection therewith.

(B) The 13.5 cents per Mcf rates set forth in Baxter's FPC Gas Rate Schedule Nos. 2, 3, 4, 5, 6, and 7 are effective as of September 1, 1965.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5570; Filed, May 18, 1967; 8:45 a.m.]

[Docket No. CP65-407]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

MAY 11, 1967.

Take notice that on May 1, 1967, Colorado Interstate Gas Co. (Petitioner), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP65-407 a petition to amend the order issued by the Commission, August 24, 1965, by extending the period of authorization for the sale of natural gas by Petitioner to Reserve Pipeline, Inc. (Reserve), from August 12, 1968 to July 31, 1971, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the abovementioned order Petitioner was authorized to sell and deliver interruptible quantities of natural gas, up to 3,500 Mcf per day, to Reserve and to construct and operate certain natural gas facilities incident thereto, for a period of time ending 3 years after the date of initial delivery. Said authorization will terminate August 12, 1968.

Petitioner states that the reason for the original sale, a shortage of gas supply for Reserve from the Hugoton Field, still exists and it therefore seeks authorization to extend said sale, under the same

limitations and with no new facilities, until July 31, 1971.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 8, 1967.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5571; Filed, May 18, 1967; 8:45 a.m.]

[Docket No. CP67-321]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

MAY 10, 1967.

Take notice that on May 1, 1967, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP67-321 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct during the 12-month period commencing July 1, 1967, and operate routine gas purchase facilities necessary to enable it to take into its certificated main pipeline system natural gas from producers and others similarly situated in the general supply area of Applicant's existing transmission system.

The total estimated cost of Applicant's proposed construction is not to exceed $1 million, with no single project expenditure to exceed $250,000, which cost will be financed from internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 2, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5572; Filed, May 18, 1967; 8:45 a.m.]

[Docket Nos. G-4489, CI67-1063]

MARTHA FORDYCE

Order Amending Order Issuing Certificate, Vacating Certificate, Rescinding Acceptance, and Redesignation of FPC Gas Rate Schedule, and Cancelling Docket Designation

MAY 11, 1967.

On February 16, 1967, Martha Fordyce (Applicant) filed in Docket No. CI67-1063 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas to The Manufacturers Light and Heat Co. from South Franklin Township, Washington County, Pa., pursuant to a contract dated September 10, 1924, as supplemented. Applicant acquired the producing property from Dunn-Mar Oil & Gas Co. By order issued April 19, 1967, in Docket Nos. G-4831, et al., the Commission issued a certificate to Applicant in Docket No. CI67-1063 and accepted the related contract for filing as Applicant's FPC Gas Rate Schedule No. 1. Said order stated that no certificate or rate filings had been made by Applicant's predecessor. A review of the records of the Commission reveals that Applicant, in fact, proposed to continue the sale of natural gas theretofore authorized to be made by Dunn-Mar Oil & Gas Co. in Docket No. G-4489 pursuant to its FPC Gas Rate Schedule No. 15.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the order issuing a certificate to Dunn-Mar Oil & Gas Co. in Docket No. G-4489 should be amended as hereinafter ordered and conditioned and that the certificate issued to Martha Fordyce in Docket No. CI67-1063 should be vacated.

The Commission orders:

(A) The order issuing a certificate of public convenience and necessity to Dunn-Mar Oil & Gas Co. in Docket No. G-4489 is amended by substituting Martha Fordyce as certificate holder, and in all other respects said order shall remain in full force and effect.

(B) The certificate issued to Martha Fordyce in Docket No. CI67-1063 is vacated.

(C) Dunn-Mar Oil & Gas Co., FPC Gas Rate Schedule No. 15 and Supplement Nos. 1, 2, and 3 thereto are redesignated as Martha Fordyce FPC Gas Rate Schedule No. 1 and Supplement Nos. 1, 2 and 3 thereto; and the Assignments dated November 3, 1944, from New Oil and Gas Co. to Dunn-Mar Oil & Gas Co. and December 30, 1959, from Dunn-Mar Oil & Gas Co. to Martha Fordyce are accepted for filing effective December 30, 1959, and are designated as Supplement Nos. 4 and 5, respectively, to the redesignated rate schedule.

(D) The acceptance for filing of the subject gas purchase contract, as supplemented, in the order of April 19, 1967, is rescinded.

(E) Docket designation CI67-1063 is canceled.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5573; Filed, May 18, 1967; 8:45 a.m.]

[Docket No. CP67-323]

GAS SERVICE CO. AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

MAY 10, 1967.

Take notice that on May 1, 1967, the Gas Service Co. (Applicant), 700 Scarritt Building, Kansas City, Mo. 64142, filed in Docket No. CP67-323 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Respondent) to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver volumes of natural gas to Applicant for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspecton.

Specifically, Applicant requests that Respondent be ordered to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution by Applicant in the town of Hughesville (Hughesville) and the city of Armstrong (Armstrong), Mo., and environs.

The estimated third year peak-day and annual requirements of Hughesville are 100 Mcf and 7,500 Mcf, respectively.

The estimated third year peak-day and annual requirements of Armstrong are 428 Mcf and 33,910 Mcf, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 5, 1967.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5574; Filed, May 18, 1967; 8:45 a.m.]

[Docket No. CP67-316]

GREELEY GAS CO. AND CITIES SERVICE GAS CO.

Notice of Application

MAY 11, 1967.

Take notice that on April 28, 1967, Greeley Gas Co. (Applicant), Post Office Box 349, Herington, Kans. 67449, filed in

Docket No. CP67–316 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the Marion County Park and Lake Area, Marion County, all in the State of Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 22,500 feet of 2-inch pipeline, from a point of interconnection with Respondent's 26-inch transmission line, north and east to the proposed natural gas distribution system which will serve Marion County Park and Lake Area, Marion County, Kans. Applicant estimates the third year peak daily and peak annual requirements of natural gas at 324 Mcf and 18,900 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $30,468, said cost to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 8, 1967.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67–5575; Filed, May 18, 1967; 8:46 a.m.]

[Docket No. CP67–319]

IOWA ELECTRIC LIGHT AND POWER CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 11, 1967.

Take notice that on May 1, 1967, Iowa Electric Light and Power Co. (Applicant), Post Office Box 351, Cedar Rapids, Iowa 52406, filed in Docket No. CP67–319 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the Town of Birmingham, in the State of Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to build a municipal natural gas distribution system in the Town of Birmingham, Iowa, and Applicant proposes that Respondent build the necessary transmission lateral from its transmission pipeline to the town border station that Applicant proposes that Respondent also build. Applicant estimates the third year peak daily and peak annual requirements of natural gas for the rendering of the proposed service at 223 Mcf and 32,832 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $64,860, said cost to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 2, 1967.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67–5576; Filed, May 18, 1967; 8:46 a.m.]

[Docket No. RI60–426]

McCARRICK, GOUGER & MITCHELL, ET AL.

Order Accepting Offer of Settlement, Requiring Filing of Notice of Change and Refunds, Severing, and Terminating Proceeding

MAY 10, 1967.

On March 20, 1967, McCarrick, Gouger & Mitchell, et al. (McCarrick) filed an offer of settlement, pursuant to § 1.18(e) of the Commission's rules of practice and procedure, involving an increased rate for sales of natural gas to Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (TGP), from the Seeligson Field, Jim Wells County, Tex. (Texas Railroad Commission District No. 4), under its FPC Gas Rate Schedule No. 2. McCarrick filed a rate increase from 12.12268 cents to 17.24347 cents per Mcf of natural gas at 14.65 p.s.i.a., inclusive of tax reimbursement, on May 23, 1960, which was suspended by order of the Commission on June 22, 1960, for the statutory period, and thereafter made effective, subject to refund, by McCarrick on November 23, 1960.

Under the terms of the offer, McCarrick proposes to eliminate the periodic price escalation, price redetermination, and favored-nation clauses from the subject contract, to substitute new periodic escalation provisions, and to reduce the rate to 14.6 cents per Mcf of natural gas at 14.65 p.s.i.a., inclusive of tax reimbursement (three-fourths of taxes levied after January 1, 1967).

Approval of the proposal will decrease McCarrick's annual revenues approximately $8,200, based on the currently effective rate, and it will refund to TGP approximately $27,300, exclusive of interest.

The proposed settlement is consistent with the provisions of the Second Amendment to the Commission's Statement of General Policy No. 61–1 (18 CFR 2.56) and its acceptance would serve the public interest.

However, we desire to make it clear that acceptance of McCarrick's offer of settlement shall not be construed as constituting approval of any future rate increase that may be filed under the subject rate schedule resulting from the new periodic escalation provisions or from any possible future tax increase, and is without prejudice to any findings or orders of the Commission in any proceeding, including area rate or other similar proceeding, involving McCarrick's rate and rate schedule.

The Commission finds: The proposed settlement of the above-designated proceeding, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by McCarrick on March 20, 1967, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed with the Commission by McCarrick on March 20, 1967, is approved in accordance with the provisions of this order.

(B) McCarrick shall file within 30 days from the date of issuance of this order a notice of change in rate providing for the 14.6 cents per Mcf rate specified in its settlement proposal and an executed contract amendment to its FPC Gas Rate Schedule No. 2 eliminating the present periodic, price redetermination, and favored-nation clauses therefrom and submitting in lieu thereof new periodic escalations consistent with the settlement proposal. The contractual amendment and notice of change shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) McCarrick shall compute the difference between the rate collected subject to refund and the settlement rate of 14.6 cents per Mcf of natural gas at 14.65 p.s.i.a. for the period from November 23, 1960, to the date of this order, together with applicable interest, and shall within 30 days from the date of this order submit a report to the Commission, and serve a copy on TGP, setting out the amount of refunds (showing separately the principal and interest) and the bases used for such determination. Ten days thereafter it shall refund such monies to TGP, and within 10 days of making the refund shall file a letter of agreement and receipt of the refund monies from TGP.

(D) Upon compliance by McCarrick, with the provisions of this order, the proceeding in Docket No. RI60–426 shall be severed from the Texas Gulf Coast Area Rate Proceeding, Docket No. AR64–2, and terminated.

(E) The acceptance of the Commission of McCarrick's offer of settlement is without prejudice to any findings now pending, or hereafter instituted by or against McCarrick including area rate or other similar proceedings.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67–5577; Filed, May 18, 1967; 8:46 a.m.]

[Docket No. E-7350]

MINNESOTA POWER & LIGHT CO.

Notice of Application

MAY 11, 1967.

Take notice that on May 1, 1967, Minnesota Power & Light Co. (Applicant) filed an application pursuant to section 203 of the Federal Power Act seeking authority to acquire 7,000 shares of common stock ($100 par value) of its subsidiary, Superior Water, Light & Power Co. (Subsidiary). Applicant proposes to purchase such shares of stock for an aggregate cash amount of $700,000.

Applicant is incorporated under the laws of Minnesota with its principal business office at Duluth, Minn., and is engaged in the electric utility business in the State of Minnesota.

The Subsidiary is incorporated under the laws of Wisconsin with its principal business office at Superior, Wis., and supplies electric, gas, and water service in Superior, Wis., and the area immediately adjacent thereto. All of the outstanding stock of Subsidiary is presently owned by Applicant.

Applicant and Subsidiary interchange electric energy with each other under an interchange agreement.

Applicant seeks approval to acquire the 7,000 shares of common stock of Subsidiary to finance, in part, expenditures to be incurred by Subsidiary in the construction of a 115 kv transmission line and additional well capacity.

Any person desiring to be heard or to make any protest with reference to the application should, on or before May 31, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5578; Filed, May 18, 1967; 8:46 a.m.]

[Docket No. CP67-296]

SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 10, 1967.

Take notice that on April 11, 1967, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-296 a "budget-type" application, as supplemented on April 28, 1967, pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct during the 12-month period commencing August 7, 1967, and operate routine gas purchase facilities necessary to enable it to take into its certificated main pipeline system natural gas purchased from producers and others similarly situated in the general supply area of Applicant's existing transmission system.

The total estimated cost of the proposed facilities will not exceed $1 million, and Applicant requests in the supplemental application of April 28, 1967, that § 157.7(b)(1)(ii) of the regulations under the Act be waived and that the cost of any single project be as much as, but not exceed, $500,000. The cost of the projects will be financed from cash on hand and from funds available from current operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 5, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5579; Filed, May 18, 1967; 8:46 a.m.]

[Docket No. CP67-322]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MAY 10, 1967.

Take notice that on May 1, 1967, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP67-322 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a certain booster station in McMullen County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon a 200 horsepower skid-mounted booster station designated as No. 31, together with appurtenant meter station, located in the San Miguel Creek Field, McMullen County, Tex. The Humble Oil and Refining Co. has agreed to purchase in place the aforementioned facility at a price of $28,600.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 2, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5580; Filed, May 18, 1967; 8:46 a.m.]

[Docket No. CP67-318]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 10, 1967.

Take notice that on April 28, 1967, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP67-318 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the replacement and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the following:

(1) To remove four 170 horsepower Cooper-Bessemer units at the Longview Compressor Station, Gregg County, Tex., and

(2) To install at the above location a 150 horsepower Ingersoll-Rand compressor unit previously located at the Burns Compressor Station, St. Mary Parish, La., which will be upgraded to 165 horsepower.

Applicant states that the above-proposed change in facilities will result in an annual savings of approximately $54,000 in operating expenses.

Applicant estimates the total cost of the proposed change in facilities at approximately $93,153.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 5, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5581; Filed, May 18, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter New York Corp., which is a bank holding company located in New York, N.Y., for the prior approval of the Board of the acquisition by Applicant of all of the voting shares of Dutchess Bank & Trust Co., Poughkeepsie, N.Y.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration, the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than 30 days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 12th day of May 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-5582; Filed, May 18, 1967; 8:46 a.m.]

COLORADO CNB BANKSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Colorado CNB Bankshares, Inc., Denver, Colo., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of at least 67 percent of the voting shares of each of the following banks: The Colorado National Bank of Denver, Denver, Colo.; Northeast Colorado National Bank of Denver, Denver, Colo.; and South Colorado National Bank, Denver, Colo.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 12th day of May 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-5583; Filed, May 18, 1967; 8:46 a.m.]

COMMERCIAL BANCORP, INC.

Order Extending Time for Acquisition of Bank Shares

In the matter of the application of Commercial Bancorp, Inc., Miami, Fla., for approval of the acquisition of voting shares of Bank of Palm Beach and Trust Co., Palm Beach, Fla.

By order dated December 29, 1966, the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), approved an application on behalf of Commercial Bancorp, Inc., Miami, Fla., a registered bank holding company, for approval of the acquisition of a minimum of 80 percent of the outstanding voting shares of Bank of Palm Beach and Trust Co., Palm Beach, Fla.; and said order was made subject to the proviso "that the acquisition so approved shall not be consummated * * * (b) later than 3 months after the date of the order".

By further order dated March 14, 1967, the Board, in response to a request of Applicant, extended to May 29, 1967, the time within which the approved acquisition might be consummated.

Whereas, Applicant has requested a further extension of the time within which the approved acquisition shall be consummated; and it appearing to the Board that reasonable cause has been shown for the additional time requested, and that the granting of such additional time would not be inconsistent with the public interest;

It is hereby ordered, That the Board's order of March 14, 1967, as published in the FEDERAL REGISTER on March 23, 1967 (32 F.R. 4456), be and hereby is amended so that the proviso relating to the date by which the acquisition approved shall be consummated shall read "(b) later than August 28, 1967."

Dated at Washington, D.C., this 15th day of May 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-5584; Filed, May 18, 1967; 8:46 a.m.]

DOMINION BANKSHARES CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Dominion Bankshares Corp., Roanoke, Va., for approval of action to become a bank

holding company through the acquisition of more than 50 percent of the outstanding voting shares of The First National Exchange Bank of Virginia, Roanoke, Va., and Metropolitan National Bank, Richmond, Va.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.4 (a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), an application by Dominion Bankshares Corp., Roanoke, Va., for the Board's prior approval of action to become a bank holding company through the acquisition of more than 50 percent of the outstanding voting shares of The First National Exchange Bank of Virginia, Roanoke, Va., and Metropolitan National Bank, Richmond, Va.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller made no recommendation on the proposal.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 21, 1967 (32 F.R. 4326), which provided an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of the order.

Dated at Washington, D.C., this 11th day of May 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-5585; Filed, May 18, 1967; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governor Daane. Governor Sherrill did not participate in the Board's action in this matter.

SECURITIES AND EXCHANGE COMMISSION

[70-4485]

CONSOLIDATED NATURAL GAS CO. ET AL.

Notice of Proposed Issuance of Short-Term Notes to Banks, Open Account Advances to Subsidiaries, and Issuance of Long-Term Notes

MAY 15, 1967.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and its wholly owned subsidiary companies, Consolidated Gas Supply Corp. ("Supply Corp."), The East Ohio Gas Co. ("East Ohio"), The Peoples Natural Gas Co. ("Peoples"), and The River Gas Co. ("River"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Consolidated proposes to obtain funds for financing the seasonal increase in gas storage inventories of certain of its subsidiary companies by issuing, on one or more dates in 1967, an aggregate of up to $40 million of unsecured promissory notes to a group of banks listed below. The proceeds from the sale of notes will be advanced to such subsidiary companies on open account. Both the notes and the open account advances will mature in not more than 12 months from the date of the first note borrowing and will bear interest at the prime rate in effect at each bank on the date of such first note borrowing. The notes will be prepayable, in whole or in part at any time, without premium, upon 10 days' prior written notice. Both the notes and the open account advances will be repaid as gas is withdrawn from storage and sold by the subsidiary companies during the 1967–68 heating season.

The names of the banks and the participation of each in the proposed borrowing by Consolidated are as follows:

New York City:	
The Chase Manhattan Bank	$12,425,000
The First National City Bank	3,500,000
Morgan Guaranty Trust Co	3,200,000
Manufacturers Hanover Trust Co	2,300,000
Bankers Trust Co	1,700,000
Chemical Bank New York Trust Co	1,700,000
Irving Trust Co	1,800,000
Ohio:	
Cleveland:	
The National City Bank	2,800,000
Union Commerce Bank	1,250,000
Central National Bank	400,000
Society National Bank	$350,000
The Cleveland Trust Co	200,000
Akron:	
First National Bank of Akron	350,000
Akron National Bank & Trust Co	250,000
Ashtabula:	
The Farmers National Bank & Trust Co	75,000
Canton:	
The Harter Bank & Trust Co	200,000
First National Bank of Canton	175,000
The Canton National Bank	100,000
The Peoples - Merchants Trust Co	100,000
Painesville:	
The Lake County National Bank	75,000
Warren:	
The Second National Bank of Warren	75,000
The Union Savings & Trust Co	75,000
Youngstown:	
The Mahoning National Bank	400,000
The Union National Bank	175,000
Pennsylvania:	
Pittsburgh:	
Pittsburgh National Bank	1,800,000
Mellon National Bank and Trust Co	1,500,000
The Union National Bank of Pittsburgh	700,000
Altoona:	
Mid-State Bank & Trust Co	125,000
Johnstown:	
Johnstown Bank and Trust Co	75,000
United States National Bank in Johnstown	75,000
New York:	
Elmira:	
Marine Midland Trust Company of Southern New York	575,000
Syracuse:	
Marine Midland Trust Company of Central New York	575,000
West Virginia:	
Clarksburg:	
The Empire National Bank of Clarksburg	200,000
The Union National Bank of Clarksburg	200,000
Morgantown:	
The First National Bank of Morgantown	150,000
Parkersburg:	
The Parkersburg National Bank	150,00
Commercial Banking & Trust Co	100,000
Union Trust & Deposit Co	100,000
Total	40,000,000

Consolidated proposes to make temporary advances on open account, aggregating up to $31,200,000, to the subsidiary companies set forth below, for the purpose of financing plant construction expenditures, as called for from time to time in 1967. Such advances would be payable on or before October 25, 1967, with interest at the lowest prime rate available to Consolidated on the date of the first advance to the respective subsidiary company.

The subsidiary companies shown below propose to issue to Consolidated and Consolidated proposes to acquire on or before October 25, 1967, up to $51,200,000 principal amount of nonnegotiable long-term notes maturing serially from 1972 to 1991 with final payment due 1992. Such notes will bear interest at a rate predicated on and substantially equal to the effective cost of money to Consolidated on its scheduled debenture issue, which is to be the subject of a future filing. The proceeds of these notes will be used to pay the aforesaid open account advances by Consolidated and $20 million of similar advances made in 1966.

The proposed intrasystem transactions described above are summarized as follows:

(000 omitted)

	Open account advances by consolidated		Issuance of long-term notes of subsidiary companies	
	For gas storage	For 1967 construction	For 1967 construction	For 1966 construction
Supply Corp.	$25,000	$11,200	$11,200	$8,800
East Ohio	10,000	14,000	14,000	5,500
Peoples	5,000	6,000	6,000	5,500
River				200
Total	40,000	31,200	31,200	20,000

The filing states that the Public Service Commission of West Virginia has jurisdiction over the long-term and short-term borrowings proposed by Supply Corp.; that The Public Utilities Commission of Ohio has jurisdiction over the long-term borrowings proposed by East Ohio and River; that the Pennsylvania Public Utility Commission has jurisdiction over the long-term borrowings proposed by Peoples; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

The fees and expenses to be incurred in connection with the proposed transactions, all of which are to be paid by Consolidated, are estimated not to exceed $2,500, consisting of $2,000 payable to Consolidated Natural Gas Service Corp. for services on a cost basis and miscellaneous out-of-pocket expenses of $500.

Notice is further given that any interested person may, not later than June 9, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5595; Filed, May 18, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 16, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41026—*Fertilizer and Fertilizer Material from Courtright, Ontario, Canada.* Filed by O.W. South, Jr., agent (No. A5030), for interested rail carriers. Rates on fertilizer and fertilizer material, as described in the application, in carloads, from Courtright, Ontario, Canada, to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief—Modified short-line distance formula and grouping.

Tariff—Canadian Freight Association tariff ICC 275.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5633; Filed, May 18, 1967; 8:50 a.m.]

[Notice 387]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 16, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2980 (Sub-No. 7 TA), filed May 12, 1967. Applicant: LANDGREBE MOTOR TRANSPORT, INC., State Road 130, Post Office Drawer 32, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), between Valparaiso and South Bend, Ind., over Indiana Highway 2; also between junction Indiana Highway 2 and U.S. Highway 20 and South Bend, Ind., over U.S. Highway 20, serving all intermediate points, for 180 days. Supporting shippers: McGill Manufacturing Co., Inc.; Northern Supplies, Inc.; Indiana General Corp., Magnet Division; Impact Extrusions, Inc., Post Office Box 170; R. W. Pool Co., 352 South Franklin Street; Urschel Laboratories, Inc.; Valparaiso Furniture Co., 1310 East Lincolnway; Porter County Plumbing & Heating, Inc., Highway 49 North, Box 405; and Philips Furniture & Appliance, Inc., 1307 East Lincolnway; all of Valparaiso, Ind. 46383. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 106603 (Sub-No. 93 TA), filed May 12, 1967. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Robert E. Gesell, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt and salt products,* from the plantsite of Diamond Crystal Salt Co., Akron, Ohio, to points in Indiana, Illinois, the Lower Peninsula of Michigan, and Kenosha and Milwaukee, Wis., for 180 days. Supporting shipper: Diamond Crystal Salt Co., 916 South Riverside Avenue, St. Clair, Mich. 48079. Send protests to: Clarence R. Fleming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, 325 West Allegan Street, Lansing, Mich. 48933.

No. MC 116474 (Sub-No. 12 TA), filed May 12, 1967. Applicant: LEAVITTS FREIGHT SERVICE, INC., Route 1, Box 170B, Springfield, Oreg. 97477. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, prefabricated wood timbers, trusses, and beams and accessories* used in the erection, construction, and completion of the foregoing when shipped therewith, from Drain, Oreg., to points in Montana, for 180 days. Supporting shipper: Duco-Lam, Inc., Post Office Box 297, Drain, Oreg. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 123383 (Sub-No. 22 TA), filed May 12, 1967. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, from the plantsite of the Flintkote Co., at Camden, N.J., to points in that part of New York north of U.S. Highway 6; and (2) *joint system*, from Akron, N.Y., to Camden, N.J., for 180 days. Supporting shipper: The Flintkote Co., East Rutherford, N.J. 07070. Send protests to: Joel Morrows, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5634; Filed, May 18, 1967; 8:50 a.m.]

[Notice 1520]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 16, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69355. By order of May 11, 1967, the Transfer Board approved the transfer to Colossal Carriers Ltd., Montreal, Quebec, Canada, of the operating rights in permit No. MC-118264, issued May 31, 1962, to Colossal Transportation Ltd., Montreal, Quebec, Canada, authorizing the transportation, over irregular routes, of bananas from points in the New York, N.Y., commercial zone to the United States-Canada boundary line at or near Champlain, N.Y. William D. Traub, 10 East 40th Street, New York, N.Y., representative for applicants.

No. MC-FC-69469. By order of May 12, 1967, the Transfer Board approved the transfer to Carroll's Martha's Vineyard Rapid Transit, Inc., Vineyard Haven, Mass., of Certificate No. MC-97792 (Sub-No. 1) and Certificate of Registration No. MC-97792 (Sub-No. 4), issued June 5, 1957, and September 25, 1964, respectively, to William E. Carroll, doing business as Martha's Vineyard Rapid Transit, Vineyard Haven, Mass., the former authorizing the transportation of general commodities, with the usual exceptions, between points on the Island of Martha's Vineyard, Mass., and the latter evidencing a right to the holder to engage in operations in interstate or foreign commerce corresponding in scope to the grant of authority in Regular Route Common Carrier Certificate No. 832, dated July 8, 1935, and Irregular Route Common Carrier Certificate No. 3339, dated April 12, 1940, issued by the Massachusetts Department of Public Utilities. George C. O'Brien, 33 Broad Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-69597. By order of May 11, 1967, the Transfer Board approved the transfer to J. F. Fiore Co., Inc., Boston, Mass., of Certificate No. MC-2677, issued February 13, 1942, to J. F. Fiore and Rose L. Fiore, a partnership, doing business as J. F. Fiore Co., Boston, Mass., authorizing the transportation of household goods, over irregular routes, between points and places in Massachusetts east of the Connecticut River, including those on the west bank of the Connecticut River, on the one hand, and, on the other, points and places in Connecticut, Illinois, Maine, Maryland, Ohio, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, and those in the District of Columbia, traversing Delaware and Indiana for operating convenience only. James M. Fiore, 811 East First Street, Boston, Mass. 02127, representative for applicants.

No. MC-FC-69601. By order of May 11, 1967, the Transfer Board approved the transfer to Robert B. Smith, doing business as Lincoln Van & Storage Co., Philadelphia, Pa., of the operating rights in certificate No. MC-39249 (Sub-No. 2), issued July 30, 1963, to Martin Marano, doing business as Marty's Express, Philadelphia, Pa., authorizing the transportation, over irregular routes, of household goods, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, Delaware, and the District of Columbia. Leon Weinroth, 1616 Walnut Street, Philadelphia, Pa., attorney for applicants.

No. MC-FC-69610. By order of May 11, 1967, the Transfer Board approved the transfer to Allan L. Moltzer, Amery, Wis., of certificate No. MC-39112, issued December 17, 1962, to Floyd G. Friday, Amery, Wis., authorizing the transportation of general commodities, with the usual exceptions, from South St. Paul, St. Paul, Minneapolis, and Stillwater, Minn., to Wanderoos, Amery, Osceola, and Clayton, Wis., and livestock and farm products, from points in St. Croix, Polk, and Barron Counties, Wis., to South St. Paul, Minn. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-69611. By order of May 11, 1967, the Transfer Board approved the transfer to Mauverdene Robinson, doing business as K & K Transfer Co., 12th and Kansas, Springfield, Colo., of the certificate of registration in No. MC-96929 (Sub-No. 1), issued May 20, 1965, to Russell R. Robinson and Mauverdene Robinson, a partnership, doing business as K & K Transfer Co., 12th and Kansas, Springfield, Colo., and evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in Certificate of Public Convenience and Necessity PUC No. 304, dated December 26, 1957, issued by the public Utilities Commission of Colorado.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5635; Filed, May 18, 1967; 8:51 a.m.]

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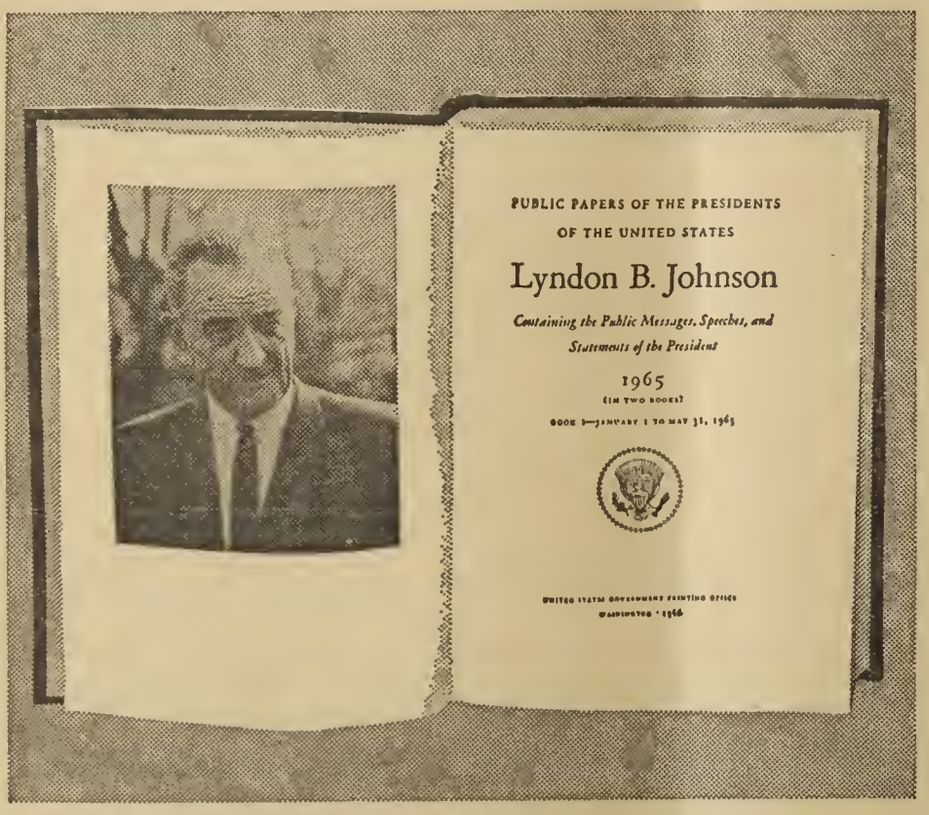
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PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS

Appendix—Second Apportionment of of the School Breakfast Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1967

Pursuant to section 4 of the Child Nutrition Act of 1966, Public Law 89–642, 80 Stat. 886, food assistance funds available for the fiscal year ending June 30, 1967, are reapportioned among the States as follows in order to effect a further apportionment of funds.

State	Total apportionment	State agency	Withheld for private schools
Alabama	$37,807	$36,871	$936
Alaska	307	307	
Arizona	37,207	36,205	1,002
Arkansas	12,407	11,691	716
California	37,807	37,807	
Colorado	7,111	5,162	1,949
Connecticut	12,807	12,807	
Delaware	2,000	2,000	
District of Columbia	37,807	37,807	
Florida	9,000	9,000	
Georgia			
Guam	2,070		2,070
Hawaii	6,307	5,442	865
Idaho			
Illinois	17,000	17,000	
Indiana	10,000	10,000	
Iowa	13,377	9,000	4,377
Kansas	3,500	3,500	
Kentucky	14,807	14,807	
Louisiana	27,807	27,807	
Maine	11,272	7,000	4,272
Maryland	37,807	36,456	1,351
Massachusetts	22,807	22,807	
Michigan	27,629	25,029	2,600
Minnesota	31,371	27,944	3,427
Mississippi	25,807	25,807	
Missouri	5,807	5,807	
Montana	4,707	3,361	1,346
Nebraska	4,933	755	4,178
Nevada			
New Hampshire	6,500	6,500	
New Jersey	37,807	32,773	5,034
New Mexico	7,807	7,807	
New York	47,807	47,807	
North Carolina	112,807	112,807	
North Dakota	3,494	2,019	1,475
Ohio	36,807	33,874	2,933
Oklahoma	4,807	4,807	
Oregon	807	807	
Pennsylvania	14,807	10,003	4,804
Puerto Rico	37,807	37,807	
Rhode Island	4,000	4,000	
South Carolina	16,507	15,884	623
South Dakota	2,307	2,307	
Tennessee	10,000	10,000	
Texas	37,407	36,252	1,155
Utah	355	355	
Vermont	7,807	7,807	
Virginia	37,907	37,146	761
Virgin Islands			
Washington	2,907	1,176	1,732
West Virginia	71,993	71,993	
Wisconsin	34,807	30,321	4,486
Wyoming	37,807	37,807	
American Samoa	2,500	2,500	
Total	1,038,829	986,737	52,092

(Secs. 2, 4, 6, and 8 through 16, 80 Stat. 885–890; 42 U.S.C. 1771, 1773, 1775, 1777–1785)

Dated: May 11, 1967.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 67–5640; Filed, May 18, 1967; 8:51 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 15]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

TRANSFER OF COTTON ACREAGE AFFECTED BY NATURAL DISASTER

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to designate counties in Arkansas, Mississippi, and Tennessee that have been affected by a natural disaster within the meaning of section 344(n) of the act for the 1967 crop.

In order that determinations with respect to transfer of acreage for the 1967 crop may be made prior to the end of the cotton planting season, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.430(i) of the regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) is amended by adding the following additional counties to the list of designated States and counties:

ARKANSAS

Arkansas	Drew
Ashley	Faulkner
Chicot	Greene
Clark	Independence
Clay	Jackson
Conway	Jefferson
Craighead	Lafayette
Crittenden	Lawrence
Cross	Lee
Desha	Lincoln

ARKANSAS—Continued

Little River	Poinsett
Lonoke	Prairie
Miller	Pulaski
Mississippi	Randolph
Monroe	St. Francis
Perry	White
Phillips	Woodruff

MISSISSIPPI

Bolivar	Leflore
Calhoun	Sunflower
Coahoma	Tunica
De Soto	Warren
Grenada	Washington
Issaquena	Yalobusha
Lafayette	

TENNESSEE

Gibson	Lauderdale
Hardeman	Shelby
Haywood	Tipton

(Secs. 344(n), 375; 78 Stat. 177, 52 Stat. 66, as amended; 7 U.S.C. 1344(n), 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 15, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67–5676; Filed, May 19, 1967; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 203]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.503 Valencia Orange Regulation 203.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, or preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 18, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 21, 1967, through May 27, 1967, are hereby fixed as follows:

(i) District 1: 260,000 cartons;

(ii) District 2: 335,000 cartons;

(iii) District 3: 105,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 19, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–5755; Filed, May 19, 1967; 11:24 a.m.]

[Lemon Reg. 268]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.568 Lemon Regulation 268.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 16, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 21, 1967, through May 27, 1967, are hereby fixed as follows:

(i) District 1: 1,200 cartons;

(ii) District 2: 246,450 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 18, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–5693; Filed, May 19, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67–SW–12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Lawton, Okla., control zone.

On April 1, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 5473) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Lawton, Okla., terminal area by changing the control zone designation from part time to full time.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 25, 1967, as herein set forth.

In § 71.171 (32 F.R. 2109) the Lawton, Okla., control zone is amended by deleting "* * * This control zone is effective from 0630 to 2230 hours, local time, daily."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on May 10, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67–5658; Filed, May 19, 1967; 8:46 a.m.]

[Airspace Docket No. 66-EA-82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On February 8, 1967 a notice of proposed rule making was published in the FEDERAL REGISTER, 32 F.R. 2650, which would alter the Augusta, Maine, Control Zone and Transition Area.

Subsequent to the publication of the Notice it was determined to decommission the Augusta, Maine, RBN which would permit deletion of the airspace based on the facility as contained in the Notice.

Interested parties were afforded an opportunity to submit written data or views as they may desire. No objections to the proposed rule were received. Further, deletion of the airspace based on the decommissioned RBN is less restrictive and therefore notice and public procedure hereon are unnecessary.

In view of the foregoing the proposed rules are adopted effective 0001 e.s.t., June 22, 1967, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Augusta, Maine, control zone and substitute the following:

AUGUSTA, MAINE

Within a 5-mile radius of the center (44°19'15" N., 69°47'45" W.), of Augusta State Airport, Augusta, Maine; within 2 miles each side of the Augusta VOR 327° radial extending from the 5-mile radius zone to 6 miles northwest of the VOR; and within 2 miles each side of the Capital City, Maine, RBN (44°20'18" N., 69°48'42" W.) 333° bearing extending from the 5-mile radius zone to 6 miles northwest of the RBN.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Augusta, Maine, transition area and insert in lieu thereof:

AUGUSTA, MAINE

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center (44°19'15" N., 69°47'45" W.), of Augusta State Airport, Augusta, Maine, and within 2 miles each side of the Capital City, Maine, RBN (44°20'18" N., 69°48'42" W.) 333° bearing extending from the 8-mile radius area to 8 miles northwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on May 9, 1967.

WAYNE HENDERSHOT,
Acting Director,
Eastern Region.

[F.R. Doc. 67-5666; Filed, May 19, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On February 15, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2898) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Memphis, Tenn., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the Notice, it was determined that the 700-foot transition area extension predicated on the Memphis Runway 9 ILS localizer west course, extending from the 8-mile radius area to 8 miles west of the OM could be revoked as the required airspace protection for this final approach is encompassed in the 8-mile radii transition area.

Additionally, because of the redefining of the final approach radial (AL-253-VOR RWY 35), it is necessary to redesignate the control zone extension predicated on the Memphis VORTAC 351° radial to the 349° radial.

Since these amendments are either editorial or minor in nature, notice and public procedure hereon are unnecessary and they are incorporated in this final rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., July 20, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Memphis, Tenn. (Metropolitan Airport), control zone is amended to read:

MEMPHIS, TENN. (METROPOLITAN AIRPORT)

Within a 5-mile radius of the Memphis Metropolitan Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 2 miles each side of the extended centerline of Runway 3, extending from the 5-mile radius zone to 5.5 miles northeast of the airport; within 2 miles each side of the Runway 9 ILS localizer east course, extending from the 5-mile radius zone to 6 miles east of the airport; within 2 miles each side of the Runway 35 ILS localizer south course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Memphis VORTAC 349° radial, extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Memphis VORTAC 353° radial, extending from the 5-mile radius zone to 20 miles north of the VORTAC; excluding the portion within a 1-mile radius of the Desoto Air Park, Horn Lake, Miss. (latitude 34°59'15" N., longitude 90°01'55" W.).

In § 71.181 (32 F.R. 2148) the Memphis, Tenn., 700-foot transition area is amended to read:

MEMPHIS, TENN.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Memphis Metropolitan Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 2 miles each side of the Memphis Runway 9 ILS localizer east course, extending from the 8-mile radius area to 16 miles east of the airport; within 2 miles each side of the Memphis Runway 35 ILS localizer south course, extending from the 8-mile radius area to 8 miles south of the OM; within an 8-mile radius of the West Memphis Airport (latitude 35°08'24" N., longitude 90°14'00" W.); within 2 miles each side of the Memphis VORTAC 311° radial, extending from the 8-mile radius area to 31 miles northwest of the VORTAC; within an 8-mile radius of the Twinkle Town Airport (latitude 34°55'45" N., longitude 90°10'05" W.); within 2 miles each side of the Memphis VORTAC 265° radial, extending from the 8-mile radius area to the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on May 11, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-5667; Filed, May 19, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1201]

PART 13—PROHIBITED TRADE PRACTICES

A. Greenhouse, Inc., et al.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment or acceptance of Commission, brokerage or other compensation under 2(c): § 13.800 *Buyers' agents.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13)

[Cease and desist order, A. Greenhouse, Inc., et al., Albany, N.Y., Docket C-1201, Apr. 27, 1967]

In the Matter of A. Greenhouse, Inc., a Corporation; and Saul Greenhouse, Individually and as an Officer of said Corporation; Food Trends, Inc., a Corporation; Consumer Motivation, Inc., a Corporation; and Eugene Greenhouse, Individually and as an Officer of Food Trends, Inc., and Consumer Motivation, Inc.

Consent order requiring an Albany, N.Y., grocery products wholesaler and two brokerage concerns to cease engaging in illegal brokerage practices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents A. Greenhouse, Inc., a corporation, and its officers, and Saul Greenhouse, individually and as an officer and stockholder of A. Greenhouse, Inc., and respondents' agents, representatives and employees, directly or through any corporate or other device, in or in connection with the purchase of grocery products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of grocery products for respondents' own account, or on purchases made through Food Trends, Inc., or Consumer Motivation, Inc., or any other brokerage organization where, and so long as, any relationship exists between the brokerage organization and the respondents named

herein, either through ownership, control, management or representation.

It is further ordered, That respondents Food Trends, Inc., Consumer Motivation, Inc., corporations, and their officers, and Eugene Greenhouse, individually and as an officer and stockholder of Food Trends, Inc. and Consumer Motivation, Inc., and respondents' agents, representatives and employees, directly or through any corporate or other device, in or in connection with the purchase or sale of grocery products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of grocery products for their own account, or for the account of A. Greenhouse, Inc., so long as any relationship exists between said brokerage organizations and the buyer organization, either through ownership, control or management, or where respondents Food Trends, Inc., Consumer Motivation, Inc., or Eugene Greenhouse, is the agent, representative or other intermediary acting for or in behalf or is subject to the direct or indirect control of any buyer, including A. Greenhouse, Inc.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued April 27, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-5653; Filed, May 19, 1967; 8:45 a.m.]

[Docket No. C-1202]

PART 13—PROHIBITED TRADE PRACTICES

Leader Garment Co.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Leader Garment Co., St. Louis, Mo., Docket C-1202, May 2, 1967]

Consent order requiring a St. Louis, Mo., manufacturer of fur products to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Leader Garment Co., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation, or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: May 2, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-5654; Filed, May 19, 1967; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-324; Order 347]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Rate Schedules of Public Utilities

MAY 15, 1967.

Commission experience in administering the rate and service regulatory provisions of the Federal Power Act indicates several areas within which public utilities may take voluntary action in changing the format and style of filed rate schedules to achieve more uniformity and simplicity. Under the Commission's regulations governing the filing of rate schedules pursuant to the Act, latitude is afforded filing parties in their choice of the physical document to be submitted.[1] In processing the rate schedules now filed with the Commission it has been noted that systems filing a standardized format achieve clerical and administrative simplicity. Similar benefits have accrued to the Commission in discharging its administrative responsibilities. This policy statement is intended to apprise all companies of these results and to facilitate voluntary adoption of similar procedures by all systems. In doing so, the Commission recognizes that the individual filing parties must review their specific facts and circumstances and may choose to continue existing practices. Suggested revisions in format and style of rate schedules are set forth below.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 205, 206 and 309 thereof (49 Stat. 851, 852, 858; 16 U.S.C. 824d, 824e, 825h), orders:

(A) Part 2, General Policy and Interpretations, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by adding a new § 2.8 to read as follows:

§ 2.8 Simplification of wholesale electric rate schedule filings.

(a) In making changes in rate schedules required to be on file with the Com-

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[1] Section 35.2(b) of the Commission's Regulations under the Federal Power Act defines "rate schedule" as follows:

The term "rate schedule" as used herein shall mean a statement of (1) electric service as defined in paragraph (a) of this section, (2) rates and charges for or in connection with that service, and (3) all classifications, practices, rules, regulations or contracts which in any manner affect or relate to the aforementioned service, rates, and charges. This statement shall be in writing and may take the physical form of a contractual document, purchase or sale agreement, lease of facilities, tariff, or other writing. Any oral agreement or understanding forming a part of such statement shall be reduced to writing and made a part hereof.

mission, public utilities may find it advantageous to file substitute sheets to reflect changes, in lieu of filing rate schedule supplements.

(1) *Identification—substitute sheets.* (i) At the top right of the page, the sheet number may be designated as "_____ Revised Sheet No. _____", followed by "Superseding _____ Sheet No. _____". The first of these blanks would show the number of the revision (i.e., first, second, etc.) and the sheet number would be the same as the sheet replaced. The third and fourth blanks would be filled according to the numbering of the sheet replaced.

(ii) Sheets which are to be inserted between two consecutively numbered sheets may be designated "Original Sheet No. _____", with the blank space filled with the appropriate number and a letter to indicate an insertion (i.e., between Sheet Nos. 1 and 2, Original Sheet No. 1a).

(iii) Customer agreement, if required, may be indicated on the bottom of the page, by the signature of the person authorized to agree to the proposed change. The name and title of the person authorized to file the substitute sheet may also be shown on the bottom of the page.

(b) Whenever pursuant to § 35.12 of this chapter an initial rate schedule filing is to be made, or whenever pursuant to § 35.13 of this chapter a rate schedule is to be replaced in its entirety or extensively revised (for example if a large number of the pages are to be changed), public utilities may find it advantageous to use a simplified format, such as the following:

(1) *Format.* A brief service agreement setting forth such items as the name of the purchaser, service to be rendered, term of the agreement, and signatures of the parties. Applicable points of delivery and delivery voltages, applicable rates and charges and applicable terms and conditions may be incorporated in the agreement by reference to separate appendices attached thereto as follows:

(i) Appendix setting forth in detail delivery points, delivery voltages and metering voltages.

(ii) Appendix containing a statement of the rates and charges, set forth separately under appropriate headings such as: Demand charges, energy charges, billing demand determinants, power factor clauses, minimum bill provisions, etc.

(iii) Appendix containing terms and conditions, set forth separately under appropriate headings such as: services, facilities at the points of connection, meter adjustments, continuity of service, liability, etc.

(2) *Identification.* (i) At the top right of the page, the sheet number may be designated as "Original Sheet No. _____".

(ii) Sheets which are to be replaced or inserted may be designated in the same manner suggested in paragraph (a) (1) of this section.

(Secs. 205, 206, 309, 49 Stat. 851, 852, 858; 16 U.S.C. 824d, 824e, 825h)

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 67-5652; Filed, May 19, 1967; 8:45 a.m.]

[Docket No. R-323; Order 346]

PART 25—APPLICATION FOR VACATION OF WITHDRAWAL AND FOR DETERMINATION PERMITTING RESTORATION TO ENTRY

Power Site Withdrawals and Determinations

MAY 12, 1967.

The Commission has reviewed its procedures with respect to applications for vacation of power site withdrawals and determinations under section 24 of the Federal Power Act in an effort to expedite the processing of such applications. Consultation with the Department of the Interior and other interested agencies has resulted in an understanding between the Commission and the Secretary of the Interior with respect to procedures for processing various applications relating to lands of the United States withdrawn for the development of electric power. In order to implement these procedures we are amending Part 25 of the Regulations under the Federal Power Act to provide that applications involving such lands which have been withdrawn pursuant to section 24 of the Act, classified by the Geological Survey or otherwise withdrawn for power purposes be directed to the Bureau of Land Management, Department of the Interior, or in the case of National Forest Lands, to the U.S. Forest Service, Department of Agriculture.

Under the amended procedure, the Bureau of Land Management would advise an applicant in the event the lands included in the application are not available for disposal under the public land laws without regard to their power withdrawal. In such cases, where any action this Commission might take under section 24 would not result in making the lands involved subject to disposal, the Bureau of Land Management would not request that a section 24 determination be made. In all other cases, the Bureau of Land Management (or the Forest Service if National Forest Lands are involved) would apply to the Commission for a section 24 determination. The procedure contemplates that the results of an investigation by the Geological Survey would be transmitted to the Commission together with the application involving lands which have been withdrawn for power purposes by the Department of the Interior.

The practice of having a Federal agency apply to the Commission for a section 24 determination when a third party seeks to acquire Government lands withdrawn for power purposes has been followed for some years by the Forest Service in connection with National Forest Land exchanges. The effect of the proposed change in § 25.1 would be merely to apply this procedure uniformly to all future applications under section 24.

It appears that the amendment hereinafter adopted pertains to Commission practice and procedure and hence that the notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable.

The Commission finds:

(1) The amendment hereinafter adopted is necessary and appropriate for the purposes of administration of the Federal Power Act.

(2) Good cause exists that the amendment herein adopted becomes effective forthwith.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 24 and 309 thereof (41 Stat. 1075; 49 Stat. 846, 858; 62 Stat. 275; 16 U.S.C. 818, 825 (h)), orders:

(A) Part 25, Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising the first sentence of § 25.1. As amended, the section reads as follows:

§ 25.1 Contents of application.

Any application for vacation of a reservation effected by the filing of an application for preliminary permit or license, or for a determination under the provisions of section 24 of the Act permitting restoration for location, entry, or selection under the public lands laws, or such lands reserved or classified as power sites shall, unless the subject lands are National Forest Lands, be filed with the Bureau of Land Management, Department of the Interior, at the Bureau's office in Washington, D.C. or at the appropriate regional or field office of the Bureau. If the lands included in such application are National Forest Lands, the application shall be filed with the U.S. Forest Service, Department of Agriculture at the Forest Service's office in Washington, D.C., or at the appropriate regional office of the U.S. Forest Service. * * *

(B) The amendment herein adopted shall become effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 67-5651; Filed, May 19, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Confirmation of Effective Date of Order Listing Azodicarbonamide as Optional Ingredient

In the matter of amending the standard of identity for bread (21 CFR 17.1) by listing azodicarbonamide as an optional ingredient for addition to bread dough:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of March 25, 1967 (32 F.R. 4531). Accordingly, the amendment promulgated by that order will become effective on May 24, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: May 15, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-5670; Filed, May 19, 1967; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 56—OFFICE OF DOMESTIC GOLD AND SILVER OPERATIONS SALE OF SILVER

PART 93—OFFICE OF DOMESTIC GOLD AND SILVER OPERATIONS PROCEDURES AND DESCRIPTIONS OF FORMS

Miscellaneous Amendments

Section 209 of the Coinage Act of 1965 (P.L. 89-91; 31 U.S.C. 405a-1) authorizes the Secretary of the Treasury to sell certain silver of the United States upon such terms and conditions as he may deem appropriate. Accordingly, Part 56 is added to specify the terms and conditions upon which silver will be sold. Because of the nature and purpose of this part and the necessity for making it effective immediately, it is found that notice and public procedure are impracticable, unnecessary, and contrary to the public interest.

Sec.
56.1 Conditions upon which silver will be sold.
56.2 Sales price.

AUTHORITY: The provisions of this Part 56 issued under sec. 209, Coinage Act of 1965; P.L. 89-81, 31 U.S.C. 405a-1.

§ 56.1 Conditions upon which silver will be sold.

An application for the purchase of silver may be filed either with the Federal Reserve Bank of New York or the Federal Reserve Bank of San Francisco on forms which are available at both Banks and at the Offices of the Directors of the Mint and of Domestic Gold and Silver Operations. The right is reserved to supply the silver from any mint institution as the interest of the Government requires. Silver may be sold only in amounts required for domestic manufacturing use in the normal conduct of the applicant's business. The applicant is required to certify that the amount of silver which he desires to purchase, together with that on hand, will not exceed his normal requirements for a 2-month period, and that the silver is for manufacturing uses. Applications for unusual amounts of silver are required to be referred to the Office of the Director of Domestic Gold and Silver Operations for approval before the sale can be made.

§ 56.2 Sales price.

Silver is sold at a price not less than $1.292929292 per fine troy ounce. Transportation charges from the mint institution to the purchaser are paid by the purchaser. Payment shall be made in a form acceptable to the Federal Reserve Bank.

The following two amendments are made to Part 93 for the same reason as the adoption of Part 56 above. Sections 93.12 and 93.75 are amended to read as follows:

§ 93.12 Sale of silver.

See Part 56 of this chapter.

§ 93.75 Form TS-400: Application To Purchase Silver From the Treasury Department Under the Act of July 23, 1965 (P.L. 89-81; 31 U.S.C. 405a-1)

The applicant is required to state that the amount of silver which he desires to purchase together with that on hand will not exceed his normal requirements for a 2-month period, and that the silver is for manufacturing uses.

(Section 209, Coinage Act of 1965; P.L. 89-81, 31 U.S.C. 405a-1)

The Instructions issued by the Secretary of the Treasury, relating to the delivery of silver bullion in exchange for silver certificates and appearing at 28 F.R. 7530, July 24, 1963, are revoked.

Silver certificates will continue to be exchangeable for silver on demand as specified in the first paragraph of the Notice appearing at 29 F.R. 3819, March 27, 1964. The last paragraph of that Notice is revoked.

Effective date: Upon filing with the Director, Office of the Federal Register.

[SEAL] JOSEPH W. BARR,
Under Secretary of the Treasury.

MAY 18, 1967.

[F.R. Doc. 67-5713; Filed, May 19, 1967; 8:48 a.m.]

PART 82—SILVER COIN REGULATIONS

In the judgment of the Secretary of the Treasury it is necessary in order to protect the coinage of the United States to prohibit, except pursuant to authorization granted by the Secretary of the Treasury, the exportation, melting, and treating of silver coin of the United States. Accordingly, the following regulations are issued. The prohibitions therein apply only to coins containing silver and exceptions are made for silver coins exported in small amounts for legitimate use as coins or for numismatic purposes, and for small amounts of coins carried in the personal effects of individuals leaving the country. Because of the nature and purpose of these regulations and the obvious necessity for making them effective immediately it is found that notice and public procedure are impracticable, unnecessary, and contrary to the public interest. The regulations are effective immediately. They read as follows:

Sec.
82.1 Prohibition.
82.2 Exceptions.
82.3 Definitions.
82.4 Penalities.

AUTHORITY: The provisions of this Part 82 issued under sec. 105, Coinage Act of 1965, P.L. 89-81, 31 U.S.C. 395.

§ 82.1 Prohibition.

Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) or as provided in this part, no silver coin of the United States may be melted, treated, or exported from the United States or any place subject to the jurisdiction thereof. This prohibition shall not apply to any Department or agency of the United States.

§ 82.2 Exceptions.

The prohibition contained in § 82.1 against exporting silver coin of the United States shall not apply to the following:

(a) Exports of subsidiary silver coins having an aggregate face amount value not exceeding $100 in any one shipment, to be legitimately used as coins or for numismatic purposes. This paragraph does not authorize export for the purpose of the sale or resale of coins for melting or treating by any person;

(b) Silver coin of the United States having an aggregate face amount value not exceeding $5 carried in the personal effects of an individual departing from a place subject to the jurisdiction of the United States.

§ 82.3 Definitions.

(a) "Silver coin of the United States" shall mean the silver dollar and the subsidiary silver coins, and in addition shall include the clad half dollar, or 50-cent piece, authorized by section 101(a)(1) of the Coinage Act of 1965.

(b) "Subsidiary silver coins" shall mean the half dollar or 50-cent piece, the quarter dollar or 25-cent piece, and the dime or 10-cent piece, minted of silver nine-tenths fine.

(c) "Person" means an individual, partnership, association, corporation, or other organization.

(d) "Treat" means to melt, smelt, refine, or otherwise treat by heating or by a chemical or electrical process.

§ 82.4 Penalties.

(a) Any person who melts, treats, or exports silver coin of the United States in violation of § 82.1 shall be subject to the penalties provided in section 105 of the Coinage Act of 1965, which provides:

(a) Whenever in the judgment of the Secretary such action is necessary to protect the coinage of the United States, he is authorized under such rules and regulations as he may prescribe to prohibit, curtail, or regulate the exportation, melting, or treating of any coin of the United States.

(b) Whoever knowingly violates any order, rule, regulation, or license issued pursuant to subsection (a) of this section shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(b) Any coins exported, melted, or treated (or any metal resulting from such melting or treating) in violation of any provision of this Part or of the provisions of any authorization, license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part shall be forfeited to the United States as provided in section 106 of the Coinage Act of 1965.

(c) Attention is also directed to 18 U.S.C. 1001 which provides:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

Effective date. This regulation shall become effective upon filing with the FEDERAL REGISTER.

[SEAL] JOSEPH W. BARR,
Under Secretary of the Treasury.

MAY 18, 1967.

[F.R. Doc. 67-5714; Filed, May 19, 1967; 8:48 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Subpart A—Delegations by Secretary of Transportation

COAST GUARD COMMANDANT; VESSEL DOCUMENTS

Part 1 of Subtitle A of Title 49 of the Code of Federal Regulations is amended by adding a new paragraph (a–1) to § 1.4 reading as follows:

§ 1.4 Delegation of functions, powers, and duties.

* * * * *

(a–1) The Commandant of the Coast Guard is hereby authorized to exercise the functions, powers, and duties vested in the Secretary by:

(1) Reorganization Plan No. 1 of 1967 relating to the approval of the surrender of the documents of a vessel pursuant to subsections B(4) and O(a) of the Ship Mortgage Act, 1920, as amended (46 U.S.C. 911(4) and 961(a)).

* * * * *

(Sec. 9, 80 Stat. 944)

Effective date. This amendment is effective as of May 9, 1967.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 67-5659; Filed, May 19, 1967; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Hunting Seasons for Puerto Rico and Virgin Islands

On page 5628 of the FEDERAL REGISTER of April 6, 1967, there was published a notice of proposed rule making to issue regulations governing the hunting of doves and pigeons in Puerto Rico and the Virgin Islands and the hunting of waterfowl in Puerto Rico.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted with only minor editorial changes and are set forth below.

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Puerto Rico.*

	Doves [1]	Pigeons [1]
Daily bag limit [1]	10, singly or in the aggregate of all species.	10, singly or in the aggregate of all species.
Possession limit [1]	20 doves and pigeons, singly or in the aggregate of all species.	
Open season dates.[2]	July 15–Sept. 30, 1967.	
Shooting hours	One-half hour before sunrise until sunset.	

[1] On Mona Island, the daily bag and possession limit on doves and pigeons is 15, singly or in the aggregate of all species.
[2] No open season is prescribed for doves or pigeons on Culebra Island.

(b) *Virgin Islands.*

	Doves	Pigeons [1]
Daily bag limit	10, singly or in the aggregate of all species.	5.
Possession limit	10, singly or in the aggregate of all species.	10.
Open season dates.[1]	July 1–Sept. 30, 1967.	July 1–Sept. 30, 1967.
Shooting hours	One-half hour before sunrise to sunset.	

[1] Closed season on all species of pigeons except those known locally as red-neck pigeons.

(c) *Puerto Rico.*

	Ducks	Coots	Gallinules	Common snipe (Wilson's)
Daily bag limit	4	6	8	8
Possession limit	8	12	16	16
Shooting hours	One-half hour before sunrise until sunset daily.			
Seasons in: Puerto Rico [1 2 3]	Oct. 1–Dec. 31, 1967.			

[1] Check State regulations for additional restrictions.
[2] No open season for waterfowl is prescribed for the Virgin Islands, including Culebra Island.
[3] The season on Bahama pintail is closed by State law.

Effective date. These regulations shall be effective upon publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 67-5643; Filed, May 19, 1967; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 141—FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN SCIENCE, MATHEMATICS, MODERN FOREIGN LANGUAGES, OTHER CRITICAL SUBJECTS, AND THE HUMANITIES AND THE ARTS IN PUBLIC SCHOOLS

Miscellaneous Amendments

Part 141 of Title 45 of the Code of Federal Regulations is amended as set forth below:

1. Section 141.20 is amended to read as follows:

§ 141.20 Financial reports.

The State agency shall submit, in accordance with procedures established by the Commissioner:

(a) A description of the activities to be carried on under the plan during the fiscal year;

(b) Following the end of the fiscal year, a report of the total expenditures made under the plan during the fiscal year; and

(c) Such other reports as may be appropriate.

2. Section 141.21 is amended to read as follows:

§ 141.21 Federal payments.

Funds allotted to a State under Title III of the Act will be made available to that State in amounts necessary to meet current cash needs for expenditures by a State in carrying out its State plan, in accordance with procedures prescribed by the Commissioner.

§ 141.23 [Revoked]

3. Section 141.23 is revoked.

(Sec. 1001, 72 Stat. 1602; 20 U.S.C. 581. Interpret or apply secs. 301–304, 72 Stat. 1588, as amended; 20 U.S.C. 441–444)

Dated: May 2, 1967.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: May 16, 1967.

JOHN W. GARDNER,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 67–5669; Filed, May 19, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS PORTS OF ENTRY

St. Augustine, Fla.; Proposed Revocation

MAY 12, 1967.

A survey of the workload at the port of St. Augustine, Fla., indicates that the customs transactions at this port consist of only four or five entries a month, mostly of personal effects. This workload does not justify the maintenance of St. Augustine as a port of entry. The few transactions now handled at this port could be handled at the port of Jacksonville, Fla., some 35 miles distant, without undue inconvenience to the public.

Therefore, notice is hereby given that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), it is proposed to revoke the designation of St. Augustine as a customs port of entry in the customs district of Tampa, Fla., in Region IV, and to amend § 1.2(c) (19 CFR 1.2(c)) to delete St. Augustine, Fla., from the list of ports of entry in the Tampa, Fla., district.

Data, views, or arguments with respect to the proposed revocation of the abovementioned customs port of entry may be addressed to the Commissioner of Customs, Washington, D.C. 20226. To insure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-5661; Filed, May 19, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1063]

[Docket No. AO 105-A28]

MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Wagon Wheel Lodge, Rockton, Ill., beginning at 9:30 a.m., local time, on May 25, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Quad Cities-Dubuque marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below have not received the approval of the Secretary of Agriculture.

Proposed by Mississippi Valley Milk Producers Association:

Proposal No. 1. Revise § 1063.10(a) (pool plant definition) to read as follows:

§ 1063.10 Pool plant.

* * * * *

(a) A distributing plant from which not less than 45 percent of the total Grade A milk receipts (except milk received from other order plants for which Class II classification has been requested by the operators of the transferor and transferee plants to the extent of the Class II utilization, or comparable utilization under such other order, available for such assignment pursuant to the allocation provision of the transferee order) is disposed of as Class I during the month, and not less than 10 percent of such receipts is disposed of as Class I in the marketing area.

* * * * *

Proposed by Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, E. H. McGuire, Watch Tower Plaza, 924-37th Avenue, Post Office Box 691, Rock Island, Ill. 61201, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on May 18, 1967.

CLARENCE H. GINARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-5696; Filed, May 19, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[Docket No. 18273; EDR-113B, PSDR-18B]

EXEMPTION OF AIR CARRIERS FOR MILITARY CHARTERS AND SUBSTITUTE SERVICE

Logair and Quicktrans Minimum Rates

MAY 17, 1967.

On March 15, 1967, by notice of proposed rule making EDR-113/PSDR-18 (32 F.R. 4421), the Board proposed, among other things, to revise the minimum rates applicable to Logair and Quicktrans domestic military cargo charters, effective July 1, 1967. We also proposed to remove the revised minimum rates from Part 399 and incorporate them in Part 288 of the Economic Regulations.

The Department of the Air Force (DOD) has requested that the Board announce its final decision with respect to the Logair and Quicktrans minimum rates as soon as possible in order that contract negotiations with the air carriers can proceed for the coming fiscal year.

We are hereby notifying all interested persons of our decision in this matter before issuing the final rules in this proceeding. We have considered the oral and written comments of the interested air carriers and DOD, and all contentions not otherwise disposed of herein are rejected. The new minimum rates for Logair and Quicktrans services set forth herein will be adopted upon issuance of the final rules and will be incorporated in the reissued Part 288 as new § 288.7 (b), as proposed in the notice. These minimum rates will become effective July 1, 1967.[1a] The following statement and the attached appendixes [1b] will be incorporated by reference in the preamble to the final rules issued in this proceeding.

This action is taken under authority of sections 204, 403, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, 771, as amended; 49 U.S.C. 1324, 1373, 1386).

Logair and Quicktrans minimum rates. The notice proposed to establish multielement minimum rates for all aircraft proposed to be used in Logair and Quicktrans domestic military cargo charter service, including new minimum rates for L-100, L-382B, DC-9-30, and B-727-100C aircraft. The proposed minimum rates would have resulted in yields higher than

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[1a] The current Logair and Quicktrans minimum rates, now published in § 399.16(c) of the Statements of General Policy, will remain in effect until July 1.

[1b] Appendix C filed as part of the original document.

the current minimum rates for C–46 and AW–650 aircraft and lower than the current minimum rates for DC–7B/C/F, L–1049H, and DC–6A aircraft. Upon consideration of the written and oral comments received, the Board has determined to adopt minimum fair and reasonable rates, which are listed below along with the current minimum rates and the minimum rates proposed in the notice:

Aircraft type	Linehaul rate per course-flown statute mile	Rate per directed landing
	Current minimum rates	
CL–44	$2.207	----------
C–46	.830	----------
DC–6A/AW–650	1.1765	$100
DC–7F/L–1049H	1.950	----------
	Proposed minimum rates	
C–46	$0.7703	50
DC–6A	1.1614	100
AW–650	1.2702	100
DC–7BF/L–1049H	1.5254	160
L–100/L–382B	1.6397	160
DC–9–30	1.5006	150
B–727–100C	1.9021	150
	Minimum rates adopted	
C–46	$0.7793	50
DC–6A	1.2305	100
AW–650	1.3061	100
DC–7B/C/F/L–1049H	1.6661	150
L–100/L–382B	1.8193	160
DC–9–30	1.5574	150
B–727–100C	1.9021	150

DC–6A Aircraft. In the notice, the Board proposed a minimum rate for the DC–6A in domestic military services of $100 per directed landing plus $1.1614 per course-flown mile, which was estimated to produce an average yield of $1.4150 on the patterns of service contracted for in fiscal year 1967. This proposed rate was based on the adjusted cost estimates of the three carriers performing such services, Saturn, Universal, and World. Following the notice, World notified DOD and the Board that it will not offer its DC–6A's for Logair service in the coming fiscal year, and Saturn and Universal filed comments taking issue with several of the Board's cost computations and alleging a number of cost increases not previously recognized by the Board.

Since World will not operate DC–6A aircraft in Logair next year, it does not appear appropriate to base the minimum rate on an average cost including the relatively low unit costs of World's current DC–6A operation; and the Board has therefore revised the DC–6A cost data to include only forecasts for Saturn and Universal.

The Board has also revised the DC–6A cost forecasts for Saturn and Universal in light of their responses to the notice. For the most part, adjustments have been made to take account of wage and salary increases that have been definitively documented. However, certain technical adjustments have also been made in Saturn's forecast, particularly an adjustment in the average speed factor to reflect the latest reported experience and the correction of an error in the allocation of general burden. Appendix C contains tables explaining in detail the basis for the revised costing.

Saturn also argues that the rate should be restructured on the basis of a $110 landing element instead of the $100 proposed in the notice. On the other hand, Universal does not challenge the $100 landing element. While Saturn has furnished a cost computation indicating that its $110 figure is reasonable, it has failed to prove that the assumptions underlying the computation are actually representative of overall DC–6A Logair operations. In these circumstances, the Board is unconvinced that it should depart from the existing structure, which appears to have achieved satisfactory results in the past.

The adjusted forecast for Saturn shows a cost of $1.463 per mile, and for Universal, $1.526 per mile, from which an overall average cost of $1.4862 per mile has been computed. The new minimum rate here established for the DC–6A, $100 per directed landing plus $1.2305 per course-flown mile, will produce an average yield on the patterns of service now being operated by Saturn and Universal equal to their computed average forecast cost, and will result in an effective increase over the existing rate and the rate proposed in the notice of about 5 percent.

AW–650 Aircraft. Only Universal operates the AW–650 in Logair service. It has documented wage and salary increases not previously recognized totaling 3.6 cents per plane-mile. The Board has revised Universal's forecast and the AW–650 minimum rate to reflect these increases. The final minimum rate established here, $100 per directed landing plus $1.3061 per course-flown mile, represents an increase of about 9 percent over the current minimum rate, and an increase of about 2 percent over the minimum rate proposed in the notice.

DC–7B/C/F and L–1049H Aircraft. Cost forecasts have been submitted only for the DC–7B aircraft and only by Universal. Instead of merely commenting on the Board's costing of its DC–7B proposal, Universal responded to the notice by submitting what amounts to a new forecast predicated on a different and expanded operation. Universal proposes to commit nine DC–7B aircraft to Logair service in fiscal 1968 instead of the six upon which its original cost forecast was predicated.

The Board has considered and allowed a number of the cost revisions urged by Universal. Among those of more significance are a reduction in the forecast daily aircraft utilization, recognition of wage and salary increases that have been documented, and forecast revisions taking account of the carrier's reported experience for the first 6 months of fiscal 1967, the first period in which it performed substantial Logair services with DC–7B aircraft. The revised costing basis is set forth in detail in Appendix C.

The Board's revised costing indicates a DC–7B cost of $1.899 per course-flown mile. In the notice, the Board structured the minimum rate for the DC–7B/C/F and L–1049H, which aircraft are equated for minimum-rate purposes, on the basis of a landing charge of $160 per directed landing. The landing charge has been set largely with reference to the capacity of the aircraft, and Universal has pointed out that the DC–7B has somewhat less capacity than either the DC–7C or the L–1049H. It therefore has urged that the rate be structured on the basis of a lower $140 landing element.

Considering all relevant factors, including the fact that the DC–7B is likely to be used more in Logair service than the other aircraft subject to this minimum rate, the Board believes that a somewhat lower landing charge is indicated in order to reflect the lower capacity of the DC–7B. However, since the other aircraft will probably be used to some extent at least, in our judgment the more appropriate figure is $150 per directed landing. We have therefore adopted a final rate consisting of a stop element of $150 per directed landing and a line-haul element of $1.6661 per course-flown mile, which, when applied to the pattern of service currently operated by Universal with the DC–7B, will yield $1.8702 per course-flown mile. This yield is slightly lower than the recognized costs per mile due to the longer stage length being operated.

The minimum rate adopted here for the DC–7B is approximately 4 percent lower than the current minimum rate and about 5 percent higher than the minimum rate proposed in the notice.

L–100 and L–382B Aircraft. Forecasts for the L–100 and L–382B aircraft were submitted prior to the notice by Airlift and Alaska. Like Universal in the case of the DC–7B, however, these carriers have submitted what amount to new forecasts based upon assumptions entirely different from those on which their original forecasts were based. The Board has considered such revised cost data and adjusted its original cost basis in the light thereof as shown in Appendix C.

The increased costs indicated by the Board's revised costing are in large measure attributable to the changes in the carriers' original proposals. The Board has accepted the carriers' new lower aircraft utilization forecasts as reasonably consistent with the nature of Logair services. On the other hand, the Board has eliminated from the carriers' forecasts an allowance for estimated personal property tax liability assessed by the State of California on flight equipment, since the carriers have been unable to substantiate the claimed amounts of such tax.

As finally revised, the costs for Airlift and Alaska are quite comparable. The indicated cost for Alaska with the L–382B is $1.982 per mile; and, for Airlift with the L–100, $2.013 per mile, producing an overall average cost of $2.003 per mile, up about 10 percent from the $1.827 average cost calculated in the Notice. Using the pattern of service proposed by the carriers for these aircraft, the Board has translated this cost figure into a multi-element rate consisting of a stop charge of $160 per directed landing and a linehaul element of $1.8193 per course-flown mile.

DC–9–30 Aircraft. Prior to the Notice, both ONA and Saturn proposed to offer DC–9 aircraft for Logair service and submitted cost forecasts related to that aircraft. However, after the Notice, Saturn filed a statement that it does not intend to offer DC–9 aircraft for Logair service in fiscal 1968. The Board has therefore excluded the Saturn data in arriving at the final minimum rate for the DC–9 aircraft.

ONA objected to the Board's adjustment of its forecast maintenance expense, general burden, and investment. It filed supplementary comments calling to the Board's attention the fact that it had reached tentative agreement with its pilot union permitting it to reduce the cockpit crew from 3 to 2 persons. This, of course, results in a substantial savings in crew costs over the original forecast, and the Board has adjusted its costing accordingly. ONA has also, in its supplemental comments, pointed out that in its original forecast it overstated general burden; and the Board has accepted the carrier's revised burden allocation. The Board has also decided to accept the carrier's forecast maintenance cost and increased investment attributed to the lift modifications contracted for in the airframe. As it did in the case of the L–100 and L–382B, the Board has eliminated the carrier's estimate of liability for California personal property taxes.

The overall effect of all adjustments in ONA's cost forecast for the DC–9 is to increase the original forecast of $1.829 per mile by about 3.5 percent to $1.896 per mile. This has been translated into a multi-element rate consisting of a stop element of $150 per directed landing and a linehaul element of $1.5574 per course-flown mile.

B–727 Aircraft. Only World submitted a cost forecast for the B–727 aircraft. The Board appropriately adjusted that forecast in the Notice, and proposed a minimum rate based thereon of $150 per directed landing plus $1.9021 per course-flown mile. No comments were directed to either the Board's costing of the B–727 or the rate proposed. The Board is aware of no basis for making any revision on its own motion. Accordingly, the rate proposed in the Notice will be established for the B–727.

C–46 Aircraft. C–46 cost forecasts were submitted by Airlift and Universal. Airlift did not comment on the costing of its C–46 proposal, and Universal's comments were directed entirely to documenting certain wage and salary increases not previously recognized. Recognizing such increased costs in the cost basis points to an effective rate of $0.954 per mile, which represents an increase over the rate proposed in the Notice of about 1 percent. Translated into a multi-element structure related to the current patterns of operation, the rate established consists of a stop element of $50 per directed landing and a linehaul element of $0.7793 per course-flown mile.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67–5662; Filed, May 19, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

CONTINENTAL PIPE LINE CO.

Application for Presidential Permit

The Department of State has received an application, dated April 18, 1967, from the Continental Pipe Line Co., a Delaware corporation, for a Presidential Permit to construct, operate and maintain a pipeline for crude oil at the international boundary line between the United States and Canada, between Glacier County, Mont., and Alberta, Canada.

Notice is hereby given that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice.

For the Secretary of State.

LEONARD C. MEEKER,
Legal Adviser.

[F.R. Doc. 67-5697; Filed, May 19, 1967; 8:48 a.m.]

Agency for International Development

[Delegation of Authority No. 54; Amdt. 2]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION ET AL.

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, of November 3, 1961 (26 F.R. 10608), from the Secretary of State, it is hereby directed that Delegation of Authority No. 54, as amended (29 F.R. 14860), be and it is hereby amended, as follows:

1. In the first paragraph preceding paragraph numbered 1 delete the title "Assistant Administrator for Technical Cooperation and Research" and substitute "Assistant Administrator for Administration."

2. Delete the paragraph following paragraph numbered 3 and substitute the following:

The authorities delegated herein may be redelegated to Donald B. MacPhail, Special Assistant to the Assistant Administrator for Administration. The authorities may also be redelegated with the approval of the cognizant regional Assistant Administrators, to the AID Mission Director or principal AID representative at post, and to the U.S. Ambassador in Lebanon.

3. Current redelegation of authorities to the Ambassador in Lebanon and AID Mission Directors shall continue in effect according to their terms until revoked, modified, or rescinded by the Assistant Administrator for Administration or his delegee.

This amendment to Delegation of Authority No. 54 is effective as of May 7, 1967.

WILLIAM S. GAUD,
Administrator.

MAY 12, 1967.

[F.R. Doc. 67-5657; Filed, May 19, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 1018]

COLORADO

Notice of Termination of Proposed Classification of Lands

Notice of proposed classification of lands, Serial No. C-1018, published as F.R. Doc. No. 66-13969, at pages 16718 and 16719 of the issue for Friday, December 30, 1966, is hereby canceled so far as it affects the hereinafter described lands. The segregative effect thereof will terminate upon publication of this notice in the FEDERAL REGISTER, as provided by the regulations in 43 CFR 2411.2e(2)(ii):

SIXTH PRINCIPAL MERIDIAN

MOFFAT COUNTY

T. 11 N., R. 95 W.,
Sec. 17, lots 29 and 30;
Sec. 19, lots 3 and 4;
Sec. 20, lots 2, 3, and 8 to 28, inclusive;
Sec. 21, lots 7, 9, 11, 13, and 17 to 24, inclusive;
Sec. 28, lots 1 to 13, inclusive, S½;
Sec. 29, lots 1 to 25, inclusive;
Sec. 30, lots 1, 2, 5, 6, 7, 10, 11, and 14 to 29, inclusive;
Sec. 31, lots 5 to 29, inclusive;
Sec. 33.
Totaling approximately 4,100 acres in Moffat County.

GARFIELD COUNTY

T. 4 S., R. 94 W.,
Secs. 19 and 20;
Sec. 21, W½;
Secs. 28 to 33, inclusive;
Sec. 34, W½;
T. 4 S., R. 95 W.,
Secs. 19 to 30, inclusive;
Secs. 33 to 36, inclusive.
T. 5 S., R. 95 W.,
Sec. 4, N½.
T. 4 S., R. 96 W.,
Secs. 19 to 36, inclusive.
T. 5 S., R. 96 W.,
Secs. 1 to 24, inclusive.
T. 4 S., R. 97 W.,
Secs. 19 to 36, inclusive.
T. 5 S., R. 97 W.,
Secs. 1 to 24, inclusive;
Secs. 27 to 30, inclusive;
Secs. 31, N½;
Secs. 32 to 34, inclusive.
T. 4 S., R. 98 W.,
Secs. 19 to 36, inclusive.
T. 5 S., R. 98 W.,
Secs. 1, 2 and 3;
Sec. 4, N½, W½SW¼;
Sec. 5, N½, SE¼;
Sec. 6, N½, SW¼;
Sec. 7, W½;
Sec. 8, E½E½;
Sec. 9, NE¼, SW¼, W½SE¼;
Sec. 10, E½;
Secs. 11 and 12;
Sec. 13, N½, N½S½;
Sec. 14, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 15, E½E½;
Sec. 16, W½NE¼, NW¼;
Sec. 17, E½NE¼;
Sec. 23, W½, W½E½;
Sec. 25, E½, S½SW¼;
Sec. 26, W½NE¼;
Sec. 36, E½.
T. 6 S., R. 98 W.,
Secs. 1 and 2;
Sec. 10, E½;
Sec. 11, N½, SE¼;
Sec. 12;
Sec. 13, NW¼;
Sec. 14, E½;
Sec. 15, NE¼.
T. 4 S., R. 99 W.,
Secs. 19 to 36, inclusive.
T. 5 S., R. 99 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 12, inclusive.
T. 5 S., R. 100 W.,
Sec. 5, E½;
Secs. 6, 7 and 18.
T. 5 S., R. 101 W.,
Secs. 1 to 24, inclusive;
Sec. 30, W½.
T. 5 S., R. 102 W.,
Secs. 1 to 18, inclusive;
Sec. 19, N½;
Sec. 20, N½;
Sec. 21, N½;
Secs. 22 to 26, inclusive;
Secs. 35 and 36.
T. 5 S., R. 103 W.,
Secs. 1 to 24, inclusive;
Sec. 28, W½;
Secs. 29 to 32, inclusive.
T. 5 S., R. 104 W.
T. 6 S., R. 104 W.,
Secs. 4 to 9, inclusive;
Sec. 16, N½;
Secs. 17, 18 and 19;
Sec. 20, N½.
T. 6 S., R. 105 W.,
Secs. 1, 12, 13 and 24;
Sec. 25, N½.

Total acres in Garfield County, 86,880, more or less.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-5655; Filed, May 19, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

PEANUTS

1965 Crop; Indemnification

Pursuant to the provisions of section 36 of the marketing agreement regulat-

ing the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the amendment hereinafter set forth to the Terms and Conditions of Indemnification Applicable to 1965 Crop Peanuts will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of the Terms and Conditions is necessary to permit indemnification of handlers sustaining losses due to rejections not recognized in the original issuance. These losses arise from situations under Government agency contracts where losses were significant enough to cause a few manufacturers to reject handler invoices and hence the peanuts. This situation was peculiar to the use of 1965 crop peanuts.

Therefore, after the present seventh paragraph of the Terms and Conditions of Indemnification Applicable to 1965 Crop Peanuts there is added to the following paragraph:

During the period May 22 through June 20, 1967, claims for indemnification on 1965 crop peanuts may be filed by those handlers sustaining losses as a result of rejections, pursuant to U.S. Government contracts, of products made from such peanuts and where the product has been withheld from human consumption. The Committee shall pay such claims to the extent of the raw peanut equivalent value of the product.

The Peanut Administrative Committee has recommended that this amendment be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement dealing with indemnification. Marketing of the 1965 peanut crop has been completed and those handlers effected by the amendment are known to the Committee and can be contacted directly. Hence, this amendment should be effective as soon as possible, i.e., on the effective date specified herein.

The foregoing amendment is hereby approved and issued this 17th day of May 1967 to become effective May 22, 1967.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 67-5677; Filed, May 19, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-266; Point Beach Unit No. 1]

WISCONSIN-MICHIGAN POWER CO.

Notice of Hearing on Application for Provisional Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m., local time, on June 28, 1967, in the City Council Chambers, Manitowoc, Wisconsin, to consider the application filed under section 104(b) of the Act by Wisconsin-Michigan Power Co., Milwaukee, Wis., for a provisional construction permit for a pressurized water nuclear reactor, designed to operate at 1396 megawatts (thermal), to be located at a site in the town of Two Creeks, Manitowoc County, Wis.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission consisting of Dr. John C. Geyer, Baltimore, Md.; Mr. Reuel C. Stratton, Hartford, Conn.; and J. D. Bond, Esq., Washington, D.C., Chairman. Dr. Milton C. Edlund, Ann Arbor, Mich., has been designated as a technically qualified alternate.

A prehearing conference will be held by the Board at 10 a.m., local time, on June 13, 1967, in the City Council Chambers, Manitowoc, Wis., to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and Section II of Appendix A to 10 CFR Part 2.

The Director of Regulations proposes to make affirmative findings on Item Numbers 1–3 and a negative finding on Item 4 specified below as the basis for the issuance of a provisional construction permit to the applicant substantially in the form proposed in Appendix A below.

1. Whether in accordance with the provisions of 10 CFR 50.35(a)

(a) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's "Rules of Practice," 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Numbers 1 through 4 above as the basis for determining whether a provisional construction permit should be issued to the applicant.

As they become available, the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Analysis by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of the ACRS report and the regulatory staff's Safety Analysis may be obtained by request to the Director of the Division of Reactor Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary, United States Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than June 12, 1967, or in the event of a postponement of the specific hearing date, at such time as the Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's "Rules of Practices." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by June 12, 1967.

Answers to this notice, pursuant to the provisions of § 2.705 of the Commission's "Rules of Practice," must be filed by the applicant on or before June 12, 1967.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington, D.C. 20545, or may be filed by delivery to the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's "Rules of Practice," an original and twenty conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 19th day of May 1967.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary to the Commission.

APPENDIX A

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. ------

1. Pursuant to Section 104(b) of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Wisconsin-Michigan Power Co. (the applicant) for a utilization facility designed to operate at 1396 megawatts (thermal) (the facility), described in the application and amendments thereto filed in this matter by the applicant and in the evidence received at the public hearing upon that application.

The facility, known as the Point Beach Unit No. 1, will be located at the applicant's site in the town of Two Creeks, Manitowoc County, Wis.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is January 1, 1970, and the latest date for completion of the facility is June 30, 1970.

B. The facility shall be constructed and located at the site as described in the application, as amended, in the town of Two Creeks, Manitowoc County, Wis.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by section 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 67-5726; Filed, May 19, 1967; 9:35 a.m.]

FEDERAL MARITIME COMMISSION

[Agreement No. 8080]

ATLANTIC AND GULF-INDONESIA CONFERENCE

Notice of a Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762; 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the proposed contract form and of the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of dual rate contract filed for approval by:

Mr. J. F. Nash, Chairman, Atlantic and Gulf-Indonesia Conference, 11 Broadway, New York, N.Y. 10004.

The member lines of the Atlantic and Gulf-Indonesia Conference, Agreement No. 8080, have applied for the institution of a dual rate system embracing all commodities in the trade, and propose to use the form of dual rate contract as that set forth in General Order 19, Dual Rate Contract Systems in the Foreign Commerce of the United States.

Dated: May 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5664; Filed, May 19, 1967; 8:46 a.m.]

[Agreement No. 8240]

ATLANTIC & GULF-SINGAPORE, MALAYA & THAILAND CONFERENCE

Notice of a Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762; 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the proposed contract form and of the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of dual rate contract filed for approval by:

Mr. J. F. Nash, Chairman, Atlantic & Gulf-Singapore, Malaya & Thailand Conference, 11 Broadway, New York, N.Y. 10004.

The member lines of the Atlantic and Gulf-Singapore, Malaya and Thailand Conference, Agreement No. 8240, have applied for the institution of a dual rate system embracing all commodities in the trade, and propose to use the form of dual rate contract as that set forth in General Order 19, Dual Rate Contract Systems in the Foreign Commerce of the United States.

Dated: May 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5665; Filed, May 19, 1967; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SA-396]

AIRCRAFT ACCIDENT NEAR URBANA, OHIO

Notice of Hearing

In the matter of investigation of accident involving aircraft of U.S. Registry N1063T and N6127V, which occurred near Urbana, Ohio, on March 9, 1967, Docket No. SA-396.

Notice is hereby given that an Accident Investigation Hearing in the above matter will be held commencing at 9 a.m. local time, on June 6, 1967, in the Bronze Room, Statler Hilton Inn, Third and Ludlow, Dayton, Ohio.

Dated this 17th day of May 1967.

[SEAL] ROBERT L. ALLARD,
Hearing Officer.

[F.R. Doc. 67-5668; Filed, May 19, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CI62–1139, etc.]

CONTINENTAL OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 11, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 1, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and Date Filed	Applicant	Purchaser, Field and Location	Price Per Mcf	Pressure Base
CI62–1139 C 5–1–67	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Ballard Pictured Cliffs Area, Rio Arriba County, N. Mex.	12.2295	15.025
CI63–996 D 4–28–67	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., North Cooper Field, Blaine County, Okla.	Uneconomical	
CI65–54 C 4–27–67	Tenneco Oil Co. (Operator), et al., Post Office Box 2511, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., South Pine Hollow Field, Pittsburg County, Okla.	15.0	14.65
CI65–199 C 4–28–67	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	El Paso Natural Gas Co., Acreage in San Juan County, N. Mex.	[1] 13.0	15.025
CI65–1190 C 4–28–67	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	[2] 17.0	14.65
CI66–911 E 4–24–67	Singer-Fleischaker Oil Co., Inc. (successor to Continental Oil Co. (Operator) et al.), 902 Whitney Bank Bldg., New Orleans, La.	United Gas Pipe Line Co., Lapeyrouse Field, Terrebonne Parish, La.	15.0	15.025
CI66–1085 C 4–27–67	Jennings Petroleum Corp., Kermac Bldg., Oklahoma City, Okla.	Equitable Gas Co., Center and Otter Districts, Gilmer and Braxton Counties, W. Va.	25.0	15.325
CI66–1264 C 5–3–67	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	Panhandle Eastern Pipe Line Co., Northeast Gage and Tangier Fields, Ellis and Woodward Counties, Okla.	[2] 17.0	14.625
CI67–1488 A 4–25–67	W. & J. Oil & Gas Producers et. al., c/o Herman C. Warner, agent, 530 Rockwood Ave., Chesapeake, Ohio 45619.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	25.0	15.35
CI67–1489 B 4–24–67	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	[3]	
CI67–1490 A 4–24–67	Mid-East Oil Co., 1800 Oliver Bldg., Pittsburgh, Pa. 15219.	Consolidated Gas Supply Corp., Gaskill Township, Jefferson County, Pa.	27.5	15.325
CI67–1491 A 4–25–67	Apache Corp. (Operator) et al., 823 South Detroit, Tulsa, Okla. 74120.	Northern Natural Gas Co., Myers Field, Meade County, Kans.	16.0	14.65
CI67–1492 A 4–21–67	Tenneco Oil Co. (Operator) et al.	Natural Gas Pipeline Co. of America, Lenora Field, Dewey County, Okla.	17.0	14.65
CI67–1493 B 4–24–67	Maurice E. Forney and Charles J. Worrel, Milam Bldg., San Antonio, Tex. 78205.	Texas Easteru Transmission Corp., North Hagist Ranch Field, McMullin County, Tex.	Depleted	
CI67–1494 A 4–19–67	J & J Enterprises, Inc., 518 Allegheny Ave., Avonmore, Pa. 15618.	Consolidated Gas Supply Corp., Union District, Barbour County, W. Va.	25.0	15.325
CI67–1495 A 4–20–67	The Fisher Oil Co., Post Office Box 1467, Owensboro, Ky. 42301.	United Fuel Gas Co., Acreage in Raleigh County, W. Va.	21.0	15.325
CI67–1496 B 4–24–67	The Juniper Corp., 510 Capital National Bank Bldg., Houston, Tex. 77002.	Lone Star Gathering Co. Yorktown Field DeWitt County, Tex.	[4]	
CI67–1497 A 4–26–67	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Transwestern Pipeline Co. South Goodwin Field, Ellis County, Okla.	[5] 16.694	14.65
CI67–1498 A 4–26–67	Little Swiss Oil & Gas Co., c/o Joseph H. Hager, partner, Post Office Box 1834, Huntington, W. Va. 25719.	Consolidated Gas Supply Corp., New Milton and Greenbrier Districts, Doddridge County, W. Va.	25.0	15.325
CI67–1499 A 4–26–67	Eric T. Duncan et al., c/o Stanley D'Orazio, agent, 341 Main St., Grantsville, W. Va. 26147.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI67–1500 A 4–26–67	Jones & Pellow Oil Co. (Operator) et al., 101 Northeast 26th St., Oklahoma City, Okla. 73105.	Panhandle Eastern Pipe Line Co., Valley Center West Area, Dewey County, Okla.	[2] 17.0	14.65
CI67–1502 A 4–20–67	Duquesne Natural Gas Co., 225 Washington Trust Bldg., Washington, Pa. 15301.	The Manufacturers Light and Heat Co., East Finley Township, Washington County, Pa.	21.5	15.325
CI67–1504 A 4–24–67	General Petroleum Corp., 1700 Broadway, Denver, Colo. 80202.	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	13.0	15.025
CI67–1505 B 4–27–67	H. H. Coffield, Rockdale, Tex. 76567.	Texas Eastern Transmission Corp., West Weesatche Field, Goliad County, Tex.	Depleted	
CI67–1506 B 4–27–67	The Hunter Co., Inc., c/o Mr. Vernon W. Woods, attorney, 17th Floor Beck Bldg., Shreveport, La. 71102.	Southern Natural Gas Co., Spider Field, De Soto Parish, La.	(6)	
CI67–1507 A 4–27–67	E. B. Ward, Post Office Box 845, Alice, Tex. 78232.	United Gas Pipe Line Co., Willmann Field, San Patricio County, Tex.	14.25	14.65
CI67–1508 A 4–27–67	Pan American Petroleum Corp.	Mountain Fuel Supply Co., West Side Canal Area, Moffat County, Colo.	15.0	15.025
CI67–1509 (G–16589) (G–13341) F 4 17–67	Robert F. White (successor to Edwin G. Bradley and Messman-Rinehart Oil Co. (Operator) et al.). Union Center Bldg., Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Laredo Field, Reno County, Kans.	13.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and Date Filed	Applicant	Purchaser, Field and Location	Price Per Mcf	Pressure Base
C167-1513 A 4-21-67	Mrs. B. Mae Nosker, R.D. No. 1, Brookville, Pa. 15825.	United Natural Gas Co., Beaver Township, Jefferson County, Pa.	(1)	-------
C167-1514 A 4-24-67	Fain-Porter Drilling Corp. (Operator), et al., c/o Barth P. Walker, Attorney, Walker & Watson, 220 Cravens Bldg., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., Erick Field, Beckham County, Okla.	[8] 15.0	14.65
C167-1516 A 4-24-67	Jennings Petroleum Corp., c/o Barth P. Walker, attorney, Walker & Watson, 220 Craven Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Acreage in Beaver County, Okla.	17.0	14.65
C167-1517 A 4-21-67	Estate of W. C. McCord, deceased, c/o Frances F. McCord, executrix, 1004 Gulf States Bldg., Dallas, Tex. 75201.	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	11.0	15.025
CI67-1518 A 4-27-67	H. L. Hunt, 1401 Elm St. Dallas, Tex. 75202.	Trunkline Gas Co., Shoats Creek and West DeQuincy Fields, Beauregard Parish, La.	20.0	15.025
CI67-1519 A 4-27-67	J. P. Owen (Operator), et al., Post Office Box 1423, Oil Center Station, Lafayette, La. 70130.	Michigan Wisconsin Pipe Line Co., Lawson Field, Acadia Parish, La.	20.625	15.025
CI67-1520 A 4-28-67	Fain-Porter Drilling Corp., Operator	Michigan Wisconsin Pipe Line Co., Northwest Doby Springs Field, Harper County, Okla.	17.0	14.65
CI67-1521 B 4-27-67	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa. 19103.	Lone Star Gas Co., North Oak Hill Field, Rusk County, Tex.	Depleted	-------
C167-1522 A 4-27-67	MacDonald Spidel, 426 Center Ave., Weston, W. Va. 25452.	Carnegie Natural Gas Co., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI67-1523 B 4-27-67	Claud B. Hamill, 2306 First City National Bank Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., Northeast Weesatche Field, Goliad County, Tex.	Depleted	-------
CI67-1524 B 4-27-67	Sun Oil Co. (Southwest Division).	Texas Eastern Transmission Corp., Bayside Field, Refugio County, Tex.	Depleted	-------
CI67-1525 B 4-28-67	Neal Rudder, Post Office Box 126, Belpre, Ohio 45714.	Equitable Gas Co., Union District, Ritchie County, W. Va.	Uneconomical	-------
CI67-1526 A 4-27-67	Ohio Valley Oil Co., et al., c/o Hays and Co., agent, Drawer 590, Spencer, W. Va. 25276.	Consolidated Gas Supply Corp., Parkersburg District, Wood County, W. Va.	25.0	15.325
CI67-1527 A 4-27-67	Webster Myers, 1614 7th Ave., Huntingtou, W. Va. 25703.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI67-1528 B 4-28-67	Apache Corp., 823 South Detroit, Tulsa, Okla. 74120.	Lone Star Gas Co., Cruce Field, Stephens County, Okla.	Depleted	-------
CI67-1529 A 4-28-67	Ice-Mossor et al., c/o H. L. Ice, agent, 2022 16th St., Parkersburg, W. Va. 26102.	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	25.0	15.325
CI67-1530 A 4-28-67	Drilco Oil Productions et al., c/o Don W. Hardman, Atty-in-Fact. 4001 Jefferson St., Parkersburg, W. Va. 26102.	Consolidated Gas Supply Corp., New Milton District, Doddridge County, W. Va.	25.0	15.325
CI67-1531 A 4-24-67	Isabel Simpson, Box 162, Racine, Ohio 45771.	The Ohio Fuel Gas Co., Lebanon Township, Meigs County, Ohio.	20.0	15.025
CI67-1532 A 4-28-67	Frank A. Schultz et al., 730 Fidelity Union Tower, Akard & Pacific Sts., Dallas, Tex. 75201.	El Paso Natural Gas Co., South Blanco Pictured Cliffs Field, Rio Arriba County, N. Mex.	12.0	15.025
CI67-1533 A 4-28-67	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Texas Eastern Transmission Corp., Coteau Frene Field, Assumption Parish, La.	20.0	15.025
CI67-1534 A 5-1-67	Marbill Drilling Co., Inc., c/o Ralph L. Crites, agent, Post Office Box 32, Welch, W. Va. 24801.	Consolidated Gas Supply Corp., Browns Creek District, McDowell County, W. Va.	25.0	15.325
CI67-1535 A 5-1-67	Graham-Michaelis Drilling Co., 211 North Broadway, Wichita, Kans. 67202.	Northern Natural Gas Co., Como Field, Beaver County, Okla.	17.0	14.65
CI67-1536 A 5-1-67	Haught Drilling Co., Smithville, W. Va. 26178.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	25.0	15.325
C167-1537 A 5-1-67	John H. Hill, c/o Gordon L. Llewellyn, Atty-at-Law, 908 Southland Center, Dallas, Tex. 75201.	Northern Natural Gas Co., Doby Springs Field, Harper County, Okla.	[2] 17.0	14.65
C167-1538 B 4-25-67	Earl G. Bateman, d.b.a. Batcman Drilling Co., 520 Oil & Gas Bldg., New Orleans, La. 70112.	United Fuel Gas Co., Ellis Field, Acadia Parish, La.	Depleted	-------
C167-1539 A 5-1-67	Flag Oil Corp. of Delaware, Post Office Box 23, Midland, Tex. 79701.	Northern Natural Gas Co., Southwest Fort Supply Field, Ellis County, Okla.	[9] 18.63	14.65
C167-1540 A 5-2-67	D. A. Dorward et al., 41 North Chesterfield Rd., Columbus, Ohio 43209.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
C167-1541 A 5-2-67	Lock 3 Oil, Coal & Dock Co. et al., 415 Porter Bldg., Pittsburgh, Pa. 15219.	Consolidated Gas Supply Corp., Elk District, Barbour County, W. Va.	25.0	15.325
C167-1542 A 4-28-67	McWilliams-Moffett Corp., 1012 Pere Marquette Bldg., New Orleans, La. 70112.	Florida Gas Transmission Co., West Addis Field, Iberville Parish, La.	17.0	15.025
C167-1544 A 5-2-67	Arlyne Lansdale, Operator, Post Box 68, Garden Grove, Calif. 92642.	Daman Pipeline Co., Inc., Cisco Townsite Area, Grand County, Utah.	7.5	15.025
C167-1545 B 5-2-67	T. H. McCasland (Operator) et al., Post Office Box 400, Duncan, Okla. 73533.	Lone Star Gas Co., Cruce Field, Stephens County, Okla.	Depleted	
CI67-1546 A 5-2-67	Mid-East Oil Co., c/o William R. Newlin, esquire, 1800 Oliver Bldg., Pittsburgh, Pa. 15222.	Consolidated Gas Supply Corp., Gaskill Township, Jefferson County, Pa.	27.5	15.325
CI67-1547 A 5-2-67	B. G. Bartley and Charles M. Griffith, Oliver Bldg., Pittsburgh, Pa. 15219.	Consolidated Gas Supply Corp., Canoe and N. Mahoning Townships, Indiana County, Pa.	25.0	15.325
CI67-1548 A 4-27-67	Wood Oil Co., 800 Midstates Bldg., Tulsa, Okla. 74103.	Plateau Natural Gas Co., Hugoton Field, Kearny County, Kans.	12.0	14.65

See footnotes at end of table.

[1] Plus settlement for liquids.
[2] Subject to upward and downward B.t.u. adjustment.
[3] Subject contract covered sale of "excess gas". No deliveries have been made since August 1957.
[4] Gas will no longer be transported and/or sold in interstate commerce.
[5] As adjusted for B.t.u. content. Subject to upward and downward B.t.u. adjustment.
[6] Well ceased to produce.
[7] When monthly deliveries average under 25 Mcf per day, rate shall be 24.0 cents per Mcf; from 25 to 49 Mcf per day, rate shall be 25.0 cents per Mcf; from 50 to 99 Mcf per day, rate shall be 26.0 cents per Mcf; from 100 to 249 Mcf per day, rate shall be 27.0 cents per Mcf; from 250 to 499 Mcf per day, rate shall be 28.0 cents per Mcf; 500 Mcf or over, rate shall be 29.0 cents per Mcf.
[8] Subject to adjustment for compression charges.
[9] Includes 1.63 cents upward B.t.u. adjustment.

[F.R. Doc. 67-5567; Filed, May 19, 1967; 8:45 a.m.]

[Docket No. CP67-328]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MAY 12, 1967.

Take notice that on May 5, 1967, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP67-328 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of quantities of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate line taps on its 20-inch and 30-inch transmission pipelines in the Town of Newfield, Tompkins County, N.Y., and to construct and operate a measuring and regulating station for the sale and delivery of natural gas to New York Electric & Gas Corp. (New York).

Applicant also seeks authorization to sell and deliver to New York up to a peak daily and peak annual volume of 438 Mcf of natural gas and 38,000 Mcf of natural gas, respectively. Applicant states that the sale of natural gas to New York is for the purpose of resale and distribution in the Town of Newfield, Tompkins County, N.Y.

Applicant estimates the total cost of the proposed facilities at approximately $10,150, said cost to be financed by funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission, by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5646; Filed, May 19, 1967; 8:45 a.m.]

[Docket No. CP67-327]

INTERSTATE POWER CO.

Notice of Application

MAY 12, 1967.

Take notice that on May 5, 1967, Interstate Power Co. (Applicant), 1000 Main Street, Dubuque, Iowa 52001, filed in Docket No. CP67-327 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Construct and operate a line tap on its main line located in Whiteside County, Ill. to be used to deliver natural gas to the unincorporated community of Fenton, Ill. (Fenton),

(2) Construct and operate approximately 1.5 miles of 2-inch distribution pipeline from the above-proposed line tap to Fenton, and

(3) Construct and operate a gas distribution system in Fenton.

Applicant estimates the total cost of the proposed facilities at approximately $28,720, said facilities to be financed from cash on hand, depreciation accruals, retained earnings and/or short term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure. a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5647; Filed, May 19, 1967; 8:45 a.m.]

[Docket No. CP67-324]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

MAY 12, 1967.

Take notice that on May 3, 1967, Midwestern Gas Transmission Co. (Applicant), Post Office Box 774, Chicago, Ill. 60690, filed in Docket No. CP67-324 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of additional quantities of natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following facilities:

(1) An additional 2,700 horsepower compressor at its existing 2101 Compressor Station in Portland, Tenn., and

(2) A new compressor station with 4,000 horsepower to be called 2115 Compressor Station and to be located in Paris, Ill.

Applicant also seeks authorization to sell an additional firm daily quantity of 50,000 Mcf of natural gas to Northern Illinois Gas Co. (Northern) over and above the presently authorized firm daily quantity of 100,528 Mcf of natural gas. Applicant states that Northern needs the additional quantity of natural gas to meet its firm customer requirements during the 1967-68 winter. Applicant also states that it will be able to purchase the required amount of natural gas for the proposed service to Northern from Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Tennessee). Applicant proposes to receive the additional quantity of natural gas through an existing interconnection with Tennessee at Portland, Tenn.

Applicant estimates the total cost of the proposed facilities at approximately $2,981,500, said cost to be financed by the issuance of 5-year notes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5648; Filed, May 19, 1967; 8:45 a.m.]

[Docket No. CP67-325]

TENNESSEE GAS PIPELINE CO.

Notice of Application

MAY 12, 1967.

Take notice that on May 3, 1967, Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP67-325 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of additional quantities of natural gas to an existing customer, all as more fully set forth in the application which is on file with the

Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate an additional 4,000 horsepower at its compressor Station No. 527 located in Port Sulphur, La.

Applicant states that the proposed additional compressor horsepower is required to enable it to make additional contract demand sales of 50,900 Mcf per day of natural gas to Midwestern Gas Transmission Co. (Midwestern) which Midwestern requires to enable it to meet the increased firm requirements of its customer, Northern Illinois Gas Co., commencing with the 1967–68 winter heating season.

Applicant estimates the total cost of the proposed facilities at approximately $2,094,100, said cost to be financed initially by utilization of Applicant's available existing revolving credit.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on it own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5649; Filed, May 19, 1967; 8:45 a.m.]

[Project No. 1926]

CALIFORNIA

Order Vacating Withdrawal

MAY 15, 1967.

Application has been filed by the U.S. Forest Service (Applicant) for vacation of the power withdrawal under section 24 of the Federal Power Act pertaining to portions of the following described lands of the United States:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 11 N., R. 17 E.,
Sec. 19: SE¼NW¼, NE¼SW¼.

Applicant desires the vacation of the power withdrawal in the interest of a more unencumbered administration of the lands involved, which are within the Eldorado National Forest.

The lands (0.68 acre) lie along Strawberry Creek, about one-fourth of a mile from its confluence with the upper reach of the South Fork American River, in El Dorado County, Calif.

The lands were withdrawn pursuant to the filing on February 13, 1945, of an application for license for Project No. 1926. No formal Commission notice of the withdrawal was given to the General Land Office. As proposed in the application, the project was to have consisted of, among other project works, a powerhouse containing a 6.8 horsepower Pelton water wheel connected to a 5-kilowatt generator, to utilize a flow of 1.2 cfs through a head of 50 feet. Energy generated by the project was to be used for domestic purposes. While a 10-year license was issued for the project, the project works were never completed nor placed in operation. Pacific Gas and Electric Co. is serving the area with electric power. The license expired on December 22, 1956. In its application for vacation of the power withdrawal, Applicant advised that the National Forest lands occupied by the project had been restored to a condition satisfactory to Applicant.

The Commission finds: The subject lands no longer have power value, and the power withdrawal of the lands has no useful purpose.

The Commission orders: The power withdrawal of the subject land pursuant to the application for Project No. 1926 is hereby vacated.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5650; Filed, May 19, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0576) has been filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances for residues of the insecticide *O,O*-diethyl-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothiolate in or on raw agricultural commodities, as follows: 0.75 part per million in or on citrus fruits and watercress; and 0.2 part per million in or on bananas.

The analytical method proposed in the petition for determining residues of the insecticide is a sulfide method in which the residue is extracted with petroleum ether and after suitable cleanup is transferred to hydrobromic acid; the solution is then boiled, converting the sulfur to hydrogen sulfide; and the hydrogen sulfide is trapped in zinc acetate solution and determined colorimetrically as methylene blue.

Dated: May 15, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-5671; Filed, May 19, 1967; 8:47 a.m.]

AMERICAN CYANAMID CO.

O,O,O',O'-Tetramethyl O,O'-Thiodi-*p*-Phenylene Phosphorothioate; Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, a temporary tolerance of 0.1 part per million is established for residues of the insecticide *O,O,O',O'*-tetramethyl *O,O'*-thiodi-*p*-phenylene phosphorothioate in or on cottonseed. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accord with the temporary permit issued by the U.S. Department of Agriculture.

This temporary tolerance expires May 15, 1968.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and delegated by him to the Commissioner (21 CFR 2.120).

Dated: May 15, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-5672; Filed, May 19, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18127]

CENTRAL AIRLINES CHICAGO ENTRY CASE

Notice of Redesignation of Date of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding heretofore assigned to commence on June 27, 1967, is now reassigned to be held on June 20, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

For information concerning the issues involved and other details regarding this

proceeding, interested persons are referred to the Prehearing Conference Report served on March 14, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 15, 1967.

[SEAL] EDWARD T. STODOLA, *Hearing Examiner.*

[F.R. Doc. 67-5663; Filed, May 19, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2654 etc.]

CANADIAN JAVELIN, LTD., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 16, 1967.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange, for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Canadian Javelin, Ltd	File No. 7-2654
Braniff Airways, Inc. (Warrants for $1.25 par common stock)	File No. 7-2688
Burndy Corp	File No. 7-2689
Cenco Instruments Corp	File No. 7-2690
Corning Glass Works	File No. 7-2691
Fansteel Metallurgical Corp	File No. 7-2692
World Airways, Inc	File No. 7-2693

Upon receipt of a request, on or before May 31, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5656; Filed, May 19, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 17, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41027—*Gypsum Products from Cody and Himes, Wyo.* Filed by Southwestern Freight Bureau, Agent (No. B-8982), for interested rail carriers. Rates on gypsum products, in carloads, from Cody and Himes, Wyo., to points in southwestern and western trunk-line territories.

Grounds for relief—Market competition.

Tariffs—Supplement 47 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4585 and supplement 83 to Western Trunk Line Committee, Agent, tariff ICC A-4421.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5673; Filed, May 19, 1967; 8:47 a.m.]

[Notice 388]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 17, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4941 (Sub-No. 26 TA), filed May 15, 1967. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. 02401. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, building board, insulation board, fibreboard and pulpboard, and incidental materials and supplies* used in or in connection with the installation thereof, from the plants, warehouses, and other facilities of the U.S. Gypsum Co., at Lisbon Falls, Maine, to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia; and *return shipments*, on return; for 180 days. Supporting shipper: U.S. Gypsum Co., 600 Madison Avenue, New York, N.Y. 10022. Send protests to: Richard D. Mansfield, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 11018 (Sub-No. 5 TA), filed May 15, 1967. Applicant: SERVICE TRANSPORTATION COMPANY, State Highway 3, Post Office Box 1181, Secaucus, N.J. 07094. Applicant's representative: John M. Zachara, Post Office Box Z, Paterson, N.J. 07509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talking machine or phonograph records*, plastic nonbreakable disc type, in inner containers or albums in boxes, from Piman, N.J., to New York, N.Y.; and *returned shipments* of the above-described commodities, on return; for 180 days. Supporting shipper: Alpha Distributing Corp., 20 West End Avenue, New York, N.Y. Send protests to: Walter J. Grossman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Room 363, Newark, N.J. 07102.

No. MC 21170 (Sub-No. 255 TA), filed May 15, 1967. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. Applicant's representative: William C. Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk) from LaPorte, Ind., to points in Iowa, Minnesota, Missouri, and Wisconsin, for 180 days. Supporting shipper: American Home Foods, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 94430 (Sub-No. 31 TA), filed May 15, 1967. Applicant: WEISS

TRUCKING COMPANY, INC., Mongo, Ind. 46771. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Schoolcraft, Mich., to points in Indiana, for 180 days. Supporting shipper: Peerless Division, American Cement Corp., 900 Detroit Trade Center, Detroit, Mich. 48226. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 94430 (Sub-No. 32 TA), filed May 15, 1967. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, Ind. 46771. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Detroit, Mich., to points in Cuyahoga and Lorain Counties, Ohio, for 180 days. Supporting Shipper: Peerless Division, American Cement Corp., 900 Detroit Trade Center, Detroit, Mich. 48226. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 279 TA), filed May 15, 1967. Applicant: MORGAN DRIVE-AWAY, 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: John F. Kidd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, from Arvada, Colo., to points in Colorado, Utah, Wyoming, Kansas, Nebraska, Arizona, and New Mexico, for 180 days. Supporting shipper: Tripper Enterprises of Colorado, Inc., 4787 West 58th Avenue, Arvada, Colo. 80002. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 107403 (Sub-No. 719 TA), filed May 12, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: J. W. Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Absorption oil distillate*, in bulk, in tank vehicles, from Philadelphia, Pa., to Hamilton and Middletown, Ohio, for 150 days. Supporting shipper: Atlantic Richfield Co., 260 South Broad Street, Philadelphia, Pa. 19101. Send protests to: Ross A. Davis, District Supervisor, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 110988 (Sub-No. 238 TA), filed May 15, 1967. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solutions, and ammonium nitrate liquid*, from the plantsite of Illinois Nitrogen Corp., at Marseilles, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shippers: F. S. Royster Guano Co., Norfolk, Va. 23501 (Joseph T. Fitzpatrick, Traffic Manager); and The Borden Chemical Co., Smith-Douglass Division, Post Office Box 419, 5100 Virginia Beach Boulevard, Norfolk, Va. 23501 (R. V. Peabody, Traffic Manager). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 113362 (Sub-No. 136 TA), filed May 15, 1967. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Ed Ellsworth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), from the facilities of American Home Foods, Division of American Home Products Corp., La Porte, Ind., to points in Iowa, Wisconsin, Minnesota, Missouri, North Dakota, and South Dakota, for 180 days. Supporting shipper: American Home Foods, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017. Send protests to: Ellis L. Annett, District Supervisor, Bureau, of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No, MC 116696 (Sub-No. 2 TA), filed May 15, 1967. Applicant: MARTIN BROTHERS TRUCKING CO., 475 North Pike Road, Sarver, Pa. 16055. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in dump vehicles, from Branchton, Butler County, Pa., to Brilliant, Ohio, for 180 days. Supporting shipper: Mercer Lime and Stone Co., 1640–45 Oliver Building, Pittsburgh, Pa. 15222. Send protests to: Gasper Piovarchy, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 128236 (Sub-No. 2 TA), filed May 12, 1967. Applicant: L & M TRUCKING COMPANY, INC., Box 271, Remington, Ind. 47977. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food additives*, from Remington, Ind., to points in Pennsylvania, New Jersey, Illinois, Ohio, and Iowa, for 180 days. Supporting shipper: Griffith Food Products, Subsidiary of Griffith Laboratories, Chicago, Ill. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 128919 (Sub-No. 1 TA), filed May 15, 1967. Applicant: FRANK WEHE, 974 East Barnard, Blythe, Calif. 92225. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment, between points in Yuma County, Ariz., that part of Mohave County, Ariz., south of the Colorado River, Imperial County, Calif., and Riverside and San Bernardino Counties, Calif., east of 115° west longitude, for 180 days. Supporting shippers: Braden Machinery Co., Post Office Box R, Blythe, Calif. 92225; Broadway Equipment, Inc., Post Office Box 687, Blythe, Calif. 92225; Desert Ginning Co., Inc., Ripley, Calif.; and Twin Valley Equipment Co., Post Office Drawer L, Blythe, Calif. 92225. Send protests to: W. J. Heutig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7709 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129077 TA, filed May 12, 1967. Applicant: APACA, INC., 423 Wyoming SE., Albuquerque, N. Mex. 87112. Applicant's representative: E. W. McIntyre (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, in containers, having import and export application, (1) from Albuquerque, N. Mex., to points within a 50-mile radius thereof, and (2) from points within the 50-mile radius to Albuquerque, N. Mex., for 180 days. Supporting shippers: Northwest Consolidators, Post Office Box 3583, Terminal Annex, Seattle, Wash. 98124; Universal World-Wide Movers, Division of Universal Carloading & Distributing Co., 711 Third Avenue, New York, N.Y. 10017; and Martin Van Lines, 17720 15th NE., Seattle, Wash. 98155. Send protests to: Jerry R. Murphy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 109 Federal Building, 421 Gold Street SW., Albuquerque, N. Mex. 87101.

No. MC 129078 TA, filed May 12, 1967. Applicant: LLOYD RICHARDS CO., 1250 Lake Elmo Road, Billings, Mont. 59101. Applicant's representative: Howard C. Burton, 504 Strain Building, Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* made of mineral mixtures, in packages and in bulk, *insecticides*, when moved with and as a part of package shipments of animal and poultry feed, and *advertising materials*, from Malvern, Iowa, and Omaha, Nebr., and points within 20 miles of the city limits of each thereof, to Billings, Dillon, Great Falls, Miles City, Missoula, and Sidney, Mont., and points within 20 miles of the city limits thereof, for 180 days. Supporting shipper: Standard Chemical Manufacturing Co., Omaha, Nebr. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission,

251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 129079 TA, filed May 12, 1967. Applicant: THE TRANSIT CO., INC., 2803 South Ninth Place, Milwaukee, Wis. 53215. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Munitions parts*, between Milwaukee, Wis., and Chicago, Ill., under a continuing contract with AC Electronics, Division of General Motors Corp., for 180 days. Supporting shipper: AC Electronics Division of General Motors Corp., 7929 South Howell Avenue, Oak Creek, Wis. 53154 (C. H. Paull, Traffic Manager). Send protests to: W. F. Sibbald, Jr., District Director, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5674; Filed, May 19, 1967; 8:47 a.m.]

[Notice 1521]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 17, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69381. By order of May 16, 1967, the Transfer Board approved the transfer to Woodland Transfer and Warehouse Co., Inc., Minneapolis, Minn., of Certificate in No. MC-66924, issued October 13, 1966, to Hans Nikolaisen, Soren Nikolaisen, James Nikolaisen, and Paul Sorensen, a partnership, doing business as Woodland Transfer and Warehouse Co., Minneapolis, Minn., authorizing the transportation of: Household goods, between Minneapolis, Minn., and points in Minnesota within 25 miles thereof, on the one hand, and, on the other, points in Nebraska, Kansas, Iowa, Missouri, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, Kentucky, New York, and Tennessee. Henry J. Henretta, 2100 First National Bank Building, Minneapolis, Minn. 55402, attorney for applicants.

No. MC-FC-69579. By order of May 16, 1967, the Transfer Board approved the transfer to McGuire Lumber and Supply, Inc., Wylliesburg, Va., of Permit in No. MC-123280, issued November 2, 1961, to M. C. Bailey, doing business as Bailey's Transport Co., Keysville, Va., authorizing the transportation of: Pallets and skids, from Drakes Branch, Va., to Chicago, Ill., Washington, D.C., and points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and West Virginia.

No. MC-FC-69634. By order of May 15, 1967, the Transfer Board approved the transfer to Apache Van Lines, Inc., Pine Bluff, Ark., of Certificate No. MC-84340, issued January 19, 1960, to Ernest B. Lewy Storage & Transfer, Inc., Greenville, Miss., authorizing the transportation of: Household goods, between points in Arkansas, Louisiana, and Mississippi within 60 miles of Greenville, Miss., including Greenville, and between points in Arkansas, Louisiana, and Mississippi within 60 miles of Greenville, Miss., including Greenville, on the one hand, and, on the other, points in Arkansas, Louisiana, and Mississippi beyond 60 miles of Greenville, Miss., and those in Tennessee. Douglas C. Wynn, Post Office Box 1295, Greenville, Miss. 38701, attorney for applicants.

[SEAL] H. NEAL GARSON, *Secretary.*

[F.R. Doc. 67-5675; Filed, May 19, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TROOPSHIPS

Notice of Availability for Conversion and Restoration for Commercial Operation

Pursuant to the Ship Exchange Act (section 510(i) of the Merchant Marine Act, 1936), as added by Public Law 86-575 and amended by Public Law 89-254, 46 U.S.C. 1160(i), 10 C4 troopships owned by the United States of America, represented by the Secretary of Commerce, acting by and through the Maritime Administrator, are available to nonsubsidized American steamship operators in exchange for their older and less efficient ships in accordance with the terms herein stated. Other disposition: This notice of availability of the ships for exchange under the Ship Exchange Act shall not preclude the Maritime Administrator from pursuing such other disposition of the ships as he may deem to be in the best interest of the United States. As required by the Ship Exchange Act, approval of the Defense Department has been received for trade-out of these ships.

(a) *Basis for assignment.* Exchange of these ships will be made in accordance with the provisions of the Ship Exchange Act and of General Order 92 (46 CFR Part 375) as published in the FEDERAL REGISTER issue of March 1, 1962 (27 F.R. 2011). However, for the purpose of making assignments of the ships among the applicants, applications will be closely evaluated to determine the type of conversion and resulting efficiency of the ships, including suitability of the ship for military or national defense use and the extent of upgrading of the American Merchant Marine; the applicant's operating ability; the applicant's financial responsibility; and other factors having a bearing on the intent of the Ship Exchange Act.

(b) *Valuation.* The basis for valuation of the traded-in and traded-out vessels will be the same as previously used in the case of the C4 troopships as announced in the FEDERAL REGISTER issues of February 1, 1964 (29 F.R. 1665, 1667), April 14, 1964 (29 F.R. 5092), June 11, 1964 (29 F.R. 7520), and August 3, 1966 (31 F.R. 10425).

(c) *Applications.* Applications for the exchange of ships shall be submitted to the Chief, Office of Property and Supply, Maritime Administration, Washington, D.C. 20235, on Form MA-182. To assist the Maritime Administration in arriving at a proper determination of the ship assignments, applicants shall furnish with their applications the following information in the order listed:

(1) A statement of the applicant's ship operating ability and experience, including the number and types of American-flag ships presently owned and operated by the applicant and the trades in which operated.

(2) Names, official numbers, and types of ships to be traded-in.

(3) Financial resources available to the applicant and proposed method of financing.

(4) Outline plans and description of the proposed ship conversions and, in the case of a containership, the dimensions of the containers to be used (American Standards preferred) and the number to be carried. There shall also be included a description of the ship's cargo handling capability.

(5) Cubic and deadweight in useable measurable tons of ship after conversion.

(6) Estimated speed in knots after conversion.

(7) Proposed manning schedule.

(8) Estimated costs of proposed conversion and restoration for commercial operation.

(9) Description of proposed commercial trade of traded-out ship.

(10) Pro forma statement of anticipated operating results for operation in proposed commercial trade.

Applications must be received on or before June 12, 1967.

(d) *Ships available.* The C4's available for assignment are:

Name	Type	Reserve Fleet
General M. L. Hersey	C4-S-A1	Suisun Bay, Calif.
General W. F. Hase	C4-S-A1	Do.
General A. W. Brewster	C4-S-A1	Do.
General C. H. Muir	C4-S-A1	Do.
General D. E. Aultman	C4-S-A1	Do.
General E. T. Collins	C4-S-A1	Do.
General H. B. Freeman	C4-S-A1	Olympia, Wash.
General M. M. Patrick	C4-S-A1	Do.
General A. W. Greeley	C4-S-A1	Do.
Marine Serpent	C4-S-A3	Do.

The principal characteristics of the C4 troopships are:

Length overall—522' 10".
Beam—71' 6".
Speed—17 knots.
Deadweight tonnage — approximately 15,000.

The notice of availability of 25 C4 troopships published in the FEDERAL REGISTER of August 3, 1966 (21 F.R. 10425), is canceled and superseded by this notice as to the ten C4 troopships named above.

Dated: May 18, 1967.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-5698; Filed, May 19, 1967; 8:48 a.m.]

HOSPITAL SHIP "USS HAVEN"

Notice of Availability for Conversion and Restoration for Commercial Operation

Pursuant to the Ship Exchange Act (section 510(i) of the Merchant Marine Act, 1936), as added by Public Law 86-575 and amended by Public Law 89-254, 46 U.S.C. 1160(i), one C4-S-B2 Hospital Ship, "U.S.C. Haven" owned by the United States of America, represented by the Secretary of Commerce, acting by and through the Maritime Administrator, is available to a nonsubsidized American steamship operator in exchange for its older and less efficient ship in accordance with the terms herein stated. Other disposition: This notice of availability of the "U.S.S. Haven" for exchange under the Ship Exchange Act shall not preclude the Maritime Administrator from pursuing such other disposition of the ship as he may deem to be in the best interest of the United States.

The U.S.S. *Haven* has been used by the Department of the Navy as a floating hospital but is no longer required for this purpose. The ship, located at the U.S. Naval Station, Long Beach, Calif., may be inspected by contacting Mr. Peter Muntz, Area Representative, Maritime Administration, 1300 South Beacon Street, San Pedro, Calif., telephone: Area Code 213, 831-9281. It is expected the ship will be laid up at the Maritime Administration, Suisun Bay, Calif., Reserve Fleet on or about June 1, 1967.

(a) *Basis for assignment.* Exchange of the ship will be made in accordance with the provisions of the Ship Exchange Act and of General Order 92 as published in the FEDERAL REGISTER issue of March 1, 1962 (27 F.R. 2011). However, for the purpose of making an assignment of the ship to an applicant, applications will be closely evaluated to determine the type of conversion and resulting efficiency of the ship, including suitability of the ship for military or national defense use and the extent of upgrading of the American merchant marine; the applicant's operating ability; the applicant's financial responsibility; and other factors having a bearing on the intent of the Ship Exchange Act.

The assignment will be conditioned on the applicant's undertaking a commitment for conversion and restoration for commercial operation satisfactory to the Maritime Administrator.

(b) *Valuation.* The basis for valuation of the traded-in and traded-out vessel will be the same as previously used in the case of the C4 troopships as announced in the FEDERAL REGISTER issue of February 1, 1964 (29 F.R. 1665, 1667), April 14, 1964 (29 F.R. 5092), June 11, 1964 (29 F.R. 7520), and August 3, 1966 (31 F.R. 10425).

(c) *Applications.* Applications for exchange of ships shall be submitted to the Chief, Office of Property and Supply, Maritime Administration, Washington, D.C. 20235, on Form MA-182. To assist the Maritime Administration in arriving at a proper determination of the ship assignment, applicants shall furnish with their applications the following information in the order listed:

(1) A statement of the applicant's ship operating ability and experience, including the number and types of American-flag ships presently owned and operated by the applicant and the trades in which operated.

(2) Name, official number, and type of ship to be traded in.

(3) Financial resources available to the applicant and proposed method of financing.

(4) Outline plans and a description of the proposed ship conversion and, in the case of a containership, the dimensions of the containers to be used (American Standards preferred) and the number to be carried. There shall also be included a description of the ship's cargo handling capability.

(5) Cubic and deadweight in useable measurable tons of ship after conversion.

(6) Estimated speed in knots after conversion.

(7) Proposed manning schedule.

(8) Estimated costs of proposed conversion and restoration for commercial operation.

(9) Description of proposed commercial trade of traded-out ship.

(10) Pro forma statement of anticipated operating results for operation in proposed commercial trade.

Applications must be received on or before June 12, 1967.

Dated: May 18, 1967.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-5699; Filed, May 19, 1967; 8:48 a.m.]

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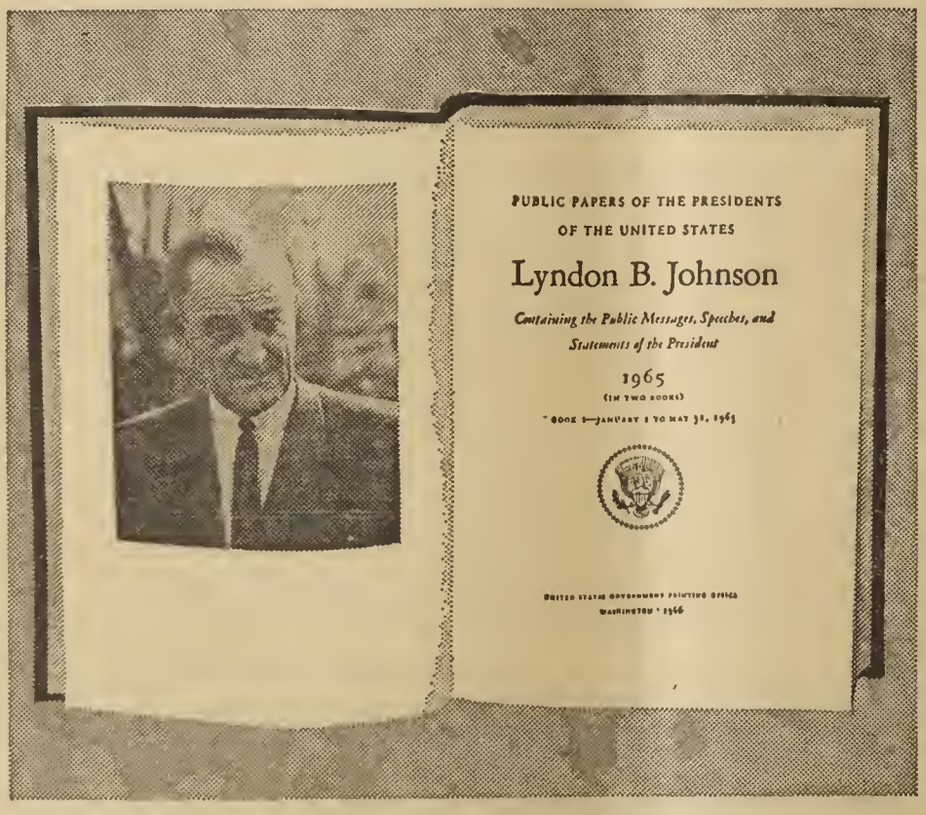
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3307 is amended to show that the position of Deputy General Counsel is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (18) is added to paragraph (a) of § 213.3307 as set out below.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* * * *

(18) One Deputy General Counsel.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-5680; Filed, May 22, 1967; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Congressional Services Officer, in the Office of the Assistant Secretary for Demonstrations and Intergovernmental Relations, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (e) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(e) *Office of the Assistant Secretary for Demonstrations and Intergovernmental Relations.* * * *

(7) One Congressional Services Officer.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-5700; Filed, May 22, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 6]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1967

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (31 F.R. 15581, as amended) is to establish a quota for Honduras pursuant to the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act".

In December 1965 the government of Honduras informed the Secretary that Honduras would not fill any part of the quotas that could be established for that country for the calendar years 1966 and 1967. Accordingly, the quantity which would otherwise have been established as a quota for Honduras in 1967 was prorated to other member countries of the Central American Common Market as provided in sections 202(d)(6) and 204 of the Act in short tons, raw value, as follows: 1,454 for Costa Rica, 1,454 for Nicaragua, 1,226 for Guatemala and 899 for El Salvador. The government of Honduras by a letter dated March 4, 1967, requested the Secretary to establish a quota for Honduras for 1967. Such request was made because the production of sugar from the current sugar crop is larger than had been originally anticipated, and with the assurance that if a 1967 quota is established for Honduras it would be filled. On the basis of such request the quota for Honduras is being restored and the prorations of such quota formerly made to other Central American Common Market countries are herein withdrawn.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending paragraph (c) of § 811.53 to read as follows:

§ 811.53 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1967, the prorations or allocations to individual foreign countries other than the Republic of the Philippines pursuant to section 202(c) (3) and (4) and section 202(d) of the Act are as follows:

Country	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Total quotas and prorations
	(Short tons, raw value)		
Mexico	211,499	222,079	433,578
Dominican Republic	206,848	217,194	424,042
Brazil	206,848	217,194	424,042
Peru	164,986	173,239	338,225
British West Indies	82,630	73,448	156,078
Ecuador	30,097	31,602	61,699
French West Indies	25,993	23,104	49,097
Argentina	25,446	26,718	52,164
Costa Rica	24,351	25,574	[2] 49,925
Nicaragua	24,351	25,574	[2] 49,925
Colombia	21,889	22,983	44,872
Guatemala	20,521	21,551	[2] 42,072
Panama	15,322	16,088	31,410
El Salvador	15,049	15,804	[2] 30,853
Haiti	11,492	12,066	23,558
Venezuela	10,397	10,916	21,313
British Honduras	6,019	5,351	11,370
Bolivia	2,462	2,586	5,048
Honduras	2,462	2,571	[2] 5,033
Australia	98,499	87,000	185,499
Republic of China	41,041	36,250	77,291
India	39,400	34,800	74,200
South Africa	29,003	25,616	54,619
Fiji Islands	21,615	19,092	40,707
Thailand	9,029	7,975	17,004
Mauritius	9,029	7,975	17,004
Malagasy Republic	4,651	4,108	8,759
Swaziland	3,557	3,142	6,699
Ireland	5,351		5,351
Total	1,369,837	1,371,600	2,741,437

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

[2] The quota established herein for Honduras represents the following quantities in short tons, raw value, deducted from the quotas previously established for the other Central American Common Market countries: 1,454 for Costa Rica, 1,454 for Nicaragua, 1,226 for Guatemala, and 899 for El Salvador.

* * * * *

(Secs. 201, 202, 207, and 403; 61 Stat. 923, as amended, 924 as amended, 927 as amended and 932 as amended; 7 U.S.C. 1111, 1112, 1117, and 1153)

Effective date. This action establishes a quota for Honduras of 5,033 tons and reduces the quotas previously established for the other Central American Common Market countries by a total quantity equal to the Honduras quota. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar for consumption in the continental United States be able as soon as possible to make plans based on changes in the marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and 30-day effective date requirements in 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 18th day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5691; Filed, May 18, 1967; 1:00 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 918—FRESH PEACHES GROWN IN GEORGIA

Determination Relative to Expenses and Fixing of Rate of Assessment for 1967–68 Fiscal Period

Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 918.206 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Industry Committee during the period March 1, 1967, through February 28, 1968, will amount to $15,227.68.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 918.41, is fixed at 1 cent per bushel basket of peaches (net weight 50 pounds), or an equivalent of peaches in other containers or in bulk.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 533) in that (1) shipments of fresh peaches have already begun; (2) the relevant provisions of said amended marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable peaches from the beginning of such period; and (3) the current fiscal period began March 1, 1967, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 17, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–5694; Filed, May 22, 1967; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Grain Price Support Regulations, 1967 Crop Oat Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967 Crop Oat Loan and Purchase Program

Correction

In F.R. Doc. 67–4737, appearing at page 6615 of the issue of Saturday, April 29, 1967, the following correction should be made:

In § 1421.2670(a) the "Rate per bushel" for Linn County, Iowa, is corrected to read ".65".

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7; Amdt. 2]

PART 121—SMALL BUSINESS SIZE STANDARDS

Appeals

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising § 121.3–6(b)(1) thereof to read as follows:

§ 121.3–6 Appeals.

* * * * *

(b) *Method of appeal*—(1) *Who may appeal.* An appeal may be taken by:

(i) Any concern or other interested party which has protested the small business status of another concern pursuant to § 121.3–5 and whose protest has been denied by an Area Administrator or his delegatee;

(ii) Any concern or other interested party which has been adversely affected by a decision of an Area Administrator or his delegatee pursuant to §§ 121.3–4 and 121.3–5;

(iii) Any concern or other interested party which has been adversely affected by a decision of a Contracting Officer regarding product classification pursuant to § 121.3–8; and

(iv) The Small Business Administration Associate Administrator for the Small Business Administration program involved.

* * * * *

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER.

NOTE: In accordance with section 4(a) of the Administrative Procedure Act, notice of and public procedure on this amendment to Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is omitted as it contains only a procedural rule.

Dated: May 16, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67–5690; Filed, May 22, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67–AL–9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

Correction

In F.R. Doc. 67–4480 appearing at page 6345 of the issue for Saturday, April 22, 1967, the time designation "1454" in the last paragraph is corrected to read "1545".

The signature of the Acting Director, Alaskan Region is corrected to read "J. R. Kullman".

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

COORDINATION PRODUCT OF ZINC ION AND MANEB

A. A petition (PP 6F0476) was filed with the Food and Drug Administration by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, requesting the establishment of certain tolerances in or on certain raw agricultural commodities, as specified in the notice of filing published in the FEDERAL REGISTER of March 29, 1966 (31 F.R. 5082), of a fungicide consisting of a coordination product of zinc ion and maneb containing 20 percent manganese, 2.5

percent zinc, and 77.5 percent ethylenebisdithiocarbamate. A requested tolerance of 0.5 part per million in or on cotttonseed was inadvertently omitted from the notice of filing.

The petitioner later withdrew the request for tolerances in or on garden beets, garden beet tops, collards, dandelions, horseradish, kale, mustard greens, parsley, parsnips, radishes, rutabagas, salsify roots, spinach, Swiss chard, turnips, turnip tops, and watercress.

Available evidence shows that residues in grains will carry over and be concentrated in milled feed fractions and bran. The data show that the feeding of milled fractions, sugar beet tops, and peanut vine hay to livestock will not result in residues in meat (except kidney and liver) or milk. Available evidence shows that residues in the grain carry over but are reduced to less than one part per million in flour manufactured from the treated grain in accordance with good manufacturing practice.

After filing the petition, the petitioner supplied data supporting an increase of from 25 to 65 parts per million in the requested tolerance for residues in or on sugar beet tops, and supporting a tolerance of 25 parts per million in or on the straw of the treated grains barley, oats, rye, and wheat. Data were also supplied supporting a tolerance of 28 parts per million in or on raisins from the application of the fungicide to grapes.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended in the following respects:

1. Section 120.3(d) is amended by adding thereto a new subparagraph, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(d) * * *

(5) Where tolerances are established for more than one member of the class of dithiocarbamates listed in paragraph (e)(3) of this section on the same raw agricultural commodity, the total residue of such pesticides shall not exceed that permitted by the highest tolerance established for any one member of the class, calculated as zinc ethylenebisdithiocarbamate.

* * * * *

2. Section 120.176 is revised to read as follows:

§ 120.176 Coordination product of zinc ion and maneb; tolerances for residues.

Tolerances for residues of a fungicide which is a coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product calculated as zinc ethylenebisdithiocarbamate), are established as follows:

65 parts per million in or on peanut vine hay, sugarbeet tops.

25 parts per million in or on the straws of barley, oats, rye, wheat.

15 parts per million in or on bananas from both preharvest and post-harvest use, of which not more than two parts per million shall be in the pulp after peel is removed and discarded.

15 parts per million in or on fodder or forage of field corn, sweet corn, and popcorn.

10 parts per million in or on apples, celery, crabapples, fennel, pears, quinces.

10 parts per million in or on the whole fruit of papayas, with no residue present in the edible pulp after the peel is removed and discarded.

7 parts per million in or on cranberries, cucumbers, grapes, summer squash, tomatoes.

7 parts per million in or on melons, with no residue present in the edible portion after the peel is removed and discarded.

5 parts per million in or on the grains of barley, oats, rye, wheat.

2 parts per million in or on carrots, sugar beets.

.05 part per million in or on corn grain (including popcorn), fresh corn including sweet corn (kernels plus cob with husks removed), cottonseed, kidney, liver, peanuts.

B. The Commissioner, having evaluated the data in a petition (FAP 7H2118) submitted by the aforenamed petitioner, and other relevant material, has concluded that the food additive regulations should be amended to provide food additive tolerances for residues of the aforementioned fungicide on bran, flour, raisins, and milled feed fractions of barley, oats, rye, and wheat, when present therein as a result of application of this fungicide to the growing grain and grape crops. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), delegated as cited above, Part 121 is amended by adding one new section each to Subparts C and D, as follows:

§ 121.303 Coordination product of zinc ion and maneb.

Tolerances are established for residues of a fungicide which is a coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product calculated as zinc ethylenebisdithiocarbamate) in or on the following processed feed, when present therein as a result of the application of this fungicide to growing crops: 20 parts per million in the milled feed fractions of barley, oats, rye, and wheat.

§ 121.1206 Coordination product of zinc ion and maneb.

Tolerances are established for residues of a fungicide which is a coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product calculated as zinc ethylenebisdithiocarbamate) in or on the following processed foods, when present therein as a result of the application of this fungicide to growing crops:

28 parts per million in raisins.

20 parts per million in the bran of barley, oats, rye, and wheat.

1 part per million in the flours of barley, oats, rye, and wheat.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408(d)(2), 409(c)(1), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(1))

Dated: May 12, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-5723; Filed, May 22, 1967; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

ETHION

A pesticide petition (PP 7F0519) was filed with the Food and Drug Adminis-

tration by FMC Corp., Middleport, N.Y. 14105, proposing the establishment of tolerances for residues of the insecticide ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on the raw agricultural commodities sorghum grain and sorghum forage at two parts per million and in or on nectarines, sugar beets, and sugar beet tops at one part per million. The petitioner withdrew the proposed tolerance for residues in or on sugar beets and sugar beet tops.

The Secretary of Agriculture has certified that this insecticide is useful for the purposes for which tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health, and also concludes that residues of the oxygen analog of ethion may be present as a component of ethion residues. The latter conclusion applies to tolerances already established as well as to those added by this order and existing regulations are amended herein accordingly.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(2), 409, 68 Stat. 512, 72 Stat. 1785; 21 U.S.C. 346a(d)(2), 348) and delegated to the Commissioner by the Secretary (21 CFR 2.120), Title 21 is amended as follows:

1. Part 120 is amended by alphabetically inserting a new item in the list of pesticides in § 120.3(e)(5) and by revising § 120.173, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

Ethion oxygen analog (*S*-[[(diethoxyphosphinothioyl)thio]methyl]*O,O*-diethyl phosphorothioate).	

* * * * *

§ 120.173 Ethion; tolerances for residues.

Tolerances are established for total residues of the insecticide ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) including its oxygen analog (*S*-[[(diethoxyphosphinothioyl)thio]methyl]*O,O*-diethyl phosphorothioate) in or on raw agricultural commodities as follows:

5 parts per million in or on almond hulls.

2 parts per million in or on apples, beans, citrus fruits, grapes, melons, plums (fresh prunes), sorghum grain, sorghum forage, strawberries, tomatoes.

1 part per million in or on eggplants, nectarines, onions, peaches, pears, peppers, pimentos.

.05 part per million in or on cucumbers, summer squash.

.01 part per million in or on almonds.

Zero in meat and milk.

2. Part 121 is amended by revising §§ 121.211 and 121.1126 to read as follows:

§ 121.211 Ethion.

A tolerance of 10 parts per million is established for total residues of the insecticide ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) including its oxygen analog (*S*-[[(diethoxyphosphinothioyl)thio]methyl]*O,O* - diethyl phosphorothioate) in dehydrated citrus pulp for cattle feed when present therein as a result of the application of the pesticide to the growing agricultural crop.

§ 121.1126 Ethion.

A tolerance of 4 parts per million is established for total residues of the insecticide ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) including its oxygen analog (*S*-[[(diethoxyphosphinothioyl)thio]methyl]*O,O* - diethyl phosphorothioate) in raisins when present therein as a result of its application to the growing agricultural crop grapes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408(d)(2), 409, 68 Stat. 512, 72 Stat. 1785; 21 U.S.C. 346a(d)(2), 348)

Dated: May 12, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-5724; Filed, May 22, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7H2111) filed by Onyx Chemical Co., Jersey City, N.J. 07302, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional substance, specified below, as a preservative for adhesives intended for use as components of food-contact articles. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of components a new item, as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
n-Alkyl(C_{12}, C_{14}, C_{16}, or C_{18})dimethyl(ethylbenzyl) ammonium cyclohexylsulfamate.	For use as preservative only.
* * *	* * *

* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 12, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-5725; Filed, May 22, 1967; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 39; 3d Rev., Amdt. 3]

PART 222—STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

Forms of Vessel Utilization and Performance Reports Prescribed

The purpose of the following revision is to require the filing of a new Form MA-578A (Supplemental Unitized Cargo

Container Report) for those operators handling certain containerized cargo, and to announce the issuance of a revised Form MA–578 (MA–578 (1–67)), which merely involves a change of format and not one of substance.

Effective June 1, 1967, § 222.2 of this part is hereby amended to read as follows:

§ 222.2 Forms of vessel utilization and performance reports prescribed.

(a) Pursuant to authority of section 212(A) of the Merchant Marine Act, 1936, as amended by Public Law 612, 84th Congress; 70 Stat. 332; 46 U.S.C. 1122a, the Secretary of Commerce has determined that it is necessary and desirable in order to carry out the purposes and provisions of the Merchant Marine Act, 1936, as amended (49 Stat. 1985, et seq.; 46 U.S.C. 1101, et seq.) to require an operator of a vessel in waterborne foreign commerce of the United States to file accurate reports on Form MA–578 with respect to passenger and dry cargo vessels, on Form MA–578A with respect to vessels carrying certain containerized cargo and on Forms MA–7803 and MA–7804 with respect to tankers; such forms and instructions for the preparation thereof are hereby prescribed and approved.[1] An accurate report on Form MA–578, vessel Utilization and Performance Report, shall be filed in duplicate with the appropriate District Director of Customs for transmittal to the Maritime Administration by the operator of every self-propelled dry cargo and passenger vessel of 1,000 or more gross registered tons before midnight of the 15th day after entry into the first U.S. port and before midnight within 15 working days (Saturdays, Sundays, and Holidays excluded) after clearing the last U.S. port. Operators desiring to submit combination reports for dry cargo and passenger vessels (inbound and outbound portions) after clearing the final U.S. port may do so upon obtaining written permission from the Maritime Administration, Washington, D.C. 20235. In addition, and subject to the same qualifying and filing requirements set forth above, an accurate report on Form MA–578A, Supplemental Unitized Cargo Container Report, shall be filed by such operator when, on any one voyage, a vessel carries 10 or more (1) 8 x 8 x 10 feet or larger containers, or (2) half-height containers 8 feet in width and 10 or more feet in length, or (3) flatbeds 8 feet in width and 20 or more feet in length. Separate reports on Forms MA–7803 and MA–7804 for tankers shall be filed within 15 working days after entering or clearing. Forms MA–578, MA–578A, MA–7803, and MA–7804 are required to be filed in duplicate for all voyages of merchant vessels operated by or for the account of the Department of Defense except vessels of the Military Sea Transportation Service (MSTS) nucleus fleet.

(b) By agreement with the Bureau of Customs, District Directors of Customs will be responsible for policing receipt of dry cargo and passenger vessel inbound, outbound, and combination inbound/outbound reports on Form MA–578 and Form MA–578A as well as tanker inbound and outbound reports on Forms MA–7803 and MA–7804.

NOTE: The reporting requirements contained in this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Acting Maritime Administrator.

Dated: May 18, 1967.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67–5701; Filed, May 22, 1967; 8:46 a.m.]

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 16th Rev.]

PART 309—VALUES FOR WAR RISK INSURANCE

Sections 309.1–309.101 of this part are hereby revised to read as follows:

FINDINGS AND SCOPE

Sec.
309.1 Findings.
309.2 Scope.

BASIC VALUES

309.3 Vessels built during or after 1939.
309.4 Vessels built prior to 1939.

GENERAL PROVISIONS

309.5 Adjustments for condition, equipment, and other considerations.
309.6 Definitions.
309.7 Modifications.
309.8 Vessel data forms.

VALUES FOR INDIVIDUAL VESSELS

309.101 Values effective January 1, 1967.

AUTHORITY: Sections 309.1 through 309.101 issued under sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 984; 46 U.S.C. 1114, 1289.

FINDINGS AND SCOPE

§ 309.1 Findings.

The Ship Valuation Committee, Maritime Administration, has found that the values provided in this part constitute just compensation for the vessels to which they apply, computed in accordance with subsection 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242), pursuant to section 1209(a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)), Public Law 958, 84th Congress, and the authority delegated to the Maritime Administrator by the Secretary of Commerce in section 3 of Department Order No. 117–A, effective May 20, 1966 (31 F.R. 8087), and redelegated to the Ship Valuation Committee (28 F.R. 12330, Nov. 21, 1963).

§ 309.2 Scope.

(a) *Vessels included.* (1) This part establishes values for self-propelled oceangoing iron and steel vessels (other than vessels excluded pursuant to paragraph (b) of this section) for which war risk insurance is provided by the Maritime Administration pursuant to Title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281–1294), Public Law 763, 81st Congress, Public Law 209, 84th Congress, Public Law 958, 84th Congress. The values established by §§ 309.1–309.101 represent the maximum amounts for which the Maritime Administration will provide war risk hull insurance for damage to or actual or constructive total loss of the vessel and for which claims for damage to or actual or constructive total loss of such insured vessels may be adjusted, compromised, settled, adjudged, or paid by the Maritime Administration with respect to insurance attaching during the period January 1, 1967, to June 30, 1967, inclusive, under the standard forms of war risk hull insurance interim binder or policy prescribed by §§ 308.106 and 308.107 of this chapter (General Order 75, 2d Rev., as amended): *Provided, however,* That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said period.

(2) It is contemplated that the next revised values will be published as soon as practicable after July 1, 1967, to be effective with respect to insurance attaching during the period July 1, 1967, to December 31, 1967, inclusive.

(b) *Vessels excluded.* The values established pursuant to §§ 309.3 through 309.5 do not apply to passenger vessels, lumber schooners, car ferries, seatrains, cable ships, bulk cement and ore carriers, vessels operated on the Great Lakes and inland waterways, fully refrigerated vessels, vessels of less than 1,500 gross tons, or any other vessels or class of vessels to which the Maritime Administration finds that the provisions of said sections would not be appropriate. Values for vessels excluded by this paragraph (b) shall be specifically determined by the Maritime Administration and set forth in § 309.101, revised, as provided therein.

(c) *Fuel, stores, and supplies.* Values for fuel, stores, and supplies shall be determined in accordance with §§ 309.201 through 309.204 (General Order 100, 29 F.R. 2944, Mar. 4, 1964; 29 F.R. 3706, Mar. 25, 1964).

BASIC VALUES

§ 309.3 Vessels built during or after 1939.

(a) *Basic values.* The values of vessels built during or after 1939 shall be determined in accordance with this section, subject to the applicable adjustments provided in § 309.5.

(b) *War-built vessels.* (1) The values of the standard types of war-built vessels under U.S. flag listed in this subparagraph (1) which have the lawful

[1] Copy each of the Forms MA–578 (1–67), MA–578A (3–21–67), MA–7803, and MA–7804, together with instructions for their use, respectively, are on file in the Office of the Federal Register. These forms and instructions may be obtained from the Marine Section, District Director of Customs at U.S. ports.

right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel	*Value*
EC2–S–C1	$295,000
EC2–S–AW1	265,000
VC2–S–AP2	575,000
C1–M–AV1	265,000
C1–A and B (steam)	330,000
C1–A and B (diesel)	315,000
C2–S–B1	625,000
C3–S–A2	1,075,000
C4–S–B5	1,500,000
T1–M–BT	250,000
T2–SE–A1	625,000
T3–S–A1	600,000
T3–S–BZ1	1,025,000

(2) The values of the standard types of war-built vessels under U.S. flag listed in this subparagraph (2) which do not have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel	*Value*
VC2–S–AP2	$520,000
T2–SE–A1	450,000
T3–S–A1	425,000

(3) The values of the standard types of war-built vessels under foreign flag listed in this subparagraph (3) (which are the lower of (i) the restricted world market values, or (ii) the domestic market values of comparable U.S.-flag vessels which do not have the lawful right to engage in the coastwise trade of the United States, as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel	*Value*
T2–SE–A1	$280,000
T3–S–A1	270,000

(4) The values of the standard subtypes of war-built vessels listed in this subparagraph (4) shall be determined as follows:

(i) If the subtype vessel is under U.S. flag and has the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (1) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4), or

(ii) If the subtype vessel is under U.S. flag but does not have the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (2) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4), or

(iii) If the subtype vessel is under foreign flag, by multiplying the basic value of the standard-type vessel listed in subparagraph (3) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4).

Subtype	*Factor*
VC2–S–AP3	112%—VC–S–AP2
C2–S–A1	80%—C2–S–B1
C2–S–AJ1	100%—C2–S–B1
C2–S–AJ2	105%—C2–S–B1
C2–S–AJ3	100%—C2–S–B1
C2–S–AJ5	103%—C2–S–B1
C2	88%—C2–S–B1
C2–S–E1	102%—C2–S–B1
C2–F	100%—C2–S–B1
C2–S	100%—C2–S–B1
C3	88%—C3–S–A2
C3–S–A1	100%—C3–S–A2
C3–S–A3	76%—C3–S–A2
C3–S–A4	106%—C3–S–A2
C3–S–A5	106%—C3–S–A2
C3–E	70%—C3–S–A2
C3–M	100%—C3–S–A2
C3–S–BH1	100%—C3–S–A2
C3–S–BH2	104%—C3–S–A2
C4–S–A4	100%—C4–S–B5
T1–M–BT1	100%—T1–M–BT
T1–M–BT2	100%—T1–M–BT
T3–M–AZ1	105%—T3–S–A1

(c) *Other vessels.* The value of a vessel built during or after 1939 which is not included in paragraph (b) of this section shall be the current domestic market value as determined by the Maritime Administration.

§ 309.4 Vessels built prior to 1939.

The values of vessels built prior to 1939 shall be specifically determined by the Maritime Administration and set forth in § 309.101.

General Provisions

§ 309.5 Adjustments for condition, equipment, and other considerations.

The basic values provided in § 309.3 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (c) of this section.

(a) *Adjustment for a vessel of substandard condition.* If the Maritime Administration determines that a vessel is not in class or is in substandard condition for a vessel of her type or subtype and age, there will be subtracted from the basic value of such vessel, as determined pursuant to § 309.3, the amount estimated by the Maritime Administration as the cost of putting the vessel in class or the amount estimated by the Maritime Administration as the difference in value of the substandard vessel and a vessel in standard condition.

(b) *Special equipment.* For any special equipment of material utility in the handling of cargo or utilization of the vessel, not otherwise included in determining the basic value pursuant to § 309.3, if the depreciated reproduction cost less construction subsidy, if any, of all such special equipment is in excess of $50,000, an allowance in such amount as the Maritime Administration shall determine to be the fair and reasonable value of such equipment less construction-differential subsidy thereon, shall be added to the basic value.

(c) *Government installations.* The values provided by §§ 309.1–309.101 shall not include any allowance for any special installations or equipment to the extent that their cost was borne by the United States.

§ 309.6 Definitions.

(a) *Date vessel is built.* The date a vessel is built is the date the vessel is delivered by the shipbuilder.

(b) *Deadweight tonnage.* The deadweight tonnage of a vessel means her deadweight capacity established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1930, and shall be her capacity (in tons of 2,240 pounds) for cargo, fuel, fresh water, spare parts, and stores, but exclusive of permanent ballast.

(c) *Speed of vessel.* The speed of a vessel means the speed determined in accordance with the formulae provided in Part 246 of this chapter (General Order 43, 3rd Rev.).

(d) *Passenger vessel.* A passenger vessel is a ship which carries more than 12 passengers.

(e) *Construction subsidized vessel.* A construction subsidized vessel is a vessel built, reconstructed, or reconditioned with the aid of a construction-differential subsidy under Title V of the Merchant Marine Act, 1936, as amended, or a vessel sold by the United States which is subject by operation of law or contract to the provisions of section 802 of the Merchant Marine Act, 1936, as amended.

(f) *Vessel.* The stated valuation of a vessel in this part applies to a vessel in Class A–1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to marine inspection certificates of the Coast Guard, Treasury Department, with all outstanding requirements and recommendations necessary for retention of class accomplished, without regard to any grace period; and so far as due diligence can make her so, tight, staunch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service. A vessel in substandard condition is subject to § 309.5(a). The stated valuation of a vessel provided in this part does not include vessel stores and supplies, which consist of (1) Consumable Stores, (2) Subsistence Stores, (3) Slop Chest, (4) Bar Stock, and (5) Fuel, as defined in Maritime Administration Inventory Manual, Vessel Inventories, Part I, and Maritime Administration Inventory Books Forms MA–4736, A through K, which will be valued separately.

§ 309.7 Modifications.

The Maritime Administration reserves the right to exempt specific vessels from the scope of this part, or to amend, modify, or terminate the provisions hereof.

§ 309.8 Vessel data forms.

(a) *To accompany application for insurance.* Each application for war risk hull insurance submitted in accordance with § 308.101 of this chapter (General Order 75, 2d Revision, as amended) shall be accompanied by information relating

to the vessel for use by the Maritime Administration in determining the value pursuant to this part. The information shall be submitted in duplicate on the applicable form prescribed in this section, copies of which may be obtained from the American War Risk Agency, 99 John Street, New York, N.Y. 10038, or the Chief, Division of Insurance, Maritime Administration, Washington, D.C. 20235.

(b) *Vessels of 1,500 gross tons or more.* Vessel data for all vessels of 1,500 gross tons or more shall be submitted on Form MA–510.

(c) *Vessels under 1,500 gross tons.* Vessel data for all vessels under 1,500 gross tons shall be submitted on Form MA–511.

(d) *Modification to vessels.* Revised vessel data shall be submitted on the appropriate form prescribed above whenever a vessel undergoes a physical change which increases or decreases its value by five percent or more.

VALUES FOR INDIVIDUAL VESSELS

§ 309.101 Values effective January 1, 1967.

(a) *Vessels covered by §§ 309.3 through 309.5.* (1) The Maritime Administration has found that the values established in accordance with §§ 309.3–309.5 constitute just compensation for the vessels to which they apply, computed as provided in sections 902(a) and 1209(a), Merchant Marine Act, 1936, as amended; and pursuant thereto has determined the values of the vessels covered by interim binders for war risk hull insurance, Form MA–184, prescribed by Part 308 of this chapter.

(2) The interim binders listed below shall be deemed to have been amended as of January 1, 1967, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance attaching during the period January 1, 1967, to June 30, 1967, inclusive: *Provided, however,* That the Assured shall have the right within 60 days after date of publication of this section or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2), Merchant Marine Act, 1936, as amended.

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
870	Achilles	281702	$7,900
1660	Adabelle Lykes	291609	3,800
720	African Crescent	250561	1,118
722	African Glade	245035	625
723	African Glen	247294	625
724	African Grove	244877	625
725	African Lightning	251451	1,118
726	African Moon	251175	1,118
730	African Planet	249860	1,118
731	African Rainbow	250116	1,118
732	African Star	249351	1,118
1751	Almee Lykes	292614	3,800
605	Almar	245810	380
1269	Alaska Bear	246004	644
1790	Alcoa Commander	248327	625
1793	Alcoa Explorer	248335	625
1620	Alcoa Mariner	247572	625
1748	Alcoa Marketer	245539	625
1711	Alcoa Master	243572	625
1463	Alcoa Ranger	253116	625
1461	Alcoa Roamer	252567	625
1802	Alcoa Trader	248144	625
1749	Alcoa Voyager	253289	625
1850	Aldina	239754	540
1061	Aldine	841	280
659	Alice Brown	249027	625
1828	Allison Lykes	293817	3,950
1552	Alma Victory	248201	644
370	Almeria Lykes	248696	1,075
352	Aloha State	243297	1,075
2266	America Bear	252443	625
1493	American Challenger	289699	4,800
1618	American Champion	290524	4,800
1557	American Charger	290089	4,800
1652	American Chieftian	291020	4,800
531	American Clipper	249106	644
1653	American Commander	290905	4,800
1972	American Condor	252347	1,075
1670	American Corsair	291629	4,800
1605	American Courier	290225	4,800
1774	American Crusader	292930	4,800
831	American Eagle	278327	6,340
1769	American Falcon	252524	1,075
534	American Forester	248074	625
535	American Forwarder	248946	644
538	American Harvester	248143	625
1791	American Hawk	243969	1,075
540	American Importer	248947	644
541	American Leader	249517	625
940	American Mail	247321	1,075
542	American Manufacturer	247643	625
544	American Merchant	248948	644
545	American Miller	243873	625
1688	American Oriole	252304	1,075
546	American Packer	243982	625
547	American Pilot	248491	625
549	American Press	247590	625
2236	American Pride	247252	644
550	American Producer	254616	625
552	American Reporter	248334	625
1679	American Robin	242941	1,075
554	American Scientist	254653	625
555	American Scout	249122	644
556	American Shipper	248949	644
1902	American Trader	244855	985
560	American Traveler	249123	644
561	American Veteran	247296	625
2228	America Son	240147	545
2285	Amerigo	246798	625
272	Ames Victory	247292	644
1485	Amoco Connecticut	242851	1,600
1488	Amoco Delaware	245058	1,550
1768	Amoco Louisiana	244329	1,725
1484	Amoco New York	244801	740
1486	Amoco Virginia	243518	1,725
641	Amtank	247968	1,025
1914	Anchorage	246736	3,300
2211	Andrew Jackson	247303	638
19	Angelo Petrl	243882	3,225
1040	A. N. Kemp	149	805
2212	Antinous	245979	638
678	Arizona	266534	2,950
1444	Arizona Standard	248736	625
1716	Asbley Lykes	292191	3,800
1039	Atholl McBean	141	790
232	Atlantic Communicator	268196	3,500
233	Atlantic Endeavor	277623	5,665
234	Atlantic Engineer	261167	3,000
1004	Atlantic Enterprise	276911	5,600
1006	Atlantic Navigator	261423	3,025
2209	Atlantic Trader	248007	1,830
418	Attleboro Victory	247475	520
789	Audrey J. Luckenbach	248884	1,500
1435	Austin	247455	2,250
2083	Australian Galaxy	248813	644
2093	Australian Gem	248815	644
2094	Australian Gulf	248812	644
2099	Australian Isle	256787	656
2040	Australian Reel	244020	656
2090	Australian Surl	254842	656
210	Avila	267181	1,400
259	Azalea City	243436	2,275
707	Badger State	245136	625
2067	Baltimore Trader	245965	625
1864	Bangor	252036	625
980	Barbara	248079	2,175
347	Barbara Jane	278103	6,300
2261	Battle Creek	247316	644
708	Bayou State	254012	625
949	Bay State	254130	625
1915	Beauregard	251508	2,275
709	Beaver State	245583	644
1755	Beloit Victory	245883	644
947	Bengal Mail	248844	1,075
594	Bennington	242406	625
607	Bethflor	256034	2,275
608	Bethtex	255539	2,275
419	Biddeford Victory	248433	520
261	Blenville	243438	2,275
710	Blue Grass State	253866	625
2107	Boise Victory	248786	644
1986	Bowling Green	244750	625
1816	Bradford Island	247640	625
1490	Brazos	247583	900
1593	Brighton	4445–59	1,775
1414	Brinton Lykes	288699	3,800
1473	Brooklyn Heights	247872	575
2157	Brookville	252679	625
353	Buckeye State	244577	1,075
226	Byron D. Benson	246173	625
1348	California	287232	5,175
425	California Bear	266977	2,950
941	California Mail	252476	1,075
297	Californian	249239	2,800
963	California Standard	262403	350
1949	Calmar	294756	4,400
1576	Caltex Capetown	2246–48	280
1580	Caltex Gothenburg	2249–48	280
1585	Caltex Stockholm	2070–47	280
1586	Caltex Venice	2076–47	775
426	Canada Bear	247385	644
1424	Canterbury Leader	247868	265
1370	Cantigny	247452	2,225
07	Carbide Seadrift	241851	1,925
08	Carbide Texas City	242532	1,925
1600	C. E. Dant	290262	5,175
1931	Chancellorsville	244460	2,025
373	Charles Lykes	248487	625
1753	Charlotte Lykes	292782	3,800
2258	Chatham	252493	625
243	Chena	242704	319
597	Cherry Valley	242531	625
964	Chevron	250641	250
1041	Chevron Transporter	132	785
610	Chilore	253219	2,200
2213	Choctaw	242785	625
2280	Choctaw Victory	247420	644
1788	Christopher Lykes	293220	3,950
1637	Cibao	251966	625
1813	Cities Service Baltimore	271866	5,435
1814	Cities Service Miami	272077	5,460
1815	Cities Service Norfolk	272839	5,570
1050	Cities Service Valley Forge	401	1,230
2214	City of Alma	247592	638
101	Claiborne	242378	625
1965	Cleveland	243450	625
266	Coeur D'Alene Victory	247113	644
273	Coe Victory	247894	644
186	Colina	242775	625
2237	Colorado	245104	625
2134	Columbia	247519	2,750
1978	Columbia Victory	247765	575
1628	Comayagua	249059	700
1997	Commander	245309	2,600
2227	Connecticut	277291	6,375
711	Constitution State	245985	644
1588	Continental II	1650	935
1589	Continental III	1695	975
712	Copper State	244137	1,075
713	Cotton State	248440	575
704	Cottonwood Creek	246864	1,600
1305	Council Grove	247896	2,150
1051	Cradle of Liberty	467	1,250
1538	C. R. Musser	246754	400
137	Cynthia Olson	253441	105
1343	David D. Irwin	242354	2,300
212	David E. Day	248880	1,875
1979	Del Aires	252445	625
318	Del Alba	244965	625
165	Delaware Sun	264853	3,220
319	Del Campo	241923	315
323	Del Monte	246628	315
321	Del Mundo	245376	625
325	Del Santos	245377	625
329	Del Valle	245373	625
2215	De Soto	245398	638
375	Dick Lykes	248488	625
376	Doctor Lykes	249063	1,075
377	Dolly Turman	249747	625
1681	Duval	246641	475
700	Eagle Courier	277561	5,775
699	Eagle Transporter	277710	5,780
697	Eagle Traveler	278442	6,375
698	Eagle Voyager	278624	6,365
167	Eastern Sun	270025	3,665
1994	East Hills	245914	625
187	Eclipse	267144	3,000
786	Edgar F. Luckenbach	248882	1,500
2078	Elaine	247049	475
378	Elizabeth Lykes	247822	625
1917	Elizabethport	297001	4,500
1623	Elwell	245837	625
705	Empire State	248212	625
830	Erna Elizabeth	280193	6,585
1629	Esparta	248253	700
983	Esso Baltimore	282272	8,880
987	Esso Bangor	264791	3,200
1312	Esso Bogota		740
984	Esso Boston	283784	9,040
1310	Esso Brooklyn		270

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
989	Esso Chester	264445	2,960
1378	Esso Colon		725
988	Esso Dallas	259248	2,520
990	Esso Florence	266855	3,150
1007	Esso Gettysburg	273362	6,420
991	Esso Gloucester	265336	3,050
993	Esso Huntington	266329	3,200
994	Esso Jamestown	275519	6,700
995	Esso Lexington	276270	6,820
996	Esso Lima	259142	2,510
992	Esso Miami	259357	2,500
1313	Esso Montevideo		700
997	Esso Newark	264231	2,930
998	Esso New York	259610	2,570
1314	Esso Norfolk		280
1315	Esso Santos		735
1014	Esso Scranton	245830	625
1898	Esso Seattle	277935	6,250
1009	Esso Washington	273896	6,510
379	Eugene Lykes	248051	625
2079	Evantbie	240203	946
354	Evergreen State	257827	1,075
2080	Eviliz	245672	475
842	Exbrook	249173	817
846	Excelsior	243981	817
848	Excbequer	244129	817
849	Exchester	248120	817
850	Executor	248747	817
851	Exemplar	239865	753
853	Exford	249454	817
855	Exilona	252303	817
856	Exiria	241356	500
857	Exminster	245078	817
858	Expeditor	251971	817
864	Exporter	249062	817
865	Express	252376	817
1939	Express Baltimore	239355	550
1938	Express Virginia	249290	625
866	Extavia	241079	500
2075	Fairisle	245627	644
262	Fairland	242073	2,275
2216	Fairport	249072	638
2217	Fanwood	252355	625
1536	F. E. Weyerbaeuser	245564	400
153	Floridian	282733	1,075
1810	Flower Hill	252446	625
221	Flying A-Delaware	267997	3,250
2278	Flying A-New York	267198	3,210
1469	Flying Clipper	252991	625
1480	Flying Cloud	247000	625
1468	Flying Eagle	251664	625
1470	Flying Endeavor	241026	625
1479	Flying Enterprise II	245734	625
1474	Flying Fish	241099	625
2265	Flying Foam	239905	1,075
1472	Flying Gull	240462	625
1471	Flying Hawk	240632	625
1478	Flying Spray	246217	330
1481	Flying Trader	248750	575
2290	Fortalcza	245375	625
584	Fort Fetterman	244935	1,650
1211	Fort Hoskins	248735	2,175
247	Fortuna	245880	295
498	Four Lakes	244971	1,725
1630	Fra Berlanga	247102	700
380	Frank Lykes	245540	625
2142	Free Amerlca	244794	625
962	F. S. Bryant	250827	595
1035	Gage Lund	217	855
585	Gaines Mill	244464	1,625
248	Galena	248122	265
1839	Garden City	252444	625
948	Garden State	248057	644
263	Gateway City	251506	2,275
1539	George S. Long	245913	400
384	Gibbes Lykes	245182	625
1298	Globe Carrier	243503	2,600
1764	Globe Explorer	297748	2,600
1209	Globe Progress	244888	2,600
1874	Globe Traveler	289436	2,965
1885	Glory of the Seas	245169	625
428	Golden Bear	269028	3,275
714	Golden State	246544	575
355	Gopher State	244979	1,075
2073	Green Bay	248912	1,650
885	Green Cove	247268	625
1129	Green Dale	251748	625
886	Green Harbour	247760	1,000
887	Green Island	247079	1,000
2036	Green Lake	248700	1,650
950	Green Mountain State	247158	575
1950	Green Port	252346	1,075
1901	Green Ridge	247322	1,075
889	Green Valley	247950	1,000
1249	Guam Bear	252570	625
1863	Gulf Banker	295249	3,950
790	Gulfbear	247309	1,535
791	Gulfbeaver	243657	1,550
792	Gulfcrest	279334	5,685
793	Gulfdeer	245727	1,675
1849	Gulf Farmer	294625	3,950
794	Gulfjaguar	246972	1,765
795	Gulfking	275193	5,865
796	Gulfknigbt	277183	6,130
797	Gulflion	246990	1,860
808	Gulflube	254406	635
1952	Gulf Merchant	297329	4,125
798	Gulfoil	283424	6,040
799	Gulfpanther	246543	1,680
800	Gulfpride	279769	5,965
801	Gulfprince	276034	6,010
802	Gulfqueen	275583	5,925
805	Gulfscal	247557	1,780
811	Gulfservice	264224	1,300
1903	Gulf Shipper	296880	4,125
803	Gulfsolar	280223	5,830
806	Gulfspray	282848	6,175
1358	Gulfsupreme	287186	6,600
804	Gulftiger	247767	1,860
1888	Gulf Trader	296404	4,125
1659	Halcyon Panther	245922	644
646	Hampton Roads	248748	1,025
824	Hans Isbrandtsen	277703	6,200
2158	Harbor Hills	245131	330
412	Harry Culbreath	247824	625
2218	Hastings	246617	638
1421	Hawaii	289119	5,175
298	Hawaiian	249353	2,800
300	Hawaiian Builder	247386	1,075
985	Hawaiian Citizen	252149	3,800
301	Hawaiian Craftsman	247826	1,075
303	Hawaiian Farmer	245860	1,075
304	Hawaiian Merchant	248845	1,075
307	Hawaiian Planter	248741	1,075
308	Hawaiian Rancher	246204	1,075
309	Hawaiian Refiner	245594	1,075
1445	Hawaii Standard	248802	625
965	H. D. Collier	248737	625
2269	Helen D	248842	575
873	Helen H	245029	2,600
385	Helen Lykes	245245	625
1631	Heredia	251777	735
634	Hess Bunker	243804	2,025
638	Hess Petrol	244735	2,025
1373	Hess Refiner	248244	2,050
639	Hess Trader	246104	2,000
1638	Hibureras	254899	625
961	Hillyer Brown	266233	1,360
431	Hong Kong Bear	264428	2,950
706	Hoosier State	247762	1,500
1540	Horace Irvine	246933	400
787	Horace Luckenbach	245644	1,075
176	Houston	242636	2,250
1252	Hudson	244463	1,600
2220	Iberville	248489	638
679	Idaho	252271	1,075
968	Idaho Standard	245461	625
249	Illamna	246848	321
677	Illinois	264957	2,950
432	India Bear	252568	625
387	James Lykes	280564	3,500
414	James McKay	247997	625
433	Japan Bear	270296	3,275
945	Java Mail	252478	1,075
1304	Jean Lykes	287103	3,650
1285	J. E. Dyer	274440	5,780
274	Jefferson City Victory	247345	644
388	Jesse Lykes	247992	625
970	J. H. MacGaregill	248896	625
973	J. H. Tuttle	242955	650
967	J. L. Hanna	248531	625
2221	John B. Waterman	249234	638
829	John C	242701	625
1017	John F. Shea	247095	1,000
389	John Lykes	282772	3,500
1535	John Weyerhaeuser	245356	400
390	Joseph Lykes	281326	3,500
586	Julesburg	243523	1,750
1632	Junior	248767	700
413	Kendall Fish	248490	625
612	Kenmar	246062	380
415	Kenneth McKay	247581	625
598	Keystoner	266730	1,395
356	Keystone State	247763	1,500
599	Keytanker	265644	1,365
600	Keytrader	267905	0,430
1996	Kings Point	239334	946
434	Korea Bear	269668	3,275
2223	Kyska	248654	638
13	Leland I. Doan	284217	8,100
788	Lena Luckenbach	244049	1,075
1352	Leslie Lykes	287416	3,650
391	Letitia Lykes	246897	625
1052	Liberty Bell	519	1,260
1633	Limon	247552	700
392	Lipsc mb Lykes	248897	1,075
715	Lonestar State	242765	1,075
267	Longview Victory	247077	644
1918	Los Angeles	241153	4,500
613	Losmar	245111	380
393	Louise Lykes	247582	625
367	Louisiana Sulphur	242964	1,310
658	Lucile Bloomfield	249291	625
2224	Madaket	246992	638
716	Magnolia State	247144	575
2089	Malden Creek	248998	638
394	Mallory Lykes	244881	625
1356	Manbattan	287253	15,600
275	Mankato Victory	248739	644
2105	Marathon Victory	248563	644
1809	Margaret Lykes	293555	3,950
660	Margarett Brown	249174	625
2284	Marine Chemical Transporter	244942	1,090
2087	Marine Clipper	248655	620
2077	Marine Collier	247479	400
15	Marine Dow-Chem	267278	3,550
1510	Marine Electric	245675	3,125
2133	Marine Floridian	246836	625
1570	Marine Merchant	247867	265
91	Marine Trader	247274	265
92	Marine Transport	247991	265
1513	Marjorie Lykes	289873	3,800
168	Maryland Sun	246101	625
664	Maryland Trader	247178	1,960
1940	Marymar	294730	4,400
1789	Mayo Lykes	293224	3,950
1512	Meadowbrook	289879	2,275
969	M. E. Lombardi	240228	310
1980	Merrimac	245673	2,955
1634	Metapan	252158	735
1286	Meteor	247331	475
681	Michigan	240590	1,075
587	Mill Spring	244468	1,705
2033	Missourl	248885	1,900
1271	M. L. Gosney	266338	2,890
1530	M. M. Dant	289547	5,175
188	Mobil Aero	278471	5,940
189	Mobil Fuel	274588	5,075
190	Mobilgas	271449	4,720
191	Mobil Lube	275651	5,215
192	Mobiloil	279064	6,020
193	Mobil Power	274966	5,120
2095	Mona Pass	2389	280
601	Monmouth	242426	625
1265	Monticello Victory	286819	9,220
1447	Montpelier Victory	289745	9,280
2024	Morazan	255793	625
1985	Mormacaltair	298129	5,500
1890	Mormacargo	296216	5,500
31	Mormacdawn	250160	1,140
2031	Mormacdraco	299008	5,500
33	Mormacelm	248393	644
34	Mormacfir	248650	644
37	Mormacgulf	249698	1,140
39	Mormacisle	249812	1,140
41	Mormacland	250161	1,140
1937	Mormaclynx	296947	5,500
42	Mormacmail	250539	1,140
44	Mormacoak	245955	644
46	Mormacpenn	250541	1,140
47	Mormacpine	247477	644
1963	Mormacrigel	297384	5,500
50	Mormacrio	248745	1,075
51	Mormacsaga	250540	1,140
1904	Mormacvega	296632	5,500
281	Mount Vernon Victory	284178	9,030
250	Nadina	245864	311
588	Naeco	244063	1,500
1243	Nancy Lykes	286650	3,650
648	Nashbulk	247307	1,025
1758	National Defender	279938	10,975
1941	National Seafarer	240208	946
2034	Neches	244235	625
251	Nenana	247015	295
1441	Nevada Standard	247758	625
661	Neva West	249283	625
421	Newberry Victory	248460	575
169	New Jersey Sun	265748	3,300
180	New Market	247276	625
683	New York	248742	1,075
2038	New Yorker	283030	1,075
2118	New Zealand Victory	245474	644
1668	Norberto Capay	244133	625
1658	Norina	247468	2,965
399	Norman Lykes	249018	1,075
2119	Northfield	243253	2,025
1993	North Hills	245040	625
268	Northwestern Victory	247492	644
1466	Norwalk	245848	475
1827	Ocean Anna	266619	3,260
931	Ocean Evelyn	249217	1,500
1988	Oceanic Cloud	251970	625
1895	Oceanic Spray	245532	625
1896	Oceanic Tide	244612	625
2163	Oceanic Wave	248065	520
2056	Ocean Pioneer	257381	2,390
932	Ocean Ulla	280004	6,850
684	Ohio	246388	1,075
170	Ohio Sun	244089	625
1992	Old Westbury	245338	625
1375	Oregon	287875	5,175
435	Oregon Bear	264497	2,950
971	Oregon Standard	246773	625
1825	Our Lady of Peace	247571	625
2112	Overseas Dinny	244215	625
01	Overseas Joyce	284049	9,030
785	Overseas Rose	245923	1,075
1932	Pacific Bear	242315	625
717	Palmetto State	247823	575
1217	Panoceanic Faith	245134	625
1635	Parismina	251313	735
181	Pasadena	248894	2,755

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
1037	Paul Pigott	163	810
1272	P. C. Spencer	264903	2,790
2121	Pecos	243929	1,075
718	Pelican State	245354	644
1592	Penn Carrier	246908	625
339	Penn Challenger	280318	6,640
1342	Penn Exporter	247099	1,600
1954	Pennmar	295108	4,400
1860	Penn Sailor	275391	1,625
171	Pennsylvania Sun	280202	9,150
1008	Penn Transporter	248437	1,600
341	Penn Vanguard	242780	475
581	Peeryville	244644	1,975
1750	Pioneer Contender	292572	4,800
1715	Pioneer Contractor	291968	4,800
562	Pioneer Cove	249748	625
566	Pioneer Main	266181	2,950
567	Pioneer Mart	267275	2,950
568	Pioneer Mill	266832	2,950
569	Pioneer Ming	268243	2,950
570	Pioneer Minx	266256	2,950
571	Pioneer Mist	267444	2,950
1432	Pioneer Moon	289263	4,800
572	Pioneer Moor	265143	2,950
574	Pioneer Myth	267033	2,950
578	Pioneer Tide	249030	625
2122	Platte	248133	2,955
1987	Plymouth Victory	245625	644
1754	Point Loma	246982	625
2126	Point Sal	242509	700
1953	Point Sur	243263	625
1999	Portmar	294731	4,400
1505	Potomac	258800	2,600
1390	Prairie Grove	246660	2,250
499	President Adams	266697	3,275
500	President Arthur	264704	3,275
501	President Buchanan	226017	3,275
503	President Coolidge	267733	3,275
508	President Fillmore	257262	1,075
505	President Garfield	266092	3,275
506	President Grant	248424	1,140
509	President Hayes	264446	3,275
511	President Jackson	266060	3,275
512	President Jefferson	250262	1,140
513	President Johnson	257231	1,075
516	President McKinley	249953	1,140
517	President Madison	249683	1,140
519	President Pierce	248619	1,140
521	President Taft	248275	1,140
522	President Taylor	266927	3,275
523	President Van Buren	257213	1,075
919	Producer	245888	2,600
228	Providence Getty	254689	250
1573	Puerto Rico	243959	330
2064	Pure Oil	248837	670
1273	P. W. Thirtle	270179	3,250
1640	Quisqueya	252391	625
1301	Rainbow	247026	475
1869	Ranger	244598	625
264	Raphael Semmes	242074	2,275
2164	Rappahannock	253226	625
972	R. C. Stoner	243128	650
1475	Remsen Heights	247865	575
417	Reuben Tipton	247830	625
09	R. E. Wilson	244090	725
1162	Richmond	241939	485
2281	Ridgefield Victory	247454	644
1038	Robert Watt Miller	172	810
155	Robin Goodfellow	247254	1,075
156	Robin Gray	252626	1,075
157	Robin Hood	247255	1,075
158	Robin Kirk	254272	1,075
159	Robin Locksley	240353	625
160	Robin Mowbray	255316	1,075
161	Robin Sherwood	240805	625
162	Robin Trent	254641	1,075
400	Ruth Lykes	247503	625
172	Sabine Sun	241558	585
1879	Sacramento	245497	2,730
2256	Sagamore Hill	252351	625
1919	San Francisco	241220	4,500
1636	San Jose	247934	700
1920	San Juan	242653	4,500
891	Santa Adela	242243	625
2259	Santa Ana	252746	1,075
895	Santa Catalina	245834	656
2287	Santa Eliana	251812	1,075
898	Santa Elisa	245835	656
1811	Santa Emilia	247570	625
899	Santa Fe	256602	330
900	Santa Flavia	242762	625
901	Santa Ines	245836	656
903	Santa Juana	242111	625
2264	Santa Leonor	252525	1,075
906	Santa Malta	245459	625
211	Santa Maria	263781	1,280
911	Santa Olivia	245172	656
2286	Santa Regina	240348	946
915	Santa Rita	245545	656
893	Santa Victoria	245130	330
1641	Santo Cerro	252829	625
619	Santore	254624	2,200
1822	Sasstown	1876	880
26	Sealady	244457	475
1970	Seamar	294729	4,400
2057	Sea Pioneer	257115	2,290
65	Seatrain Georgia	262558	1,075
66	Seatrain Louisiana	262835	1,075
67	Seatrain New Jersey	239688	550
68	Seatrain New York	231905	315
69	Seatrain Savannah	231916	315
70	Seatrain Texas	239549	550
1921	Seattle	245275	3,300
1610	Sheldon Lykes	290508	3,800
1428	Shirley Lykes	289283	3,800
336	Sierra	247831	1,075
1476	Sir John Franklin	244734	330
1266	Sister Katingo	277936	6,245
1642	Sixaola	254211	625
202	Socony Vacuum	268801	3,220
982	Solon Turman	285889	3,650
337	Sonoma	252413	1,075
357	Sooner State	247139	625
1803	Southport II	245183	625
1049	Statue of Liberty	420	1,240
1016	Steel Admiral	252403	1,075
439	Steel Advocate	245731	1,075
440	Steel Age	244161	1,075
441	Steel Apprentice	252498	1,075
442	Steel Architect	247168	1,075
443	Steel Artisan	247833	1,075
444	Steel Chemist	252037	1,075
445	Steel Designer	247832	1,075
446	Steel Director	244978	1,075
447	Steel Executive	248843	1,075
448	Steel Fabricator	251781	1,075
449	Steel Flyer	244831	1,075
450	Steel King	252499	1,075
451	Steel Maker	247221	1,075
452	Steel Navigator	248846	1,075
453	Steel Recorder	251847	1,075
454	Steel Rover	252500	1,075
455	Steel Scientist	245730	1,075
456	Steel Seafarer	248738	1,075
457	Steel Surveyor	244968	1,075
458	Steel Traveler	247198	1,075
459	Steel Vendor	246464	1,075
460	Steel Voyager	252501	1,075
461	Steel Worker	247834	1,075
402	Stella Lykes	247504	625
403	Sue Lykes	248145	625
252	Susitna	248389	265
404	Sylvia Lykes	247841	625
253	Talkeetna	245733	295
1415	Tampico	246344	2,250
254	Tanana	247310	265
255	Tatalina	247995	265
1430	Texaco Bristol	3481-GE	795
463	Texaco California	266910	1,825
464	Texaco Colorado	241758	530
465	Texaco Connecticut	266501	1,750
466	Texaco Florida	271820	2,015
1867	Texaco Georgia	293819	6,095
469	Texaco Illinois	246993	2,000
471	Texaco Kansas	244230	1,900
1077	Texaco Kentucky	2439-50	750
1218	Texaco London	1166	800
473	Texaco Louisiana	245053	625
1596	Texaco Maine	4500-59	1,800
1823	Texaco Maryland	292735	5,960
1824	Texaco Massachusetts	290306	5,755
475	Texaco Minnesota	243202	2,325
476	Texaco Mississippi	245082	2,325
2028	Texaco Montana	298918	6,490
478	Texaco Nebraska	242845	1,950
479	Texaco Nevada	245175	1,800
480	Texaco New Jersey	245831	1,775
481	Texaco New York	265981	1,795
483	Texaco North Dakota	265006	1,760
1081	Texaco Ohio	2447-50	750
1873	Texaco Oklahoma	275882	5,960
1083	Texaco Pennsylvania	2438-50	740
1899	Texaco Rhode Island	296380	6,275
1085	Texaco Texas	2448-50	745
1270	Texaco Wisconsin	277805	6,225
489	Texaco Wyoming	243048	2,025
209	Texan	249352	1,440
685	Texas	240541	1,075
174	Texas Sun	283897	9,665
2147	Thalia	248127	2,050
497	The Cabins	246143	1,775
925	Thetis	279627	7,650
2096	Thomas A	260954	2,965
405	Thompson Lykes	283413	3,500
1357	Thunderbird	247092	575
1622	Thunderhead	246038	625
602	Ticonderoga	242244	790
406	Tillie Lykes	248461	1,075
1797	Timbo	1778	880
1643	Tlvlves	254488	625
256	Tonsina	252547	295
2222	Topa Topa	247906	638
881	Transborinquen	246540	330
1722	Transcaribbean	248749	575
231	Transeastern	279438	8,400
1454	Transerie	245950	625
2253	Transhartford	241992	570
1456	Transhatteras	242942	625
2252	Transhudson	248910	625
1526	Transmariner	242915	330
2254	Transnorthern	245244	644
1455	Transorleans	243223	625
1752	Transunion	242956	330
2255	Transwestern	251767	1,075
2251	Transyork	239271	946
1598	Trinidad	4336-58	1,715
1492	Trinity	246600	985
22	Trojan	247177	2,125
2026	Trusteo	244131	625
590	Tullahoma	246662	1,975
407	Tyson Lykes	248066	625
1644	Ulua	255135	625
2091	U.S. Adventurer	247220	644
2092	U.S. Builder	247121	644
1423	U.S. Caper	247194	644
1409	U.S. Conqueror	245519	295
1422	U.S. Defender	248013	575
1395	U.S. Explorer	248565	644
1842	U.S. Pecos	242949	295
1436	U.S. Pilot	245016	625
1437	U.S. Tourist	248171	644
1410	U.S. Victory	245754	644
966	Utah Standard	251140	595
408	Velma Lykes	247584	625
338	Ventura	252633	1,075
666	Virginia Trader	244789	700
719	Volunteer State	247792	575
1946	Volusia	245415	475
1398	Washington	288603	5,175
437	Washington Bear	264252	2,950
974	Washington Standard	246203	625
667	Washington Trader	245566	700
1713	Wellesley Victory	247564	644
1779	Western Clipper	268288	3,385
1780	Western Comet	266365	3,240
1302	Western Hunter	287156	11,775
1781	Western Planet	268078	3,370
175	Western Sun	268798	3,565
1900	Whitehall	245964	625
1537	W. H. Peabody	246065	400
1389	Wilderness	247348	475
2225	Wild Ranger	249518	625
224	William F. Humphrey	246557	625
410	William Lykes	247998	625
620	Wilmar	246507	380
1609	Windsor Victory	247843	644
1511	Wingless Victory	247243	575
358	Wolverine State	248740	1,500
2226	Yaka	246335	638
1645	Yaque	251684	625
2098	Yellowstone	248883	1,900
2030	Yorkmar	296261	4,400
2103	Young America	243034	625
411	Zoella Lykes	282126	3,500

(b) *Vessels of less than 1,500 gross tons—As of January 1, 1967.* (1) The Maritime Administration has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed as provided in sections 902(a) and 1209(a), Merchant Marine Act, 1936, as amended; and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA–184, prescribed in Part 308 of this chapter.

(2) The interim binders listed below shall be deemed to have been amended as of January 1, 1967, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance attaching during the period January 1, 1967, to June 30, 1967, inclusive: *Provided, however,* That the Assured shall have the right within 60 days after date of publication of this section or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2), Merchant Marine Act, 1936, as amended.

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
752	A. H. Dumont	239224	$88
1906	Ahi	251250	220
1686	Atlantic	262007	150
1186	Barge 114		8
1187	Barge 116		11
1188	Barge 118		8
1197	Barge 129		8
1198	Barge 133		25
1199	Barge 134		9
1256	Blue Line 107	263055	185
1153	Britton	119	20
1562	Challenger	283882	369
1876	Condado	293169	130
1165	Dammam 7		14
1166	Dammam 8	255059	15
1167	Dammam 9		43
1168	Dammam 10		43
1169	Dammam 11		43
1170	Dammam 12		58
1171	Dammam 13		48
1172	Dammam 14		58
1877	Dorado	293380	135
1564	Everglades	279577	366
1563	Fort Lauderdale	250507	112
24	George S	282206	113
764	George Whitlock II	241390	100
1150	Habib	112	16
1942	H. J. Sheridan	235802	62
1565	Hollywood		108
1151	Horne	115	17
765	Hygrade No. 2	270766	215
767	Hygrade No. 8	176732	180
768	Hygrade No. 14	250807	180
769	Hygrade No. 18	272741	200
771	Hygrade No. 26	252977	180
772	Hygrade No. 28	253996	180
773	Hygrade No. 30	264104	180
774	Hygrade No. 32	267113	190
1908	Isleways No. 1	251436	50
1909	Isleways No. 2	251519	50
1910	Isleways No. 3	251682	50
1911	Isleways No. 4	251773	50
1912	Isleways No. 5	251859	50
1554	Lewis No. 8	244276	79
1702	Mohawk	254469	206
741	Ocean King	248921	111
742	Ocean Prince	276461	390
1907	Ono	252117	220
1502	Perth Amboy No. 1	171776	175
1503	Perth Amboy No. 2	171686	175
759	Phillip Lemler	251390	52
1719	Ponce De Leon	244296	79
744	Port Jefferson	274512	378
745	Providence	238312	69
1176	Qatif 7		68
1177	Qatif 8		68
1148	Sandy	114	17
1278	Saratoga	254128	30
1263	Spartan	273515	473
746	Stamford	240942	18
1152	Swigart	118	92
18	Virginia Phillips	239971	65
763	W. A. Weber	251392	69

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: May 11, 1967.

L. C. HOFFMANN,
Chairman,
Ship Valuation Committee.

[F.R. Doc. 67-5564; Filed, May 22, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-601]

PART 73—RADIO BROADCAST SERVICES

Stereophonic and SCA Modulation Monitors

Order. In the matter of amendment of §§ 73.253 and 73.553 of the Commission's rules and regulations concerning stereophonic and SCA modulation monitors; RM-1138.

1. The Commission has before it for consideration a petition for rule making (RM-1138) received April 19, 1967, from Arno M. Myer, doing business as Belar Electronics Laboratory (Belar).

2. By report and Order in Docket 15404 (3 FCC 2d 719-1966) adopted May 25, 1966, §§ 73.253(a) and 73.553(a) of the rules among others were amended to require the installation of type-approved stereophonic modulation monitors by FM broadcast stations engaging in this type of operation. To allow sufficient time for manufacturers of the equipment to obtain type approval and produce monitors, Note 2 following these sections provided for the rule to become effective on June 1, 1967. Belar now requests that this date be changed to September 1, 1967.

3. Petitioner contends that in offering an add-on monitoring system that permits the FM broadcaster to use a monaural unit alone, or to use it together with a stereo adaptor or SCA adaptor, or to use all three together, a delay has resulted in the type-approval process. Further, if the date is not extended Belar claims that serious financial losses will be sustained as a result of cancellations of backlogged equipment sales orders.

4. Petitioner correctly points out that stereo monitors produced by the Collins Radio Co. and also McMartin Industries were type-approved on or about March 22, 1967, as was the Belar monophonic monitor, Model FMM-1, and that the Belar Model FMS-1 stereo monitor is currently undergoing type-approval tests.

5. Supporting comments have been received from the licensees of Stations WDVR, Philadelphia, Pa., WGMR-FM, Tyrone, Pa., WEND-FM, Ebensburg, Pa., WKBI-FM, Ridgeway, Pa., and from Bauer Electronics Corporation. Comments in support were also received from the National Association of FM Broadcasters, Concert Network, Inc., and Triangle Publications, Inc.

6. Comments have also been received from McMartin Industries, Inc., of Omaha, Nebr. (McMartin) which company, as noted above, is one of two which have obtained type-approval for a stereophonic modulation monitor. McMartin supports, in general, the change in date from June 1 to September 1, 1967, but points out two problems which, we believe, merit serious consideration. First, McMartin correctly states that there is no assurance that Belar will be able to obtain type-approval and deliver stereo monitors to its customers by September 1 or any date certain, so that the Commission could be faced with successive requests for extension until such time as Belar is able to supply a type-approved stereophonic modulation monitor. Second, although most FM broadcasters have committed themselves to purchase a monitor in order to meet the June 1 date, a substantial number have delayed ordering equipment in anticipation of approved delays. McMartin's solution to these problems is to extend the date from June 1 to September 1, 1967, only for those FM stations which have ordered a monitor which is type-approved on or before June 1, 1967.

7. The difficulty with the McMartin proposal is that, insofar as it applies to Belar or any new manufacturer, even if type-approval and delivery could be accomplished by September 1, 1967, the unit would not be acceptable because it was not type-approved by June 1, 1967. We do agree, however, that steps must be taken to insure that all affected licensees commit themselves to order a monitor at an early date. We therefore affirm our intention to grant no further general postponements of the stereo modulation monitor requirement beyond September 1, 1967.

8. Although the Belar petition does not concern itself with the related question of type-approved SCA modulation monitors, we note that we have not, as yet, received in our laboratory any SCA monitors for type-approval. Further, there have been informal representations to us of a need for clarification of the rules relating to type-approval of SCA modulation monitors. Accordingly, it is obvious that additional time will be required and we are extending the date for installation of type-approved SCA modulation monitors to March 1, 1968.

9. Note 2 to § 73.253 also provides that the licensee of any FM broadcast station who purchased and installed a stereophonic or SCA modulation monitor prior to July 5, 1966, which meets in part the requirements of § 73.332 may continue to use such monitor until January 1, 1972. In the Report and Order we discussed the need and purpose of such a "grandfather" clause. Since release of the document questions have arisen concerning the models which we consider to be "grandfathered."

10. In paragraph 7 of our Report and Order in Docket 15404, we made mention of monitors which were produced during the pendency of the rule making proceeding. These were the McMartin TBM-4000 for SCA operation and TBM-4500 for stereo; the RCA BW-73 for SCA operation and the BW-74 adaptor thereto for stereo; and the Collins 900C1 for stereo. These particular monitors meet in part the requirements for SCA or for stereo operation and therefore are acceptable if they were purchased and installed by July 5, 1966.

11. Inasmuch as the relief here requested is not substantive in nature, but rather looks only toward a postponement of the effective date of existing requirements, the notice and effective date provisions of section 4 of the Administrative Procedure Act do not apply. Authority for the adoption of this amendment is contained in sections 4(i), 303 (e) and (r) of the Communications Act of 1934, as amended.

12. *Accordingly, it is ordered,* That the relief requested in the Belar petition, is granted.

13. *It is further ordered,* That effective May 26, 1967, Note 2 following §§ 73.253 (a) and 73.553(a) of the Commission's rules and regulations, is amended, as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: May 17, 1967.

Released: May 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 73.253, Note 2 to paragraph (a) is amended to read as follows:

§ 73.253 Modulation monitors.

(a) * * *

NOTE 2: The provisions of this subpart shall become effective September 1, 1967, for stereophonic modulation monitors and March 1, 1968, for SCA modulation monitors except that the licensee of any FM broadcast station who purchased and installed a stereophonic or SCA modulation monitor prior to July 5, 1966, which meets in part the requirements of § 73.332 may continue to use such monitor until January 1, 1972.

* * * * *

2. In § 73.553, Note 2 to paragraph (a) is amended to read as follows:

§ 73.553 Modulation monitors.

(a) * * *

NOTE 2: The provisions of this subpart shall become effective September 1, 1967, for stereophonic modulation monitors and March 1, 1968, for SCA modulation monitors.

* * * * *

[F.R. Doc. 67-5703; Filed, May 22, 1967; 8:46 a.m.]

[Docket No. 13847; FCC 67-586]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

PART 95—CITIZENS RADIO SERVICE

Emission Limitations and Modulation Requirements

Order. In the matter of amendment of Parts 89, 91, 93, and 95 (formerly 10, 11, 16, and 19) of the Commission's rules to reduce the separation between the assignable frequencies in the 450–470 Mc/s band; amendment of Parts 2, 87 (formerly 9), 89, 91, 93, 95, and 21 of the Commission's rules to reallocate frequencies in the 460–470 Mc/s band and to make additional frequencies available for assignment in the 450–470 Mc/s band; and amendment of Parts 89, 91, and 93 of the Commission's rules to prohibit the use of frequencies in the 450–470 Mc/s band by fixed stations other than control stations used for the secondary control of mobile relay stations; Docket No. 13847.

1. The Commission issued a First Report and Order in this proceeding on December 2, 1966 (FCC 66-1084) which was published in the FEDERAL REGISTER on December 10, 1966 (31 F.R. 15577). The First Report and Order was corrected in several respects by an errata issued on December 13, 1966 (Mimeo No. 92588), which was published in the FEDERAL REGISTER on December 16, 1966 (31 F.R. 16151). In that Report and Order, the Commission adopted technical standards designed for reduction of the separation between assignable channels available to the Public Safety, Industrial, Land Transportation, and Citizens Radio Services in the 450–470 Mc/s band from 50 kc/s to 25 kc/s. The new standards call for tighter tolerance for based and fixed transmitters, improved roll-off filters, and reduction of the deviation from ±15 kc/s to ±5 kc/s on all transmitters. The new standards for tolerance and roll-off filters are to become effective on November 1, 1967, for systems authorized on or after that date. Licensees authorized before November 1, 1967, will have to comply with these standards by November 1, 1971. However, the requirement for the reduction of the deviation on all systems, existing or new, is to become effective on June 1, 1967.

2. The Commission has received a number of requests seeking extension of the June 1, 1967, deviation reduction date from licensees operating older equipment that cannot be operated satisfactorily if the only change made is reduction in the deviation. These requests reveal that various degrees of modification are either essential or at least desirable for satisfactory operation depending upon the equipment involved. Our information indicates that the required conversion kits are not readily available and that it would take some time before they do become available. It also appears from various tests made by licensees that the number of cases where more time would be needed to modify equipment for operation with ±5 kc/s deviation will be far in excess of our original estimate.

3. It is noted that on May 9, 1967, the American Trucking Association, Inc., petitioned the Commission to postpone the June 1, 1967, date for a minimum of 6 months.

4. The key consideration in this matter is that the Commission has not thus far made any of the split channels being created in Docket No. 13847 actually available for assignment. Until this is done, no useful purpose would be served by adhering to June 1, 1967, as a mandatory date for reduction in deviation. The Commission also notes that, depending upon what further orders are issued with respect to use of the 450–470 Mc/s band, some or a substantial number of its licensees in this band may either desire to or be required to change frequency.

5. For the foregoing reasons: *It is hereby ordered,* That the June 1, 1967, deadline for reduction in frequency deviation from ±15 kc/s to ±5 kc/s, with respect to existing systems and for systems authorized before November 1, 1967, is postponed until further order of the Commission. The new technical standards including limitations on bandwidth and the maximum modulation swing of ±5 kc/s will still apply to systems authorized on or after November 1, 1967.

6. The following sections of the Commission's rules and regulations are affected by this order:

Footnote 3 to § 89.107(b)(2).
Footnote 3 to § 91.104(b)(2).
Footnote 3 to § 93.104(b)(2).
Paragraph (c) of § 95.51.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: May 17, 1967.

Released: May 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION[1],
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5704; Filed, May 22, 1967; 8:46 a.m.]

[1] Commissioners Bartley and Loevinger absent.

Proposed Rule Making

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Part 12]

FAIR PACKAGING AND LABELING ACT PROCEDURES

Notice of Proposed Rulemaking

Notice is hereby given pursuant to section 553, title 5 U.S. Code, that the Department of Commerce proposes to issue procedures for the discharge of the Secretary's responsibilities under sections 5(d) and 5(e) of the Fair Packaging and Labeling Act. Consideration will be given to all written comments concerning these proposed procedures filed with the General Counsel, Department of Commerce, Washington, D.C. 20230, within 30 days following the date on which this notice is published in the FEDERAL REGISTER. Comments should be filed in duplicate.

* * * * *

Sec.
12.1 Introduction.
12.2 Undue proliferation.
12.3 Development of voluntary standards.
12.4 Report to the Congress.

AUTHORITY: The provisions of this Part 12 issued under P.L. 89–755.

§ 12.1 Introduction.

(a) These procedures apply to the discharge of the responsibility given to the Secretary of Commerce by sections 5(d) and 5(e) of the Fair Packaging and Labeling Act (hereinafter called the "Act"). The Secretary of Commerce has delegated these responsibilities to the Assistant Secretary of Commerce for Science and Technology with authority to redelegate.

(b) The Department of Commerce does not have the responsibility or the authority under the Act to issue any regulations governing the packaging or labeling practices of private industry.

(c) The Department does have the responsibility and authority to:

(1) Determine whether there is undue proliferation of the weights, measures, or quantities in which any consumer commodity is being distributed in packages for retail sale, which impairs the reasonable ability of consumers to make value comparisons.

(2) Request manufacturers, packers, and distributors, where a determination of undue proliferation has been made, to participate in the development of a voluntary product standard under the procedures governing the Department's voluntary standards program. (15 CFR Part 10)

(3) Report to Congress, with a recommendation as to whether legislation providing regulatory authority should be enacted, if after 1 year from the date private industry has been requested to participate in the development of a voluntary product standard, it is determined that such a standard will not be published, or, if published, not observed.

(d) The Act does not furnish a detailed, definitive explanation of "undue proliferation". It does, however, point out that the condition of "undue proliferation" must be one which "impairs the reasonable ability of consumers to make value comparisons" with respect to consumer commodities. Generally, therefore, the Department will determine "undue proliferation" on a case-by-case basis, and, accordingly, is establishing by the regulations in this part an orderly procedure for such determinations.

§ 12.2 Undue proliferation.

(a) *Information as to possible undue proliferation.* Any person or group, including a State or local governmental entity, is invited to communicate information to the Department concerning possible existence of undue proliferation of weights, measures, or quantities as set out in section 5(d) of the Act. Such communications should be in writing and include supporting information and explanations.

(b) *Initiation of inquiry as to undue proliferation.* Upon receipts of information as to possible undue proliferation, or, on its own initiative, the Department will determine whether there has been a showing of good cause warranting an inquiry as to whether or not there exists undue proliferation within the meaning of section 5(d) of the Act. If the Department finds good cause exists, it shall initiate an inquiry for the purpose of finding facts concerning the existence of undue proliferation and impairment of the ability of consumers to make value comparisons as specified in the Act, or any related subject.

(c) *Procedures for inquiry.* (1) Any inquiry conducted under paragraph (b) of this section will be accomplished by the Department with the cooperation of State and local weights and measures officials. The Department will collect and evaluate information concerning whether there is undue proliferation such as to impair the reasonable ability of the consumer to make value comparisons in consumer or related commodities.

(2) Notice: General notice of the initiation of an inquiry by the Department will be published and, to the extent practicable, otherwise made available to interested persons. Such notice will include a description of the consumer commodity, and such other information as is necessary to conduct the inquiry.

(3) Participation by interested persons: In any inquiry the Department will afford interested persons or groups an opportunity to participate through the submission of written data or statements of views. All submissions furnished will be made part of the public record.

(d) *Proposed determination of Department as to existence of undue proliferation.* (1) The Department, after consideration of all relevant information including that which may have been presented by interested persons in the course of any of the proceedings described above shall publish a proposed determination that there is or is not undue proliferation for the particular consumer or related commodity which is the subject of the inquiry, within the meaning of section 5(d) of the Act.

(2) Within 30 days after publication of the proposed determination as to whether there is or is not undue proliferation as provided in section 5(d) of the Act, any interested party may submit in writing comments, data, arguments, views, or other information relevant to the published proposed determination.

(3) Within 30 days after the proposed determination has been published, any interested party may request in writing an oral hearing. The granting of such a hearing shall be at the discretion of the Department. Any such hearing shall be public and shall be conducted by a person or persons designated by the Assistant Secretary for Science and Technology. Notice of any such hearing shall be published at least 15 days in advance of the date set for the hearings. Interested persons may appear and express their views as to the subject matter of the inquiry and present any information relevant thereto. A transcript of the proceedings shall be made part of the public record.

(e) *Final determination as to undue proliferation.* The Assistant Secretary for Science and Technology, after considering all relevant matters of record, shall as soon as practicable publish his final determination as to whether or not there is undue proliferation such as to impair the reasonable ability of consumers to make value comparisons, within the meaning of section 5(d) of the Act.

§ 12.3 Development of Voluntary Standards.

(a) If the Assistant Secretary for Science and Technology determines that there is undue proliferation under section 5(d) of the Act, he will invite manufacturers, packers, and distributors of a commodity or commodities involved to participate in the development of a voluntary product standard in accordance with the terms of the Act and the Department's published procedures for voluntary product standards. Voluntary Standard under the Act means a standard for weights, measures, or quantities in which the commodity or commodities are being distributed in packages for sale at retail.

(b) *Determination that voluntary standard will not be published.* (1) If a voluntary standard has not been developed within 1 year from the date on

which participation was invited, the Department may determine that a voluntary standard will not likely be published. In such a case the Secretary will publish a preliminary determination that a voluntary standard will not likely be published.

(2) Within 30 days of publication of this preliminary determination any party participating in the development of the voluntary standard may submit to the Assistant Secretary for Science and Technology any relevant comments, data, arguments, views, or other information thereon. After considering any such submitted matter the Assistant Secretary for Science and Technology may publish a final determination that a voluntary standard will not be published.

(c) Determination that a published voluntary standard has not been observed: (1) If the Department has reason to believe that any voluntary standard, published under these procedures is not being observed, it shall initiate an inquiry to determine such fact. All interested persons or groups, including States or local governmental entities, will be afforded an opportunity to participate in such an inquiry through the submission of written data, views, or arguments.

(2) The Assistant Secretary for Science and Technology after such inquiry may determine that the voluntary standard is not being observed. Such a conclusion will be first published as a preliminary determination.

(3) Within 30 days of publication of the preliminary determination any interested person may submit any relevant comments, data, arguments, views, or other information. After considering any such submissions the Assistant Secretary for Science and Technology may publish a final determination that the voluntary standard is not being observed.

§ 12.4 Report to the Congress.

Upon a final determination as set forth in subparagraph 3b or 3c above, the Secretary of Commerce in accordance with section 5(e) of the Act will report such determination to the Congress with a statement of the efforts that have been made under the voluntary standards program and his recommendation as to whether Congress should enact legislation providing regulatory authority to deal with the situation in question.

Signed at Washington, D.C., on May 19, 1967.

J. HERBERT HOLLOMON,
Assistant Secretary for Science and Technology.

[F.R. Doc. 67-5759; Filed, May 22, 1967; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

PRESCRIPTION DRUG ADVERTISING AND LABELING REGULATIONS

Notice of Proposed Rule Making

On the basis of experience with and in response to requests from the pharmaceutical manufacturing industry for clarification of the regulations concerning prescription drug advertisements (§ 1.105) and the regulations establishing exemptions from the requirement that prescription drug labeling bear adequate directions for use (§ 1.106 (b) and (c)), the Commissioner of Food and Drugs proposes the amendments set forth below.

A. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502(n), 701(e), 52 Stat. 1050, as amended 76 Stat. 791; 1055, as amended 70 Stat. 919; 21 U.S.C. 352(n), 371(e)) and delegated by him to the Commissioner (21 CFR 2.120), it is proposed that § 1.105 be amended by revising paragraph (e) and (l) and by revoking paragraphs (f), (g), (h), and (i). The revised paragraphs would read as follows:

§ 1.105 Prescription-drug advertisements.

* * * * *

(e) True statement of information in brief summary relating to side effects, contraindications, and effectiveness:

(1) *When required.* (i) Any advertisement for a prescription drug shall present a true statement of information in brief summary relating to side effects, contraindications (when used in this section, side effects and contraindications include side effects, hazards, warnings, precautions, and contraindications), and effectiveness, if the advertisement recommends or suggests any indication for use in words or by written, printed, or graphic matter, or suggests a dosage for use of the drug (other than quantitative ingredient information), or contains any claim for safety or effectiveness.

(ii) A so-called "reminder advertisement" may be employed if it contains only the name of a drug (which necessitates declaring the established name, if any, naming a dosage form, and furnishing its quantitative ingredient information) and information relating to quantity, price, and the name and address of the manufacturer, packer, or distributor. To qualify for exemption from the requirements of subdivision (i) of this subparagraph, the advertisement shall not recommend or suggest by printing or graphics any indication for use, drug dosage, or claim for safety, effectiveness, or other quality of the drug.

(iii) An advertisement that incorporates the name of a drug, dosage form name, and quantitative ingredient information, with similar information for other drugs in a composite price list, but does not recommend or suggest any indication for use or dosage for use of the drug, is not required to include information relating to side effects, contraindications, and effectiveness.

(iv) An advertisement for a drug sold in bulk packages, in accordance with the practice of the trade, solely to be processed, manufactured, labeled, or repacked in substantial quantities, is not required to include a statement of information relating to side effects, contraindications, and effectiveness if it does not contain claims for the therapeutic safety or effectiveness of the drug.

(v) An advertisement for a drug sold for use as a prescription chemical or other component for use by registered pharmacists in compounding prescriptions, and which otherwise complies with the conditions for the labeling exemption contained in § 1.106(k), is not required to include a statement of information relating to side effects, contraindications, and effectiveness if it does not contain claims for the therapeutic safety or effectiveness of the drug.

(2) *Scope of information to be included in brief summary.* (i) The advertisement as a whole and each representation and suggestion in the advertisement shall be consistent with the requirement that it present a true statement of information in brief summary relating to side effects, contraindications, and effectiveness whether or not it relies on a distinct part of the advertisement to present information relating to side effects and contraindications.

(ii) The information relating to effectiveness may be limited to the effectiveness and limitations of the effectiveness of the drug in the conditions for which it is recommended or suggested in the advertisement.

(iii) The information relating to side effects and contraindications shall disclose all of the side effects and contraindications pertinent to the uses of the drug dosage form(s) recommended or suggested in the advertisement, all other uses for which the advertised dosage form is commonly prescribed, and all other uses for which such dosage form(s) is recommended or suggested in any labeling or advertising disseminated by or on behalf of the manufacturer, packer, or distributor of the drug.

(3) *Substance of information to be included in brief summary.* (i) (*a*) An advertisement for a prescription drug covered by a new-drug application approved pursuant to section 505 of the act after October 10, 1962, or any approved supplement thereto, shall not recommend or suggest any use that is not in the labeling accepted in such approved new-drug application or supplement. The advertisement shall present information from labeling approved or permitted in a new-drug application concerning all side effects and contraindications mentioned in such labeling; each side effect and contraindication idea in the label-

ing shall be contained in the advertisement.

(b) If a prescription drug was covered by a new-drug application or a supplement thereto that became effective prior to October 10, 1962, an advertisement may recommend or suggest:

(1) Uses contained in the labeling accepted in such new-drug application and any effective or approved supplement thereto.

(2) Additional uses contained in labeling in commercial use on October 9, 1962, to the extent that such uses did not cause the drug to be an unapproved "new drug" as "new drug" was defined in section 201 (p) of the act as then in force, and to the extent that such uses would be permitted were the drug subject to subdivision (iii) of this subparagraph.

(3) Additional uses contained in labeling in current commercial use to the extent that such uses do not cause the drug to be an unapproved "new drug" as defined in section 201(p) of the act as amended. The advertisement shall present information from such labeling concerning all side effects and contraindications mentioned in such labeling.

(ii) An advertisement for a prescription drug subject to certification under section 507 of the act shall not recommend or suggest any use that is not in the labeling covered by the certification or covered by the applicable certification regulations or regulations providing for exemption from certification. The advertisement shall present information from such labeling covered by the certification, or the applicable certification regulations, or regulations provided for exemption from certification, concerning all side effects and contraindications mentioned in such labeling and such regulations.

(iii) In the case of an advertisement for a prescription drug other than a drug the labeling of which causes it to be an unapproved "new drug" and other than drugs covered by subdivisions (i) and (ii) of this subparagraph, an advertisement may recommend and suggest the drug only for those uses contained in the labeling thereof:

(a) For which the drug is generally recognized as safe and effective among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs; or

(b) For which there exists substantial evidence of safety and effectiveness, consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the safety and effectiveness of the drug involved, on the basis of which it can fairly and responsibly be concluded by such experts that the drug is safe and effective for such uses; or

(c) For which there exists substantial clinical experience, adequately documented in medical literature or by other data (to be supplied to the Food and Drug Administration, if requested), on the basis of which it can fairly and responsibly be concluded by qualified experts that the drug is safe and effective for such uses; or

(d) For which safety is supported under any of the preceding clauses in (a), (b), and (c) of this subdivision and effectiveness is supported under any other of such clauses.

The advertisement shall present information concerning all of the side effects and contraindications that are pertinent to the uses of the drug recommended or suggested in the advertisement, all other uses for which the dosage form advertised is commonly prescribed, and all other uses for which such dosage form is recommended or suggested in all labeling and/or advertising disseminated by or on the behalf of the advertiser. The information relating to effectiveness shall include specific indications for use of the drug for purposes claimed in the advertisement; for example, when an advertisement contains a broad claim that a drug is an antibacterial agent, the advertisement shall name the types of infections and micro-organisms for which the drug is effective clinically, consistent with the information required or permitted in the drug package labeling.

(4) *"True statement" of information.* An advertisement does not satisfy the requirement that it present a "true statement" of information in brief summary relating to side effects, contraindications, and effectiveness if:

(i) It contains any untrue statement; or

(ii) It fails to present adequately a fair balance between claims for safety or effectiveness of the drug and information relating to the limitations of safety or effectiveness pertinent to the uses of the drug; or

(iii) It fails to reveal facts material in the light of its representations or material with respect to consequences that may result from the use of the drug as recommended or suggested in the advertisement or under such conditions of use as are customary or usual; or

(iv) It is misleading in any other particular.

(5) *False, lacking in fair balance, or otherwise misleading advertisement.* An advertisement for a prescription drug is false, lacking in fair balance, or otherwise misleading, among other reasons, if it:

(i) Contains a representation or suggestion, not approved or permitted for use in the drug package labeling, that a drug is better, more effective, useful in a broader range of conditions or patients, safer, has fewer, or less incidence of, or less serious side effects or contraindications than has been demonstrated by substantial evidence, whether or not such representations are made by comparison with other drugs or treatments, and whether or not such a representation or suggestion is made directly or through use of published or unpublished literature, quotations, or other references.

(ii) Contains a drug comparison claiming advantages for a drug without simultaneously disclosing any pertinent disadvantages (including, for example, disclosure of the fact that the advertised drug has the other disadvantages of a category of drugs and additional disadvantages).

(iii) Contains favorable information or opinions about a drug previously regarded as valid but which have been rendered obsolete by contrary and more recent information, or fails to contain significant recent literature references that are less favorable to a drug than older references used.

(iv) Contains information from published articles that report no side effects with a drug but fails to contain significant information from the literature or other sources that report side effects, or otherwise selects information from any source in a way that makes a drug appear to be safer than it is.

(v) Contains information from a study in a way that implies that the study represents larger or more general experience with the drug than it actually does.

(vi) Contains literature references or representations that may exaggerate the effectiveness of a drug by failure to disclose the extent to which claimed results may be due to placebo effect or concomitant therapy.

(vii) Contains data or conclusions from studies of a drug in animals or in vitro in a way that suggests they represent clinical studies, or in a way that suggests they have clinical significance when in fact no such clinical significance has been demonstrated.

(viii) Contains information from published or unpublished reports or opinions erroneously represented or suggested to be authentic or authoritative.

(ix) Contains information or an opinion from a recognized authority or based on a study favorable to a drug, but fails to reveal that such information or opinion is contrary to or inconsistent with information or opinions from other recognized authorities or other reliable studies.

(x) Uses a statement by a recognized authority that is apparently favorable about a drug, but fails to use unfavorable data or statements from the same authority.

(xi) Contains information or conclusions from a study that lacks significance because it was uncontrolled or for other reasons.

(xii) Uses a quote or paraphrase out of context to convey a false or misleading idea.

(xiii) Uses literature quotations or references that purport to support an advertising claim but in fact do not support the claim or have relevance to the claim.

(xiv) Uses literature, quotations, or references to recommend or suggest conditions of drug use that are not approved or permitted in the drug package labeling or for which there is insufficient evidence to establish safety and effectiveness.

(xv) Offers a combination of drugs for the treatment of patients suffering from a condition amenable to treatment by any of the components rather than for

patients who require concomitant therapy as provided by the fixed combination drug, unless approved or permitted drug package labeling recommends the drug for such use.

(xvi) Uses a study on a small number of patients or on normal subjects without disclosing the limitations of the study by calling attention to the small number of patients or the fact that the subjects were normal.

(xvii) Uses "statistics" on numbers of patients, or counts of favorable results or side effects, derived by pooling data from various insignificant or dissimilar studies in a way that suggests that such "statistics" are valid or are derived from large or significant studies supporting favorable conclusions.

(xviii) Uses the concept of "statistical significance" to support a claim that has not been demonstrated to have clinical significance or validity, or fails to reveal the range of variations around the quoted average results.

(xix) Uses statistical analyses and techniques on a retrospective basis to discover and cite findings not soundly supported by the study, or to suggest scientific validity and rigor for data from studies the design or protocol of which are not amenable to formal statistical evaluations.

(xx) Uses inversely or otherwise erroneously a statistical finding of "no significant difference" to claim clinical equivalence or to deny or conceal the potential existence of a real clinical difference.

(xxi) Uses tables or graphs to distort or misrepresent the relationships, trends, differences, or changes among the variables or products studied, or uses graphs that are not appropriately titled; for example, fails to label abscissa and ordinate so that the graph is not readily interpretable without reference to the text.

(xxii) Uses reports or statements represented to be satistical analyses, interpretations, or evaluations that are inconsistent with or violate the established principles or statistical theory, methodology, applied practice, and inference, or that are derivcd from clinical studies, the design, data, or conduct of which substantially invalidate the application of statistical analyses, interpretations, or evaluations.

(xxiii) Uses statements or representations that a drug differs from or does not contain a named drug or category of drugs, or that it has a greater potency per unit of weight, in a way that suggests erroneously or without substantial evidence that the advertised drug is safer or more effective than such other drug or drugs.

(xxiv) Contains claims concerning the mechanism or site of drug action that are not supported by substantial evidence.

(xxv) Uses those parts or the whole of studies or reports of studies that include dosages in excess of those authorized in approved package labeling if the drug advertised is subject to section 505 or 507 of the act, or in the case of other drugs, if the dosages employed were in excess of those recommended in the labeling and generally recognzed as safe.

(xxvi) Uses misleading headline, subheadline, or pictorial or other written, printed, or graphic matter.

(xxvii) Fails to present the pertinent limitations of the effectiveness of the drug in immediate conjunction with and as prominently as any claim for effectiveness, whether or not such limitations are disclosed in another part of the advertisement.

(xxviii) Fails to present with equal prominence the limitations of safety of the drug; for example, specific side effects or contraindications pertinent to any claim for safety in immediate conjunction with each such claim for safety even though such limitations are disclosed in another part of the advertisement.

(xxix) Fails to present information concerning side effects and contraindications in as much depth and detail (not exceeding that required in the drug package) as claims for effectiveness or safety of the drug, taking into account the length of the advertisement and the nature of its message. This means that there may be two permissive levels of summarization:

(*a*) If the claims for effectiveness or safety are presented briefly without dosage information and the advertisement as a whole appears on three pages or less, the side effects and contraindications may be presented concisely provided that each such idea expressed in the approved or permitted drug package labeling is presented in a "Brief Summary"; or

(*b*) If the claims for effectiveness or safety are presented in detail or in discussion form, or dosage information is presented, or parts of the advertisement appear on more than three pages of a periodical of page size larger than 50 square inches, or more than four pages of a periodical of 50 square inches or smaller page size, the side effect and contraindication information shall be presented as a "Brief Discussion Summary" comparable in depth and detail with the information required in the drug package labeling under § 1.106 (b)(3).

(xxx) Fails to provide sufficient emphasis for the information relating to side effects and contraindications contained in a distinct part of an advertisement by reason of repetition or other emphasis in that part of the advertisement of claims for effectiveness or safety of the drug.

(xxxi) Fails to present information relating to side effects and contraindications with a prominence and readability reasonably comparable with the presentation of information relating to effectiveness of the drug, taking into account all implementing factors such as typography, layout, contrast, headlines, paragraphing, white space, and any other techniques apt to achieve emphasis.

(xxxii) Fails to present on a page facing another page (or on another full page) of an advertisement on more than one page, information relating to side effects and contraindications when such information is in a distinct part of the advertisement.

(xxxiii) Fails to provide adequate emphasis by the use of borders, headlines, or other copy that extends across the gutter for the fact that two facing pages are part of the same advertisement, when one page contains information relating to side effects and contraindications.

(xxxiv) Fails to include on each spread of an advertisement of more than one page a prominent reference to the presence and location of the information relating to side effects and contraindications when presented as a distinct part of an advertisement.

(f) Revoked.

(g) Revoked.

(h) Revoked.

(i) Revoked.

* * * * *

(l)(1) Advertisements subject to section 502(n) of the act include advertisements in published journals, magazines, other periodicals, and newspapers, and advertisements broadcast through media such as radio, television, and telephone communication systems.

(2) Brochures, booklets, mailing pieces, detailing pieces, file cards, bulletins, calendars, price lists, catalogs, house organs, letters, motion picture films, film strips, lantern slides, sound recordings, exhibits, literature, and reprints and similar pieces of printed, audio, or visual matter concerning a drug and which are disseminated by or on behalf of its manufacturer, packer, or distributor, including reference publications (for example, the Physicians' Desk Reference) for use by medical practitioners, pharmacists, or nurses, containing drug information supplied by the manufacturer, packer, or distributor of the drug, are regarded as labeling not subject to section 502(n) of the act, but subject to the labeling requirements of § 1.104 and § 1.106 (b) or (c).

B. Under the authority vested in the Secretary by the act (secs. 502(f)(1), (n), 701(a), 52 Stat. 1051, as amended 76 Stat. 791; 1055; 21 U.S.C. 352(f)(1), (n), 371(a)) and delegated as cited above, it is proposed that:

1. Section 1.105 *Prescription-drug advertisements* be amended by adding to the end of paragraph (d)(2) a new sentence reading "The requirement that an advertisement name at least one dosage form and furnish the related quantitative ingredient information for a drug does not apply to advertisements promoting the sale of a drug in bulk for use in the manufacture of another drug or for use as a component in prescription compounding."

2. Section 1.106 *Drugs and devices; directions for use* be amended:

a. By adding a heading to paragraph (b)(3) and by revising subdivisions (i) and (ii) thereunder, as follows:

(3) Adequate information for use in drug package:

(i) Labeling on or within the package from which the drug is to be dispensed bears adequate information for its use including indications, effects, dosages,

routes, methods, and frequency and duration of administration, and all side effects, hazards, warnings, precautions and contraindications under which practitioners licensed by law to administer the drug can use the drug safely and for all purposes for which it is intended, including all purposes for which it is advertised or represented; and

(ii) If the article is subject to section 505 or 507 of the act, the labeling incorporating such information is the labeling approved or permitted under the provisions of section 505 or 507, respectively.

b. By revising paragraph (b)(4) to read as follows:

(4) Promotional labeling options and requirements.

(i) *When required.* All matter determined under § 1.105(1) to be labeling as defined in section 201(m) of the act shall conform to one of the following options unless it is subject to the requirements of subparagraph (3) of this paragraph or optionally conforms to such requirements:

(*a*) *"Full Disclosure."* (*1*) All labeling disseminated by or on behalf of the manufacturer, packer, or distributor of the drug purporting to present adequate information for its use, or intended for employment as a reference to drug-use information, incorporates as an integral part of such labeling adequate "full disclosure" information for its use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, and all side effects, hazards, warnings, precautions, and contraindications under which practitioners licensed by law to administer the drug can use the drug safely and for all purposes for which it is intended, including all purposes for which it is advertised or represented; and

(*2*) If the article is subject to section 505 or 507 of the act, the labeling incorporating such information is substantially the same as the labeling approved or permitted under the provisions of section 505 or 507, respectively.

(*b*) *"Full Warning Disclosure."* Unless such labeling is subject to or optionally conforms to the requirements of subparagraph (3) of this paragraph or (*a*) of this subdivision, if the labeling:

(*1*) Recommends or suggests a drug dosage; or

(*2*) Presents information for drug use relating to one or more selected indications, but not all indications; or

(*3*) In the case of brochures, booklets, mailing pieces, and related presentations is of more than three pages,

the labeling shall present with respect to each indication for use of the drug suggested in such labeling, substantially the same information for its use, including effects, dosages, routes, methods, and frequency and duration of administration as the corresponding information in the approved or permitted drug package labeling, and shall incorporate as an integral part of such labeling a "Full Warning Disclosure"; i.e., substantially the same information concerning all side effects, hazards, warnings, precautions, and contraindications as that in the approved or permitted drug package labeling.

(c) *"Brief Summary."* Unless such labeling is subject to, or optionally conforms to the requirements of subparagraph (3) of this paragraph or (*a*) or (*b*) of this subdivision, the labeling shall present a true statement of information in brief summary relating to side effects, contraindications (when used in this section, side effects and contraindications include side effects, hazards, warnings, precautions, and contraindications), and effectiveness of the drug, if the labeling recommends or suggests any indication for use in words or by written, printed, or graphic matter, or contains any claim for safety or effectiveness.

(*d*) *Reminder labeling.* If the labeling is not subject to the requirements of subparagraph (3) of this paragraph or (*a*), (*b*), or (c) of this subdivision, so-called reminder labeling may be employed. Such labeling may contain the name of a drug (which necessitates declaring the established name, if any, naming a dosage form, and furnishing its quantitative ingredient information) and information relating to quantity, price, and the name of the manufacturer, packer, or distributor, but shall contain no other information or representation in words or by means of graphic matter.

(*e*) *Price list or catalog.* Labeling that incorporates the name of a drug, dosage form name, and quantitative ingredient information with similar information for other drugs in a composite price list or catalog, but does not recommend or suggest any indication for use, or dosage for use of the drug, or contain any information regarding frequency or duration of administration or any claim for safety, effectiveness, or other quality of the drug, is not required to include information relating to side effects and contraindications.

(*f*) *Motion picture films, film strips, sound recordings, and related audio or visual promotional labeling.* (*1*) Motion picture films, film strips, sound recordings, and related audio or visual presentations by or on behalf of the manufacturer, packer, or distributor of a drug that promote the use of a drug distributed by such a person, irrespective of whether the drug is named specifically or is in a category of drugs named, shall present, unless it conforms to the requirements of subparagraph (3) of this paragraph or (*a*), (*b*), or (c) of this subdivision, as an integral part of such audio or visual presentation information relating to the major side effects and contraindications of such drug. The audio or visual presentation shall close with a statement to the effect that the drug has side effects and contraindications in addition to those mentioned in the presentation and that "full disclosure" information to supplement the audio or audio-visual presentation will be presented to the audience in printed form. If the drug is subject to section 505 or 507 of the act, the information relating to the major side effects and contraindications of the drug is information that is approved or permitted by written notification from the Food and Drug Administration for such use in motion picture films, film strips, sound recordings, and related audio or visual promotional labeling under the provisions of section 505 or 507, respectively: *Provided, however,* That the requirement that information relating to the major side effects and contraindications of a drug be presented as an integral part of audio or visual promotional labeling will be met in the case of such labeling produced prior to the effective date of this requirement if such information is added to the end of the audio or visual presentation, and if information relating to any major side effects and contraindications acquired after production of the audio or visual promotional labeling is added to the end of the audio or visual presentation.

(*2*) Audio and audio visual aids that are generally promotional, in the sense that they relate to a class of drugs one member of which is marketed by the firm sponsoring the preparation or the presentation of the film or recording, become product labeling when used in a promotional setting (such as when used by detail men), when associated with product promotional pieces, or when other means are used to associate the general message with a particular product in the class.

c. By adding to the proposed revision of paragraph (b)(4) above new subdivisions (ii), (iii), (iv), and (v) that would be similar with respect to labeling as proposed § 1.105(e) (2), (3), (4), and (5) above would be for advertising.

d. By inserting the following subdivisions after § 1.106(b)(4)(v) as contemplated in proposal "c" above.

(—) Fails to incorporate as an integral part of any labeling, required information relating to side effects and contraindications; for example, the required information shall be incorporated in the audio or visual elements of films or sound recordings, bound as an integral part of a reprint, printed on the reverse side of a letter, etc.; provided, however, that in the case of an exhibit, this requirement will be met if a "Brief Summary" of side effects and contraindications is presented on at least one panel of the exhibit, other panels bear a prominent reference to the presence and location of the "Brief Summary" on the exhibit, and drug package or other "Full Disclosure" labeling is made available to viewers at the exhibit.

(—) Fails to present in the case of motion picture films, film strips, sound recordings, and related audio or visual promotional labeling, required information relating to side effects and contraindications so that it will be seen or heard with a prominence reasonably comparable to the information relating to effectiveness of the drug, taking into account all implementing factors such as space, timing, and audio-visual or any other techniques apt to achieve emphasis.

(—) Disseminates reprints of literature reports, reports of symposia, or other reports that include claims of effectiveness or safety or recommend or suggest conditions of use of the drug not approved or permitted in the drug package

labeling unless such representations are excluded prior to dissemination.

e. By revising paragraph (b)(5) to read as follows:

(5) All labeling, except labels and cartons, bearing any information for use of the drug, or information relating to side effects, contraindications, safety, or effectiveness of the drug also bears the date when the labeling was placed into use and the same information concerning the ingredients of the drug as appears on the label and labeling on or within the package from which the drug is to be dispensed.

f. By revising paragraph (c) (3), (4), and (5) to be similar in effect to paragraph (b) (3), (4), and (5) as proposed above.

Any interested person may, within 60 days from the date of publication of this Notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 17, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-5695; Filed, May 22, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 17438; FCC 67-576]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Carriage of Television Signals

In the matter of amendment of § 74.1107 of the Commission's rules and regulations regarding carriage of television signals on community antenna television systems; Docket No. 17438.

1. Notice of proposed rule making is hereby given in the above-entitled matter.

2. The Commission's rules regarding carriage of local television stations on CATV systems (§§ 21.710, 21.712, 74.1001, 74.1031, 74.1033, 74.1103, 74.1105, 74.1107, 91.557, 91.559, and 91.561), require carriage where the predicted Grade B or better contour of a particular station encompasses all or part of the community in which the CATV system is located. The reason for the carriage requirement is that within the service area of a particular local station, failure of a CATV system to carry its signal in practical effect cuts off the station from access to CATV subscribers. (Par. 26, Second Report and Order; see also par. 51, First Report and Order.) Carriage of distant duplicating signals under these circumstances is not a fair method of competition. (Pars. 49-57, First Report and Order; par. 27, Second Report and Order.) And the Commission decided that the use of the predicted Grade B contour is a device by which administrative ease can be balanced against practice and reality within the television industry. See paragraphs 87, 128, First Report and Order.

3. The Commission is concerned that the present standard may be too restrictive. At present, a CATV system must carry—with exceptions—the signal of any television station placing a predicted Grade B or better contour over the CATV system's community. A CATV system in a top-100 market cannot import the distant signal of any television station without either a hearing, or, in the alternative, a waiver of § 74.1107(a) of the Commission's rules.[1] This rule has led to anomalous results, as where only two of three competing VHF signals in a market reach a community,[2] or where the signals of a UHF station in the market do not reach as large an area as those of competing VHF stations,[3] or where the CATV system must give priority in carriage to a VHF station over a closer UHF station.

4. We believe it desirable to consider amending the present rules, and to that end we are proposing the change set forth below. The proposed amendment would have the effect of allowing a CATV system in a community within the predicted Grade B contour of any television station in an ARB-defined market (as opposed to a market defined by the Grade A) to carry the signal of any other operating station assigned to a community within that area.[4]

5. We believe that the proposal will to a considerable extent lessen the technological disadvantages now incident to UHF[5] and will ease the administrative burden involved in considering waiver requests.

6. In Reconsideration of the Second Report and Order, the Commission specifically denied a request to set up a mileage standard (80 miles) in place of the predicted Grade B contour, and noted that such a change would give rise to further questions.[6] What is proposed here is a refinement of standards, placing on a competitive footing all stations in a given market.[7]

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before June 19, 1967, and reply comments on or before July 7, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. Authority for the amendments proposed herein is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: May 10, 1967.

Released: May 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

In § 74.1107, new paragraph (f) is added as follows:

§ 74.1107 Requirement for showing in evidentiary hearing and Commission approval in top 100 television markets; other procedures.

* * * * *

(f) Notwithstanding the provisions of paragraph (a) of this section, a CATV system in a community within the predicted Grade B contour of any station in a market as defined by the American Research Bureau may carry any other operating stations assigned to a community within that area.

[F.R. Doc. 67-5715; Filed, May 22, 1967; 8:47 a.m.]

[47 CFR Part 91]

[Docket No. 14896; FCC 67-587]

BUSINESS RADIO SERVICE

Addition to Available Frequencies; Withdrawal of Proposed Rule Making

Report and order. In the matter of amendment of Part 91 (formerly Part 11) Subpart L, § 91.554, of the Commission's rules governing the Business Radio Service, to provide access to the 1850-1990 Mc/s frequency band, by educational institutions, for nonbroadcast, extended range, closed circuit educational television purposes; Docket No. 14896, RM-335.

1. On December 14, 1962, the Commission issued its notice of proposed rule making in the above-entitled proceeding which was duly published in the FEDERAL REGISTER (27 F.R. 12585). In that notice,

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[1] The provisions of the rule and of this proposed rule making apply only to systems located within the top-100 markets. Those located outside the top-100 markets do not need permission to import distant signals, except when a timely objection is filed to a § 74.1105 notification.

[2] Fulton Community Antenna Television System, Inc., FCC 67-110, 6 FCC 2d 571.

[3] E.g., Greater Television, FCC 66-1041, 5 FCC 2d 699.

[4] The Commission also desires comments as to whether the amendment should be mandatory rather than permissive in nature.

[5] The Commission stated such a goal in par. 33, Reconsideration of the Second Report and Order.

[6] In par. 33 of the Reconsideration, the Commission said that use of the predicted Grade B contour and the waiver procedure were more desirable than use of specific mileage.

[7] Any reliance on footnote 40, Second Report and Order, would bar a CATV system from reliance on a predicted contour to qualify under the proposed revisions of the rules.

[8] Chairman Hyde dissenting; concurring and dissenting statement of Commissioner Bartley and dissenting statement of Commissioner Cox filed as part of original document; Commissioners Wadsworth and Johnson absent.

the Commission proposed to make the 1850–1990 Mc/s band available to educational institutions in the Business Radio Service for nonbroadcast, extended range, closed-circuit educational television purposes (CCETV), on a limited basis and within the existing technical specifications for the band. The notice was issued in response to a petition (RM–335) filed by the Alabama Educational Television Commission.

2. Comments were filed in this proceeding by Lloyd P. Morris; the Central Committee on Communication facilities of the American Petroleum Institute (API); the California Public-Safety Radio Association, Inc. (CPRA); The State of Colorado; the University of Texas; the National Committee for Utilities Radio (NCUR); the Associated Public-Safety Communication Officers, Inc. (APCO); Sarkes Tarzian, Inc.; W. J. Kessler, Consulting Engineer for Florida ETV Commission; Henry F. Hoppe; and RCA Communications, Inc. (RCAC). Reply comments were filed by the National Educational Television and Radio Center.

3. The Alabama Educational Television Commission in its petition (RM–335) had requested the Commission to make available the 1850–1990 Mc/s band for interconnecting noncommercial educational television broadcast and closed circuit relay use. In the notice we denied the petition insofar as it requested allocation of the band for interconnecting broadcast facilities on a primary basis, but in Docket 14894 we granted part of the relief requested in that the rules were amended to permit the incidental use of CCETV systems to transmit program material for eventual broadcast by educational television stations and also permitted television's broadcast auxiliary stations to relay educational program material to CCETV systems. Thus, the only issue involved herein is whether educational institutions should have access to the 1850–1990 Mc/s band for closed circuit systems. It is noted that the Alabama Educational Television Commission filed no comments in this proceeding, and we are in no position to know whether the limited relief proposed here is of interest to the petitioner.[1]

4. The comments filed by Messrs. Morris, Hoppe, and Kessler, by Sarkes Tarzian, Inc., the University of Texas, and by NET favored the proposal. CPRA, APCO, the State of Colorado, and NCUR opposed it. API and RCAC suggested that if CCETV is given access to the 1850–1990 Mc/s band, it should be subject to the provisions of the rules which require use of frequencies in the higher bands except in unusual circumstances.

5. The comments favoring adoption of the proposed rule amendments stressed the Federal Government's support for educational television, and argued that the technological advances in both the broadcast and teaching fields have resulted in a rapid increase in the demand for CCETV systems. NET in its reply comments stated that the proposal was "a reasonable accommodation of interests and its adoption would contribute to the further development and improvement of educational television facilities." Messrs. Hoppe and Morris asserted that the cost of operating on the higher frequencies available for CCETV and the limited number of frequencies available has inhibited the growth of CCETV. They argued that access to the 1850–1990 Mc/s band by educational institutions would stimulate the growth of CCETV by increasing the number of available frequencies and reducing the cost per channel, thus providing multichannel in-school availability of CCETV programing. Mr. Kessler of the Florida ETV Commission and the University of Texas foresaw the development of interconnected statewide and interstate CCETV networks.

6. None of the comments in support of our proposal, however, indicated that the limited access proposed for CCETV in the 1850–1990 Mc/s band under existing technical standards would be useful to educational institutions. Instead, those who discussed specific possible uses of the band by CCETV, and those who made alternate proposals, contemplated availability of the band to CCETV under technical standards and for purposes different than we proposed. For example, Messrs. Morris and Hoppe looked toward use of the band for multichannel local transmission of educational television programs for in-school instruction. But we did not propose to make this band available for that purpose nor do we think that it should be for several reasons. Multichannel, wide-band television transmissions would soon saturate the limited spectrum in this band, which is now heavily used. Local, wide band closed circuit television transmission can and should be accommodated in the 12200–12700 Mc/s band which is well suited for that purpose. Additionally, the Instructional Television Fixed Service in the 2500–2690 Mc/s band was specifically established and is available for in-school television instruction.

7. The suggestion of Sarkes Tarzian, Inc., and Mr. Kessler that we combine the 1850–1990 Mc/s and the adjacent television broadcast auxiliary band 1990–2110 Mc/s and make this spectrum available for inter-city transmission of educational television program material with 20 Mc/s channels is also an unacceptable alternative. This suggestion is similar to that contained in the above-mentioned petition of the Alabama Educational Television Commission which was denied. Nothing offered in the comments of these parties persuades us to reach a different conclusion. As stated in the notice, the 1850–1990 Mc/s band is heavily used by various licensees in the Safety and Special Radio Services. These operators include public safety organizations, utility companies, pipelines, railroads, and other essential activities using the band for long-haul point-to-point communications. Our licensing records and the continuing flow of applications, as well as the comments in this proceeding, indicate that the use of the frequencies in this band has been expanding steadily for these essential operations.

8. In sum, we proposed to make the 1850–1990 Mc/s band available to CCETV, if it could be used for that purpose in special situations for extended range, multihop, transmissions under existing technical standards. The comments filed in this proceeding and our information indicate clearly that transmission of television over long distances requiring many hops and using frequency modulated links would require bandwidths in the order of 20 Mc/s. The channel width of 8 Mc/s now prescribed in the rules for the 1850–1990 Mc/s band obviously is not sufficient for that purpose, although it is adequate for the operations now conducted in this band. To permit CCETV to operate in this relatively narrow and extensively used band with channel widths in the order of 20 Mc/s would not be consistent with its efficient use. Although television pictures can be transmitted over a few hops in tandem with 8 Mc/s bandwidths in this area of the spectrum by using amplitude modulation techniques, the use of AM for long-distance multihop television relays is not presently practicable.

9. The Commission recognizes the potential of CCETV for furthering education in this country and will continue to provide the maximum practicable flexibility in assigning frequencies within the bands now available to it. However, in view of the comments in this proceeding we are now convinced that the limited relief proposed would offer no material contribution to this service. CCETV should take another look at the frequencies in the 12,200–12,700 Mc/s band, to which it has full access, for the development of even long-distance relays. This band has been used successfully during the past few years for the transmission of multichannel television programs to community antenna television systems, even over extended ranges.

10. In view of the foregoing, it is concluded that adoption of the proposed rules would not be in the public interest. Accordingly, the proposed rule amendments are not adopted: *And, it is ordered,* That this proceeding is terminated.

Adopted: May 17, 1967.

Released: May 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5716; Filed, May 22, 1967; 8:47 a.m.]

[1] It should be noted that under our proposal educational institutions would gain access to the band, on a case-by-case basis, by showing that, apart from economic considerations, frequencies above 10,000 Mc/s are unsuitable for the proposed operation. No change in existing technical standards for the band was proposed.

[2] Commissioners Bartley and Loevinger absent.

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 265]

ISRAEL

Validity of Nonimmigrant Visas

Public Notice 261 of April 6, 1967, authorized consular officers to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act valid for an indefinite period of time to otherwise eligible nationals of certain countries which offer reciprocal or more liberal treatment to nationals of the United States who are in a similar class. Israel is being added to the list of countries contained in that notice.

This notice amends Public Notice 261 of April 6, 1967 (32 F.R. 5643).

BARBARA M. WATSON,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

MAY 16, 1967.

[F.R. Doc. 67-5702; Filed, May 22, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF TEXAS

Call for Nominations of Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR Part 3380, notice is hereby given that nominations of areas for prospective oil and gas leasing in the Outer Continental Shelf off the State of Texas, as shown on official leasing maps numbered 5, 5B, 6, 6A, 7, 7A, 7B, and 7C, may be submitted to the Director, Bureau of Land Management, Washington, D.C. 20240, not later than September 18, 1967. Copies of nominations should be sent to the regional Oil and Gas Supervisor, Geological Survey, 301 Gateway Building, 124 Camp Street, New Orleans, La. 70130. Envelopes should be marked "Nominations for leasing in the Outer Continental Shelf—Texas."

All existing Federal official leasing maps, showing leasing blocks off Texas, in a set of 15 maps and cover sheet were listed in FEDERAL REGISTER on April 15, 1967, and may be purchased from the Manager, Bureau of Land Management, T-9003 Federal Building (Post Office Box 53226), New Orleans, La. 70150, and the Director, Bureau of Land Management, Washington, D.C. 20240, for $5 per set. Whole blocks or properly described subdivisions thereof not less than one quarter of a block may be nominated.

Any areas selected for competitive bidding will be published in the FEDERAL REGISTER and the published notice of lease offers will state the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

JOHN O. CROW,
Acting Director, Bureau of Land Management.

Approved: May 16, 1967.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 67-5685; Filed, May 22, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TOBACCO INSPECTIONS AND PRICE SUPPORT SERVICES

Notice of Public Hearing Regarding Application for Proposed New Markets at Yadkinville, N.C.

Notice is hereby given of a public hearing to be held upon the application of J. A. Miller, Sr., of Route 2, Yadkinville, N.C., for tobacco inspections and price support services for a proposed new market at Yadkinville, N.C.

The hearing will be held in the courtroom of the Yadkin County Courthouse at Yadkinville, N.C., beginning at 10:30 a.m., on May 31, 1967.

The aforesaid public hearing will be conducted and evidence received pursuant to concurrent and identical policy statements and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets (7 CFR Part 29, Subpart A).

Done at Washington, D.C. this 19th day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5801; Filed, May 22, 1967; 11:30 a.m.]

Packers and Stockyards Administration

GRAY & SONS STOCKYARDS ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Gray & Sons Stockyards, Clanton, Ala.
Ericson Livestock Commission Company, Ericson, Nebr.
Carolina Stockyards Co., Fayetteville, N.C.
Wilson Livestock Market, Newport, Tenn.
Southwest Livestock Sales Co., Round Mountain, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 12th day of May 1967.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration.

[F.R. Doc. 67-5720; Filed, May 22, 1967; 8:48 a.m.]

STATE OF KANSAS

Authorization for Inspection of Livestock

The State of Kansas, and/or State Livestock Sanitary Commissioner and State Brand Commissioner, pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), has filed a written application with the Secretary of Agriculture for authority to act as an official livestock inspection agency with respect to livestock originating in the State of Kansas. It is found that the applicant is the official brand inspection agency for the State of Kansas, that branding and marking of livestock as a means of establishing ownership prevail by custom or statute in said State, that no other application of a similar nature has been filed with the Department of Agriculture, and that it is necessary to authorize the State of Kansas, and/or State Livestock Sanitary Commissioner and State Brand

Commissioner to charge and collect a reasonable and nondiscriminatory fee at posted stockyards which are subject to the provisions of the Act for the inspection of brands, marks, and other identifying characteristics of livestock originating in the State of Kansas for the purpose of determining the ownership of such livestock. Therefore, after consideration of such application and all data, views, and arguments submitted as a result of the notice of proposed rule making in connection therewith, published in the FEDERAL REGISTER on April 29, 1967 (32 F.R. 6650), pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended, supra, the following authorization is granted to become effective 30 days after publication in the FEDERAL REGISTER.

The State of Kansas, and/or State Livestock Sanitary Commissioner and State Brand Commissioner, is hereby authorized, with respect to livestock originating in the State of Kansas, to charge and collect, at those stockyards posted under the Packers and Stockyards Act, 1921, as amended, at which the said State of Kansas, and/or State Livestock Sanitary Commissioner and State Brand Commissioner may register as a market agency to perform such inspection, reasonable and nondiscriminatory fees for the inspection of brands, marks, and other identifying characteristics of livestock for the purpose of determining the ownership of such livestock. Such charges as are authorized to be made under this authority shall be collected by the market agency or person receiving and disbursing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and shall be paid by it to the said State of Kansas, and/or State Livestock Sanitary Commissioner and State Brand Commissioner. Such inspection, charges, and collection of fees shall be subject to the provisions of the Packers and Stockyards Act, 1921, as amended, and regulations promulgated pursuant thereto.

Done at Washington, D.C., this 17th day of May 1967.

GLENN G. BIERMAN,
Acting Administrator, Packers and Stockyards Administration.

[F.R. Doc. 67-5721; Filed, May 22, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF CALIFORNIA AND UNIVERSITY OF LOUISVILLE

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket number: 67-00071-33-46040. Applicant: University of California, Los Angeles, Calif. 90024. Article: Electron Microscope Type Elmiskop IA model number 171000 with camera model number 171023b and ancillory equipment. Manufacturer: Siemens & Halske Aktiengesellschaft West Germany. Intended use of article: Applicant states:

> This microscope will be used for the examination of biological specimens, particularly becteria and viruses. The objective of the specific research problems is to understand the organization of these specimens at the molecular level.

Application received by Commissioner of Customs: May 11, 1967.

Docket number: 67-00072-33-46040. Applicant: University of California, San Francisco Medical Center, San Francisco, Calif. 94122. Article: Electron Microscope, Type Norelco EM-300 model PW-6001 with cooling device, model PW-6526 and film desiccator PW-6529, Manufacturer: Philips Glodelamp Industry, Interhoven, The Netherlands. Intended use of article: Ultrastructure of cells and macromolecules will be investigated. Effects of lipid extraction on mamalian heart mitochondria will be compared to a widely accepted model. Location of inner membrane particles as well as their morphology and persistence will be revealed. Application received by Commissioner of Customs: May 11, 1967.

Docket number: 67-00073-00-78050. Applicant: University of Louisville, 2301 South Third Street, Louisville, Ky. 40208. Article: Circular dichroism accessory for Cary Model 15 Spectrophotometer. Manufacturer: Rehovoth Instruments Ltd., Israel. Intended use of article:

> Its purpose is to provide circular dichroic vectors through 360° of rotation in the spectrum of the instrument used.

Application received by Commissioner of Customs: May 11, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-5681; Filed, May 22, 1967; 8:45 a.m.]

UNIVERSITY OF PENNSYLVANIA

Notice of Decision on Application for Duty-Free Entry of Scientific Articles

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket number: 67-00015-75-76595. Applicant: University of Pennsylvania, Philadelphia, Pa. 19104. Article: Broad Range Multi-Gap Magnetic Spectrograph. Intended use of article: For use with a tandem atomic energy accelerator apparatus. Decision: Application approved. No instrument or apparatus of equivalent scientific value to such article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: To the knowledge of the Department of Commerce, the article is not on sale or available from a stock in the United States. No domestic manufacturer has indicated a willingness or ability to produce the article on a custom-made basis.

The Department is not otherwise aware of any domestic manufacturer of such article or articles of the same general type which is willing and able to produce the article. No comments have been received by the Department concerning this application.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-5682; Filed, May 22, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-288]

REED INSTITUTE (REED COLLEGE)

Notice of Receipt of Application for Construction Permit and Facility License

The Reed Institute (Reed College), has filed an application dated April 15, 1967, pursuant to section 104c of the Atomic Energy Act of 1954, as amended,

for a construction permit and facility license to install a TRIGA Mark I type nuclear reactor on its campus in Portland, Oreg.

A copy of the application is available for public inspection in the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 16th day of May 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-5678; Filed, May 22, 1967; 8:45 a.m.]

[Docket No. 50-290]

UNITED NUCLEAR CORP.

Notice of Receipt of Application for Construction Permit and Facility License

The United Nuclear Corp., Elmsford, N.Y., has filed an application dated April 28, 1967, pursuant to section 104c of the Atomic Energy Act of 1954, as amended, for license to construct and operate a zero-power critical experiments facility (designated by the applicant as a "Proof Test Facility"). The proposed facility will be located at United Nuclear Corp.'s Remote Experimental Station located about 4 miles west of Pawling, N.Y.

A copy of the application is available for public inspection in the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 16th day of May 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-5679; Filed, May 22, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

CONSTRUCTION OF ACADEMIC FACILITIES AND IMPROVEMENT OF UNDERGRADUATE INSTRUCTION

Promulgation of Allotment Ratios

Allotments to States for the following programs:

(1) Grants for construction of academic facilities for public community colleges and public technical institutes under Title I of the Higher Education Facilities Act of 1963; and

(2) Financial assistance for the improvement of undergraduate instruction under Part A of Title VI of the Higher Education Act of 1965.

Pursuant to both section 103 of the Higher Education Facilities Act of 1963, Public Law 88-204, 77 Stat. 363, and section 602 of the Higher Education Act of 1965, Public Law 89-329, 77 Stat. 1219, and on the basis of the average of the incomes per person of the States and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce, the following allotment ratios for the States are hereby promulgated, effective with respect to the allotment of such funds as may be appropriated for the fiscal year ending June 30, 1968:

Alabama	0.6552
Alaska	.4130
Arizona	.5590
Arkansas	.6651
California	.3966
Colorado	.5017
Connecticut	.3731
Delaware	.3878
Florida	.5996
Georgia	.6116
Hawaii	.4664
Idaho	.5775
Illinois	.4057
Indiana	.4911
Iowa	.5262
Kansas	.5164
Kentucky	.6292
Louisiana	.6242
Maine	.5912
Maryland	.4533
Massachusetts	.4404
Michigan	.4620
Minnesota	.5193
Mississippi	.6667
Missouri	.5193
Montana	.5528
Nebraska	.5314
Nevada	.3710
New Hampshire	.5293
New Jersey	.4042
New Mexico	.5927
New York	.3968
North Carolina	.6296
North Dakota	.5968
Ohio	.4371
Oklahoma	.5891
Oregon	.4965
Pennsylvania	.5002
Rhode Island	.4869
South Carolina	.6667
South Dakota	.6145
Tennessee	.6359
Texas	.5725
Utah	.5605
Vermont	.5850
Virginia	.5644
Washington	.4703
West Virginia	.6336
Wisconsin	.5094
Wyoming	.5239
District of Columbia	.3333
American Samoa	.6667
Guam	.6667
Puerto Rico	.6667
Virgin Islands	.6667

Dated: May 8, 1967.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: May 17, 1967.

JOHN W. GARDNER,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-5722; Filed, May 22, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16813, 16814; FCC 67M-824]

1400 CORP. (KBMI) AND JOSEPH JULIAN MARANDOLA

Order Scheduling Hearing

In re applications of 1400 Corp. (KBMI), Henderson, Nev., Docket No. 16813, Filed No. BR-2937; for renewal of license of station KBMI; Joseph Julian Marandola, Henderson, Nev., Docket No. 16814, File No. BP-16411; for construction permit.

Pursuant to agreement of counsel arrived at during the further session of the prehearing conference in the above-styled proceeding held on this date:

It is ordered, That the evidentiary hearing in this proceeding is scheduled to begin on June 29, 1967, at 10 a.m., in the offices of the Commission in Washington, D.C.

Issued: May 16, 1967.

Released: May 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5705; Filed, May 22, 1967; 8:47 a.m.]

[Docket No. 16984; FCC 67M-816]

COSMOS BROADCASTING CORP. (WSFA-TV)

Order Continuing Prehearing Conference

In re application of Cosmos Broadcasting Corp. (WSFA-TV), Montgomery, Ala., Docket No. 16984, File No. BPCT-3643; for construction permit.

The Hearing Examiner having under consideration the "Motion for Continuance" filed by the above-entitled applicant on May 11, 1967, requesting that the prehearing conference in the above-entitled proceeding presently scheduled for May 16, 1967, be continued for a period of 30 days;

It appearing, that all the other parties to the above-proceeding have stated that they do not oppose the grant of this motion, and that good cause has been shown for such grant;

It is ordered, That the above-entitled "Motion for Continuance", be, and the same is, hereby granted, and that the prehearing conference presently scheduled for May 16, 1967 is continued to June 15, 1967, at 9 a.m.

Issued: May 15, 1967.

Released: May 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5706; Filed, May 22, 1967; 8:47 a.m.]

[Docket Nos. 17117, 17118; FCC 67M-827]

WARD L. JONES AND MARS HILL BROADCASTING CO., INC.

Memorandum of Ruling Regarding Procedural Dates

In re applications of Ward L. Jones, Syracuse, N.Y., Docket No. 17117, File No. BPH-5314; Mars Hill Broadcasting Co., Inc., Syracuse, N.Y., Docket No. 17118, File No. BPH-5450; for construction permits.

To formalize an oral ruling made during the further prehearing conference held on May 4, 1967, granting the oral request therein of counsel for the applicants that the heretofore procedural dates be postponed for 30 days, pending submission of a joint petition to the Review Board for approval of an agreement looking toward dismissal of the Jones application and grant of the Mars Hill proposal;

It is ordered, That the joint oral request of the applicants for a 30-day postponement in procedural dates is granted, and subject dates are postponed as follows:

Exchange of written exhibits, from May 16 to June 16, 1967;

Notifications of witnesses, from May 31, to June 30, 1967; and

Commencement of hearing, from June 13 to July 13, 1967 at 10 a.m.

Issued: May 4, 1967.

Released: May 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5707; Filed, May 22, 1967; 8:47 a.m.]

[Docket Nos. 17345, 17346; FCC 67M-826]

LEE BROADCASTING CORP. AND MID AMERICA BROADCASTING, INC.

Order Following Prehearing Conference

In re applications of Lee Broadcasting Corp., Moline, Ill., Docket No. 17345, File No. BPH-5470; Mid America Broadcasting, Inc., Moline, Ill., Docket No. 17346, File No. BPH-5569; for construction permits.

Pursuant to agreement reached at the prehearing conference held on May 17, 1967: *It is ordered*, That the following procedural schedule will govern the future course of the proceeding:

Procedure	*Date*
Exchange of proposed exhibits under existing issues.	June 20, 1967.
Notifications re witnesses.	June 30, 1967.
Commencement of hearing.	July 11, 1967 (postponed from June 14, 1967).

Issued: May 17, 1967.

Released: May 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5708; Filed, May 22, 1967; 8:47 a.m.]

[Docket Nos. 17411, 17412; FCC 67M-813]

MT. CARMEL BROADCASTING CO. AND K H RADIO CO.

Order Scheduling Hearing

In re applications of Edward A. Romance, trading as Mt. Carmel Broadcasting Co., Mount Carmel, Pa., Docket No. 17411, File No. BP-16806; Robert Kerris and Edward Helfrick, doing business as K H Radio Co., Mount Carmel, Pa., Docket No. 17412, File No. BP-17158; for construction permits.

It is ordered, That H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 11, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 14, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 15, 1967.

Released: May 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5709; Filed, May 22, 1967; 8:47 a.m.]

[Docket No. 17198; FCC 67M-796]

SAN FERNANDO BROADCASTING CO. (KSFV)

Order Scheduling Hearing

In re application of Joseph M. Arnoff and Maurice H. Gresham, doing business as San Fernando Broadcasting Co. (KSFV), Docket No. 17198, File No. BLH-2397; for license to cover construction permit authorizing a new FM broadcast station at San Fernando, Calif.

It is ordered, That a further prehearing conference in the above-entitled proceeding will be held on Tuesday, May 23, 1967, beginning at 9 a.m. in the offices of the Commission, Washington, D.C.

The matters to be discussed at said conference will include, but not be limited to, the date for the start of the evidentiary hearing in San Fernando, Calif.

The above-entitled proceeding was designated for hearing by a Commission order dated February 15, 1967, released February 24, 1967. It is the present intention of the Hearing Examiner to start the evidentiary hearing in San Fernando, Calif., on Thursday, June 22, 1967.

Issued: May 11, 1967.

Released: May 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5710; Filed, May 22, 1967; 8:47 a.m.]

[Docket Nos. 17065, 17066; FCC 67M-821]

STEPHEN VAUGHAN & ASSOCIATES AND MULTIVISION NORTHWEST, INC.

Order Continuing Prehearing Conference

In re petitions by Stephen Vaughan & Associates, Cleveland, Tenn., Docket No. 17065, File No. CATV 100-7; Multivision Northwest, Inc., Dalton, Ga., Docket No. 17066, File No. CATV 100-73; for authority pursuant to § 74.1107 to operate CATV systems in Cleveland and Dalton.

The Hearing Examiner having under consideration the Motion for Postponement of Date of Exchange of Exhibits and of Pre-hearing Conference filed on May 11, 1967, by Multivision Northwest, Inc.;

It appearing, that the continuance is requested to permit recently retained co-counsel opportunity to assist in the preparation for hearing and good cause for grant of the request accordingly is present;

It further appearing, that all parties have consented to immediate consideration and grant of the said motion;

It is ordered, That the motion is granted and the date for exchange of exhibits herein is continued from May 15, 1967, to June 15, 1967, and the prehearing conference presently scheduled for May 22, 1967, is continued to June 22, 1967, commencing at 9 a.m. in the offices of the Commission at Washington, D.C.

Issued: May 15, 1967.

Released: May 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5711; Filed, May 22, 1967; 8:47 a.m.]

[Docket No. 17383; FCC 67M-814]

ARNOLD L. WARNER

Order Scheduling Hearing

In the matter of Arnold L. Warner, Washington, D.C., Docket No. 17383; order to show cause why the license for radio station KNV-0234 in the citizens radio service should not be revoked.

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding, and that

the hearing therein shall be held in the offices of the Commission, Washington, D.C., commencing at 10 a.m., Tuesday, July 11, 1967.

Issued: May 16, 1967.

Released: May 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5712; Filed, May 22, 1967; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

MEDITERRANEAN U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elliott B. Nixon, Burlingham, Underwood, Barron, Wright & White, 25 Broadway, New York, N.Y. 10004.

Agreement 8260-10, between the member lines of the Mediterranean U.S.A. Great Lakes Westbound Freight Conference, proposes (1) the revocation and cancellation of a pending modification, Agreement 8260-9, which is presently in docketed proceedings (Docket No. 66-71), and (2) amendment of Article 5 of the basic agreement to increase the amount of the admission fee from $1,250 to $5,000, and to provide that all Conference expenses shall be distributed as the members shall determine.

Dated: May 18, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5683; Filed, May 22, 1967; 8:45 a.m.]

DIAZ WANDEMBERGH ET AL.

Independent Ocean Freight Forwarder Licenses and Applicants Therefor

Notice is hereby given of the cancellation of the following independent ocean freight forwarder license.

Diaz Wandembergh (Mr. John E. Diaz, doing business as) 5435 Northwest 36th Street, Miami Springs, Fla. 33166; License No. 743, canceled April 20, 1967.

Notice is hereby given of the change in the following application for independent ocean freight forwarder license filed pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

NEW APPLICANT

MacTavish & Son (Mrs. D. Kathryn Buckley, doing business as), 165 Jordan Avenue, San Francisco, Calif. 94118; Applicant denied April 12, 1967.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

Overseas Expediters, Inc., c/o Endicott Express, Inc., 555 West 33d Street, New York, N.Y. 10001; Max Largner, president; Peter G. Schaefers; secretary/treasurer.

B. Fortman—31448—No. 31—Day
J. 66-000—Folio 23114—May 21

Pan Africa Shipping Corp., 6 State Street, New York, N.Y.; Martin N. Schneer, president; George Brooker, vice president; Fred Sucher, executive vice president and secretary.

Container Forwarding Services Inc., 199C Panama Street, Port Newark, N.J. 07114; Marshall Feirman, president; Anton Julig, director; David C. Hoffman, secretary/treasurer.

Kogel Overseas, Inc., 17 Battery Place, Suite 1928, New York, N.Y. 10004; Detlef B. Vormschlag, president; Monika C. Rust, secretary; Hans Koegel, chairman of the board.

Ven-Air Service, Inc., Post Office Box 371, Biscayne Annex, Miami, Fla. 33152. Stockholders: Miguel A. Arevalo, Manuel O. Carreras, Neston Morales, Eileen B. Romero, Ernest Romero.

Melvin Export Shipping Service (Lillian A. Melvin d.b.a.), 666 northeast 125th Street, North Miami, Dade County, Fla. 33161; Lillian A. Melvin, owner.

NEW APPLICANTS LICENSED

Dunnington and Arnold of Philadelphia, Inc., Bourse Building, Room 432-434, Philadelphia, Pa. 19106; License No. 1149, issued April 4, 1967.

American International Forwarders (Kee Shew Chang Joe, d.b.a.), 465 California Street, San Francisco, Calif. 94104; License No. 1150, issued April 1, 1967.

Davis Van & Storage (Mary B. Gehring and Leo M. Gehring, d.b.a.), 912 Fifth Street, Davis, Calif. 95616; License No. 1151, issued April 12, 1967.

Charles C. Rudd Cargo Expediter (Mr. Charles C. Rudd, d.b.a.), Howard Amman Building, Room 218, Port Everglades, Fla. 33316; License No. 1152, issued April 21, 1967.

Nettles & Co. (Mr. L. Lee Nettles, d.b.a.), 327 South La Salle Street, Room 748, Chicago, Ill. 60604; License No. 1153, issued April 21, 1967.

Quast & Co., Inc., 327 South La Salle Street, Room 723, Chicago, Ill. 60604; License No. 1154, issued April 26, 1967.

Consolidated Express, Inc., Box 1375, San Juan, P.R.; License No. 1155 issued April 28, 1967.

Rocky Mountain International Freight Forwarding Co., 5725 East 39th Avenue, Denver, Colo. 80207; License No. 1156, issued May 21, 1967.

P. A. Forwarding (Pedro Alicea, d.b.a.), 80 Wall Street, New York, N.Y. 10005; License No. 1157, issued May 3, 1967.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses.

CHANGE OF NAME

S. Jackson & Son, McCandless, Inc. to S. Jackson & Son, Inc., Post Office Box 53235, New Orleans, La. 70150; License No. 41.

Gulf Forwarding Co. (George Renaudin, d.b.a.) to Gulf Forwarding Co. (Jean L. Couret & Cornelius W. Nett, Jr. d.b.a.), 823 Whitney Building, New Orleans, La. 70130; License No. 89.

Nehl's & O'Connell (Joseph P. O'Connell, d.b.a.) to Nehls & O'Connell, Inc., 42 Broadway, New York, N.Y. 10004; License No. 113.

Latin American Cargo Expediters, Inc., to Export Shipping Services, Inc., 2760 Northwest 36th Street, Miami, Fla. 33152; License No. 643.

Dated: May 18, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5684; Filed, May 22, 1967; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9683 etc.]

NEWDELVA CORP. ET AL.

Findings and Order

MAY 12, 1967.

Newdelva Corp. (successor to Glenn Tompkins et al. d.b.a. Hughes River Oil & Gas) and other Applicants listed herein, Docket Nos. G-9683 et al.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, permitting withdrawal of notice of change in rate, terminating certificates, terminating rate proceeding, substituting respondent, making successor corespondent, redesignating proceedings, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and neces-

sity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's Statement of General Policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468–A.

Dallas Resources, Inc. (Operator), et al., Applicant in Docket No. CI61–1567, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Heritage Petroleum Corp. (Operator) et al., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicant. Heritage has filed for an increase in rate under said rate schedule which increase is suspended in Docket No. RI62–447 [1]. Therefore, Applicant will be substituted as respondent in said proceeding and the proceeding will be redesignated accordingly.

Post Oak Oil Co., Applicant in Docket No. CI67–1106, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI67–184 to be made pursuant to Big Chief Drilling Co. FPC Gas Rate Schedule No. 14. The contract comprising said rate schedule will also be accepted for filing as Applicant's rate schedule. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI67–135. Therefore, Applicant will be made corespondent in said proceeding, the proceeding will be redesignated accordingly, and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

After due notice, a notice of intervention by The Public Service Commission of the State of New York was filed in Docket No. CI67–952, in the matter of the application filed on February 1, 1967, in said docket. The notice of intervention has been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 4, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. CI67–969 and CI67–1234 should be cancelled and that the applications filed therein should be processed as petitions to amend the certificates heretofore issued in Docket Nos. CI67–626 and CI64–15, respectively.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–9683, G–11741, G–12945, CI60–159, CI61–369, CI61–728, CI61–1277, CI61–1567, CI62–18, CI62–1115, CI63–1468, CI63–1479, CI64–15, CI64–70, CI65–301, CI65–997, CI65–1220, CI65–1281, CI66–912, CI66–1093, CI67–184, CI67–449, and CI67–626 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant in Docket No. CI67–1248 should be permitted to withdraw the notice of change in rate suspended in Docket No. RI67–26 insofar as said notice pertains to the increase in rate under Applicant's FPC Gas Rate Schedule No. 76; and that the rate suspension proceeding pending in Docket No. RI67–26 should be terminated only insofar as it pertains to Ashland Oil & Refining Co.'s FPC Gas Rate Schedule No. 76.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dallas Resources, Inc. (Operator), et al., should be substituted in lieu of Heritage Petroleum Corp. (Operator) et al., as respondent in the proceeding pending in Docket No. RI62–447 and said proceeding should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Post Oak Oil Co. should be co-respondent in the proceeding pending in Docket No. RI67–135, that said proceeding should be redesignated accordingly, and that Post Oak Oil Co. should be required to file an agreement and undertaking.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any

[1] Consolidated with Docket No. AR64–2 et al.

proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy No. 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 4 and 35 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. CI65–606[1a] and CI65–683 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicants in Docket Nos. CI65–606 and CI65–683 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 90 days from the date of initial delivery Applicant in Docket No. CI65–606 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(H) The initial price for the sale authorized in Docket No. CI66–10 shall be 17 cents per Mcf at 14.65 p.s.i.a.

(I) The initial price for the sale authorized in Docket No. CI67–1073 shall be 15 cents per Mcf at 14.65 p.s.i.a., plus B.t.u. adjustment.

(J) Certificates are issued herein in Docket Nos. CI66–1015, CI67–1038, CI67–1229 and CI67–1253 authorizing the respective Applicants to continue the sales of natural gas which were initiated without prior Commission authorization.

(K) Certificates are issued herein in Docket Nos. CI67–52, CI67–1177, and CI 67–1240 authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954.

(L) The acceptance for filing of the related rate schedule in Docket No. CI67–1177 is contingent upon Applicants' filing of a billing statement showing the rate in effect on June 7, 1954, as required by the Regulations under the Natural Gas Act.

(M) Docket Nos. CI67–969 and CI67–1234 are canceled.

(N) The certificates heretofore issued in Docket Nos. CI60–159, CI63–1468, CI65–997, and CI66–912 are amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(O) The certificate heretofore issued in Docket No. CI67–449 is amended to include the sale of natural gas from the additional acreage and to include the interest of co-owners and the related rate schedule is redesignated as Anadarko Production Co. (Operator) et al., pursuant to the rate schedule supplement as indicated in the tabulation herein.

(P) The certificates heretofore issued in Docket Nos. CI64–70, CI66–1093, and CI67–184 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI63–1468, CI67–1083, and CI67–1106, respectively.

(Q) The certificates heretofore issued in Docket Nos. G–9683, G–11741, G–12945, CI61–369, CI61–1277, CI61–1567, CI62–18, CI62–1115, CI63–1479, CI64–15, CI65–301, CI65–1220, CI65–1281, and CI67–626 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(R) The certificate heretofore issued in Docket No. CI61–728 is amended by authorizing Applicant to continue the sale of natural gas from section 16, T32S, R30W; further, the certificate is amended by deleting therefrom authorization to sell natural gas from section 10, T32S, R10W. Applicant shall file any release agreements it has executed with the buyer covering said section 10.

(S) The acceptance for filing of the related rate schedules in Docket Nos. CI61–1567, CI65–1220, and CI67–1106 are contingent upon Applicants' filing three copies each of a billing statement.

(T) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(U) Permission for and approval of the abandonment in Docket No. CI67–1100 shall not be construed to relieve Applicant of any refund obligations which may be ordered in Docket Nos. G–18172, RI60–443, RI61–380, RI64–56, and RI65–11 by Opinion No. 468.

(V) Permission for and approval of the abandonment in Docket No. CI67–1248 shall not be construed to relieve Applicant of any refund obligation in Docket No. RI62–332.

(W) The certificate heretofore issued in Docket No. G–274 is terminated only insofar as it relates to Philadelphia Oil Co.'s FPC Gas Rate Schedule No. 5.

(X) The certificates heretofore issued in Docket Nos. G–3084, G–10385, G–16189, CI62–1248, and CI65–893 are terminated.

(Y) Applicant in Docket No. CI67–1248 is permitted to withdraw the notice of change in rate suspended in Docket No. RI67–26 insofar as said notice pertains to the increase in rate under Applicant's FPC Gas Rate Schedule No. 76; and the rate suspension proceeding pending in Docket No. RI67–26 is terminated only insofar as it pertains to Ashland Oil & Refining Co.'s FPC Gas Rate Schedule No. 76.

(Z) Dallas Resources, Inc. (Operator), et al., is substituted in lieu of Heritage Petroleum Corporation (Operator), et al., as respondent in the proceeding pending in Docket No. RI62–447, and said proceeding is redesignated accordingly.[2]

(AA) Post Oak Oil Co. shall be a co-respondent in the proceeding pending in Docket No. RI67–135 and said proceeding is redesignated accordingly.[3]

(BB) Within 30 days from the issuance of this order Post Oak Oil Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI67–135 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission such agreement and undertaking shall be deemed to have been accepted for filing.

(CC) Post Oak Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it in Docket No. RI67–135 shall remain in full force and effect until discharged by the Commission.

(DD) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[1a] Consolidated in the proceeding on the Order To Show Cause issued Aug. 5, 1965, in Docket No. AR61–1 et al., 34 FPC 424.

[2] Dallas Resources, Inc. (Operator), et al.

[3] Big Chief Drilling Co. and Post Oak Oil Co.

Docket No. and Date Filed	Applicant	Purchaser, Field and Location	FPC Rate Schedule to be accepted		
			Description and Date of Document	No.	Supp.
G-9683 E 3-10-67	Newdelva Corp. (successor to Glenn Tompkins et al. d.b.a. Hughes River Oil & Gas).	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Glenn Tompkins et al. d.b.a. Hughes River Oil & Gas, FPC GRS No. 6.	2	
			Supplemental No. 1	2	1
			Notice of succession 2-20-67.		
			Assignment 8-11-66 [1]	2	2
			Effective date: 10-15-66		
G-11741 E 3-10-67	Newdelva Corp. (successor to Glenn Tompkins, d.b.a. Hardman Farm Oil & Gas Co.).	do	Glenn Tompkins d.b.a. Hardman Farm Oil & Gas Co., FPC GRS No. 5.	3	
			Notice of succession 2-20-67.		
			Assignment 8-11-66 [1]	3	1
			Effective date: 10-15-66		
G-12945 E 3-10-67	Newdelva Corp. (successor to Highland Oil & Gas Co.).	do	Highland Oil & Gas Co., FPC GRS No. 1.	4	
			Notice of succession 2-20-67.		
			Contract 6-14-57 [3]	4	
			Assignment 8-11-66 [3]	4	1
			Effective date: 10-15-66		
CI60-159 C 3-10-67 [4]	Gulf Oil Corp.	Cities Service Gas Co., Hugoton Field, Seward County, Kans.	Amendatory agreement 10-10-66.[5]	283	2
			Amendatory agreement 11-2-66.	283	3
			Amendatory agreement 2-7-67.[6 7]	283	4
CI61-369 E 3-10-67	Newdelva Corp. (successor to William Innes Forbes, Jr., et al.).	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	William Innes Forbes, Jr., et al., FPC GRS No. 1.	5	
			Notice of succession 2-20-67.		
			Assignment 10-10-66 [8]	5	1
			Effective date: 10-10-66		
CI61-728 E 3-7-67 [9]	Harvest Queen Mill & Elevator Co. (successor to Joseph E. Newman (Operator) et al.).	Panhandle Easten Pipe Line Co., Plains Townsite Field, Meade County, Kans.	Josepb E. Newman (Operator) et al., FPC GRS No. 1.	1	
			Notice of succession 3-6-67.		
			Assignment 6-24-61 [10]	1	1
			Assignment 6-24-61 [11]	1	2
			Assignment 6-24-61 [12]	1	3
			Assignment 6-24-61 [13]	1	4
			Assignment 10-7-61 [14]	1	5
			Effective date: 6-1-61		
CI61-1277 E 3-10-67	Newdelva Corp. (successor to William I. Forbes, Jr., et al.).	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	William I. Forbes, Jr. et al., FPC GRS No. 2.	6	
			Notice of succession 2-20-67.		
			Assignment 10-10-66 [8]	6	1
			Effective date: 10-10-66		
CI61-1470 A 4-10-61 1-25-62 5-24-62 D 4-1-63	Jack P. Rayzor (Operator) et al.	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Pelican Field, Liberty County, Tex.	Contract 10-15-53	6	
			Supplemental Agreement 6-1-54.	6	1
			Ratified 12-15-54	6	2
			Ratified 3-7-61	6	3
			Notice of partial cancellation 3-25-63.[15]	6	7
CI61-1567 E 3-9-67	Dallas Resources, Inc. (Operator), et al. (successor to Heritage Petroleum Corp. (Operator) et al.).	Florida Gas Transmission Co., North Appling Field, Calhoun, Tex.	Heritage Petroleum Corp. (Operator) et al., FPC GRS No. 1.	1	
			Supplemental Nos. 1-2	1	1-2
			Notice of succession 3-1-67.		
			Assignment 5-1-63 [16]	1	3
			Assignment 10-25-63 [17]	1	4
			Effective date: 9-1-63		
CI62-18 E 3-10-67	Newdelva Corp. (successor to William 1. Forbes, Jr. et al.).	Consolidated Gas Supply Corp., De-Kalb District, Gilmer County, W. Va.	William I. Forbes, Jr. et al., FPC GRS No. 3.	7	
			Supplemental No. 1.	7	1
			Notice of succession 2-20-67.		
			Letter agreement 6-29-61.[18]	7	2
			Assignment 10-10-66 [8]	7	3
			Effective date: 10-10-66		
CI62-1115 E 3-10-67	do	do	W. I. Forbes et al., FPC GRS No. 5.	8	
			Notice of succession 2-20-67.		
			Assignment 10-10-66 [8]	8	1
			Effective date: 10-10-66		
F CI63-1468 (CI64-70) C 3-8-67	La Gloria Oil and Gas Co.	Arkansas Louisiana Gas Co., Waukomis Area, Garfield County, Okla.	Supplemental agreement 3-1-67.[19]	18	4
			Effective date: 9-15-65		
CI63-1479 E 3-3-67	Webster Myers et al. (successor to Hays and Co., agent for Keillor & Clark et al.)	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Hays and Co., agent for Keillor & Clark et al., FPC GRS No. 18.	2	
			Notice of succession 3-2-67.		
			Assignment 4-29-66	2	1
			Assignment 4-18-66	2	2
			Assignment 4-21-66	2	3
			Assignment 4-28-66	2	4
			Assignment 7-27-66	2	5
			Effective date: 5-18-66		
CI65-301 E 1-9-67 as amended 2-20-67	Robert F. White (successor to Braden-Deem, Inc., agent (Operator) et al.).	Panhandle Eastern Pipe Line Co., Lerado Field, Reno County, Kans.	Braden-Deem, Inc., Agent (Operator) et al., FPC GRS No. 8.	7	
			Supplemental Nos. 1-5	7	1-5
			Notice of succession 2-16-67.		
			Assignment 7-13-66 [20]	7	6
			Assignment 7-13-66 [21]	7	7
			Assignment 7-15-66 [22]	7	8
			Effective date: 7-1-66		
			Braden-Deem, Inc., Agent (Operator) et al., FPC GRS No. 9.	8	
			Supplemental Nos. 1-7	8	1-7
			Notice of succession 1-3-67.		
			Assignment 7-13-66 [20]	8	8
			Assignment 7-13-66 [21]	8	9
			Assignment 7-15-66 [22]	8	10
			Effective date: 7-1-66		
CI65-606 A 12-24-64 C 5-20-65 C 4-5-66 [23]	Humble Oil & Refining Co. [24]	Northern Natural Gas Co., Gomez Field, Pecos County, Tex.	Contract 11-4-64	372	
			Supplemental Agreement 5-5-65.	372	1
			Supplemental Agreement 2-21-66.[7 25]	372	2
CI-65-683 A 1-11-65 [23]	Union Oil Co. of California.	Northern Natural Gas Co., Coyanosa Area, Pecos County, Tex.	Contract 11-30-64 [26]	94	
			Quality Statement [27]	94	1
CI65-997 C 3-6-67 [4]	Continental Oil Co.	El Paso Natural Gas Co., Acreage in San Juan County, N. Mex.	Agreement 2-17-67 [7]	296	9

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and Date Filed	Applicant	Purchaser, Field and Location	FPC Rate Schedule to be accepted		
			Description and Date of Document	No.	Supp.
CI65-1220 E 2-13-67	Larry Robinson (successor to Cleary Petroleum, Inc. (Operator) et al.).	Almos Gas Gathering Co., Cranz Field, Bee and Live Oak Counties, Tex.	Cleary Petroleum, Inc. (Operator), et al., FPC GRS No. 14.	1	
			Notice of succession 2-2-67.		
			Assignment 6-30-66 [28]	1	1
			Assignment 7-8-66 [29]	1	2
			Assignment 7-8-66 [30]	1	3
			Assignment 7-15-66 [31]	1	4
			Assignment 7-7-66 [32]	1	5
			Assignment 7-12-66 [33]	1	6
			Assignment 2-1-67 [34]	1	7
			Effective date: 2-1-67		
CI65-1281 E 3-10-67	Newdelva Corp. (successor to William I. Forbes, Jr., et al.).	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	William I. Forbes, et al., FPC GRS No. 6.	9	
			Notice of succession 2-20-67.		
			Assignment 10-10-66 [8]	9	1
			Effective date: 10-10-66		
CI66-10 A 7-6-65 [35]	Calvert-Mid America, Inc.[36]	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 6-15-65	1	
			Compliance 8-9-65	1	1
CI66-912 C 2-17-67 [4 37]	Banquete Gas Co., a division of Crestmont Oil & Gas Co.	United Gas Pipe Line Co., East Plymouth Field, San Patricio County, Tex.	Amendatory 1-16-67 [7 37]	4	5
CI66-1015 A 4-18-66 [4 38]	Carl Hinkle	Carnegie Natural Gas Co., Centerville District, Tyler County, W. Va.	Contract 1-12-61 [7]	1	
CI66-1093 D 2-20-67	G. H. Vaughn, Jr. and Jack C. Vaughn (Operators) et al.	Texas Gas Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	Assignment 1-20-67 [39 40]	10	
CI67-52 A 7-11-66 [4 41]	Jackson River Oil Co.	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	Contract 11-1-37	1	
			Letter Agreement 8-18-52	1	1
			Letter Agreement 3-10-53	1	2
CI67-449 C 3-13-67 [4 42]	Anadarko Production Co. (Operator) et al.	Northern Natural Gas Co., Northwest Perryton Field, Ochiltree County, Tex.	Ratified 11-23-66 [7 43]	124	1
CI67-871 A 1-18-67 [4]	Huisache Operating Co. (Operator) et al.	Banquete Gas Co., a Division of Crestmont Oil & Gas Co., East Plymouth Field, San Patricio County, Tex.	Contract 11-30-66 [7 44]	2	
CI67-952 A 2-1-67 [4]	Humble Oil & Refining Co.	United Gas Pipe Line Co., West Bryceland Field, Bienville Parish, La.	Contract 1-24-67 [7]	417	
CI67-969 (CI67-626) E 2-3-67 [45]	Conroy, Inc. (Operator) et al. (successor to South Texas Development Co. (Operator) et al).	Kansas-Nebraska Natural Gas Co., Inc., North Shore Field, Logan County, Colo.	South Texas Development Co. (Operator) et al., FPC GRS No. 3.	1	
			Notice of succession 1-31-67.		
			Assignment 12-20-66 [45]	1	1
			Effective date: 12-1-66		
CI67-1038 A 2-8-67 [35]	W. M. Heeter Lumber Co.	The Manufacturers Light and Heat Co., Acreage in Armstrong County, Pa.	Contract 6-11-59 [7]	1	
CI67-1073 A 2-17-67 [35]	Jones & Pellow Oil Co. et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Contract 4-2-66	5	
			Compliance (undated). [7 47]	5	1
A CI67-1083 (CI67-1093) F 2-20-67 [48]	J-W Operating Co.	Texas Gas Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	Contract 2-6-67 [7 49]	1	
CI67-1100 (G-16189) B 2-20-67	Humble Oil & Refining Co. (Operator) et al.	El Paso Natural Gas Co., South Four Lakes Field, Lea County, N. Mex.	Notice of cancellation 2-16-67.[40 50]	[51] 142	9
CI67-1106 (CI67-184) F 2-6-67	Post Oak Oil Co. (successor to Big Chief Drilling Co.).	Oklahoma Natural Gas Gathering Corp.,[52] Ringwood Field, Major County, Okla.	Contract 6-1-66 [53]	3	
			Assignment 10-7-66 [54]	3	1
			Effective date: 10-7-66		
CI67-1177 A 2-24-67 [41]	Leota Adrian, agent for Carl J. Adrian.	Natural Gas Co. of West Virginia, Richhill Township, Greene County, Pa.	Contract 5-24-49	1	
CI67-1229 A 3-6-67 [4 38]	Edward Colton Evenseu et al.	El Paso Natural Gas Co., Blanco Mesaverde Pool, San Juan County, N. Mex.	Coutract 10-2-53	1	
			Supplemental Agreement 9-7-54. [7 55]	1	1
CI67-1230 A 3-9-67 [35]	Marathon Oil Co.	Cities Service Gas Co., Bishop Area, Roger Mills County, Okla.	Contract 11-11-66 [7]	100	
CI67-1232 (G-10385) B 3-8-67	C. H. Lyons, Jr., et al.	Arkansas Louisiana Gas Co., South Hallsville Field, Harrison County, Tex.	Notice of cancellation 3-1-67. [40 55a]	2	11
CI67-1233 A 3-8-67	Quaker State Oil Refining Corp.	Pennsylvania Gas Co., Shellield Township, Warren County, Pa.	Contract 2-24-67 [7]	22	
CI67-1234 (CI64-15) E 3-8-67 [56]	Morris Sitrin et al. (successor to Henry S. Inger).	Panhandle Eastern Pipe Line Co., Wil Field, Edwards County, Kans.	Contract 12-29-58 [57]	1	
			Supplemental Agreement 2-12-59.	1	1
			Court judgment 10-23-61.[58]	1	2
			Assignment 12-15-62 [59]	1	3
			Assignment 11-28-62 [59]	1	4
			Assignment 12-29-62 [59]	1	5
			Assignment 1-8-63 [59]	1	6
			Assignment 4-17-63 [59]	1	7
			Supplemental Agreement 5-11-64.[60]	1	8
			Assignment 4-5-65 [61]	1	9
			Assignment 3-25-65 [61]	1	10
			Assignment 3-26-65 [61]	1	11
			Assignment 4-6-65 [61]	1	12
			Assignment 4-8-65 [61]	1	13
			Assignment 4-9-65 [61 62]	1	14
			Assignment 4-9-65 [61 63]	1	15
			Assignment 4-23-65	1	16
			Effective date: 4-1-65		
CI67-1236 (G-3084) B 3-9-67	Humble Oil & Refining Co.	Texas Eastern Transmission Corp., Rhode Ranch Field, McMullen County, Tex.	Notice of cancellation 3-3-67.[40 55a]	22	19
CI67-1239 A 3-10-67 [35]	Atlantic Richfield Co.	Northern Natural Gas Co., Como Field, Beaver County, Okla.	Contract 1-1-67 [7 64]	310	
CI67-1240 A 3-10-67 [41]	Frank Etzel, Jr., et al.	Pennsylvania Gas Co., Cherry Grove Township, Warren County, Pa.	Contract 3-18-54	1	
CI67-1244 A 3-13-67 [4]	Robert F. White	Cities Service Gas Co., Traffas Field, Barber County, Kans.	Contract 2-15-67 [7]	9	
CI67-1247 A 3-13-67 [35]	John H. Hill (Operator) et al.	Northern Natural Gas Co., Doby Springs Field, Harper County, Okla.	Contract 10-24-66 [7]	5	

See footnotes at end of table.

Docket No. and Date Filed	Applicant	Purchaser, Field and Location	FPC Rate Schedule to be accepted		
			Description and Date of Document	No.	Supp.
CI67-1248 (CI62-652) B 3-13-67	Ashland Oil & Refining Co.	Northern Natural Gas Co., Harper Ranch Field, Clark County, Kans.	Notice of cancellation 3-7-67.[40] [55a]	[65] 76	5
CI67-1251 (CI65-893) B 3-14-67	Gus Berry	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Notice of cancellation 3-13-67.[40] [55a]	3	1
CI67-1252 A 3-10-67 [35]	J. Lee Youngblood (Operator) et al.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	Contract 12-6-66 [7]	4	
CI67-1253 A 3-15-67 [4] [38]	Jay J. Harris	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	Contract 5-31-55	[66] 2	
CI67-1254 A 3-15-67 [4]	J. & J. Enterprises, Inc.	Consolidated Gas Supply Corp., Warren District, Upsbur County, W. Va.	Contract 8-1-66 [7]	6	
CI67-1255 A 3-15-67 [4]	Hays and Company, agent for W. C. Wilson Oil & Gas Co. et al.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Contract 12-7-66 [7]	275	
CI67-1257 (G-274) B 3-15-67 [67]	Philadelphia Oil Co	Equitable Gas Co., Troy District, Gilmer County, W. Va.	Notice of cancellation (Undated).[40] [50]	5	2
CI67-1258 A 3-15-67 [4]	J. W. Ayers Gas & Oil Co., by Glen B. Keller et al.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Contract 11-4-65 [7]	2	

[1] From Tompkins et al. to Newdelva Corp.
[2] Contract replaces statement pursuant to sec. 154.92(c) filed by predecessor.
[3] From Highland to Newdelva Corp.
[4] Jan. 1, 1968, moratorium pursuant to the Commission's Statement of General Policy No. 61-1, as amended.
[5] Clarifies classification of Harrell No. 1 Well.
[6] Eliminates B.t.u. redetermination clause as to gas covered by Supplemental Nos. 2 and 3.
[7] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[8] From Forbes et al. to Newdelva Corp.
[9] Applicant is filing to continue service from sec. 16 only, stating that leases covering sec. 10 have terminated without production and have been released.
[10] Joseph E. Newman to Harvest Queen Mill & Elevator Co. for Newman's interest in property involved (NE/4 sec. 10, T 32 S, R 30 W).
[11] Joseph E. Newman to Harvest Queen Mill & Elevator Co. for Newman's interest in property involved (NW/4 Sec. 10, T 32 S, R 30 W).
[12] Joseph E. Newman to Harvest Queen Mill & Elevator Co. for Newman's interest in property involved (SW/4 sec. 10, T 32 S, R 30 W).
[13] Joseph E. Newman to Harvest Queen Mill & Elevator Co. for Newman's interest in property involved (SE/4 sec. 10, T 32 S, R 30 W).
[14] Joseph E. Newman to Harvest Queen Mill & Elevator Co. for Newman's interest in property involved (sec. 16, T 32 S, R 30 W).
[15] Rate schedules and supplements all have heretofore been accepted for filing.
[16] Transfers properties from Heritage Petroleum Corp. to Oil and Gas Property Management, Inc.
[17] Transfers properties from Oil and Gas Property Management, Inc., to Dallas Resources, Inc.
[18] Adds the 85-acre Moore Lease not previously certificated by predecessor Jan. 1, 1968, moratorium applicable to added acreage.
[19] Commits to contract dated Apr. 20, 1962, acreage acquired by assignment from Shell Oil Co. previously subject to Shell's FPC GRS No. 290 (now Okmar Oil Co. et al., FPC GRS No. 13).
[20] Braden-Deem, Inc., assigned certain interests in SE/4, sec. 13, T 26 S, R 9 W, to Lester Wilkonson.
[21] Braden-Deem, Inc., assigned certain interests in NE/4, sec. 18, T 26 S, R 8 W, to Lester Wilkonson.
[22] Lester Wilkonson assigned certain interests to Robert F. White.
[23] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[24] By letter filed Jan. 12, 1967, Applicant agreed to accept authorization conditioned as Opinion No. 468.
[25] Adds acreage and amends contract to provide for rate of 16.5 cents in lieu of the originally proposed 16.9 cents per Mcf rate.
[26] Limited to formations shallower than the base of the Ellenburger (but excluding that area extending from the top of the Wolfcamp Shale of the Permian Age to the top of the Barnett Shale of the Mississippian Age).
[27] Quality statement previously accepted for filing.
[28] Transfers properties from Cleary Petroleum, Inc., to Lynn Bell.
[29] Transfers properties from James H. Helland to Lynn Bell.
[30] Transfers properties from Estate of J. M. Hancock to Lynn Bell.
[31] Transfers properties from B & M Construction Corp. to Lynn Bell.
[32] Transfers properties from R. R. Tway, Inc., to Lynn Bell.
[33] Transfers properties from M. Troy Jones to Lynn Bell.
[34] Transfers all of the properties from Lynn Bell to Larry Robinson.
[35] July 1, 1967, moratorium provided by the Commission's Statement of General Policy No. 61-1, as amended.
[36] By telegram dated Apr. 14, 1967, Applicant advised willingness to accept a permanent certificate conditioned as the temporary certificate.
[37] Adds production attained from Hulsache Operating Co. (Operator) et al., in Docket No. CI67-871.
[38] Sale being rendered without prior Commission authorization.
[39] Assigns certain acreage to J-W Operating Co. J-W Operating Co. filed for certificate authorization in Docket No. CI67-1083.
[40] Effective date: Date of this order.
[41] Sale being rendered on June 7, 1954.
[42] Amendment to the certificate to add acreage and interest of coowners.
[43] Ratification by additional coowners of contract dated Sept. 26, 1966, between Applicant and buyer, to add coowner's interest to contract.
[44] Limited to formations encountered from surface to a depth of 5,000 feet.
[45] Application erroneously assigned Docket No. CI67-969 will be treated as a petition to amend the certificate in Docket No. CI67-626 and Docket No. C167-969 will be canceled.
[46] From South Texas Development Co. to Conroy, Inc.
[47] Applicant states willingness to accept permanent certificate conditioned similar to the temporary certificate issued Mar. 9, 1967 (15 cents per Mcf, plus B.t.u. adjustment), filed Mar. 22, 1967.
[48] Jan. 1, 1968, moratorium only insofar as it pertains to the newly dedicated acreage.
[49] A portion of the acreage assigned to Applicant by G. H. Vaughn, Jr., and Jack C. Vaughn; on file as G. H. Vaughn, Jr., and Jack C. Vaughn (Operators), et al., FPC GRS No. 10.
[50] Production of gas no longer economically feasible.
[51] Rate of 18.1449 cents per Mcf effective subject to refund in Docket No. RI65-11 from Jan. 1, 1965, to present. Prior rates are as follows: 17.1369 cents per Mcf effective subject to refund from Aug. 13, 1963, to Jan. 1, 1965, in Docket No. RI64-56; 17.0656 cents per Mcf effective subject to refund from Mar. 17, 1961, to Aug. 13, 1963, in Docket No. RI61-380; 17.0656 cents per Mcf effective subject to refund from Dec. 1, 1960 to Mar. 17, 1961, in Docket No. RI60-443; 14.0360 cents per Mcf effective subject to refund from Sept. 4, 1959 to Dec. 1, 1960, in Docket No. G-18172.
[52] National Fuels Corp. purchases liquids extracted from Applicant's gas at the Ringwood Gasoline Plant.
[53] Between Big Chief Drilling Co. and buyer; on file as Big Chief Drilling Co. FPC GRS No. 14.
[54] Conveys ¼ interest to Applicant.
[55] Adds acreage.
[55a] Source of gas depleted.
[56] Application erroneously assigned Docket No. CI67-1234 will be treated as a petition to amend the certificate in Docket No. CI64-15 and Docket No. CI67-1234 will be canceled. Acreage represents all remaining acreage under predecessor's certificate (other acreage previously acquired by another party which has received a certificate).
[57] Between L. C. Smitherman and buyer; also on file as Smitherman's FPC GRS No. 3. Henry S. Inger, Applicant's predecessor (partial successor to Smitherman) has no rate schedule on file.
[58] Gives Mid-Continent Supply Co. a first and prior lien on ½ interest in the subject "Martin" Lease, among others.
[59] Filed June 27, 1963, by Henry S. Inger. Inger was issued a certificate in Docket No. CI64-15; however, he never completed his rate schedule filing. Assignments whereby Henry Inger acquired the interests of Mid-Continent Supply Co. and other coowners.
[60] Appoints Kansas Western Gas Company, Inc. to compress and deliver to buyer for seller's account, gas produced from the subject acreage.
[61] Assignments whereby Morris Sitrin acquired the interests of Henry S. Inger and certain other coowners.
[62] From Roslyn T. Oboler to Sitrin.
[63] From Alfred Oboler to Sitrin.
[64] Acreage dedicated from all depths shallower than the base of the Mississippian System.
[65] 16-cent rate in effect subject to refund in Docket No. RI62-332. Subject to downward B.t.u. adjustment below 1,000. Ashland requests to withdraw the notice of change in rate to 17.0 cents per Mcf suspended in Docket No. RI67-26 and never placed in effect. Docket No. RI67-26 will be terminated insofar as it pertains to Ashland's FPC GRS No. 76.
[66] Rate filing submitted on July 6, 1959, has been previously accepted for filing.
[67] Authorized in "Grandfather" Docket No. G-274 which will be terminated only insofar as it pertains to FPC GRS No. 5.

SUGGESTED AGREEMENT AND UNDERTAKING

BEFORE THE

FEDERAL POWER COMMISSION

(Name of Respondent) Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's Regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto [1]) this ---- day of ------, 196--.

(Name of Respondent)

By ----------

Attest:

[F.R. Doc. 67-5644; Filed, May 22, 1967; 8:45 a.m.]

[1] If a corporation.

[Docket No. RI67-385 etc.]

PRESTON OIL CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 12, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-385	The Preston Oil Co. (Operator) et al., Post Office Box 2319, Columbus, Ohio 43216, Attn: Jack Cashell, president.	32	3	Texas Gas Transmission Corp. (Ellis Field, Acadia Parish, La.) (south Louisiana).	$1,750	4-17-67	[2] 5-18-67	10-18-67	[3] [6] 19.75	[3] [4] [5] [6] 20.75	RI62-227.
RI67-386	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa. 19103, Attn: Mr. Charles E. Webber.	66	[8] 15	United Gas Pipe Line Co., (Pistol Ridge Field, Forrest, Lamar and Pearl River Counties, Miss.).	560	4-21-67	[2] 5-22-67	10-22-67	[3] [9] 20.6	[3] [4] [5] 22.0	
RI67-387	American Liberty Oil Co., 4100 First National Bank Bldg., Dallas, Tex. 75202, Attn: Mr. K. H. Wasson.	1	[10] 8	Transwestern Pipeline Co. (Artesia Plant, Eddy County, N. Mex.) (Permian Basin Area).	59,713	4-13-67	[2] 5-14-67	10-14-67	[10] 17.21	[10] [11] [12] [13] 18.2576	
RI67-388	Frederic C. and Ferris F. Hamilton d.b.a. Hamilton Bros., Ltd. (Operator) et al., 1517 Denver Club Bldg., Denver, Colo. 80202.	4	7	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	5,255	4-17-67	[2] 6-1-67	11-1-67	[14] 17.696	[3] [12] [14] 18.802	
RI67-389	Frederic C. and Ferris F. Hamilton d.b.a. Hamilton Bros., Ltd.	17	5	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	133	4-17-67	[2] 6-1-67	11-1-67	[14] 17.248	[3] [12] [14] 18.326	
RI67-390	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	93	5	Colorado Interstate Gas Co. (Southwest Camp Field, Beaver County, Okla.) (Panhandle Area).	659	4-14-67	[2] 6-1-67	11-1-67	[15] 18.1	[3] [12] [15] 19.3	RI65-334.
RI67-391	New Era Royaltics, 510 McFarlin Bldg., Tulsa, Okla. 75103.	1	[16] 4	Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.).	----------	4-13-67	[17] 5-14-67	(Accepted)	----------	----------	
		1	[16] 5		----------	4-13-67	[17] 5-14-67	(Accepted)	----------	----------	
		1	6		8	4-13-67	[17] 5-14-67	10-14-67	[6] 16.0	[3] [6] [13] 17.0	
RI67-392	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	166	4	Colorado Interstate Gas Co., (Southwest Camp Creek Field, Beaver County, Okla.) (Panhandle Area).	1,083	4-19-67	[2] 6-1-67	11-1-67	[6] 16.0	[3] [6] [13] 17.0	RI65-475
	Do	274	3	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	791	4-19-67	[2] 6-1-67	11-1-67	[6] 17.0	[3] [6] [12] 18.0	

[2] The stated effective date is the effective date proposed by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Inclusive of 1.75-cent tax reimbursement.
[6] Rate subject to a downward B.t.u. adjustment.
[7] The Preston Oil Co. was made a co-respondent in the proceeding pending in said docket by order issued Nov. 22, 1965, granting certificate in Docket No. CI66-156.
[8] Pertains to acreage covered by Supplement No. 12 only.
[9] Initial rate as certificated in Docket No. G-8592 by order issued Aug. 30, 1966.
[10] Applicable only to that portion of the total residue volume derived from new gaswell gas.
[11] Remainder of contractually provided initial rate of 18.0 cents plus tax reimbursement. Respondent previously filed a "fractured" rate of 17.21 cents that was accepted.
[12] Pressure base is 14.65 p.s.i.a.
[13] Includes partial reimbursement for full 2.55-percent New Mexico Emergency School Tax.
[14] Includes base rate of 16 cents plus upward B.t.u. adjustment before increase and base rate of 17 cents plus B.t.u. adjustment after increase. Base rates subject to upward and downward B.t.u. adjustment.
[15] Subject to a downward B.t.u. adjustment from 1,133 B.t.u.'s.
[16] Provides for 17-cent rate until Dec. 31, 1968, and 1-cent periodic increase every 5 years thereafter.
[17] The stated effective date is the first day after expiration of the statutory notice.
[18] Revises contract quantity provisions and bases quantity on ratable takes instead of accumulated allowables.

American Liberty Oil Co.'s (American Liberty) proposed rate increase involves a sale in the Permian Basin Area of New Mexico and exceeds the applicable area ceiling rate established in the related quality statement accepted by letter order issued May 25, 1966. The proposed increase represents the remaining portion of a previously accepted "fractured" rate. Under the circumstances, we conclude that American Liberty's proposed rate filing should be suspended for 5 months from May 14, 1967, the proposed effective date, as herein ordered.

Concurrently with the filing of its rate increase, New Era Royalties (New Era) submitted two contract amendments dated April 22, 1964, designated as Supplement Nos. 4 and 5 to New Era's FPC Gas Rate Schedule No. 1, which provides for a 17-cent per Mcf rate until December 31, 1968, and a 1-cent per Mcf periodic increase every 5 years thereafter (Supplement No. 4), and revises contract quality provisions and bases quality on ratable takes instead of accumulated allowables (Supplement No. 5). We believe that it would be in the public interest to accept for filing New Era's contract amendments to become effective on May 14, 1967, the date of expiration of the statutory notice. The proposed 17-cent rate, however, will be suspended.

With the exception of the rate increase filed by American Liberty which exceeds the area base rate established in the related quality statement filed pursuant to Opinion No. 468, as amended, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Except for the stay of the moratorium in Opinion No. 468, American Liberty's

rate filing would be rejectable because the proposed rate is in excess of the applicable area ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review, American Liberty's rate increase will be rejected ab initio.

The Commission finds:

(1) Good cause has been shown for accepting for filing New Era's proposed contract amendments dated April 2, 1965, designated as Supplement Nos. 4 and 5 to New Era's FPC Gas Rate Schedule No. 1, and for permitting such supplements to become effective on May 14, 1967, the date of expiration of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) New Era's contract amendments dated April 2, 1964, designated as Supplement Nos. 4 and 5 to New Era's FPC Gas Rate Schedule No. 1, are accepted for filing and permitted to become effective on May 14, 1967, the date of expiration of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 28, 1967.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5645; Filed, May 22, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2695—7-2700]

ANCHOR HOCKING GLASS CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 17, 1967.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Anchor Hocking Glass Corp	7-2695
Bucyrus-Erie Co	7-2696
The Flying Tiger Line, Inc	7-2697
Hewlett-Packard Co	7-2698
Ingersoll-Rand Co	7-2699
Walter Kidd & Co., Inc	7-2700

Upon receipt of a request, on or before June 1, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-5687; Filed, May 22, 1967; 8:45 a.m.]

[File No. 7-2694]

EMERY INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 16, 1967.

In the matter of application of the Cincinnati Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

	File No.
Emery Industries, Inc	7-2694.

Upon receipt of a request, on or before May 31, 1967, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-5686; Filed, May 22, 1967; 8:45 a.m.]

[File Nos. 7-2701—7-2705]

LINK-BELT CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 17, 1967.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named nationl securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Link-Belt Company	7-2701
Scientific Data Systems, Inc	7-2702
Solitron Devices, Inc	7-2703
Swank, Inc	7-2704
TRW Incorporated	7-2705

Upon receipt of a request, on or before June 1, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submi

his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5688; Filed, May 22, 1967; 8:46 a.m.]

NYLO-THANE PLASTICS CORP.

Order Suspending Trading

MAY 17, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nylo-Thane Plastics Corp., Farmingdale, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 18, 1967, through May 27, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVILLE L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5689; Filed, May 22, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 18, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41028—*Brewers' Grits from Atchison, Kans.* Filed by Southwestern Freight Bureau, Agent (No. B-8986), for interested rail carriers. Rates on brewers' grits, in bulk or in bags, in carloads, from Atchison, Kans., to Oklahoma City, Okla., and points in Texas.

Grounds for relief—Market competition.

Tariffs—Supplements 93 and 120 to Southwestern Freight Bureau, Agent, tariffs ICC 4475 and 4496, respectively.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5717; Filed, May 22, 1967; 8:48 a.m.]

[Notice 389]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 18, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10761 (Sub-No. 211 TA), filed May 16, 1967. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs,* from Dover, Del., to points in Illinois, Indiana, Kansas, Kentucky, Ohio, Michigan, and Missouri, for 180 days. Supporting shipper: General Foods Corp., 250 North Street, White Plains, N.Y. 10602. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 29734 (Sub-No. 9 TA), filed May 16, 1967. Applicant: JOSEPH H. SMITH, WILLIAM H. SMITH, AND JAMES J. SMITH, a partnership, doing business as JOSEPH H. SMITH & COMPANY. Applicant's representative: Joseph H. Smith (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tallow and inedible animal grease* (except hydrolized or stabilized tallow and inedible animal grease), in bulk, in tank vehicles, from Smithfield, Norfolk, and Dogue, Va., to Philadelphia, Pa., for 120 days. Supporting shipper: Jacob Stern & Sons, Inc., Northwest Corner Tioga and Cedar Streets, Philadelphia, Pa. 19134. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 66562 (Sub-No. 2235 TA), filed May 16, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: William H. Marx (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Silver bars,* for the Bureau of the Mint, between the U.S. Bullion Depository, West Point, N.Y., and Engelhard Industries, Inc., Plainville, Mass., as follows: From the U.S. Bullion Depository, West Point, N.Y., over New York Highway 218 to junction U.S. Highway 9W, thence over U.S. Highway 9W to junction New York Thruway, thence over the New York Thruway to junction Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 95, thence over Interstate Highway 95 to Providence, R.I., thence over U.S. Highway 1 to junction U.S. Highway 1A, thence over U.S. Highway 1A to Plainville, Mass., and return over the same route, serving no intermediate points; for 150 days. Supporting shipper: There are no shippers' supporting statements attached; however, applicant has attached his own statement. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 69876 (Sub-No. 20 TA), filed May 16, 1967. Applicant: BURKS-PELZ TRANSFER, INC., 801-B North Wabash, Evansville, Ind. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* in containers, from Evansville, Ind., to Columbus and Cleveland, Ohio, and *empty containers* on return, for 180 days. Supporting shipper: Sterling Brewers, Inc., 1301 Pennsylvania Street, Evansville, Ind. Send protests to: R. M. Hagarty, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Penn Street, Indianapolis, Ind. 46204.

No. MC 112547 (Sub-No. 3 TA), filed May 16, 1967. Applicant: J. T. GERKEN TRUCKING, INC., Eighth and Harmon Streets, Portsmouth, Ohio 45662. Applicant's representative: Lawrence Gerken, 902 Front Street, Portsmouth, Ohio 45662. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plastic tubes and caps,* in shipper-owned trailers, from the plantsite of Viston Corp., a subsidiary of The Standard Oil Co., at Bryan, Ohio, to the Red River Army Depot, Defense, Tex., and *empty shipper-owned trailers,* on return; for the account of The Standard Oil Co.; for 180 days. Supporting shipper: The Standard Oil Co., Midland Building, Cleveland, Ohio 44115. Send protests to:

Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117391 (Sub-No. 9 TA), filed May 16, 1967. Applicant: E. L. REDDISH TRANSPORTATION, INC., 1600 Schmieing Lane, Post Office Box 207, Springdale, Ark. 72764. Applicant's representative: A. Alvis Layne, 948 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, (a) from Springdale, Lowell, and Ft. Smith, Ark., and Westville, Okla., to Chicago, Ill., Wichita, Kans., St. Louis, Kansas City, Springfield, and Joplin, Mo., Oklahoma City and Tulsa, Okla., Memphis, Tenn., and Dallas and Ft. Worth, Tex.; and (b) from Haskell, Stigler, and Spiro, Okla., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Maryland, Nebraska, New Jersey, New Mexico, North Carolina, South Carolina, North Dakota, South Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; and (2) *canned goods, and materials and supplies* used in manufacturing, labeling, packing, and transporting canned goods, on return in (a) and (b) above; for 180 days. RESTRICTION: The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with Steele Canning Co. of Springdale, Ark. Supporting shipper: Steele Canning Co., Post Office Box 267, Springdale, Ark. 72764. Send protests to: Donald R. Partney, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 123314 (Sub-No. 8 TA), filed May 16, 1967. Applicant: JOHN F. WALTER, Post Office Box 175, Newville, Pa. 17241. Applicant's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the warehouse of Anchor Hocking Glass Corp., in Franklin Township (near Export), Westmoreland County, Pa., to Allen Park, Ann Arbor, Bay City, Carrollton, Detroit, Flint, Grand Rapids, Holland, Kalamazoo, Jackson, Lansing, Muskegon, Niles, Pontiac, Port Huron, and Saginaw, Mich., for 180 days. Supporting shipper: Anchor Hocking Glass Corp., Lancaster, Ohio. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 124908 (Sub-No. 6 TA), filed May 16, 1967. Applicant: IRON & METAL TRUCKING SERVICE, INC., 13828 Jennings, Detroit, Mich. 48227. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compressed and contorted alloy free scrap*, in dump vehicles, from Detroit, Mich., to Sandusky, Ohio; and (2) *No. 1 structural and plate scrap, alloy free*, in dump vehicles, from Detroit, Mich., to Fostoria, Ohio; under a continuing contract or contracts with William Wolok, doing business as Benlee Industrial Salvage Co.; for 150 days. Supporting shipper: Benlee Industrial Salvage Co., 23131 Gardner, Oak Park, Mich. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 127274 (Sub-No. 12 TA), filed May 16, 1967. Applicant: Sherwood Trucking, Inc., 1517 Hoyt Avenue, Post Office Box 2189, Muncie, Ind. 47302. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from the facilities of American Home Foods, Division of American Home Products Corp., at Laporte, Ind., to points in Georgia, Alabama, Mississippi, Louisiana, and Tennessee, for 180 days. Supporting shipper: American Home Foods, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 129082 TA, filed May 16, 1967. Applicant: CHARLES R. TURNER, Hopkins, Mo. 64461. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, rock, and crushed rock products*, from points in Nodaway County, Mo., to points in Taylor County, Iowa, for 180 days. Supporting shipper: Turner Quarries, Inc., Hopkins, Mo. 64461. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 129083 TA, filed May 16, 1967. Applicant: YOUMANS TRANSFER COMPANY, 4209 Montgomery Street, Savannah, Ga. 31405. Applicant's representative: James E. Yates III, Post Office Box 332, Savannah, Ga. 31402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, personal clothing, personal articles* (in containers), between points within a 100-mile radius of Savannah, Ga., for 180 days. Supporting shippers: Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif. 90503; Routed Thru-Pac, Inc., 350 Broadway, New York, N.Y. 10013; Nortwest Consolidators, Post Office Box 3583, Terminal Annex, Seattle, Wash. 98124; Sunpak Movers, Inc., 1621 Queen Anne Avenue North, Seattle, Wash. 98109; and Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Office Building, 400 West Bay Street, Jackonsville, Fla. 32202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-5718; Filed, May 22, 1967; 8:48 a.m.]

[Notice 1522]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 18, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69493. By order of May 16, 1967, the Transfer Board approved the transfer to B & B Transport, Inc., Johnson City, Tenn., of the operating rights in Permits Nos. MC-112254 (Sub-No. 3) and MC-112254 (Sub-No. 5), issued August 14, 1964, and September 22, 1966, respectively, to Roy L. Estes, doing business as Roy Estes Trucking Co., Kingsport, Tenn., authorizing the transportation of: Cinder blocks, clay and clay products, shale, and concrete products, and bricks, and similar commodities, between points in Virginia, West Virginia, Tennessee, and North Carolina. Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660, attorney for applicants.

No. MC-FC-69548. By order of May 15, 1967, the Transfer Board approved the transfer to Bohren's Moving & Storage, Inc., 11 Hightstown Road, Princeton, N.J.; of certificate in No. MC-4368 (Sub-No. 2), issued September 8, 1958, to Edwin L. Bohren and Warren Froehlich, a partnership, doing business as Bohren's Moving & Storage, 11 Hightstown Road Princeton, N.J.; authorizing the transportation of: Household goods, between Princeton, N.J.; and points within 10 miles thereof, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

No. MC-FC-69651. By order of May 17, 1967, the Transfer Board approved the transfer to Boat Transit, Inc., St. Clair Shores, Mich., of the operating rights in

Certificates Nos. MC–40915, MC–40915 (Sub-No. 1), and MC–40915 (Sub-No. 13), issued August 2, 1941, October 8, 1941, and March 18, 1948, respectively, to Helen Slocum, doing business as Boat Transit Co., St. Clair Shores, Mich., authorizing the transportation, of: Boats and boat parts, supplies, and equipment, in radial and nonradial movements, between all points in the United States, including the District of Columbia, but excluding Alaska and Hawaii. Robert E. Gesell, 1800 Buhl Building, Detroit, Mich. 48226, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–5719; Filed, May 22, 1967; 8:48 a.m.]

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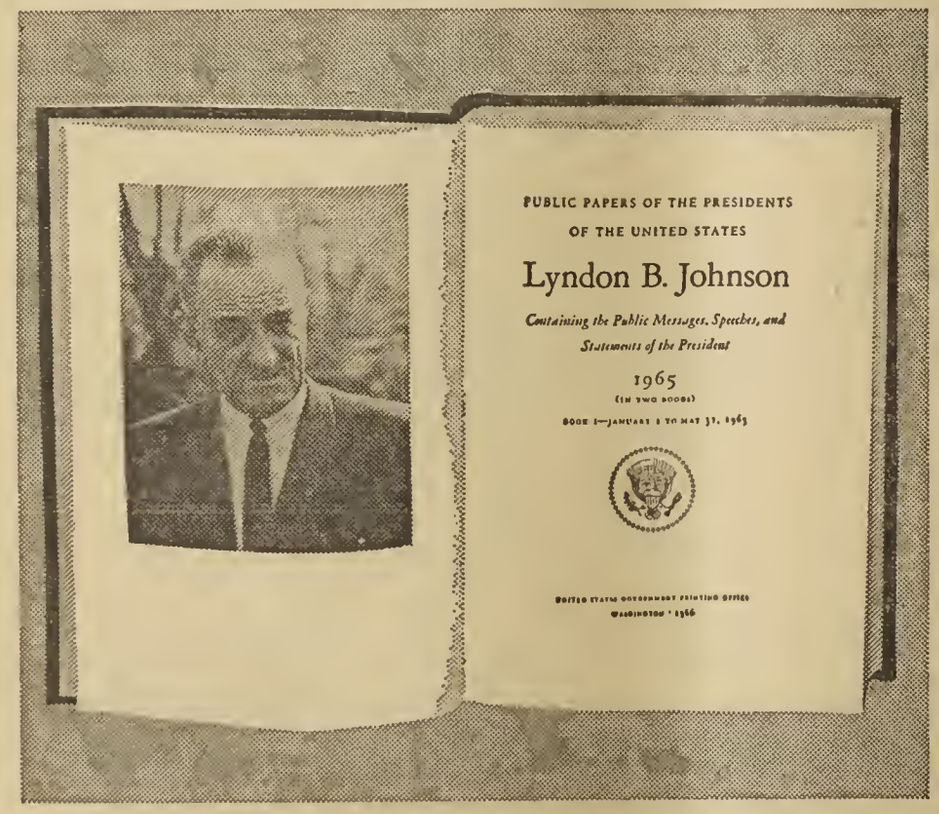
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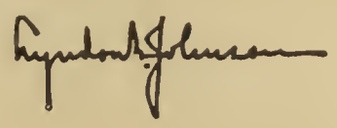
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Executive Order 11351

AMENDING EXECUTIVE ORDER NO. 11318, DESIGNATING THE EUROPEAN SPACE RESEARCH ORGANIZATION AS A PUBLIC INTERNATIONAL ORGANIZATION

By virtue of the authority vested in me by sections 1 and 11 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288), as amended by Public Law 89-353 (80 Stat. 5), Executive Order No. 11318 of December 5, 1966, is amended by adding thereto the following paragraph:

"This order shall be effective as of May 31, 1966."



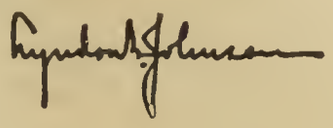
THE WHITE HOUSE,
May 22, 1967.

[F.R. Doc. 67-5819; Filed, May 22, 1967; 2:58 p.m.]

Executive Order 11352

SUSPENDING A PROVISION OF SECTION 5751(b) OF TITLE 10, UNITED STATES CODE, WHICH RELATES TO OFFICERS OF THE MARINE CORPS IN THE GRADE OF LIEUTENANT COLONEL

By virtue of the authority vested in me by section 5785(b) of title 10 of the United States Code, I hereby suspend the provision of section 5751(b) of title 10 of the United States Code which relates to the service-in-grade requirement for officers of the Marine Corps in the grade of lieutenant colonel for eligibility for consideration by a selection board for promotion to the next higher grade.



THE WHITE HOUSE,
May 22, 1967.

[F.R. Doc. 67-5872; Filed, May 23, 1967; 11:29 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Standards for Grades

In accordance with the provisions of section 3(a) of the Administrative Procedure Act (P.L. 89–487, July 4, 1966), the existing U.S. Standards for Grades of the products included in this document are hereby codified without substantive change.

Compliance with the provisions of the standards set forth in this part shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act (or with applicable State laws and regulations).

The following subparts are added to Part 52:

Subpart—U.S. Standards for Grades of Comb Honey

PRODUCT DESCRIPTION

Sec.

52.2861 Product description.

GRADES OF COMB-SECTION HONEY

52.2862 U.S. Fancy comb-section honey.
52.2863 U.S. No. 1 comb-section honey.
52.2864 U.S. No. 1 Mixed Color comb-section honey.
52.2865 U.S. No. 2 comb-section honey.
52.2866 Unclassified comb-section honey.

GRADES FOR SHALLOW-FRAME COMB HONEY

52.2867 U.S. Fancy shallow-frame comb honey.
52.2868 U.S. No. 1 shallow-frame comb honey.
52.2869 Unclassified shallow-frame comb honey.

GRADES FOR WRAPPED CUT-COMB HONEY

52.2870 U.S. Fancy wrapped cut-comb honey.
52.2871 U.S. No. 1 wrapped cut-comb honey.
52.2872 Unclassified wrapped cut-comb honey.

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52.2874 U.S. No. 1 chunk or bulk comb honey—packed in tin.
52.2875 Unclassified chunk or bulk comb honey—packed in tin.
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Subpart—U.S. Standards for Grades of Comb Honey [1]

PRODUCT DESCRIPTION

§ 52.2861 Product description.

The grades in this subpart, as hereinafter outlined, are for the following variations of comb honey:

Comb-section honey.
Shallow-frame comb honey.
Wrapped cut-comb honey.
Chunk or bulk comb honey.

GRADES OF COMB-SECTION HONEY

§ 52.2862 U.S. Fancy comb-section honey.

U.S. Fancy honey shall consist of comb-section honey that meets the following requirements:

(a) The comb shall—

(1) Have no uncapped cells except in the row attached to the wood section;

(2) Be attached to 75 percent of the adjacent area of the wood section if the outside row of cells is empty, or attached to 50 percent if the outside row is filled with honey;

(3) Not project beyond the edge of the wood section;

(4) Not have dry holes;

(5) Have not more than a total of 2½ linear inches of through holes;

(6) Be free from cells of pollen.

(b) The cappings shall—

(1) Be dry and free from weeping and from damage caused by bruising or other means.

(2) Present a uniformly even appearance except in the row attached to the wood section.

(c) The color of the comb and cappings shall conform to the requirements as illustrated for this grade in the official color chart.

(d) The honey shall—

(1) Be uniform in color throughout the comb.

(2) Be free from damage caused by granulation, honeydew, poorly ripened or sour honey, objectionable flavor or odor, or other means.

(e) The wood section shall—

(1) Be as free from excessive propolis and/or pronounced stains as illustration A in the official color chart.

(2) Be smooth and new in appearance, of white to light buff basswood, and shall not contain knots and/or streaks in excess of the amount shown in illustration B in the color chart.

(f) The minimum net weight shall be 12 ounces, unless otherwise specified.

§ 52.2863 U.S. No. 1 comb-section honey.

U.S. No. 1 honey shall consist of comb-section honey that meets the following requirements:

(a) The comb shall—

(1) Have no uncapped cells except—

(i) In the row attached to the wood section, and/or

(ii) In the row adjoining the outside row, in the corners, and along the lower edge, provided the number does not exceed 15 in a comb section.

(2) Be attached to 50 percent of the adjacent area of the wood section;

(3) Not project beyond the edge of the wood section;

(4) Have no dry holes;

(5) Have not more than a total of 4 linear inches of through holes;

(6) Be free from cells of pollen.

(b) The cappings shall—

(1) Be dry and free from weeping and from damage caused by bruising or other means;

(2) Present a uniformly even appearance except in the row attached to the wood section and except for slight irregularities affecting not to exceed one-half of the comb surface.

(c) The color of the comb and cappings shall conform to the requirements as illustrated for this grade in the official color chart.

(d) The honey shall—

(1) Be fairly uniform in color throughout the comb;

(2) Be free from damage caused by granulation, honeydew, poorly ripened or sour honey, objectionable flavor or odor, or other means.

(e) The wood section shall—

(1) Be as free from excessive propolis and/or pronounced stains as illustration A in the official color chart;

(2) Be smooth and new in appearance, of white to light buff basswood, and shall not contain knots and/or streaks in excess of the amount shown in illustration B in the color chart.

(f) The minimum net weight shall be 11 ounces, unless otherwise specified.

[1] This is a reissue (with slight modifications in wording, arrangement, and format) of the U.S. Standards for Grades of Comb Honey, Circular No. 24, as revised, of the U.S. Department of Agriculture. That circular, revised Aug. 1933, is out of print.

§ 52.2864 U.S. No. 1 Mixed Color comb-section honey.

When sections of U.S. No. 1 comb-section honey of different colors are packed in the same container, they shall be designated as U.S. No. 1 Mixed Color comb-section honey.

§ 52.2865 U.S. No. 2 comb-section honey.

U.S. No. 2 honey shall consist of comb-section honey that meets the following requirements:

(a) The comb shall—

(1) Have no uncapped cells except—

(i) In the row attached to the wood section, and/or

(ii) In the row adjoining the outside row, in the corners, and along the lower edge; provided the number does not exceed 30 in a comb section;

(iii) Elsewhere in the body of the comb, not more than 5; of the total number of uncapped cells exclusive of those in the outside row, not more than 20 may be empty;

(2) Be attached to 50 percent of the adjacent area of the wood section;

(3) Not project beyond the edge of the wood section;

(4) Have no dry holes larger than three-eighths inch across if more than 1⅜ inches from the wood section;

(5) Have not more than a total of 6 linear inches of through holes;

(6) Be free from serious damage caused by cells of pollen.

(b) The cappings shall—

(1) Not be badly bruised, marred, or leaking (small holes cut in cappings or small broken surfaces permitted);

(2) Have no requirements as to uniformly even appearance.

(c) The color of the comb and cappings shall conform to the requirements as illustrated for this grade in the official color chart.

(d) The honey shall—

(1) Have no requirements as to uniformity in color in any of the comb sections;

(2) Be free from serious damage caused by granulation, honeydew, poorly ripened or sour honey, objectionable flavor or odor, or other means.

(e) The wood section shall—

(1) Be as free from excessive propolis and/or pronounced stains as illustration A in the official color chart;

(2) Be new in appearance, unless otherwise specified.

(f) The minimum net weight shall be 10 ounces, unless otherwise specified.

§ 52.2866 Unclassified comb-section honey.

Unclassified comb-section honey shall consist of comb-section honey that does not conform to the requirements for any of the foregoing grades.

GRADES FOR SHALLOW-FRAME COMB HONEY

§ 52.2867 U.S. Fancy shallow-frame comb honey.

U.S. Fancy honey shall consist of shallow-frame comb honey that meets the following requirements:

(a) The comb shall—

(1) Be produced in shallow frame spaced 1⅜ inches from center to center, which will give a comb thickness of not less than 1 inch, unless otherwise specified;

(2) Be drawn out on foundation which is light in color and is thin enough to produce a comb that compares favorably in texture with the comb in comb-section honey;

(3) Be well built out;

(4) Never have contained brood;

(5) Have no dry holes;

(6) Have no uncapped cells, except as follows—

(i) Empty cells in the row attached to the frame, and/or

(ii) 150 uncapped cells filled with well-ripened honey in the adjoining row;

(7) Be free from cells of pollen.

(b) The cappings shall—

(1) Not be broken or damaged by other means;

(2) Present a uniformly even appearance.

(c) The color of the comb and cappings shall conform to the requirements as illustrated for U.S. Fancy comb-section honey in the official color chart.

(d) The honey shall—

(1) Be uniform in color throughout the combs of the lot, unless otherwise specified;

(2) Be free from damage caused by granulation, honeydew, poorly ripened or sour honey, objectionable flavor or odor, or other means.

§ 52.2868 U.S. No. 1 shallow-frame comb honey.

U.S. No. 1 honey shall consist of shallow-frame comb honey that meets the following requirements:

(a) The comb shall—

(1) Be produced in shallow frames spaced 1⅜ inches from center to center, which will give a comb thickness of not less than 1 inch, unless otherwise specified;

(2) Be drawn out on foundation which is light in color and is thin enough to produce a comb that compares favorably in texture with the comb in comb-section honey;

(3) Never have contained brood;

(4) Have no uncapped cells, except as follows—

(i) Empty cells in the row attached to the frame and in the adjoining row, and/or

(ii) Additional uncapped filled cells, provided they are confined to groups and in the aggregate do not cover over 10 percent of the comb surface in any frame;

(5) Be free from damage caused by cells of pollen.

(b) The cappings shall—

(1) Be free from serious damage caused by being broken or by other means;

(2) Present a uniformly even appearance except for slight irregularities affecting not to exceed one-half of the comb surface.

(c) The color of the comb and cappings shall conform to the requirements as illustrated for U.S. No. 1 comb-section honey in the official color chart.

(d) The honey shall—

(1) Be fairly uniform in color throughout the comb;

(2) Be free from damage caused by granulation, honeydew, poorly ripened or sour honey, objectionable flavor or odor, or other means.

§ 52.2869 Unclassified shallow-frame comb honey.

Unclassified shallow-frame comb honey shall consist of shallow-frame comb honey that does not conform to the requirements for either of the foregoing grades.

GRADES FOR WRAPPED CUT-COMB HONEY

§ 52.2870 U.S. Fancy wrapped cut-comb honey.

U.S. Fancy honey shall consist of wrapped cut-comb honey that meets the following requirements:

(a) The comb shall—

(1) Be drawn out on foundation that is light in color and is thin enough to produce a comb that compares favorably in texture with the comb in comb-section honey;

(2) Have no uncapped cells except on the cut edges;

(3) Never have contained brood;

(4) Have no dry holes;

(5) Be free from cells of pollen.

(b) The cappings shall—

(1) Be free from weeping and from damage caused by bruising or other means;

(2) Present a uniformly even appearance.

(c) The color of the comb and cappings shall conform to the requirements as illustrated for U.S. Fancy comb-section honey in the official color chart.

(d) The honey shall—

(1) Be uniform in color throughout the comb;

(2) Be free from damage caused by granulation, honeydew, poorly ripened or sour honey, objectionable flavor or odor, or other means.

(e) The wrapper shall be transparent, clean, and sealed in such a manner as to prevent leakage.

(f) The minimum net weight shall be 12 ounces, unless otherwise specified.

§ 52.2871 U.S. No. 1 wrapped cut-comb honey.

U.S. No. 1 honey shall consist of wraped cut-comb honey that meets the following requirements:

(a) The comb shall—

(1) Be drawn out on foundation that is light in color and is thin enough to produce a comb that compares favorably in texture with the comb in comb-section honey;

(2) Have no uncapped cells, except as follows—

(i) On the cut edges, and/or

(ii) In the row adjoining the cut edge, provided the number does not exceed 15 in a cut comb;

(3) Never have contained brood;

(4) Have no dry holes;

(5) Be free from cells of pollen.

(b) The cappings shall—

(1) Be free from weeping and from damage caused by bruising or other means;

(2) Present a uniformly even appearance except for slight irregularities affecting not to exceed one-half of the comb surface.

(c) The color of the comb and cappings shall conform to the requirements as illustrated for U.S. No. 1 comb-section honey in the official color chart.

(d) The honey shall—

(1) Be fairly uniform in color throughout the comb;

(2) Be free from damage caused by granulation, honeydew, poorly ripened or sour honey, objectionable flavor or odor, or other means.

(e) The wrapper shall be transparent, clean, and sealed in such a manner as to prevent leakage.

(f) The minimum net weight shall be 11 ounces, unless otherwise specified.

§ 52.2872 Unclassified wrapped cut-comb honey.

Unclassified wrapped cut-comb honey shall consist of cut-comb honey which does not conform to the requirements for either of the foregoing grades.

GRADES FOR CHUNK OR BULK COMB HONEY

§ 52.2873 U.S. Fancy chunk or bulk comb honey—packed in tin.

U.S. Fancy chunk or bulk comb honey packed in tin shall consist of not less than 50 percent by volume of chunk or bulk comb honey, unless otherwise specified, which meets the following requirements:

(a) The comb shall—

(1) Be drawn out on foundation that is light in color and is thin enough to produce a comb that compares favorably in texture with the comb in comb-section honey;

(2) Have not more than one uncapped cell per square inch of comb surface;

(3) Never have contained brood;

(4) Have no dry holes;

(5) Be free from cells of pollen.

(b) The cappings shall—

(1) Be free from damage caused by bruising or other means;

(2) Present a uniformly even appearance.

(c) The color of the comb and cappings shall conform to the requirements as illustrated for U.S. Fancy comb-section honey in the official color chart, except that any amount of watery cappings shall be permitted.

(d) The honey shall—

(1) Be uniform in color throughout the comb and the color of the honey in the comb shall not be darker than the next darker color classification of the extracted honey used to make up the total weight.

(2) Be free from damage caused by granulation, honeydew, poorly ripened or sour honey, objectionable flavor or odor, or other means.

(e) The total weight shall be made up with U.S. Fancy extracted honey.

(f) The color of the honey within the container shall be designated according to the color of the extracted honey used to make up the total weight.

§ 52.2874 U.S. No. 1 chunk or bulk comb honey—packed in tin.

U.S. No. 1 chunk or bulk comb honey packed in tin shall consist of not less than 50 percent by volume of chunk or bulk comb honey, unless otherwise specified, which meets the following requirements:

(a) The comb shall—

(1) Be drawn out on foundation that is light in color and is thin enough to produce a comb that compares favorably in texture with the comb in comb-section honey;

(2) Have not more than two uncapped cells per square inch of comb surface;

(3) Never have contained brood;

(4) Have no dry holes;

(5) Be free from cells of pollen.

(b) The cappings shall—

(1) Be free from damage caused by bruising or other means;

(2) Present a uniformly even appearance except for slight irregularities affecting not to exceed one-half of the comb surface.

(c) The color of the comb and cappings shall conform to the requirements as illustrated for U.S. No. 1 comb-section honey in the official color chart, except that any amount of watery cappings shall be permitted.

(d) The honey shall—

(1) Be fairly uniform in color throughout the comb and the color of the honey in the comb shall not be darker than the next darker color classification of the extracted honey used to make up the total weight;

(2) Be free from damage caused by granulation, honeydew, poorly ripened or sour honey, objectionable flavor or odor, or other means.

(e) The total weight shall be made up with U.S. Fancy extracted honey.

(f) The color of the honey within the container shall be designated according to the color of the extracted honey used to make up the total weight.

§ 52.2875 Unclassified chunk or bulk comb honey—packed in tin.

"Unclassified" chunk or bulk comb honey packed in tin shall consist of chunk or bulk comb honey that does not conform to the requirements of any of the foregoing grades.

§ 52.2876 U.S. Fancy chunk or bulk comb honey—packed in glass.

"U.S. Fancy" chunk or bulk comb honey packed in glass shall consist of chunk or bulk comb honey that conforms to the requirements for this grade when packed in tin, except that no given volume of chunk or bulk comb honey is required.

§ 52.2877 U.S. No. 1 chunk or bulk comb honey—packed in glass.

"U.S. No. 1" chunk or bulk comb honey packed in glass shall consist of chunk or bulk comb honey that conforms to the requirements for this grade when packed in tin, except that no given volume of chunk or bulk comb honey is required.

§ 52.2878 Unclassified chunk or bulk comb honey—packed in glass.

"Unclassified" chunk or bulk comb honey packed in glass shall consist of chunk or bulk comb honey that does not conform to the requirements of any of the foregoing grades.

TOLERANCES FOR GRADES

§ 52.2879 Application of tolerances.

The tolerances specified for the various grades are placed on a container basis. However, any lot of honey shall be considered as meeting the requirements of a specified grade if no sample from the containers in any lot is found to exceed the tolerances specified by more than double the amount allowed, provided the entire lot shall average within the tolerance specified.

§ 52.2880 Tolerances for comb-section honey.

(a) *U.S. Fancy, U.S. No. 1, and U.S. No. 1 Mixed Color.* (1) In order to allow for variations, other than in weight, incident to proper grading and handling, not more than 5 percent, by count, of the comb sections in any container may be below the requirements for the grade, but not to exceed two-fifths of this tolerance, or 2 percent of the comb sections in any container, shall be allowed for defects causing serious damage.

(2) In addition to the foregoing tolerance, not more than 5 percent, by count, of the comb sections in any container may fail to meet the weight requirements.

(b) *U.S. No. 2.* (1) In order to allow for variations, other than in weight, incident to proper grading and handling, not more than 5 percent, by count, of the comb sections in any container may be below the requirements for the grade.

(2) In addition to the foregoing tolerance, not more than 5 percent, by count, of the comb sections in any container may fail to meet the weight requirements.

§ 52.2881 Tolerances for shallow-frame comb honey.

(a) *U.S. Fancy and U.S. No. 1.* (1) In order to allow for variations, other than in weight, incident to proper grading and handling, not more than 5 percent, by count, of the frames of honey in any container may be below the requirements for the grade, but not to exceed two-fifths of this number, or 2 percent of the frames in any container, shall be allowed for defects causing serious damage.

(2) In addition to the foregoing tolerance, a variation of not more than 5 percent below the net weight marked on the cases shall be permitted.

§ 52.2882 Tolerances for wrapped cut-comb honey.

(a) *U.S. Fancy and U.S. No. 1.* (1) In order to allow for variations, other than in weight, incident to proper grading and handling, not more than 5 percent, by count, of the wrapped cut combs in any container may be below the requirements for the grade, but not to exceed two-fifths of this tolerance, or 2 percent of the

wrapped cut combs in any container, shall be allowed for defects causing serious damage.

(2) In addition to the foregoing tolerance, not more than 5 percent, by count, of the wrapped cut combs in any container may fail to meet the weight requirements.

§ 52.2883 Tolerances for chunk or bulk comb honey—packed in tin.

(a) *U.S. Fancy and U.S. No. 1.* In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of the containers in any lot may have honey below the requirements for the grade.

§ 52.2884 Tolerances for chunk or bulk comb honey—packed in glass.

(a) *U.S. Fancy and U.S. No. 1.* In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of the containers in any lot may have honey below the requirements for the grade.

COLORS, COLOR CLASSIFICATIONS

§ 52.2885 Official USDA colors.

(a) *Official color chart.* The official color chart mentioned throughout this subpart is out of print and no longer available.

(b) *USDA glass color standards.* These color standards replace the "official color chart" which is out of print. Information regarding the USDA glass color standards, and their availability, may be obtained from:

Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 52.2886 Color classifications of comb honey.

(a) Comb-section honey, shallow-frame comb honey, and wrapped cut-comb honey shall be classified as white, light amber, amber, or dark amber.

(b) The foregoing color classification shall be determined in accordance with the color standards as outlined in the applicable U.S. Standards for Grades of Extracted Honey, but the color shall be designated as follows:

(1) Honey classed as water white, extra white, and white for extracted honey shall be designated white comb honey;

(2) Honey classed as extra light amber and light amber shall be designated light amber comb honey;

(3) Honey classed as amber shall be designated amber comb honey;

(4) Honey that is darker than amber shall be designated dark amber comb honey.

(c) In classifying the color of comb honey, a sample of liquid honey shall be drained from a broken comb and the determination made according to the color standards for extracted honey as outlined in the applicable U.S. Standards for Grades of Extracted Honey.

(d) It is permissible to state the color of the honey contained in the comb in conformity with the colors established for the classification of the color of extracted honey.

§ 52.2887 Uniformity of color.

(a) "Uniform in color" means that no pronounced variation in color is apparent in the honey on looking through a comb toward the light.

(b) "Fairly uniform in color" means that honey of a slightly different color from that in the body of the comb section is permitted in the row next to the section and in 10 additional cells, provided these additional cells are well distributed and are in the row adjoining the outside row. In no event shall the contrast of color be greater than that between any color classification and the darker color classification.

DEFINITIONS OF TERMS

§ 52.2888 Definitions of terms.

(a) "Damage" means any injury or defect that materially affects the appearance, edibility, or shipping quality of the honey, such as:

(1) The presence of any cells, of pollen in more than one-third of the combs in any lot of U.S. No. 1 shallow-frame comb honey. One-third of the combs may have not more than 50 cells of pollen in a comb, provided they are not widely scattered but are on the outside edges of the comb.

(2) The presence in comb-section honey, shallow-frame comb honey, wrapped cut-comb honey, or chunk or bulk comb honey packed in tin or glass, of more than 10 percent by volume of granulated honey in the uncapped cells, or of more than very small or scattered granules in the capped cells.

(3) The presence of any spots of feces (bee excrement) on the comb.

(b) "Serious damage" means any injury or defect that seriously affects the edibility or shipping quality of the honey. Any spots of feces on the surface of the comb or, in sections, attachment of comb to less than 45 percent of the adjacent area shall be considered serious damage.

(c) "Uncapped cells" or cells, either empty or filled with honey, which are not sealed or capped over by the bees.

(d) "Adjacent area of the section" means the total length of the four inner sides of the section, multiplied by the thickness of the comb; as, for instance, in the case of a section 4¼ inches square, 4+4+4+4 equals 16, which, multiplied by the actual thickness of the comb, which might be 1¼ inches, gives an adjacent area of 20 square inches.

(e) "Project beyond the edge of the section" refers to the projection of comb beyond the widest part of the section, generally because no separators were used, and does not refer to the occasional slight projection of wax beyond the narrow or beeway part of the section. Projection at this point to such an extent that honey leaks down over the face of the comb is not permitted.

(f) "Dry holes" are holes in the honeycomb larger than a cell, and not next to the wood; they may extend partly or entirely through the comb.

(g) "Through holes" are holes or passages through the comb from one side of the comb to the other, between the edge of the comb and the section.

(h) "Weeping" is the exudation or seepage of honey through the cappings, forming small drops which finally run down the face of the comb. It is usually caused by absorption of moisture from the atmosphere by the honey.

(i) "Bruising" is any injury by accident or pressure, such as an indentation of the surface of the comb by pressure of fingers. Bruising is considered to be damage if it is sufficient to cause leaking.

(j) "Uniformly even appearance" means that the surface of the combs shall be free from irregularities other than those incident to the work of the bees in completing a comb of uniform construction.

(k) "Slight irregularities" means irregularities of not more than one-eighth inch above or below the general surface of the comb, but not projecting beyond the edge of the section. The slight ridging of comb surface sometimes incidental to the use of fence separators is not to be considered an irregularity.

(l) "Freedom from excessive propolis and/or pronounced stains" means that the top of the wood section shall bear no greater stain from propolis than that ordinarily found on a paraffined section, and that the other three sides and the edges and inner faces and angles of the wood sections shall be reasonably free from propolis. Permissible stain is shown in the color chart.[3]

(m) "New in appearance" means not discolored by age or exposure. Paraffined sections usually appear new, even though they may be left over from a previous season.

(n) "Well built out," as used in reference to shallow-frame comb honey, means that the combs are fairly uniform in thickness throughout each comb and throughout the lot.

Subpart—U.S. Standards for Grades of Bulk Sauerkraut

PRODUCT DESCRIPTION, GRADES

Sec.
52.3451 Product description.
52.3452 Grades of bulk sauerkraut.

FACTORS OF QUALITY

52.3453 Ascertaining the grade.
52.3454 Ascertaining the rating of each factor.
52.3455 Color.
52.3456 Cut.
52.3457 Absence of defects.
52.3458 Texture.
52.3459 Flavor.

METHODS OF ANALYSIS

52.3460 Determination of acidity.

LOT COMPLIANCE

52.3461 Ascertaining the grade of a lot.

SCORE SHEET

52.3462 Score sheet for bulk sauerkraut.

Subpart—U.S. Standards for Grades of Bulk Sauerkraut

PRODUCT DESCRIPTION, GRADES

§ 52.3451 Product description.

Bulk or barreled sauerkraut, hereinafter referred to as "sauerkraut" or "bulk

[3] See § 52.2885.

sauerkraut" is the product of characteristic acid flavor, obtained by the full fermentation, chiefly lactic, of properly prepared and shredded cabbage in the presence of not less than 2 percent nor more than 3 percent of salt. It contains, upon completion of the fermentation, not less than 1.5 percent of acid, expressed as lactic acid.

§ 52.3452 Grades of bulk sauerkraut.

(a) "U.S. Grade A (First Quality)" bulk sauerkraut is of a color approximating, or is lighter than "Olive Buff" (according to Ridgway's "Color Standards and Nomenclature"), with the shreds uniformly cut to approximately 1/32-inch in thickness. The product is practically free from defects and blemishes; is of fine, crisp texture; possesses a normal, well developed, sauerkraut flavor; and scores not less than 85 points when scored according to the scoring system outlined herein.

(b) "U.S. Grade C (Second Quality)" bulk sauerkraut may have a variable straw color, but not darker than "Dark Olive Buff" (according to Ridgway's "Color Standards and Nomenclature"); the shreds may lack uniformity of thickness. The product is reasonably free from defects and blemishes; is of reasonably fine, crisp texture; possesses a normal sauerkraut flavor; and scores not less than 70 points and need not score more than 84 points when scored according to the scoring system outlined herein.

(c) "Substandard" bulk sauerkraut is sauerkraut that fails to meet the requirements of the foregoing grades or when any one of the grading factors falls in the (D) classification.

FACTORS OF QUALITY

§ 52.3453 Ascertaining the grade.

The grade of bulk sauerkraut may be ascertained by considering, in addition to the requirements in the definition, the following factors: Color, cut, absence of defects, texture, and flavor. The relative importance of each element has been expressed numerically on a scale of 100. The maximum number of credits that may be given for each factor is:

	Points
Color	15
Cut	15
Absence of defects	10
Texture	15
Flavor	45
Total score	100

§ 52.3454 Ascertaining the rating of each factor.

The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical ranges within each factor are inclusive. For instance, the range 13 to 15 means 13, 14, and 15.

§ 52.3455 Color.

(a) (*A*) *classification.* Sauerkraut that possesses a color approximating, or is lighter than "Olive Buff" (according to Ridgway's "Color Standards and Nomenclature"), may be given a credit of 13 to 15 points.

(b) (*C*) *classification.* If the sauerkraut possesses a color ranging from "Olive Buff" to (but not darker than) "Dark Olive Buff", or is slightly greenish or yellowish, or possesses a tint of light brown, a credit of 10 to 12 points may be allowed. Sauerkraut that falls in this classification shall not be graded above U.S. Grade C (Second Quality), regardless of the total score for the product.

(c) (*D*) *classification.* If the sauerkraut possesses a decidedly dark, or pink tinted color, a credit within the range of zero to nine points may be allowed.

§ 52.3456 Cut.

(a) (*A*) *classification.* If the shreds of sauerkraut are uniformly cut to approximately 1/32-inch in thickness and are of a reasonable length, a credit of 13 to 15 points may be allowed.

(b) (*C*) *classification.* If the cut is very irregular, the shreds being "choppy" and poorly cut, a credit of 10 to 12 points may may be allowed. Sauerkraut that falls in this classification may not be graded above U.S. Grade C (Second Quality), regardless of the total score for the product.

(c) (*D*) *classification.* Sauerkraut that is very uneven in cut, containing decidedly thick or short shreds, may be given a credit of not more than nine points.

§ 52.3457 Absence of defects.

(a) *General.* The factor of absence of defects refers to defects such as large pieces of leaves, dead leaves, large pieces of core, spotted shreds, or other defects.

(b) (*A*) *classification.* Sauerkraut that is practically free from the defects mentioned may be given a credit of nine to 10 points.

(c) (*C*) *classification.* If the product is reasonably free from the defects mentioned, a credit of six to eight points may be allowed. Sauerkraut that falls in this classification shall not be graded above U.S. Grade C (Second Quality), regardless of the total score for the product.

(d) (*D*) *classification.* If pieces of dead leaves, large pieces of core, spotted shreds, or any similar blemishes are prominently present to the extent of injuring the appearance of the product, a credit within the range of zero to five points may be allowed.

§ 52.3458 Texture.

(a) *General.* The factor of texture refers to the condition of the product and the tendency of the shreds to be firm, fresh, crisp, and easy to cut, as contradistinguished to soft or mushy.

(b) (*A*) *classification.* Sauerkraut that is firm and crisp may be given a credit of 13 to 15 points.

(c) (*C*) *classification.* If the product is somewhat tough, or is slightly soft, a credit of 10 to 12 points may be allowed. Sauerkraut that falls in this classification shall not be graded above U.S. Grade C (Second Quality), regardless of the total score for the product.

(d) (*D*) *classification.* If the sauerkraut is tough, or contrariwise, is soft and mushy, a credit within the range of zero to nine points may be allowed.

§ 52.3459 Flavor.

(a) (*A*) *classification.* Sauerkraut that has a highly acid (expressed as lactic), palatable, clean, characteristic sauerkraut flavor, may be given a credit of 40 to 45 points.

(b) (*C*) *classification.* If the product possesses a good sauerkraut flavor that may be suggestive of improper bacterial action, but not markedly so, it may be given a credit of 34 to 39 points. Sauerkraut that falls in this classification shall not be graded above U.S. Grade C (Second Quality), regardless of the total score for the product.

(c) (*D*) *classification.* If the flavor is poor and unpalatable from any cause (acetic, butyric, yeasty, moldy, very salty, bitter stale, or rancid), a credit within the range of zero to 33 points may be allowed.

METHODS OF ANALYSIS

§ 52.3460 Determination of acidity.

The method of titration used to determine the degree of lactic acidity in sauerkraut is as follows: Place 10 cc. of sauerkraut juice in a flask, add 40 cc. of distilled water (hydrant water contains large quantities of alkaline salts which tend to neutralize the sauerkraut acid before titration takes place). Shake the flask to mix thoroughly the sauerkraut juice and water. Add three or four drops of phenolphthalein solution. Into this mixture slowly run, drop by drop, from a burette graduated in 1/10 cc. and filled with 1/9 normal solution of sodium hydroxide, enough of the sodium hydroxide to bring a permanent pink tint to the sauerkraut juice solution, shaking the flask as the sodium hydroxide is added. As soon as the pink tint becomes permanent (at first it will fade away), note the amount of the hydroxide used, divide this number by 10, and the result is a number which is the percentage of lactic acid in the sauerkraut juice.

LOT COMPLIANCE

§ 52.3461 Ascertaining the grade of a lot.

The grade of a lot of bulk sauerkraut covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.3462 Score sheet for bulk sauerkraut.

Identification marks on packages				
Net weight as indicated on package				
Percent acid				
Factors	Maximum score	Points allowable		
Color	15	(A) 13–15 (C) [1] 10–12 (D) [2] 0–9		
Cut	15	(A) 13–15 (C) [1] 10–12 (D) [2] 0–9		
Absence of defects	10	(A) 9–10 (C) [1] 6–8 (D) [2] 0–5		
Texture	15	(A) 13–15 (C) [1] 10–12 (D) [2] 0–9		
Flavor	35	(A) 40–45 (C) [1] 34–39 (D) [2] 0–33		
Total Score	100			
Grade				

[1] Sauerkraut that falls in this classification may not be graded above U.S. Grade C (Second Quality).
[2] Sauerkraut that falls in this classification may not be graded above Substandard.

Subpart—U.S. Standards for Grades of Canned Dried Prunes

PRODUCT DESCRIPTION, TYPES AND VARIETIES, GRADES

Sec.
52.5601 Product description.
52.5602 Types and varieties of canned dried prunes.
52.5603 Grades of canned dried prunes.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, COUNTS

52.5604 Sirup density.
52.5605 Recommended fill of container.
52.5606 Recommended minimum drained weights.
52.5607 Count of prunes.

FACTORS OF QUALITY

52.5608 Ascertaining the grade.
52.5609 Ascertaining the rating of each factor.
52.5610 Color.
52.5611 Uniformity of size.
52.5612 Absence of defects.
52.5613 Character of fruit.

EXPLANATION OF TERMS

52.5614 Explanation of terms.

LOT COMPLIANCE

52.5615 Ascertaining the grade of a lot.

SCORE SHEET

52.5616 Score sheet for canned dried prunes.

Subpart—U.S. Standards for Grades of Canned Dried Prunes

PRODUCT DESCRIPTION, TYPES AND VARIETIES, GRADES

§ 52.5601 Product description.

Canned dried prunes are the whole, ripe fruit of the plum tree (Prunus domestica) from which the greater portion of moisture was removed and which are subsequently processed, usually by rehydration in boiling water or steam; by packing with or without the addition of sirup, sugar, or a liquid medium; with or without the addition of a slight amount of edible acid; with or without the addition of a seasoning ingredient, and are sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.5602 Types and varieties of canned dried prunes.

(a) "Sweet types" include such varieties as French, Imperials, Sugar, and Robe de Sergeant varieties.

(b) "Tart type" includes the Italian variety.

§ 52.5603 Grades of canned dried prunes.

(a) "U.S. Grade A" or "U.S. Fancy" canned dried prunes are dried prunes of similar varietal characteristics which possess a normal flavor and are of such quality with respect to color, uniformity of size, absence of defects, and character of fruit as to score not less than 90 points when scored in accordance with the scoring system outlined herein.

(b) "U.S. Grade B" or "U.S. Choice" canned dried prunes are dried prunes of similar varietal characteristics which possess a reasonably uniform typical color; are reasonably free from defects; possess a reasonably good, tender, fleshy texture; possess a normal flavor; and are of such quality with respect to uniformity of size as to score not less than 75 points when scored in accordance with the scoring system outlined herein.

(c) "U.S. Grade C" or "U.S. Standard" canned dried prunes are dried prunes which possess a fairly uniform, fairly good typical color; are fairly free from defects; possess a fairly good texture; possess a normal flavor; and are of such quality with respect to uniformity of size as to score not less than 60 points when scored in accordance with the scoring system outlined herein.

(d) "U.S. Grade D" or "Substandard" canned dried prunes are dried prunes that are wholesome and edible but fail to meet the requirements of U.S. Grade C or U.S. Standard.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, COUNTS

§ 52.5604 Sirup density.

(a) Canned dried prunes are usually packed in sirup, or other packing medium. Sirup "cut-out" requirements, however, are not incorporated in the grades of the finished product as sirup, as such, is not a factor of quality for the purpose of these grades.

(b) Canned dried prunes will be certified as to grade without regard to sirup density, but in each instance Federal inspection certificates will indicate the density of the sirup found upon examination. When samples are officially drawn, the designation of sirup will be based upon the average sirup density of all containers examined, provided the range of variability is within the limits of good packing practice. For this purpose—

(1) "Extra heavy sirup" means that the sirup tests 30° or more Brix.

(2) "Heavy sirup" means that the sirup tests 24° to 30° Brix.

(3) "Light sirup" means that the sirup tests 18° to 24° Brix.

(4) Sirup that tests less than 18° Brix is considered "Water pack."

§ 52.5605 Recommended fill of container.

The container shall be filled with dried prunes as full as practicable without impairment of quality. The product and packing medium occupies not less than 90 percent of the total volume capacity of the container.

§ 52.5606 Recommended minimum drained weights.

(a) Drained weights of canned dried prunes are determined by emptying the contents of the container upon a circular sieve of proper diameter, containing eight meshes to the inch (0.097-inch perforations) and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for No. 2½ size containers and smaller, and a sieve 12 inches in diameter is used for containers larger than No. 2½ size.

(b) The recommended minimum drained weights in the containers commonly used in packing canned dried prunes are shown in the following table:

Container size or name	Recommended drained weight		
	Metal containers		Glass containers
	Regular pack	Heavy pack	Regular pack
8-oz	5½ oz		
No. 1 Tall	10¾ oz		
No. 2	13 oz		
No. 2½	19 oz	29 oz	18 oz.
No. 10	70 oz	110 oz	

(c) Canned dried prunes that meet the recommended drained weight requirements for "Heavy Pack" will be certified as "Heavy Pack" in addition to the grade statement.

(d) When certifying samples which have been officially drawn from lots of canned dried prunes, compliance of the entire sample with recommended minimum drained weights will be determined by averaging the drained weights of all containers in the sample, provided the range of variability is within the limits of good packing practice. If the average thus obtained is not less than the recommended drained weight shown in the foregoing table, the samples will be certified without exception.

(e) Except as provided above, containers of dried prunes that fall below the recommended minimum drained weight will be certified with the additional statement: "Below recommended minimum drained weight."

§ 52.5607 Count of prunes.

Federal inspection certificates will indicate the count of prunes found upon examination.

FACTORS OF QUALITY

§ 52.5608 Ascertaining the grade.

The grade of canned dried prunes may be ascertained by considering, in addition to the foregoing requirements, the following factors: Color, uniformity of

size, absence of defects, and character of fruit. The relative importance of each factor has been expressed numerically on a scale of 100. The maximum number of points that may be given for each factor is:

	Points
Color	20
Uniformity of size	15
Absence of defects	30
Character of fruit	35
Total score	100

§ 52.5609 Ascertaining the rating of each factor.

The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical ranges within each factor are inclusive. For example, the range 18 to 20 means 18, 19, and 20.

§ 52.5610 Color.

(a) (*A*) *Classification.* Canned dried prunes that possess a practically uniform, typical color may be given a score of 18 to 20 points. "Practically uniform, typical color" means that the color of the skins of the prunes is typical and may be black, blue black, or reddish brown; and that not more than 5 percent by count of the prunes may possess a dull chocolate brown surface color or may possess abnormal darkening of the flesh due to caramelization or fermentation.

(b) (*B*) *Classification.* If the canned dried prunes possess a reasonably uniform, typical color, a score of 15 to 17 points may be given. "Reasonably uniform, typical color" means that the color of the skins of the prunes is typical and may be black, blue black, or reddish brown; and that not more than 10 percent by count of the prunes may possess a dull chocolate brown surface color or may possess abnormal darkening of the flesh due to caramelization or fermentation.

(c) (*C*) *Classification.* If the canned dried prunes possess a fairly uniform, fairly good typical color, a score of 12 to 14 points may be given. Canned dried prunes that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product. "Fairly uniform, fairly good typical color" means that the skins of the prunes may vary in shades of typical colors and that not more than 15 percent by count of the prunes may possess a dull chocolate brown surface color or may possess abnormal darkening of the flesh due to caramelization or fermentation.

(d) (*D*) *Classification.* Canned dried prunes that are definitely off color for any reason or that otherwise fail to meet requirements of paragraph (c) of this section may be given a score of zero to 11 points and shall not be graded above U.S. Grade D or Substandard, regardless of the total score for the product.

§ 52.5611 Uniformity of size.

(a) (*A*) *Classification.* Canned dried prunes that are practically uniform in size may be given a score of 14 or 15 points. "Practically uniform in size" means that the weight of the largest prune may not exceed the weight of the smallest prune by more than 75 percent.

(b) (*B*) *Classification.* If the canned dried prunes are reasonably uniform in size, a score of 12 or 13 points may be given. "Reasonably uniform in size" means that the weight of the largest prune may not be more than twice the weight of the smallest prune.

(c) (*C*) *Classification.* Canned dried prunes that vary in size may be given a score of 10 or 11 points.

§ 52.5612 Absence of defects.

(a) *Definitions of defects.* The factor of absence of defects refers to the degree of freedom from the following:

(1) Prunes that possess growth cracks, splits, breaks in the skin, or skin damage of the following descriptions:

(i) Calloused growth cracks aggregating more than ⅜ inch in length.

(ii) Splits or breaks not having calloused edges when the flesh is mashed out beyond the protecting skin so as to affect materially the normal appearance of the prunes.

(iii) Any cracks, splits, or breaks open to the pit.

(iv) Skin damage caused by overdripping, rain processing, or other causes which materially affects the appearance of the prunes.

(2) Prunes that possess areas of scab of the following descriptions:

(i) Tough or thick scab exceeding in the aggregate the area of a circle ⅜ inch in diameter.

(ii) Scab of other character exceeding in the aggregate the area of a circle ¾ inch in diameter.

(3) Prunes that are so affected by burning or scorching in the sun, or in dehydration, as to damage materially the skin or flesh.

(4) Prunes that are damaged by insect injury or other similar defects.

(5) "Tough or thick scab" means thick leathery areas on the skin frequently formed as the result of thrip injury, mildew, leaf chafing, limb rubs, or other means. Such scab is to be distinguished from "scab or other character" which is more or less inconsequential and practically blends in color with the skin on the portion of the prune not affected.

(6) "Damaged by insect injury" means healed or unhealed surface blemishes, and healed or unhealed blemishes in the flesh which materially affect the appearance, edibility, or keeping quality of the fruit but which do not possess evidence of insect infestation.

(7) "Damaged by other similar defects" means any injury or defect or group of defects not mentioned herein which materially affect the appearance, edibility or keeping quality of the fruit.

(b) (*A*) *Classification.* Canned dried prunes that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that there may be present not more than 5 percent by count of prunes affected by any defect or any combination of defects mentioned in paragraph (a) (1), (2), (3), and (4) of this section. One prune that is defective is permitted if it exceeds 5 percent by count.

(c) (*B*) *Classification.* If the canned dried prunes are reasonably free from defects, a score of 22 to 26 points may be given. "Reasonably free from defects" means that there may be present not more than 10 percent by count of prunes affected by any defect or any combination of defects mentioned in paragraph (a) (1), (2), (3), and (4) of this section. One prune that is defective is permitted if it exceeds 10 percent by count.

(d) (*C*) *Classification.* If the canned dried prunes are fairly free from defects, a score of 17 to 21 points may be given. Canned dried prunes that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product. "Fairly free from defects" means that there may be present not more than 15 percent by count of prunes affected by any defect or combination of defects mentioned in paragraph (a) (1), (2), (3), and (4) of this section.

(e) (*D*) *Classification.* Canned dried prunes that fail to meet the requirements of paragraph (d) of this section, may be given a score of 0 to 16 points and shall not be graded above U.S. Grade D or Substandard, regardless of the total score for the product.

§ 52.5613 Character of fruit.

(a) (*A*) *Classification.* Canned dried prunes that possess a good, tender, fleshy texture may be given a score of 31 to 35 points. "Good tender, fleshy texture" means that the prunes are thick-fleshed; that not more than 5 percent by count of prunes have fibrous or tough skins; and that not more than 10 percent by count of prunes may be soft or hard in texture. One prune that possesses a tough skin, is soft, or is hard, is permitted, if one prune exceeds 5 percent or 10 percent by count.

(b) (*B*) *Classification.* If canned dried prunes possess a reasonably good, tender, fleshy texture, a score of 26 to 30 points may be given. "Reasonably good, tender, fleshy texture" means that the prunes are reasonably thick-fleshed; that not more than 10 percent by count of prunes may have fibrous or tough skins; and that not more than 15 percent by count of prunes may be soft or hard in texture.

(c) (*C*) *Classification.* If the canned dried prunes possess a fairly good texture, a score of 21 to 25 points may be given. Canned dried prunes that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product. "Fairly good texture" means that the prunes may vary in thickness and texture of flesh or may possess fibrous or tough skins; and that not more than 20 percent by count of prunes may be soft or hard in texture.

(d) (*D*) *Classification.* Canned dried prunes that fail to meet the requirements of paragraph (c) of this section may be given a score of zero to 20 points and shall not be graded above U.S. Grade D or Substandard, regardless of the total score for the product.

EXPLANATION OF TERMS

§ 52.5614 Explanation of terms.

(a) "24° Brix" means that the packing medium surrounding the fruit tests 24 degrees when tested with a Brix spindle, or hydrometer, or with a refractometer, read at the proper temperature for the instrument used.

(b) "Normal canned dried prune flavor" means that the product is free from objectionable odors or objectionable flavors of any kind.

LOT COMPLIANCE

§ 52.5615 Ascertaining the grade of a lot.

The grade of a lot of canned dried prunes covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.5616 Score sheet for canned dried prunes.

Number, size, kind of container			
Can mark			
Label			
Net weight (in ounces)			
Vacuum reading (in inches)			
Drained weight (in ounces)			
Sirup (Degrees Brix)			
Type			
Count			
Factors	**Score points**		
Color	20	(A) 18–20	
		(B) 15–17	
		(C) [1] 12–14	
		(D) [1] 0–11	
Uniformity of size	15	(A) 14–15	
		(B) 12–13	
		(C) 10–11	
Absence of defects	30	(A) 27–30	
		(B) 22–26	
		(C) [1] 17–21	
		(D) [1] 0–16	
Character of fruit	35	(A) 31–35	
		(B) 26–30	
		(C) [1] 21–25	
		(D) [1] 0–20	
Total score	100		
Grade			
Flavor			

[1] Indicates limiting rules within classification.

Subpart—U.S. Standards for Grades of Dried Apricots

PRODUCT DESCRIPTION, MOISTURE, SIZES

Sec.
52.5761 Product description.
52.5762 Moisture.
52.5763 Sizes.

GRADES OF DRIED APRICOTS

(OTHER THAN SLAB GRADES)

52.5764 U.S. Grade A or U.S. Fancy.
52.5765 U.S. Grade B or U.S. Choice.
52.5766 U.S. Grade C or U.S. Standard.
52.5767 U.S. Grade D or Substandard.

GRADES OF DRIED APRICOTS (SLABS)

52.5768 U.S. Grade A (Slabs) or U.S. Fancy (Slabs).
52.5769 U.S. Grade B (Slabs) or U.S. Choice (Slabs).
52.5770 U.S. Grade C (Slabs) or U.S. Standard (Slabs).
52.5771 U.S. Grade D (Slabs) or Substandard (Slabs).

EXPLANATION OF TERMS

52.5772 Explanation of terms.

WORK SHEET

52.5773 Work sheet and summary of requirements for dried apricots.

Subpart—U.S. Standards for Grades of Dried Apricots

PRODUCT DESCRIPTION, MOISTURE, SIZES

§ 52.5761 Product description.

Dried apricots are the halved and pitted fruit of the apricot tree (Prunus armeniaca) from which the greater portion of moisture has been removed. Before packing, the dried fruit is processed to cleanse the fruit and may be sulfured sufficiently to retain a characteristic color.

§ 52.5762 Moisture.

Federal inspection certificates shall indicate the moisture content of the finished product which shall be not more than 26 percent by weight for sizes No. 1, No. 2, and No. 3, and for slabs, and not more than 25 percent by weight for other sizes.

§ 52.5763 Sizes.

(a) Federal inspection certificates shall indicate the size or combination of sizes of halved apricots found upon examination; or shall indicate "Slabs" if the apricots are such, or "Whole Pitted" (or "Slip Pitted" (if the apricots are found to be of this style.

(b) The various sizes of dried apricots, except for slabs (including "whole pitted" or "slip pitted" apricots) are as follows:

No. 1 Size (Jumbo Size)	1⅜ inches, or inches in diameter.
No. 2 Size (Extra Fancy Size).	1¼ inches to 1⅜ inches in diameter.
No. 3 Size (Fancy Size)	1⅛ inches to 1¼ inches in diameter.
No. 4 Size (Extra Choice Size).	1 inch to 1⅛ inches in diameter.
No. 5 Size (Choice Size)	13/16 inch to 1 inch in diameter.
No. 6 Size (Standard Size).	Less than 13/16 inch in diameter.

(1) "Diameter" means the shortest measurement across the face of the apricot half when restored to its normal shape.

(2) In determining compliance with size requirements of this section, dried apricots will be considered as of one size if not more than 10 percent by weight of the fruit varies from the size range.

GRADES OF DRIED APRICOTS

(OTHER THAN SLAB GRADES)

§ 52.5764 U.S. Grade A or U.S. Fancy.

(a) U.S. Grade A or U.S. Fancy dried apricots possess similar varietal characteristics; and possess a practically uniform, bright typical color, characteristic of well-matured apricots. The fruit may possess pale yellow areas around the stem and that do not exceed an area equivalent to one-eighth of the outer surface side of the unit; not more than 5 percent by weight of the fruit may be of a color described in U.S. Grade B or U.S. Choice, but none of the fruit may be of a color described in U.S. Grade C or U.S. Standard.

(b) Not more than a total tolerance of 10 percent by weight may be slabs, immature, or may possess pits or pieces of pits; may be damaged by discoloration, sunburn, hail marks, scab, disease, insect injury, or other similar defects; or may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That, not more than two-fifths of the total tolerance, or 4 percent by weight, may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *And further provided*, That, not more than one-tenth of the total tolerance, or 1 percent by weight, may be affected by decay.

§ 52.5765 U.S. Grade B or U.S. Choice.

(a) U.S. Grade B or U.S. Choice dried apricots possess similar varietal characteristics; and possess a reasonably uniform, bright typical color, characteristic of reasonably well-matured apricots. The fruit may possess pale yellow areas around the stem end that do not exceed an area equivalent to one-fourth of the outer surface side of the unit; not more than 10 percent by weight of the fruit may be of a color described in U.S. Grade C or U.S. Standard, but none of the units may possess light green areas that exceed an area equivalent to one-fourth of the outer surface side of the unit.

(b) Not more than a total tolerance of 15 percent by weight may be slabs, immature, or may possess pits or pieces of pits, may be damaged by discoloration, sunburn, hail marks, scab, disease, insect injury, or other similar defects; or may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That, not more than one-third of the total tolerance, or 5 percent by weight, may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *And further provided*, That, not more than one-fifteenth of the total tolerance, or 1 percent by weight, may be affected by decay.

§ 52.5766 U.S. Grade C or U.S. Standard.

(a) U.S. Grade C or U.S. Standard dried apricots possess similar varietal characteristics; and possess a fairly uniform typical color, characteristic of fairly well-matured apricots. The fruit may be pale yellow in color and may possess light green areas around the stem end of the fruit that do not exceed an area equivalent to one-quarter of the outer surface side of the unit, but not more than 15 percent by weight of the total fruit may possess light green areas that exceed an area equivalent to one-quarter of the outer surface side of the unit.

(b) Not more than a total tolerance of 20 percent by weight of the fruit may be slabs, immature, or possess pits or pieces of pits; may be damaged by discoloration, sunburn, hail marks, scab, disease, insect injury, or other similar defects; or may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided,* That, not more than one-fourth of the total tolerance, or 5 percent by weight, may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *And further provided,* That, not more than one-tenth of the total tolerance, or 2 percent by weight, may be affected by decay.

§ 52.5767 U.S. Grade D or Substandard.

U.S. Grade D or Substandard dried apricots are wholesome and edible fruit that fails to meet the requirements of U.S. Grade C or U.S. Standard: *Provided,* That, not more than 20 percent by weight of the total fruit may be slabs; and not more than 5 percent by weight of the total fruit may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *And further provided,* That, not more than 2 percent by weight of the total fruit may be affected by decay.

GRADES OF DRIED APRICOTS (SLABS)

§ 52.5768 U.S. Grade A (Slabs) or U.S. Fancy (Slabs).

U.S. Grade A (Slabs) or U.S. Fancy (Slabs) dried apricots meet the requirements of U.S. Grade A or U.S. Fancy, except that there is no limit to the percentage of slabs.

§ 52.5769 U.S. Grade B (Slabs) or U.S. Choice (Slabs).

U.S. Grade B (Slabs) or U.S. Choice (Slabs) dried apricots meet the requirements of U.S. Grade B or U.S. Choice, except that there is no limit to the percentage of slabs.

§ 52.5770 U.S. Grade C (Slabs) or U.S. Standard (Slabs).

U.S. Grade C (Slabs) or U.S. Standard (Slabs) dried apricots meet the requirements of U.S. Grade C or U.S. Standard, except that there is no limit to the percentage of slabs.

§ 52.5771 U.S. Grade D (Slabs) or Substandard (Slabs).

U.S. Grade D (Slabs) or Substandard (Slabs) dried apricots are wholesome and edible fruit that fails to meet the requirements of U.S. Grade C (Slabs) or U.S. Standard (Slabs): *Provided,* That, not more than 5 percent by weight of the total fruit may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *And further provided,* That, not more than 2 percent by weight of the total fruit may be affected by decay.

EXPLANATION OF TERMS

§ 52.5772 Explanation of terms.

(a) *Damage or other defects.* (1) "Damaged by discoloration" means that the apricots have become excessively darkened. Darkening of otherwise sound fruit characteristic of fruit held in storage, in keeping with good commercial practice, shall not be considered as damaged by discoloration unless excessively darkened.

(2) "Damaged by sunburn" means any substantial damage to color or texture of skin caused by excessive heat from the sun.

(3) "Damaged by hail marks, scab, or disease" means that the combined area of all such defects, or of any one such defect, exceeds in the aggregate an area equivalent to the area of a circle three-eighths inch in diameter.

(4) "Damaged by other similar defects" means any injury or defect or group of defects not mentioned herein which materially affect the appearance, edibility, or keeping quality of the fruit.

(5) "Damaged by insect injury" means healed or unhealed surface blemishes, and healed or unhealed blemishes in the flesh which materially affect the appearance, edibility, or keeping quality of the fruit but which do not possess evidence of insect infestation.

(6) "Affected by insect infestation" means that the dried apricots show the presence of insects, insect fragments, or excreta. No live insects are permitted.

(7) "Affected by imbedded dirt" means the units have sufficient quantities of adhering dirt to give the fruit a dirty, smudgy appearance and dirt which may not be removed readily in washing the fruit.

(b) *Maturity.* (1) "Well-matured" means that the apricots are fully ripe.

(2) "Reasonably well-matured" means that the apricots are firm and may not have reached the fully ripe stage.

(3) "Fairly well-matured" means that the apricots may be hard but not immature.

(4) "Immature" means that the apricots are tough or possess a green or other color indicative of immature fruit.

(c) *Slabs.* "Slabs" are apricots that have been mashed, broken, or mutilated to the extent that they have lost their normal contour and have become definitely flattened at the edge or rim. A half that has a slightly torn edge is not considered a slab. For the purpose of these grades "whole pitted" (or "slip pitted") dried apricots are considered as slabs.

WORK SHEET

§ 52.5773 Work sheet and summary of requirements for dried apricots.

	A	B	C	D	A Slabs	B Slabs	C Slabs	D Slabs		
Size of case or package										
Markings										
Label or brand										
Net weight										
Size or sizes										
Moisture content										
Color										
	Minimum requirements									
Grade A color	95%				95%					
Grade B color	5%	90%			5%	90%				
Grade C color		10%	100%			10%	100%			
Defects										
	Maximum tolerances									
Total defects	10%	15%	20%		10%	15%	20%			
Slabs				20%				No limit		
Immature: fruit possessing pits or pieces of pits; damaged by discoloration, sunburn, hail marks, scab, disease, insect injury, or other similar defects; and	10%	15%	20%		10%	15%	20%			
	But not more than									
Affected by mold, decay, insect infestation, imbedded dirt, or other foreign material.	4%	5%	5%	5%	4%	5%	5%	5%		
	But not more than									
Decay	1%	1%	2%	2%	1%	1%	2%	2%		
Grade										

Subpart—U.S. Standards for Grades of Dried Peaches

PRODUCT DESCRIPTION, MOISTURE, TYPES AND VARIETIES, SIZES

Sec.
52.5801 Product description.
52.5802 Moisture.
52.5803 Types and varieties of dried peaches.
52.5804 Sizes of dried peaches.

GRADES OF DRIED PEACHES

52.5805 U.S. Grade A or U.S. Fancy.
52.5806 U.S. Grade B or U.S. Choice.
52.5807 U.S. Grade C or U.S. Standard.
52.5808 U.S. Grade B or Substandard.

EXPLANATION OF TERMS

52.5809 Explanation of terms.

WORK SHEET

52.5810 Work sheet and summary of requirements for dried peaches.

Subpart—U.S. Standards for Grades of Dried Peaches

PRODUCT DESCRIPTION, MOISTURE, TYPES AND VARIETIES, SIZES

§ 52.5801 Product description.

Dried peaches are the halved and pitted fruit of the peach tree (Prunus persica) from which the greater portion of moisture has been removed. Before packing, the dried fruit is processed to cleanse the fruit and may be sulfured sufficiently to retain a characteristic color.

§ 52.5802 Moisture.

Federal inspection certificates shall indicate the moisture content of the finished product which shall be not more than 25 percent by weight.

§ 52.5803 Types and varieties of dried peaches.

(a) *Freestone.* (1) Muir variety.
(2) Lovell variety.
(3) Elberta variety.
(4) Other freestone varieties or mixed freestone varieties.
(b) *Clingstone.* (1) Midsummer variety.
(2) Phillips variety.

§ 52.5804 Sizes of dried peaches.

(a) Federal inspection certificates shall indicate the size or combination of sizes of halved peaches found upon examination.

(b) The various sizes of dried peaches are as follows:

No. 1 Size (Jumbo Size)	2 inches or larger in diameter.
No. 2 Size (Extra Fancy Size).	1¾ inches to 2 inches in diameter.
No. 3 Size (Fancy Size)	1½ inches to 1¾ inches in diameter.
No. 4 Size (Extra Choice Size).	1⅜ inches to 1½ inches in diameter.
No. 5 Size (Choice Size)	1⅛ inches to 1⅜ inches in diameter.
No. 6 Size (Standard Size).	Less than 1⅛ inches in diameter.

(1) "Diameter" means the shortest measurement across the face of the peach half when restored to its normal shape.

(2) In determining compliance with size requirements listed above, dried peaches will be considered as of one size if not more than 10 percent by weight of halves vary from the size range.

GRADES OF DRIED PEACHES

§ 52.5805 U.S. Grade A or U.S. Fancy.

(a) U.S. Grade A or U.S. Fancy dried peaches possess similar varietal characteristics; and possess a practically uniform, bright typical color, characteristic of well-matured peaches. Not more than 5 percent by weight of the fruit may be of a color described in U.S. Grade B or U.S. Choice, and none of the fruit may be of a color described in U.S. Grade C or U.S. Standard.

(b) Not more than a total tolerance of 10 percent by weight may be slabs, immature, or may possess pits or pieces of pits; may be damaged by discoloration, sunburn, hail marks, scab, disease, insect injury, or other similar defects; or may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided,* That, not more than three-tenths of the total tolerance, or 3 percent by weight, may possess pits or pieces of pits; not more than two-fifths of the total tolerance, or 4 percent by weight, may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *And further provided,* That, not more than one-tenth of the total tolerance, or 1 percent by weight, may be affected by decay.

§ 52.5806 U.S. Grade B or U.S. Choice.

(a) U.S. Grade B or U.S. Choice dried peaches possess similar varietal characteristics; and possess a reasonably uniform, bright typical color, characteristic of reasonably well-matured peaches. Not more than 10 percent by weight of the fruit may be of a color described in U.S. Grade C or U.S. Standard.

(b) Not more than a total tolerance of 15 percent by weight may be slabs, immature, or may possess pits or pieces of pits; may be damaged by discoloration, sunburn, hail marks, scab, disease, insect injury, or other similar defects; or may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided,* That, not more than one-third of the total tolerance, or 5 percent by weight, may possess pits or pieces of pits; not more than one-third of the total tolerance, or 5 percent by weight, may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *And further provided,* That, not more than one-fifteenth of the total tolerance, or 1 percent by weight, may be affected by decay.

§ 52.5807 U.S. Grade C or U.S. Standard.

(a) U.S. Grade C or U.S. Standard dried peaches possess similar varietal characteristics; and possess a fairly uniform typical color, characteristic of fairly well-matured peaches.

(b) Not more than a total tolerance of 20 percent by weight of the fruit may be slabs, immature, or possess pits or pieces of pits; may be damaged by discoloration, sunburn, hail marks, scab, disease, insect injury, or other similar defects; or may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided,* That, not more than one-half of the total tolerance, or 10 percent by weight, may possess pits or pieces of pits; not more than one-fourth of the total tolerance, or 5 percent by weight, may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *And further provided,* That, not more than one-tenth of the total tolerance, or 2 percent by weight, may be affected by decay.

§ 52.5808 U.S. Grade D or Substandard.

U.S. Grade D or Substandard dried peaches are wholesome and edible fruit that fails to meet the requirements of U.S. Grade C or U.S. Standard: *Provided,* That, not more than 5 percent by weight of the total fruit may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *And further provided,* That, not more than 2 percent by weight of the total fruit may be affected by decay.

EXPLANATION OF TERMS

§ 52.5809 Explanation of terms.

(a) *Damage or other defects.* (1) "Damaged by discoloration" means that the peaches have become excessively darkened. Darkening of otherwise sound fruit characteristic of fruit held in storage, in keeping with good commercial practice, shall not be considered as damaged by discoloration unless excessively darkened.

(2) "Damaged by sunburn" means any substantial damage to color or texture of skin caused by excessive heat from the sun.

(3) "Damaged by hail marks, scab, or disease" means that the combined area of all such defects, or of any one such defect exceeds in the aggregate an area equivalent to the area of a circle three-eighths inch in diameter.

(4) "Damaged by other similar defects" means any injury or defect or group of defects not mentioned herein which materially affect the appearance, edibility, or keeping quality of the fruit.

(5) "Damaged by insect injury" means healed or unhealed surface blemishes, and healed or unhealed blemishes in the flesh which materially affect the appearance, edibility, or keeping quality of the fruit but which do not possess evidence of insect infestation.

(6) "Affected by insect infestation" means that the dried peaches show the presence of insects, insect fragments, or excreta. No live insects are permitted.

(7) "Affected by imbedded dirt" means the units have sufficient quantities of adhering dirt to give the fruit a dirty, smudgy appearance and dirt which may not be removed readily in washing the fruit.

(b) *Maturity.* (1) "Well-matured" means that the peaches are fully ripe.

(2) "Reasonably well-matured" means that the peaches are firm and may not have reached the fully ripe stage.

(3) "Fairly well-matured" means that the peaches may be hard but not immature.

(4) "Immature" means that the peaches are tough or possess green or other color indicative of immature fruit.

(c) *Slabs.* "Slabs" are peaches that have been mashed, broken, or mutilated to the extent that they have lost their normal contour and have become definitely flattened at the edge or rim. A half that has a slightly torn edge is not considered a slab.

WORK SHEET

§ 52.5810 Work sheet and summary of requirements for dried peaches.

Size of case or package						
Markings						
Label or brand						
Net weight						
Size or sizes						
Moisture content						
	A	B	C	D		
COLOR	Minimum requirements					
Grade A color	95%					
Grade B color	5%	90%				
Grade C color		10%	100%			
DEFECTS	Maximum tolerances					
Total defects	10%	15%	20%			
Slabs, and immature; damaged by discoloration, sunburn, hail marks, scab, disease, insect injury, or other similar defects; and	10%	15%	20%			
Fruit processing pits or pieces of pits; and	But not more than 3%	5%	10%			
Affected by mold, decay, insect infestation, imbedded dirt, or other foreign material	But not more than 4%	5%	5%	5%		
Decay	But not more than 1%	1%	2%	2%		
Grade						

Subpart—U.S. Standards for Grades of Dried Pears

PRODUCT DESCRIPTION, MOISTURE, SIZES

Sec.
52.5841 Product description.
52.5842 Moisture.
52.5843 Sizes of dried pears.

GRADES FOR DRIED PEARS

52.5844 U.S. Grade A or U.S. Fancy.
52.5845 U.S. Grade B or U.S. Choice.
52.5846 U.S. Grade C or U.S. Standard.
52.5847 U.S. Grade D or Substandard.

EXPLANATION OF TERMS

52.5848 Explanation of terms.

WORK SHEET

52.5849 Work sheet and summary of requirements for dried pears.

Subpart—U.S. Standards for Grades of Dried Pears

PRODUCT DESCRIPTION, MOISTURE, SIZES

§ 52.5841 Product description.

Dried pears are the halved fruit of the pear tree (Pyrus communis) which may or may not be cored, from which the external stems and calyx cups have been removed, and from which the greater portion of the moisture has been removed. Before packing, the dried fruit is processed to cleanse the fruit and may be sulfured sufficiently to retain a characteristic color.

§ 52.5842 Moisture.

Federal inspection certificates shall indicate the moisture content of the finished product which shall be not more than 26 percent by weight.

§ 52.5843 Sizes of dried pears.

(a) Federal inspection certificates shall indicate the size or combination of sizes of halved pears found upon examination.

(b) The various sizes of dried pears are as follows:

No. 1 Size (Jumbo Size)	1⅞ inches or more in width.
No. 2 Size (Extra Large Size).	1¾ inches to 1⅞ inches in width.
No. 3 Size (Large Size)	1½ inches to 1¾ inches in width.
No. 4 Size (Medium Size)	1⅜ inches to 1½ inches in width.
No. 5 Size (Small Size)	1⅛ inches to 1⅜ inches in width.
No. 6 Size (Extra Small Size).	Less than 1⅛ inches in width.

(1) "Width" means the longest measurement obtainable, measured at right angles to a line running from the stem end to the calyx end.

(2) In determining compliance with size requirements listed above, dried pears will be considered as of one size if not more than 10 percent by weight of halves vary from the size range.

GRADES FOR DRIED PEARS

§ 52.5844 U.S. Grade A or U.S. Fancy.

(a) U.S. Grade A or U.S. Fancy dried pears possess similar varietal characteristics; possess a practically uniform, bright typical color characteristic of well-matured pears; and are well shaped. Not more than 5 percent by weight of the fruit may be of a color described in U.S. Grade B or U.S. Choice: and none of the fruit may be of a color described in U.S. Grade C or U.S. Standard.

(b) Not more than a total tolerance of 10 percent by weight may be slabs, immature, or scraps; may be affected by russet or similar discoloration; may be damaged by discoloration, sunburn, hailmarks, limb-rubs, hard end, black end, external stems and calyx cups, scab, disease, insect injury, or other similar defects; or may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That, not more than two-fifths of the total tolerance, or 4 percent by weight, may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *And further provided*, That, not more than one-tenth of the total tolerance, or 1 percent by weight, may be affected by decay.

§ 52.5845 U.S. Grade B or U.S. Choice.

(a) U.S. Grade B or U.S. Choice dried pears possess similar varietal characteristics; possess a reasonably uniform, bright typical color, characteristic of reasonably well-matured pears; and are reasonably well shaped. Not more than 10 percent by weight of the fruit may be of a color described in U.S. Grade C or U.S. Standard.

(b) Not more than a total tolerance of 15 percent by weight may be slabs, immature, or scraps; may be affected by russet or similar discoloration; may be damaged by discoloration, sunburn, hailmarks, limb-rubs, hard end, black end, external stems and calyx cups, scabs, disease, insect injury, or other similar defects; or may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That, not more than one-third of the total tolerance, or 5 percent by weight, may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *And further provided*, That, not more than one-fifteenth of the total tolerance or 1 percent by weight, may be affected by decay.

§ 52.5846 U.S. Grade C or U.S. Standard.

(a) U.S. Grade C or U.S. Standard dried pears possess similar varietal characteristics; possess a fairly uniform color; characteristic of fairly well-matured pears; and are fairly well shaped.

(b) Not more than a total tolerance of 20 percent by weight may be slabs, immature, or scraps; may be affected by russet or similar discoloration, may be damaged by discoloration, sunburn, hailmarks, limb-rubs, hard end, black end, external stems and calyx cups, scab, disease, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That, not more than one-fourth of the total tolerance, or 5 percent by weight may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *And further provided*, That, not more than one-tenth of the total tolerance, or 2 percent by weight, may be affected by decay.

§ 52.5847 U.S. Grade D or Substandard.

U.S. Grade D or Substandard dried pears are wholesome and edible fruit

that fails to meet the requirements of U.S. Grade C or U.S. Standard: *Provided*, That, not more than 5 percent by weight of the total fruit may be affected by mold, decay, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *And further provided*, That, not more than 2 percent by weight of the total fruit may be affected by decay.

EXPLANATION OF TERMS

§ 52.5848 Explanation of terms.

(a) *Color.* (1) "Practically uniform, bright typical color" means that the halves are bright and translucent, and not darker than pear yellow in color.

(2) "Reasonably uniform, bright typical color" means that the halves are reasonably bright and reasonably translucent, and not darker than pear yellow in color.

(3) "Fairly uniform typical color" means that the halves are fairly bright and fairly translucent and are of any normal color not darker than dark amber.

(b) *Damage or other defects.* (1) "Affected by russet or similar discoloration" means reddish brown discoloration caused by sunlight when the area so affected is conspicuous. Russet or other similar skin discoloration is not considered "damaged by discoloration."

(2) "Damage by discoloration" means—

(i) Skin discoloration caused by sunburn, limb-rubs, hailmarks, or other means which when light brown in color, exceed in the aggregate one-eighth of the surface and which, when dark brown or darker, or hard, tough and leathery, exceed in the aggregate an area equivalent to one-sixteenth of the outer surface side of the unit.

(ii) Flesh discoloration caused by bruising, drought spot, or other means which are materially darker or lighter than the normal color of the half and which exceed in the aggregate an area equivalent to one-sixteenth of the outer surface side of the unit.

(iii) Darkening of otherwise sound fruit characteristic of fruit held in storage, in keeping with good commercial practice, shall not be considered as damaged by discoloration unless excessively darkened.

(3) "Damaged by hard end or black end" means the light colored areas at the calyx end of the fruit or similar damage which exceed in the aggregate an area equivalent to one-eighth of the outer surface.

(4) "Damaged by other similar defects" means any injury or defect or group of defects not mentioned herein which materially affect the appearance, edibility, or keeping quality of the fruit.

(5) "Damaged by insect injury" means healed or unhealed surface blemishes, and healed or unhealed blemishes in the flesh which materially affect the appearance, edibility, or keeping quality of the fruit but which do not possess evidence of insect infestation.

(6) "Affected by insect infestation" means that the dried pears show the presence of insects, insect fragments, or excreta. No live insects are permitted.

(7) "Affected by imbedded dirt" means the units have sufficient quantities of adhering dirt to give the fruit a dirty, smudgy appearance and dirt which may not be removed readily in washing the fruit.

(c) *Maturity.* (1) "Well-matured" means that the pears are fully ripe.

(2) "Reasonably well-matured" means that the pears are firm and may not have reached the fully ripe stage.

(3) "Fairly well-matured" means that the pears may be hard but not immature.

(4) "Immature" means that the pears possess a grayish white or dead white color indicative of immature fruit.

(d) *Shape.* (1) "Well-shaped" means that the pears have been cut longitudinally into approximately equal halves, and that the halves are practically whole and symmetrical.

(2) "Reasonably well shaped" means that the pears have been cut longitudinally into approximate equal halves, and that the halves may tend to be oval in shape but are not so irregular as to be misshapen.

(3) "Fairly well shaped" means that the pears have been cut longitudinally into approximately equal halves, and that any portion of a half is not less than two-thirds of the apparent original half.

(e) *Slabs.* "Slabs" are pears that have been mashed or mutilated to the extent that they have lost their normal contour and have become definitely flattened at the edge or rim. A half that has a slightly torn edge is not considered a slab.

(f) *Scraps.* "Scraps" means any portion of a half that is less than two-thirds of the apparent original half.

WORK SHEET

§ 52.5849 Work sheet and summary of requirements for dried pears.

Size of case or package						
Markings						
Label or brand						
Net weight						
Size or sizes						
Moisture content						
	A	B	C	D		
COLOR	Minimum requirements					
Grade A color	95%					
Grade B color	5%	90%				
Grade C color		10%	100%			
DEFECTS	Maximum tolerance					
Total defects	10%	15%	20%			
Slabs, immature, or scraps; affected by russet or similar discoloration; damaged by discoloration; sunburn, hailmarks, limb-rub, hard end, black end, external stems, calyx cups, scab, disease, insect injury, or other similar defects; and	10%	15%	20%			
	But not more than					
Affected by mold, decay, insect infestation, imbedded dirt, or other foreign material.	4%	5%	5%	5%		
	But not more than					
Decay	1%	1%	2%	2%		
Grade						

Subpart—U.S. Standards for Grades of Frozen Berries

PRODUCT DESCRIPTION, TYPES

Sec.
52.5881 Product description.
52.5882 Types of frozen berries.

GRADES OF FROZEN BERRIES

52.5883 Grades of frozen berries.

GRADES OF FROZEN BERRIES FOR MANUFACTURING

52.5884 Grades of frozen berries for manufacturing.

TYPES OF PACK

52.5885 Types of pack.

FACTORS OF QUALITY

52.5886 Ascertaining the grade.
52.5887 Ascertaining the rating of each factor.
52.5888 Color.
52.5889 Absence of defects.
52.5890 Character.

LOT COMPLIANCE

52.5891 Ascertaining the grade of a lot.

SCORE SHEET

52.5892 Score sheet for frozen berries.

Subpart—U.S. Standards for Grades of Frozen Berries

PRODUCT DESCRIPTION, TYPES

§ 52.5881 Product description.

Frozen berries are prepared from the properly ripened fresh fruit of the plant (Genus Rubus); are stemmed and cleaned; may be packed with or without packing media; and are frozen and stored at temperatures necessary for the preservation of the product.

§ 52.5882 Types of frozen berries.

(a) Blackberries.
(b) Boysenberries.
(c) Dewberries.
(d) Loganberries.
(e) Youngberries.
(f) Other similar types, such as "Nectarberries."

GRADES OF FROZEN BERRIES

§ 52.5883 Grades of frozen berries.

(a) U.S. Grade A or U.S. Fancy frozen berries are berries of similar varietal characteristics which possess a practically uniform typical color; are prac-

tically free from defects; possess a good character; possess a normal flavor and odor; and score not less than 85 points when scored in accordance with the scoring system outlined herein.

(b) U.S. Grade B or U.S. Choice frozen berries are berries of similar varietal characteristics which possess a reasonably uniform typical color; are reasonably free from defects; possess a reasonably good character; possess a normal flavor and odor; and score not less than 70 points when scored in accordance with the scoring system outlined herein.

(c) U.S. Grade D or Substandard frozen berries are berries that fail to meet the requirements of U.S. Grade B or U.S. Choice.

GRADES OF FROZEN BERRIES FOR MANUFACTURING

§ 52.5884 Grades of frozen berries for manufacturing.

(a) U.S. Grade A for Manufacturing or U.S. Fancy Grade for Manufacturing frozen berries are berries of similar varietal characteristics which possess a practically uniform typical color; possess a reasonably good character; possess a normal flavor and odor; and there may be present—

(1) Not more than 4 sepal-like bracts per 16 ounces of net weight;

(2) Not more than one stem or one leaf or a piece of leaf or the approximate equivalent of one full cap per 48 ounces of net weight; and

(3) Not more than 5 percent by weight of berries that may be undeveloped or damaged.

(b) U.S. Grade B for Manufacturing or U.S. Choice Grade for Manufacturing frozen berries are berries of similar varietal characteristics which possess a reasonably uniform typical color; may possess a fairly good character typical of fairly well-ripened to very ripe berries with not more than 30 percent by weight for blackberries and not more than 40 percent by weight for boysenberries, dewberries, loganberries, youngberries, and other similar types that may be crushed; possess a normal flavor and odor; and there may be present—

(1) Not more than 10 sepal-like bracts per 16 ounces of net weight;

(2) Not more than one stem or one leaf or a piece of leaf or the approximate equivalent of one full cap per 16 ounces of net weight; and

(3) Not more than 10 percent by weight of berries that may be undeveloped or damaged.

(c) U.S. Grade D for Manufacturing or Substandard for Manufacturing frozen berries are berries that fail to meet the requirements of U.S. Grade B for Manufacturing or U.S. Choice grade for Manufacturing.

TYPES OF PACK

§ 52.5885 Types of pack.

(a) Frozen berries are often packed with added sugar or added sugar and water. Sugar packs are usually designated by the amount of fruit to sugar; for example, "6+1" means that at the time of packing, 1 pound of sugar was added to 6 pounds of berries.

(b) It is recommended that the quantity of liquid packing medium, if used, is not in excess of the amount normally required by good commercial practice.

FACTORS OF QUALITY

§ 52.5886 Ascertaining the grade.

(a) The grade of frozen berries is determined immediately after thawing to the extent that the units may be separated easily.

(b) "Normal flavor and odor" means that the berries are free from objectionable or off flavors or objectionable odors of any kind.

(c) The grade of frozen berries may be ascertained by considering in addition to the foregoing requirements, the following factors: Color, absence of defects, and character.

(d) The relative importance of each factor has been expressed numerically on a scale of 100. The maximum number of points that may be given for each factor is:

Factors	*Points*
Color	30
Absence of defects	40
Character	30
Total Score	100

§ 52.5887 Ascertaining the rating of each factor.

The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical ranges within each factor are inclusive. For example, the range 25 to 30 means 25, 26, 27, 28, 29, and 30.

§ 52.5888 Color.

(a) (A) classification: To receive a score of 25 to 30 points the frozen berries must possess a practically uniform typical color. "Practically uniform typical color" means that not more than a total of 10 percent by weight of the berries may vary markedly from the intensity and luster of the characteristic color of well-ripened berries, provided not more than 5 percent by weight of the berries vary markedly from the intensity and luster of the characteristic color of reasonably well-ripened berries.

(b) (B) classification: If the frozen berries possess a reasonably uniform typical color, a score of 21 to 24 points may be given. Frozen berries that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice, regardless of the total score for the product. "Reasonably uniform typical color" means that not more than 15 percent by weight of the berries may vary markedly from the intensity and luster of the characteristic color of reasonably well-ripened berries, provided not more than 5 percent by weight of the berries are definitely off color for any reason.

(c) (D) classification: Frozen berries that fail to meet the requirements of paragraph (b) of this section or that are definitely off color for any reason may be given a score of 0 to 20 points and shall not be graded above U.S. Grade D or Substandard, regardless of the total score for the product.

(d) The evaluation of the score points for the factor of color may be determined from the following table which denotes the variation in color allowed for the score indicated:

Classification	Score points	Marked variation from color of well-ripened berries	Marked variation from color of reasonably well-ripened berries	Definitely off color for any reason
		Maximum (by weight)		
A	30	None		None
	29	2% including not more than 1%		
	28	4% including not more than 2%		
	27	6% including not more than 3%		
	26	8% including not more than 4%		
	25	10% including not more than 5%		
B	24	----------	6% including not more than 1%	
	23	----------	9% including not more than 2%	
	22	----------	12% including not more than 3%	
	21	----------	15% including not more than 5%	
D	20 or less	More than allowances permitted in (B) classification		

§ 52.5889 Absence of defects.

(a) General: The factor of absence of defects refers to the degree of freedom from harmless extraneous vegetable material; from leaves, pieces of leaves, stems, and caps; from undeveloped berries; and from berries damaged by blemishes, insect, pathological, or other similar injury.

(b) Definitions of defects:

(1) A berry is considered "undeveloped" if it is shriveled or if more than one-fourth of the berry possesses hard, undeveloped drupelets.

(2) "Damage" includes any surface blemish having an aggregate area exceeding that of a circle ¼ inch in diameter or any noticeable blemish that extends into the fruit tissue.

(c) (A) classification: To receive a score of 34 to 40 points the frozen berries must be practically free from defects. "Practically free from defects" means that there may be present not more than 2 sepal-like bracts per 16 ounces of net weight; not more than one stem or one leaf or piece of leaf or the approximate equivalent of one full cap per 48 ounces of net weight; and that not more than 5 percent by weight of berries may be undeveloped or damaged.

(d) (B) classification: If the frozen berries are reasonably free from defects, a score of 28 to 33 points may be given. Frozen berries that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice, regardless of the total score for the product. "Reasonably free from defects" means that there may be present not more than 5 sepal-like bracts and not more than one stem or one leaf or piece of leaf or the approximate equivalent of one full cap per 16 ounces of net weight; and that not

more than 10 percent by weight of berries may be undeveloped or damaged.

(e) (D) classification: Frozen berries that fail to meet the requirements of paragraph (d) of this section may be given a score of zero to 27 points and shall not be graded above U.S. Grade D or Substandard, regardless of the total score for the product.

(f) The evaluation of the score for the factor of absence of defects may be determined from the following table which denotes the maximum allowance for each type of defect for the score indicated:

Classification	Score points	Harmless extraneous material		Undeveloped or damaged berries
		Sepal-like bracts	Leaves, stems, full caps	
		Maximum		
		Per 16 ounces net weight	Per 48 ounces net weight	(by count)
	40	0	None	0%
	39	1	None	1%
	38	1	1	2%
A	37	1	1	3%
	36	2	1	3%
	35	2	1	4%
	34	2	1	5%
			Per 16 ounces net weight	
	33	3	None	6%
	32	3	1	6%
B	31	4	1	7%
	30	4	1	8%
	29	5	1	9%
	28	5	1	10%
D	27 or less	More than allowances permitted in B Classification		

§ 52.5890 Character.

(a) General: The factor of character refers to the maturity, texture, and appearance, as well as to the degree of disintegration of the berries. A berry is considered "crushed" if more than 50 percent of the drupelets are crushed, broken, or detached, or if the normal shape of the berry is otherwise materially affected or destroyed.

(b) (A) classification: To receive a score of 26 to 30 points the frozen berries must possess a good character. "Good character" means that the berries are mature and ripe but not overripe, are fleshy and tender, and are practically intact; that the berries and accompanying liquor are practically free from detached seed cells; and that not more than 5 percent by weight of blackberries may be crushed and not more than 10 percent by weight of dewberries, boysenberries, loganberries, youngberries, or other similar types may be crushed.

(c) (B) classification: If the frozen berries possess a reasonably good character, a score of 21 to 25 points may be given. Frozen berries that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice, regardless of the total score for the product. "Reasonably good character" means that the berries are reasonably mature and may be not more than slightly immature nor slightly overmature; that the berries may be not more than slightly lacking in fleshy texture; that the berries and any accompanying liquor are reasonably free from detached seed cells; and that not more than 15 percent by weight of blackberries may be crushed and not more than 20 percent by weight of dewberries, boysenberries, loganberries, youngberries, or other similar types may be crushed.

(d) (D) classification: Frozen berries that fail to meet the requirements of paragraph (c) of this section may be given a score of zero to 20 points and shall not be graded above U.S. Grade D or Substandard, regardless of the total score for the product.

(e) The evaluation of the score for character may be determined from the following table which denotes the maximum allowances for berries that are crushed.

Classification	Score points	Maturity and texture	Detached seed cells	Crushed	
				Blackberries	Dewberries, Boysenberries, Loganberries, Youngberries, and other similar types
				Maximum (by weight)	
	30	Ripe but not over-ripe; fleshy and tender.	Berries and accompanying liquor-practically free.	1%	2%
	29			2%	4%
A	28			3%	6%
	27			4%	8%
	26			5%	10%
	25	Not more than slightly immature nor slightly overmature; not more than slightly lacking in fleshy texture.	Berries and accompanying liquor-reasonably free.	7%	12%
	24			9%	14%
B	23			11%	16%
	22			13%	18%
	21			15%	20%
D	20 or less	More than allowances permitted in B Classification.			

LOT COMPLIANCE

§ 52.5891 Ascertaining the grade of a lot.

The grade of a lot of frozen berries covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.5892 Score sheet for frozen berries.

No. size and kind of container.....
Label: Style of pack: Fruit-sugar ratio (If shown).....

Container mark or identification	Container or sample		
	Cases		
Net weight (ounces)			
Type			

Factors	Score points		
Color	30	(A) 25–30 (B) [1] 21–24 (SStd) [1] 0–20	
Absence of defects	40	(A) 34–40 (B) [1] 28–38 (SStd) [1] 0–27	
Character	30	(A) 26–30 (B) [1] 21–25 (SStd) [1] 0–20	
Total score	100		
Normal flavor and odor			
Grade			

[1] Limiting rule.

Subpart—U.S. Standards for Grades of Maple Sirup for Reprocessing

PRODUCT DESCRIPTION

Sec.
52.5921 Product description.

GRADES

52.5922 U.S. Grade AA (Fancy).
52.5923 U.S. Grade A.
52.5924 U.S. Grade B.
52.5925 U.S. Grade C.
52.5926 Unclassified.

Subpart—U.S. Standards for Grades of Maple Sirup for Reprocessing

PRODUCT DESCRIPTION

§ 52.5921 Product description.

(a) "Maple sirup" means sirup made by the evaporation of maple sap or by the solution of maple concrete (maple sugar) and contains not more than 35 percent of water, and weighs not less than 11 pounds to the gallon (231 cubic inches).

(b) The standards in this subpart are applicable to sirup which is packed in

drums or other large containers for further processing. It is not intended that they shall apply to sirup packed in containers for table use. Another set of standards entitled "U.S. Standards for Table Maple Sirup" has been issued for this purpose (§§ 52.5961–52.5968).

GRADES

§ 52.5922 U.S. Grade AA (Fancy).

U.S. Grade AA (Fancy) Maple Sirup for Reprocessing shall consist of maple sirup which meets the following requirements:

(a) The color shall not be darker than light amber as represented by the color standards of the U.S. Department of Agriculture.

(b) The weight shall be not less than 11 pounds per gallon of 231 cubic inches at 68 degrees F. corresponding to 65.46 degrees Brix or 35.27 degrees Baumé (Bureau of Standards Baumé scale for sugar solutions, modulus 145).

(c) The sirup shall possess a characteristic maple flavor, shall be free from fermentation and free from damage, caused by scorching, buddiness, any objectionable foreign flavor or odor or other means. "Damage" means any defect that materially affects the appearance or the edibility or shipping quality of the sirup.

§ 52.5923 U.S. Grade A.

(a) U.S. Grade A Maple Sirup for Reprocessing shall consist of maple sirup which meets the requirements of U.S. Grade AA (Fancy) Maple Sirup for Reprocessing except for color.

(b) The color shall be darker than light amber but shall not be darker than medium amber as represented by the color standards of the U.S. Department of Agriculture.

§ 52.5924 U.S. Grade B.

(a) U.S. Grade B Maple Sirup for Reprocessing shall consist of maple sirup which meets the requirements of U.S. Grade AA (Fancy) Maple Sirup for Reprocessing except for color.

(b) The color shall be darker than medium amber but shall not be darker than dark amber as represented by the color standards of the U.S. Department of Agriculture.

§ 52.5925 U.S. Grade C.

(a) U.S. Grade C Maple Sirup for Reprocessing shall consist of maple sirup which meets the requirements of U.S. Grade AA (Fancy) Maple Sirup for Reprocessing except for color.

(b) The color shall be darker than dark amber represented by the color standards of the U.S. Department of Agriculture.

§ 52.5926 Unclassified.

Unclassified Maple Sirup for Reprocessing shall consist of maple sirup which has not been classified in accordance with the foregoing grades. The term "Unclassified" is not a grade within the meaning of the standards in this subpart but is provided as a designation to show that no definite grade has been applied to the lot.

Subpart—U.S. Standards for Grades of Table Sirup

PRODUCT DESCRIPTION

Sec.
52.5961 Product description.

GRADES

52.5962 U.S. Grade AA (Fancy).
52.5963 U.S. Grade A.
52.5964 U.S. Grade B.
52.5965 Unclassified.

TOLERANCES, PACKING

52.5966 Tolerances for preceding grades.
52.5967 Packing.

EXPLANATION OF TERMS

52.5968 Explanation of terms.

Subpart—U.S. Standards for Grades of Table Sirup

PRODUCT DESCRIPTION

§ 52.5961 Product description.

(a) "Maple sirup" means sirup made by the evaporation of maple sap or by the solution of maple concrete (maple sugar) and contains not more than 35 percent of water, and weighs not less than 11 pounds to the gallon (231 cubic inches).

(b) The standards in this subpart are issued for the purpose of classifying maple sirup packed in containers for table use. It is not intended that they shall apply to sirup which is packed in drums or other large containers for later reprocessing. Another set of standards entitled "U.S. Standards for Maple Sirup for Reprocessing" has been issued for this purpose (§§ 52.5921–52.5926).

GRADES

§ 52.5962 U.S. Grade AA (Fancy).

U.S. Grade AA (Fancy) Table Maple Sirup shall consist of maple sirup which meets the following requirements:

(a) The color shall not be darker than light amber as represented by the color standards of the U.S. Department of Agriculture.

(b) The sirup shall not be cloudier than light amber cloudy standard as represented by the standards of the U.S. Department of Agriculture for cloudiness.

(c) The weight shall be not less than 11 pounds per gallon of 231 cubic inches at 68 degrees F. corresponding to 65.46 degrees Brix or 35.27 degrees Baumé (Bureau of Standards Baumé scale for sugar solutions, modulus 145).

(d) The sirup shall possess a characteristic maple flavor, shall be clean, free from fermentation, and free from damage caused by scorching, buddiness, any objectionable flavor or odor or other means.

§ 52.5963 U.S. Grade A.

(a) U.S. Grade A Table Maple Sirup shall consist of maple sirup which meets the requirements for U.S. Grade AA (Fancy) Table Maple Sirup except for color and cloudiness.

(b) The color shall not be darker than medium amber as represented by the color standards of the U.S. Department of Agriculture.

(c) The sirup shall not be cloudier than medium amber cloudy standard as represented by the standards of the U.S. Department of Agriculture for cloudiness.

§ 52.5964 U.S. Grade B.

(a) U.S. Grade B Table Maple Sirup shall consist of maple sirup which meets the requirements for U.S. Grade AA (Fancy) Table Maple Sirup except for color and cloudiness.

(b) The color shall not be darker than dark amber as represented by the color standards of the U.S. Department of Agriculture.

(c) The sirup shall not be cloudier than dark amber cloudy standard as represented by the standards of the U.S. Dpartment of Agriculture for cloudiness.

§ 52.5965 Unclassified.

Unclassified Table Maple Sirup shall consist of maple sirup which has not been classified in accordance with the foregoing grades. The term "Unclassified" is not a grade within the meaning of the standards in this subpart but is provided as a designation to show that no definite grade has been applied to the lot.

TOLERANCES, PACKING

§ 52.5966 Tolerances for preceding grades.

In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of the containers in any lot may have sirup below the requirements for the grade: *Provided*, That no part of this tolerance shall be allowed for defects causing "serious damage": *And provided further*, That no tolerance is permitted for sirup that is darker in color than that which is required for the next lower grade.

§ 52.5967 Packing.

(a) Containers shall be clean and new in appearance. Tin containers shall not be rusty.

(b) In order to allow for variations incident to proper packing, not more than 5 percent, by count, of the containers in any lot may fail to meet these requirements.

EXPLANATION OF TERMS

§ 52.5968 Explanation of terms.

(a) "Cloudiness" means presence in suspension of fine particles of mineral matter, such as malate of lime, "niter," "sugar sand," or other substances that detract from the clearness of the sirup.

(b) "Clean" means that the sirup shall be practically free from foreign material such as pieces of bark, soot, dust, and dirt.

(c) "Damage" means any defect that materially affects the appearance or the edibility or shipping quality of the sirup.

(d) "Serious damage" means any defect that seriously affects the edibility or market value of the sirup. Badly scorched sirup, buddy sirup, fermented sirup or sirup that has any distasteful foreign flavor or disagreeable odor shall be considered as seriously damaged.

Subpart—U.S. Standards for Grades of Canned Succotash

PRODUCT DESCRIPTION, GRADES

Sec.
52.6001 Product description.
52.6002 U.S. Grade A or U.S. Fancy.
52.6003 U.S. Grade B or U.S. Extra Standard.
52.6004 U.S. Grade C or U.S. Standard.
52.6005 Grade D or Substandard.

PROPORTION OF INGREDIENTS

52.6006 Proportion of ingredients.

FILL OF CONTAINER, DRAINED WEIGHT METHOD

52.6007 Recommended fill of container.
52.6008 Method for ascertaining drained weight.

WORK SHEET

52.6009 Work sheet for canned succotash.

Subpart—U.S. Standards for Grades of Canned Succotash

PRODUCT DESCRIPTION, GRADES

§ 52.6001 Product description.

Canned succotash is composed of cream-style or whole-grain corn and lima beans or snap beans, with or without tomatoes; may be packed with the addition of water, with or without the addition of sugar or salt; and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.6002 U.S. Grade A or U.S. Fancy.

U.S. Grade A or U.S. Fancy canned succotash consists of cream-style or whole-grain sweet corn and lima or snap beans, which meet the requirements of U.S. Grade A or U.S. Fancy, for the respective canned or frozen commodities. If tomatoes are an ingredient, they must meet the requirements of U.S. Grade A canned tomatoes for color and absence of defects.

§ 52.6003 U.S. Grade B or U.S. Extra Standard.

U.S. Grade B or U.S. Extra Standard canned succotash consists of cream-style or whole-grained sweet corn and lima or snap beans which meet the requirements of U.S. Grade B or U.S. Extra Standard for the respective canned or frozen commodities. If tomatoes are an ingredient, they must meet the requirements of U.S. Grade B canned tomatoes for color and absence of defects.

§ 52.6004 U.S. Grade C or U.S. Standard.

U.S. Grade C or U.S. Standard canned succotash consists of cream-style or whole-grain sweet corn and lima or snap beans which meet the requirements of U.S. Grade C or U.S. Standard for the respective canned or frozen commodities. If tomatoes are an ingredient, they must meet the requirements of U.S. Grade C canned tomatoes for color and absence of defects.

§ 52.6005 Grade D or Substandard.

Grade D or Substandard canned succotash is succotash that fails to meet the requirements of U.S. Grade C or U.S. Standard.

PROPORTION OF INGREDIENTS

§ 52.6006 Proportion of ingredients.

(a) Federal certificates of grade shall indicate the approximate percentage of ingredients found upon examination. If whole-grain style corn is an ingredient, the percentage of ingredients shall be based on drained weight; otherwise, the percentage of ingredients shall be based on net weight.

(b) The following mixtures of vegetables in canned succotash shall conform with the proportions indicated in Table No. I:

Cream-style corn and snap beans.
Cream-style corn and lima beans (fresh or frozen).
Cream-style corn and lima beans (dry, "soaked").
Cream-style corn, snap beans, and tomatoes.
Cream-style corn, lima beans (fresh or frozen), and tomatoes.
Cream-style corn, lima beans (dry, "soaked"), and tomatoes.
Whole-grain corn and snap beans.
Whole-grain corn and lima beans (fresh or frozen).
Whole-grain corn and lima beans (dry, "soaked").
Whole-grain corn, snap beans, and tomatoes.
Whole-grain corn, lima beans (fresh or frozen), and tomatoes.
Whole-grain corn, lima beans (dry, "soaked"), and tomatoes.

TABLE No. I

	Proportions by weight	
	Not less than	Not more than
	Percent	*Percent*
Corn	50	87½
Snap beans	25	50
Lima beans, fresh	12½	30
Lima beans, dry "soaked"	12½	30
Tomatoes	10	30

FILL OF CONTAINER, DRAINED WEIGHT METHOD

§ 52.6007 Recommended fill of container.

The container shall be filled with succotash as full as practicable without impairment of quality. The product and packing medium shall occupy not less than 90 percent of the total volume capacity of the container.

§ 52.6008 Method for ascertaining drained weight.

Drained weights of canned succotash containing whole-grain corn are determined by emptying the contents of the container upon a circular sieve of proper diameter, containing eight meshes to the inch (0.097-inch perforations) and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for No. 2½ cans and smaller, and a sieve 12 inches in diameter is used for No. 10 cans.

WORK SHEET

§ 52.6009 Work sheet for canned succotash.

No., Size and kind of container _____
Label _____

Container mark or identification		Cans/Glass						Average
		Cases						
Net weight (ounces)								
Vacuum (inches)								
Drained weight (ounces)								
Percent of each	Corn (Cream style)							
	Corn (Whole kernel)							
	Snap beans							
	Lima beans (Green)							
	Lima Beans (Soaked)							
	Tomatoes							
Grade of each	Corn (Cream style)							
	Corn (Whole kernel)							
	Snap beans							
	Lima beans (Green)							
	Lima beans (Soaked)							
	Tomatoes (Color and defects)							
Grade								

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624)

Effective date. This codification is effective upon publication in the FEDERAL REGISTER.

Dated: May 16, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-5660; Filed, May 23, 1967; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 7]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1967

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811 (31 F.R. 15581, as amended) is to determine and to prorate and allocate the deficits in quotas established pursuant to the Act.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quotas established for Puerto Rico and the Virgin Islands for the calendar year 1967 in § 811.51 of this part and the supply of sugar expected to be available from those areas for marketing in the continental United States during the calendar year 1967, it is herein found that Puerto Rico will be unable to fill its quota by 415,000 short tons, raw value, and the Virgin Islands will be unable to fill its quota of 15,000 short tons, raw value. Accordingly, quota deficits of 430,000 short tons, raw value, are determined herein for Puerto Rico and the Virgin Islands.

Production of sugar in Puerto Rico in 1967 is estimated to approximate 840,000 short tons, raw value. Making allowance for the quantity of sugar required for local consumption and inventory variations, it is expected that the supply of sugar from that area available for marketing in the continental United States will be about 725,000 short tons, raw value. The sugar industry of the Virgin Islands terminated production of sugar with the 1966 crop and no plans are currently in prospect for any resumption of sugar production in the future. Accordingly, quota deficits of 415,000 short tons, raw value, for Puerto Rico and 15,000 short tons, raw value, for the Virgin Islands are herein determined and are prorated and allocated to foreign countries pursuant to section 204(a) of the Act. If production exceeds the present estimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of the deficit determination and proration provided herein.

The Government of The Republic of the Philippines has notified the Department that it will be unable to fill its statutory share of any deficit during the calendar year 1967. Therefore, pursuant to section 204(a) of the Act the entire deficit declaration of 430,000 short tons, raw value, is prorated and allocated to Western Hemisphere countries. Three hundred and twenty-five thousand short tons, raw value, are prorated to Western Hemisphere countries on the basis of quotas established pursuant to Amendment 6 of Sugar Regulation 811 for 1967. The remainder of the deficit is allocated herein to the Dominican Republic pursuant to the following determination issued by the President.

THE WHITE HOUSE

WASHINGTON, MAY 11, 1967

Memorandum for: The Secretary of Agriculture.

Subject: Finding pursuant to Section 204 (a) of the Sugar Act of 1948, as amended by the Sugar Act Amendments of 1965.

In view of the restoration of stable political conditions in the Dominican Republic and the establishment of a democratically elected Government, in accordance with the recommendation of the Conference Report on the Sugar Act Amendments of 1965, that the President use his authority to assign deficits to provide additional quota for the Dominican Republic if the political situation in that Republic warrants such action, and pursuant to Section 204(a) of the Sugar Act of 1948, as amended by the Sugar Act Amendments of 1965, I hereby determine that in view of the unique and heavy burden of rehabilitation expenditure on the Government of the Dominican Republic in 1967 it would be in the national interest to give the Dominican Republic a special allocation of about 105,000 short tons of sugar from the unused Philippine share of the Puerto Rican and Virgin Islands deficits and its pro rata share of the balance of those deficits and of any other deficits that might be declared in 1967.

You are directed to take the necessary steps to allocate deficits in accordance with this finding.

LYNDON B. JOHNSON.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by adding a new § 811.52 and by amending §§ 811.51 and 811.53 as follows:

1. Section 811.51 is amended by designating paragraph (a) as paragraph (a)(1) and by adding paragraph (a)(2) as follows:

§ 811.51 **Quotas for domestic areas.**

(a)(1) * * *

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1967 Puerto Rico and the Virgin Islands will be unable by 415,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

2. Section 811.52 is added to read as follows:

§ 811.52 **Proration and allocation of deficits and quotas in effect.**

(a) It is hereby determined that the Republic of the Philippines will be unable to fill any of its statutory share of deficits during the calendar year 1967. The deficits in quotas determined in paragraph (a)(2) of § 811.51 of 430,000 short tons, raw value, are hereby prorated and allocated pursuant to section 204(a) of the Act to Western Hemisphere countries with quotas in effect. In accordance with a Presidential Memorandum dated May 11, 1967, 105,000 short tons, raw value, of the deficit proration is herein allocated to the Dominican Republic. The remainder of the deficits totaling 325,000 short tons, raw value, is prorated to Western Hemisphere countries on the basis of quotas established in Sugar Regulation 811, Amendment 6 for 1967.

(b) In establishing deficit prorations herein for Western Hemisphere countries consideration has been given to the purchase of U.S. agricultural commodities by such countries, by determining that the value of U.S. agricultural exports to each such country exceeded the total net receipts f.a.s. port of shipment derived from the sale of sugar from deficit prorations imported from each such country during the most recent 12-month period for which data are available. Each foreign country which is unable to fill its quota including its deficit proration has the responsibility to notify the Secretary the extent of and reasons for such shortfall.

3. Section 811.53 is amended by amending paragraph (c) to read as follows:

§ 811.53 **Quotas for foreign countries.**

* * * * *

(c) For the calendar year 1967, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to paragraphs (c) and (d) of section 202 and paragraph (a) of section 204 of the Act are as follows:

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Deficits and deficit prorations [2]	Total quotas and prorations
	(Short tons, raw value)			
Mexico	211,499	222,079	62,508	496,086
Dominican Republic	206,848	217,194	166,134	590,176
Brazil	206,848	217,194	61,134	485,176
Peru	164,986	173,239	48,761	386,986
British West Indies	82,630	73,448	22,502	178,580
Equador	30,097	31,602	8,895	70,594
French West Indies	25,993	23,104	7,078	56,175
Argentina	25,446	26,718	7,520	59,684
Costa Rica	24,351	25,574	7,198	57,123
Nicaragua	24,351	25,574	7,198	57,123
Colombia	21,889	22,983	6,649	51,341
Guatemala	20,521	21,551	6,065	48,137
Panama	15,322	16,088	4,528	35,938
El Salvador	15,049	15,804	4,448	35,301
Haiti	11,492	12,066	3,396	26,954
Venezuela	10,397	10,916	3,073	24,386
British Honduras	6,019	5,351	1,639	13,009
Bolivia	2,462	2,586	728	5,776
Honduras	2,462	2,571	726	5,759
Australia	98,499	87,000	--------	185,499
Republic of China	41,041	36,250	--------	77,291
India	39,400	34,800	--------	74,200
South Africa	29,003	25,616	--------	54,619
Fiji Islands	21,615	19,092	--------	40,707
Thailand	9,029	7,975	--------	17,004
Mauritius	9,029	7,975	--------	17,004
Malagasy Republic	4,651	4,108	--------	8,759
Swaziland	3,557	3,142	--------	6,699
Ireland	5,351	0	--------	5,351
Total	1,369,837	1,371,600	430,000	3,171,437

[1] Includes the proration of quotas withheld from Cuba and Southern Rhodesia.

[2] Reflects 105,000 short tons, raw value, allocated to the Dominican Republic by Presidential Memorandum dated May 11, 1967. The remainder of the deficits was prorated to all Western Hemisphere countries with quotas in effect.

(Secs. 201, 202, 204 and 403; Stat. 923, as amended, 924, as amended, 925, as amended, and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action establishes deficits of 430,000 short tons, raw value, and prorates and allocates such deficits to Western Hemisphere countries with sugar quotas in effect. To permit such countries for which larger quotas or prorations are hereby established to plan and to market in an orderly manner the larger quantity of sugar, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be promptly informed of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 17th day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5692; Filed, May 23, 1967; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Apricot Reg. 7]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Apricot Marketing Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of apricots, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 1, 1967. A reasonable determination as to the supply of, and the demand for, such apricots must await the development of the crop and adequate information thereon was not available to the Washington Apricot Marketing Committee until it met on April 25, 1967; recommendation as to the need for, and the extent of, regulation of shipments of such apricots was made at the said meeting of the committee, after consideration of all available information relative to the supply and demand conditions for such apricots, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until May 10, 1967, shipments of the current crop of such apricots will begin on or about June 1, 1967, and this regulation should be applicable, insofar as practicable, to all shipments of such apricots in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 922.307 Apricot Regulation 7.

(a) Order: (1) Apricot Regulation 5 is hereby terminated at 12:01 a.m., P.d.t., June 1, 1967.

(2) During the period beginning at 12:01 a.m., P.d.t., June 1, 1967, and ending June 30, 1968, no handler shall handle any container of apricots unless:

(i) Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided,* That if such apricots are the Moorpark variety in open containers they are generally well matured; and

(ii) Such apricots measure not less than 1⅝ inches in diameter: *Provided,* That apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded containers may measure not less than 1¼ inches: *And provided further,* That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and certification):

(i) The shipment consists of apricots sold at the orchard for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture "Washington Standards for Apricots," effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generally well matured" means that, with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 4 on the U.S. Standard Ground Color Chart for Apples and Pears in the Western States.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 19, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-5776; Filed, May 23, 1967; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 125]

PART 1125—MILK IN PUGET SOUND, WASH., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Puget Sound, Wash., marketing area (7 CFR Part 1125), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act and is hereby suspended: In paragraph (c)(3) of § 1125.44 (interplant movement provisions) the provision "located in the marketing area or within any of the counties of Kitsap, Mason, Clallam, Jefferson, and Pierce in the State of Washington,". The provision relates to the classification of milk moved by transfer or diversion from a pool plant to a nonpool plant.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will permit the Class II classification of milk (under certain conditions and within certain limits) which is transferred or diverted to a nonpool plant regardless of its location. The order presently provides that milk which is transferred or diverted to a nonpool plant located outside the marketing area or outside of a designated five-county area be classified as Class I.

(4) This suspension is needed to permit an association of producers supplying the market to move reserve milk for which it has been unable to find an outlet in the marketing area to a nonpool plant located outside of the marketing area.

(5) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (32 F.R. 7025). None was filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for an indefinite period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 18, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–5757; Filed, May 23, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS AND POLICIES

[Amdt. 4]

PART 1400—RULES OF CONTRACT DISPUTES BOARD FOR COMMODITY CREDIT CORPORATION

Manner of Filing Appeals and Hearings

The rules of the Contract Disputes Board for Commodity Credit Corporation, as amended, and revised (14 F.R. 1865, 20 F.R. 8535, 28 F.R. 579, 28 F.R. 13293, 29 F.R. 10495, and 30 F.R. 8457) are further amended as follows:

1. Section 1400.5(a) is amended by deleting the period at the end of the last sentence of the paragraph and adding the following: ", unless the appeal is from a finding of fact of a Contracting Officer of the Corporation within the scope of and required by a contract disputes clause which provides a method for final and conclusive determination of disputed questions of fact."

2. Section 1400.8(f) is amended by deleting subparagraph (2).

Effective date: Date of publication.

Signed at Washington, D.C., on May 18, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

W. E. UNDERHILL,
Chairman, Contract Disputes Board for Commodity Credit Corporation.

[F.R. Doc. 67–5774; Filed, May 23, 1967; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 71—GENERAL PROVISIONS

Interstate Movement of Diseased Animals

Pursuant to the provisions of the Act of February 2, 1903, as amended, the Act of May 29, 1884, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 129–132), Part 71, Title 9, Code of Federal Regulations, restricting the interstate movement of animals and poultry because of contagious, infectious, and communicable diseases, is hereby amended in the following respects:

1. Paragraph (e) of § 71.3 is redesignated as paragraph (f) of said section.

2. A new paragraph (e) is added to said § 71.3 to read as follows:

§ 71.3 Interstate movement of diseased animals and poultry generally prohibited.

* * * * *

(e) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the Director of the Division in specific cases and under such conditions as he may prescribe to prevent the dissemination of disease may provide for the interstate movement of individual animals affected with contagious, infectious, or communicable disease to a designated diagnostic or research facility when accompanied by a permit from the appropriate livestock sanitary official in the State of destination: *Provided*, That animals so moved shall be maintained in quarantine at such designated facility until freed of disease as determined by tests recognized by the Department, until natural death, or until disposal by euthanasia.

* * * * *

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 1, 2, 32 Stat. 791–792, as amended; 21 U.S.C. 111–113, 115, 120; 29 F.R. 16210, as amended; 30 F.R. 5799, as amended)

Effective date. The forcgoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment permits the Director of the Animal Health Division to authorize the interstate movement of specific animals which are affected with contagious, infectious, or communicable diseases to a designated diagnostic or research center in accordance with specified conditions. It has been determined that the movement of animals in accordance with the provisions of the amendment would not endanger the livestock of the United States.

The amendment relieves certain restrictions presently imposed, and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of May 1967.

E. P. REAGAN,
Acting Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 67–5760; Filed, May 23, 1967; 8:47 a.m.]

PART 73—SCABIES IN CATTLE

Revocation of Quarantine

Pursuant to sections 1 and 3 of the Act of March 3, 1905, 33 Stat. 1264–1265, as

amended, sections 4 and 5 of the Act of May 29, 1884, 23 Stat. 32, as amended, sections 1 and 2 of the Act of February 2, 1903, 32 Stat. 791–792, as amended, and sections 3 and 11 of the Act of July 2, 1962, 76 Stat. 130, 132 (21 U.S.C. 111–113, 120, 121, 123, 125, 134b, 134f), the provisions in § 73.1a of Part 73, Title 9, Code of Federal Regulations, as amended, quarantining certain areas in California and Texas because of cattle scabies, are hereby revoked.

Effective date. This revocation shall become effective upon publication in the FEDERAL REGISTER. However, such provisions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

This action releases from quarantine Merced County in California and Briscoe, Castro, Floyd, Hale, Lamb, Motley, Randall, and Swisher Counties in Texas, heretofore quarantined because of cattle scabies. Hereafter, the restrictions pertaining to the interstate movement of cattle from quarantined areas, contained in 9 CFR Part 73, as amended, will not apply to such counties. However, the restrictions pertaining to such movement from nonquarantined areas, contained in this part, will apply thereto.

This revocation relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the revocation are impracticable and unnecessary, and the revocation may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1264–1265, as amended, secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 3, 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 120, 121, 123, 125, 134b, 134f; interpret or apply secs. 2, 4, 33 Stat. 1264–1265, as amended, secs. 6, 7, 23 Stat. 32, as amended; 21 U.S.C. 115, 117, 124, 126; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

Done at Washington, D.C., this 18th day of May 1967.

E. P. REAGAN,
Acting Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 67-5777; Filed, May 23, 1967; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. O]

PART 215—LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS

Exemption of Certain Indebtedness

1. Effective July 1, 1967, § 215.1(c) is amended to read as follows:

§ 215.1 Definitions.

For the purposes of this part:

* * * * *

(c) *"Loan", "loaning", "extension of credit", and "extend credit".* The terms "loan", "loaning", "extension of credit", and "extend credit" mean the making of a loan or the extending of credit in any manner whatsoever, and include:

(1) Any advance by means of an overdraft, cash item, or otherwise;

(2) The acquisition by discount, purchase, exchange, or otherwise of any note, draft, bill of exchange, or other evidence of indebtedness upon which an executive officer may be liable as maker, drawer, indorser, guarantor, or surety;

(3) The increase of an existing indebtedness, except on account of accrued interest or on account of taxes, insurance, or other expenses incidental to the existing indebtedness and advanced by the bank for its own protection;

(4) Any advance of unearned salary or other unearned compensation for periods in excess of 30 days; and

(5) Any other transaction as a result of which an executive officer becomes obligated to a bank, directly or indirectly by any means whatsoever, by reason of an indorsement on an obligation or otherwise, to pay money or its equivalent.

Such terms, however, do not include:

(i) Advances against accrued salary or other accrued compensation, or for the purpose of providing for the payment of authorized travel or other expenses incurred or to be incurred on behalf of the bank;

(ii) The acquisition by a bank of any check deposited in or delivered to the bank in the usual course of business unless it results in the granting of an overdraft to or the carrying of a cash item for an executive officer;

(iii) The acquisition of any note, draft, bill of exchange, or other evidence of indebtedness, through a merger or consolidation of banks or a similar transaction by which a bank acquires assets and assumes liabilities of another bank or similar organization, or through foreclosure on collateral or similar proceeding for the protection of the bank; or

(iv) Indebtedness arising by reason of general arrangements under which a bank (*a*) acquires charge or time credit accounts or (*b*) makes payments to or on behalf of participants in a bank credit card plan, check credit plan, or similar plan, except that this subdivision (iv) shall not apply to indebtedness of an executive officer to his own bank to the extent that the aggregate amount thereof exceeds $1,000 or to any such indebtedness to his own bank that involves prior individual clearance or approval by the bank other than for the purpose of determining whether his participation in the arrangement is authorized or whether any dollar limit has been or would be exceeded.

* * * * *

2a. The purpose of this amendment is to add a new subdivision (iv) that excludes from the coverage of section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) and this part certain indebtedness of an executive officer to a bank other than his own bank arising out of the use of charge accounts and credit card or check credit plans. It would also exclude an executive officer's indebtedness to his own bank arising from such transactions except in the case of a particular indebtedness that involves prior individual clearance or approval by his bank other than routine confirmation of the right to incur such indebtedness required of all participants in the general plan, but in no event to the extent that the aggregate amount of his indebtedness exceeds $1,000. Because of its impersonal nature, indebtedness of the type within the coverage of the new exclusion is not regarded as falling within the general intent of section 22(g) of the Federal Reserve Act. However, in order to guard against abuses or evasions of the basic purposes of the law, the amendment prescribes certain limitations in the case of indebtedness of an executive officer to his own bank.

b. This amendment was the subject of notices of proposed rule making published in the FEDERAL REGISTER (31 F.R. 11399, Aug. 27, 1966, and 32 F.R. 4124, Mar. 16, 1967) and was adopted after consideration of all relevant material, including responses received from interested persons pursuant to these notices.

Dated at Washington, D.C., this 15th day of May 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-5732; Filed, May 23, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8179; Amdt. 13-5]

PART 13—ENFORCEMENT PROCEDURES

Administrative Disposition of Violations

The purpose of this amendment is to clarify the distinction between the administrative disposition of violations that are handled by Flight Standards personnel in the field and legal enforcement actions that are processed by the FAA counsel.

In furthering the FAA decentralization program and to provide greater discretion at the lowest operational level, authority is being given to personnel at that level to make final disposition by administrative action in place of legal enforcement action, whenever it is determined to be the most appropriate means of obtaining compliance with the Federal Aviation Regulations.

At present a violation disposed of by letter of reprimand is considered a legal

enforcement action (§ 13.13). This amendment establishes safety compliance notices including a reprimand to violator if appropriate and letters of correction as administrative actions. Consequently, § 13.13 is deleted and § 13.67 (a) is amended to delete authority of FAA Hearing Officers to issue reprimands. Section 13.11 is rewritten and placed into a new Subpart B—Administrative Actions. The remaining sections in present Subpart B are unchanged and are placed in new Subpart C—Legal Enforcement Actions, and present Subpart C is redesignated as Subpart D.

Since this amendment is procedural in nature and does not impose a burden on any person, notice and public procedure thereon are not required and the amendment may be made effective immediately.

In consideration of the foregoing, Part 13 of the Federal Aviation Regulations (14 CFR Part 13) is amended, effective May 23, 1967, as follows:

1. By amending the heading of Subpart A to read "Subpart A—Investigative Procedures";

2. By amending the heading of Subpart B, and § 13.11, to read as follows:

Subpart B—Administrative Actions

§ 13.11 Administrative disposition of certain violations.

(a) If it is found that a violation of the Federal Aviation Act of 1958, or an order or regulation issued under it, does not require legal enforcement action, a Flight Standards inspector or other appropriate official may issue a safety compliance notice including a letter of reprimand to the violator if appropriate, or a letter of correction that confirms decisions and states the corrective action agreed to as acceptable to the FAA.

(b) Except for any case in which the agreed upon corrective action is not successfully completed, any action taken under paragraph (a) of this section terminates the matter upon which the action was based. If the agreed upon corrective action is not successfully completed, legal enforcement action may be initiated.

§ 13.13 [Deleted]

3. By deleting § 13.13 and inserting the following new heading before § 13.15:

Subpart C—Legal Enforcement Actions

§ 13.19 [Amended]

4. By striking out the words "Subpart C" in the last sentence of § 13.19(c) and inserting the words "Subpart D" in place thereof.

5. By redesignating present Subpart C as Subpart D.

6. By amending § 13.67(a) to read as follows:

§ 13.67 Final order of Hearing Officer.

(a) If the final order of the Hearing Officer makes a decision on the merits, it contains a statement of his findings and conclusions on all material issues of fact and law. If the Hearing Officer determines that safety in air commerce or air transportation and the public interest so require, he may issue an order amending, suspending or revoking the respondent's certificate. The certificate action imposed may not be more severe than that proposed in the notice of proposed certificate action. If the Hearing Officer finds that the allegations of the notice have been proved, but that no sanction is required, he makes appropriate findings and orders the notice terminated. If the Hearing Officer finds that the allegations of the notice have not been proved, he orders the notice dismissed. If the Hearing Officer finds it to be equitable and in the public interest, he may order the proceeding terminated upon payment by the respondent of a civil penalty in an amount agreed upon by the parties.

* * * * *

(Secs. 302(f), 303(d), 313(a), 1001, Federal Aviation Act of 1958; 49 U.S.C. 1343, 1344, 1354, 1481)

Issued in Washington, D.C., on May 16, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-5738; Filed, May 23, 1967; 8:46 a.m.]

[Docket No. 7831; Amdts. 23-6, 25-12, 43-7, 91-40]

ALTIMETER SYSTEM REQUIREMENTS

Miscellaneous Amendments to Chapter

The purpose of this amendment to Parts 23, 25, 43, and 91 of the Federal Aviation Regulations is to revise the design standards concerning static pressure systems and to revise the test requirements applicable to the maintenance of altimeter systems.

This amendment is based on a notice of proposed rule making (Notice No. 66-44) published in the FEDERAL REGISTER on December 31, 1966 (31 F.R. 16790).

Numerous comments were received in response to Notice 66-44, most of which were in agreement with the proposal. The more pertinent of the comments that raised questions together with the changes in the proposal resulting therefrom are discussed hereinafter.

With reference to the static pressure system proof test required under both Part 23 and Part 25, an inconsistency in wording was noted in regard to the pressure differential at which the tests are run for unpressurized aircraft. Since there is no reason for different requirements, § 25.1325(c)(2)(i) has been modified to require a pressure differential of approximately 1 inch of mercury rather than the absolute value of 1 inch as stated in the notice.

One commentator pointed out that the requirement that the proof tests of the static pressure systems on unpressurized aircraft be conducted with the static pressure system evacuated to a pressure differential based on an altimeter reading of 1,000 feet at sea level could be confusing to people located at elevations above 1,000 feet mean sea level. The FAA agrees and §§ 23.1325(b)(2)(i) and 25.1325(c)(2)(i) have been further amended to permit the proof test of unpressurized aircraft with the static pressure system evacuated to an altimeter reading of 1,000 feet above the airplane elevation at the time of the test.

It was recommended that § 25.1325(c)(2)(ii) be changed in its entirety to provide a new leak test tolerance formula that would reduce test ambiguities resulting from calculating the 2 percent tolerance using pounds per square inch or feet altitude at different airport elevations. In this connection, the FAA previously investigated the feasibility of establishing a quantitative static system test. That investigation, however, indicated that a quantitative test was much too complex for general use but that the simplified qualitative test would be satisfactory and would provide adequate results without any adverse effect on safety. The latter was accordingly proposed in the notice. In the interest of simplicity and ease of performance, the FAA is retaining the test references in terms of feet altitude even though this qualitative approach may give minor differences in test results where the tests are run at different field elevations.

One commentator stated that the proposed § 23.1325(b)(3) requirement for a correction card where altimeter readings on primary and alternate static systems differ by more than 50 feet, is too restrictive at high altitudes and high Mach numbers and suggested clarification as to the range of altitude and Mach numbers applying to this tolerance. However, the FAA believes that the proposed requirement is necessary to assure proper vertical separation considering the entire altitude-speed range. In the high Mach—high altitude regime, the static system accuracy may be marginal at best and errors introduced while on the alternate system could lead to hazardous operation if the pilot is not informed of the magnitude of the error. In the low speed—low altitude regime, static system errors are minimized so that correspondence between the two systems should pose no problem.

As noted by one commentator, the first altitude entry in Table I, Appendix E, Part 43, was inadvertently printed as 1,000 feet when it should have been −1,000. The table has been corrected accordingly.

One of the comments contained a recommendation that section (c) of Appendix E should be changed to require recording of date and test altitude on the altimeter dial. The FAA does not, however, agree with the recommended change. Such a requirement would result in the unnecessary cluttering of the instrument face and unnecessary expense and inconvenience due to instrument removal and teardown in order to record the information on subsequent inspections. The requirement that the date and maximum altitude to which the altimeter has been tested be recorded on the altimeter, is necessary to provide the information for entry in the airplane log or other permanent record when the instrument is installed in an airplane. With the maximum altitude for the altimeter entered in the aircraft log, there

is no need, insofar as the pilot is concerned, to enter that data on the face of the instrument.

In connection with the altimeter test and inspection, comments variously suggested the importance of preliminary pitot system checks to preclude damage to the airspeed meter, of periodic purging of pitot and static lines, and of information concerning the accuracy of altimeter test equipment. The FAA sees merit in these comments, and contemplates that to the extent that it has not already been accomplished, such information will be presented as acceptable means of compliance with the proposed rules in appropriate advisory circulars.

One commentator suggested changes to section (c) of Appendix E to eliminate the requirement for commercial operators to prepare records under § 43.9 in addition to those they presently keep. Commercial operators of large aircraft maintained in accordance with a continuous airworthiness program under Part 121 are exempted from the requirements of § 91.170 by the provisions of § 91.161. Therefore, there is no need for the recommended change insofar as such operators are concerned. On the other hand, commercial operators of small aircraft are governed by Part 135 of the FARs and they are not required to maintain their aircraft under a continuous airworthiness program. The provisions of present § 43.9(a) apply to such operators and they would not, by the proposed rule, be required to prepare records in addition to those they presently keep. The recommended change, is, therefore, unnecessary.

Expressing the belief that the proposed regulations would require periodic removal of the altimeter instruments for the required tests and inspections, one comment indicated that extensive work behind the instrument panel can cause malfunctions of other equipment disturbed in the process. For this reason, the comment suggested that there should be an amendment to allow airframe repair stations to use external connections to test the static system and the altimeter using a reference altimeter that is calibrated against a master semiannually. The FAA presently permits the use of external connections to test the static and altimeter systems. However, the advisory circular covering this matter suggests that the reference altimeter be calibrated once each month until the necessary interval between calibration checks can be determined. Using this procedure, it may be that the accuracy of the reference altimeter can be maintained by a semiannual calibration.

The proposal has not been revised in accordance with the recommendation that altimeters and static systems be tested and inspected once each year instead of each 24 months. Based on current experience as reported by major altimeter manufacturers and repair stations, the FAA has determined that an altimeter instrument and static system will maintain accuracy and integrity for 2 years following a test and inspection. To require yearly tests of either or both systems would impose a burden on owners and operators without a corresponding increase in safety.

Numerous comments were received concerning the persons authorized to perform the tests and inspections of the static pressure system and the altimeter instrument. One comment suggested that the designation should have included noncertificated repair stations and fixed base operators. In this connection, it should be pointed out that the static pressure system and altimeter instrument tests and inspections are maintenance items and must, therefore, be performed by persons certificated to perform maintenance. Moreover, the tests and inspections require sophisticated test equipment and a capability that must be maintained under a system of periodic inspections. It is only through the certification procedures that the FAA is able to regularly conduct surveillance of the approved facilities and make periodic determinations as to their capability. Another comment suggested that a certificated "A & P" mechanic should be permitted to conduct the necessary tests and inspections. The FAA agrees with this comment insofar as the static pressure system tests are concerned and the regulation has been so revised. However, the FAA does not consider that it would be appropriate to authorize certificated mechanics to conduct the required altimeter tests and inspections in the light of the test equipment and capability that is necessary for those tests and inspections. The opinion was also expressed that the proposal would permit certificated repair stations with airframe ratings to accomplish an instrument major repair without the necessity of obtaining an instrument rating. As proposed, the rule permits a repair station having an airframe rating to conduct the tests and inspections necessary for the altimeter instrument. However, the rule does not permit repair stations with only an airframe rating to accomplish any repairs to the instrument. Contrary to the understanding of this commentator, the altimeter tests covered under this proposal are not considered to be major repairs to the altimeter. Finally, the FAA does not concur with the recommendation that the provision designating the persons authorized to conduct the required inspections and tests be deleted from § 91.170 and added to Appendix E in Part 43. While it is true that Appendix E contains the scope of the required inspections and tests that the designated persons are authorized to conduct, the FAA considers that from the standpoint of the owner or operator of an airplane, it would be better to set forth the designation in the operating requirements of Part 91 rather than as part of the technical details of the inspections and tests in the Appendix to Part 43.

The present requirements of § 91.170 apply only to persons operating an airplane in controlled airspace under IFR. The phrase "in controlled airspace," which limits the applicability of § 91.170, was incorporated into the regulation after consideration by the Agency in an appropriate rule-making action. However, a comment has now been received in response to Notice 66–44 requesting the FAA to delete the phrase "in controlled airspace" on the ground that a substantial number of IFR flights are made within uncontrolled airspace and that there is no reason why the altimetry maintenance and alteration standards should not apply to IFR flight in both controlled and uncontrolled airspace. While this comment involves a substantive change to the present requirements that goes beyond the scope of this notice of proposed rule making, the FAA believes that it warrants further consideration in connection with other altitude indication projects now in process.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matter presented.

In consideration of the foregoing, Parts 23, 25, 43, and 91 of the Federal Aviation Regulations are amended effective August 1, 1967, as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

1. Section 23.1325(b) (2) and (3) is amended to read as follows:

§ 23.1325 Static pressure system.

* * * * *

(b) * * *

(2) A proof test must be conducted to demonstrate the integrity of the static pressure system in the following manner:

(i) *Unpressurized airplanes.* Evacuate the static pressure system to a pressure differential of approximately 1 inch of murcury or to a reading on the altimeter, 1,000 feet above the aircraft elevation at the time of the test. Without additional pumping for a period of 1 minute, the loss of indicated altitude must not exceed 100 feet on the altimeter.

(ii) *Pressurized airplanes.* Evacuate the static pressure system until a pressure system until a pressure differential equivalent to the maximum cabin pressure differential for which the airplane is type certificated is achieved. Without additional pumping for a period of 1 minute, the loss of indicated altitude must not exceed 2 percent of the equivalent altitude of the maximum cabin differential pressure or 100 feet, whichever is greater.

(3) If a static pressure system is provided for any instrument, device, or system required by the operating rules of this chapter, each static pressure port must be designed or located in such a manner that the correlation between air pressure in the static pressure system and true ambient atmospheric static pressure is not altered when the airplane encounters icing conditions. An anti-icing means or an alternate source of static pressure may be used in showing compliance with this requirement. If the reading of the altimeter, when on the alternate static pressure system differs from the reading of the altimeter when

on the primary static system by more than 50 feet, a correction card must be provided for the alternate static system.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

2. Section 25.1325(c)(2) is amended to read as follows:

§ 25.1325 Static pressure systems.

* * * * *

(c) * * *

(2) It is airtight except for the port into the atmosphere. A proof test must be conducted to demonstrate the integrity of the static pressure system in the following manner:

(i) *Unpressurized airplanes.* Evacuate the static pressure system to a pressure differential of approximately 1 inch of mercury or to a reading on the altimeter, 1,000 feet above the airplane elevation at the time of the test. Without additional pumping for a period of 1 minute, the loss of indicated altitude must not exceed 100 feet on the altimeter.

(ii) *Pressurized airplanes.* Evacuate the static pressure system until a pressure differential equivalent to the maximum cabin pressure differential for which the airplane is type certificated is achieved. Without additional pumping for a period of 1 minute, the loss of indicated altitude must not exceed 2 percent of the equivalent altitude of the maximum cabin differential pressure or 100 feet, whichever is greater.

* * * * *

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

3. Appendix E of Part 43 is amended as follows:

a. The second sentence of subparagraph (ii) of paragraph (b)(1) is amended to read as follows:

(b) Altimeter:

(1) * * *

(ii) *Hysteresis.* * * * Pressure shall be increased at a rate simulating a descent in altitude at the rate of 5,000 to 20,000 feet per minute until within 3,000 feet of the first test point (50 percent of maximum altitude). * * *

* * * * *

b. Section (c) is amended to read as follows:

(c) Records: Comply with the provisions of § 43.9 of this chapter as to content, form, and disposition of the records. The person performing the altimeter tests shall record on the altimeter the date and maximum altitude to which the altimeter has been tested and the persons approving the airplane for return to service shall enter that data in the airplane log or other permanent record.

c. Table I is amended to read as follows:

TABLE I

Altitude (feet)	Equivalent pressure (inches of mercury)	Tolerance ±(feet)
−1,000	31.018	20
0	29.921	20
500	29.385	20
1,000	28.856	20
1,500	28.335	25
2,000	27.821	30
3,000	26.817	30
4,000	25.842	35
6,000	23.978	40
8,000	22.225	60
10,000	20.577	80
12,000	19.029	90
14,000	17.577	100
16,000	16.216	110
18,000	14.942	120
20,000	13.750	130
22,000	12.636	140
25,000	11.104	155
30,000	8.885	180
35,000	7.041	205
40,000	5.538	230
45,000	4.355	255
50,000	3.425	280

PART 91—GENERAL OPERATING AND FLIGHT RULES

4. Part 91 is amended as follows:

§ 91.165 [Amended]

a. Section 91.165 is amended by inserting the words "and § 91.170" immediately after the reference "§ 91.169".

b. Section 91.170 is amended to read as follows:

§ 91.170 Altimeter system tests and inspections.

(a) No person may operate an airplane in controlled airspace under IFR unless, within the preceding 24 calendar months, each static pressure system and each altimeter instrument has been tested and inspected and found to comply with Appendix E of Part 43 of this chapter. The static pressure system and altimeter instrument tests and inspections may be conducted by—

(1) The manufacturer of the airplane on which the tests and inspections are to be performed;

(2) A certificated repair station properly equipped to perform these functions and holding—

(i) An instrument rating, Class I;

(ii) A limited instrument rating appropriate to the make and model altimeter to be tested;

(iii) A limited rating appropriate to the test to be performed;

(iv) An airframe rating appropriate to the airplane to be tested; or

(v) A limited rating for a manufacturer issued for the altimeter in accordance with § 145.101(b)(4) of this chapter; or

(3) A certificated mechanic with an airframe rating (static pressure system tests and inspections only).

(b) The first test and inspection required by this section for airplanes, under annual inspection is not required to be made until the first annual inspection after July 31, 1967.

(c) No person may operate an airplane in controlled airspace under IFR at an altitude above the maximum altitude to which an altimeter of that airplane has been tested.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 16, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-5739; Filed, May 23, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3780) stating that the Federal Aviation Administration proposed to alter controlled airspace in the Faribault-Owatonna, Minn., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the Faribault-Owatonna, Minn., transition area is amended to read:

FARIBAULT-OWATONNA, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°-19'35" N., longitude 93°18'30" W.); within a 5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'-15" W.); within 2 miles each side of the 200° bearing from Faribault Municipal Airport extending from the Faribault 5-mile radius area to 9 miles south of the airport; and within 2 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5-mile radius area to 9 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface in the Faribault-Owatonna terminal area bounded on the north by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'08" N., longitude 93°13'11" W.), on the east by V-82, on the south by V-24 and on the west by V-170, excluding the portion which overlies the Hope, Minn., and Rochester, Minn., transition areas.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 8, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-5740; Filed, May 23, 1967; 8:46 a.m.]

[Airspace Docket No. 67–CE–23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 10, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3947) stating that the Federal Aviation Administration proposed to alter controlled airspace in the Coldwater, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

The Coldwater, Mich., Branch County Memorial Airport coordinates recited in the notice of proposed rule making have been changed slightly in this final rule. Since this change is minor in nature and imposes no additional burden on anyone, it is being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the Coldwater, Mich., transition area is amended to read:

COLDWATER, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County, Memorial Airport (latitude 41°56'05" N., longitude 85°02'55" W.), within 2 miles each side of the Litchfield, Mich. VORTAC 239° radial extending from the 5-mile radius area to 8 miles northeast of the airport, and within 2 miles each side of the 209° bearing from the Branch County Memorial Airport extending from the 5-mile radius area to 8 miles southwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 10, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67–5741; Filed, May 23, 1967; 8:46 a.m.]

[Airspace Docket No. 67–SO–56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Eufaula, Ala., transition area.

The Eufaula transition area is described in § 71.181 (32 F.R. 2148).

The geographic coordinate for the Weedon Airport is published as "* * * (latitude 31°56'45" N., longitude 85°08'-15" W.) * * *".

Because of a refinement of the geographic coordinate by Coast and Geodetic Survey, it is necessary to alter the transition area accordingly.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the Eufaula, Ala., transition area is amended as follows: "* * * (latitude 31°56'45" N., longitude 85°08'15" W.) * * *" is deleted and "* * * (latitude 31°57'05" N., longitude 85°07'45" W.) * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on May 15, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67–5742; Filed, May 23, 1967; 8:46 a.m.]

[Airspace Docket No. 67–CE–51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the segment of VOR Federal airway No. 218 between Rochester, Minn., and Rockford, Ill.

V–218 airway from Rochester, Minn., to Waukon, Iowa, is a common segment with VOR Federal airway No. 24 south alternate. Action is taken herein to raise the floor of this segment of V–218 to 1,200 feet AGL so as to provide compatability on the floors for this common airway segment. In addition, action is taken herein to realign V–218 segment between Waukon and Rockford via the intersection of the Waukon 119° T (114° M) and the Rockord 304° T (301° M) radials. This realignment of V–218 will permit the deletion of the Rewey, Wis., VOR as a facility within the VOR airway structure and also permit its decommissioning. Since this realignment of V–218 will not alter the extent of controlled airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967 as hereinafter set forth.

In § 71.123 (32 F.R. 2009) V–218 is amended by deleting all before "12 AGL INT Rockford 136°" and substituting "From Rochester, Minn., 12 AGL via Waukon, Iowa; 12 AGL INT Waukon 119° and Rockford, Ill., 304° radials; 12 AGL Rockford;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 16, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5743; Filed, May 23, 1967; 8:46 a.m.]

[Airspace Docket No. 66–WE–52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On March 1, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3401) stating that the Federal Aviation Agency was considering raising the floors of Federal airway segments in the Seattle, Wash., ARTC Center area.

Interested persons were afforded an opportunity to participate in the proposed rule making by the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, V–440 was designated from Seattle to Victoria, British Columbia, Canada. A floor for this airway is considered herein. V–99 was renumbered as segments of V–165 and V–287; V–281 was renumbered as a segment of V–536; and V–283 was renumbered as a segment of V–165 (Airspace Docket No. 66–WA–42, 32 F.R. 6434) effective June 22, 1967. In as much as the floors proposed for V–99, V–281, V–283, and V–287 were incorporated in Airspace Docket No. 66–WA–42, action on these floors is not considered herein. A proposed floor for V–520 is not considered herein as action to realign and extend this airway to The Dalles has been postponed until August 17, 1967 (Airspace Docket No. 66–WE–70).

In addition, several changes differing from those proposed in the notice are incorporated herein for aeronautical chart legibility and to include airspace in which radar vectoring is currently accomplished. Since these changes are, in each case, minor changes in distance and altitudes of floors and are made in the interest of safety, the Administrator has determined that notice and public procedure thereon are impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth.

1. Section 71.123 (32 F.R. 2009, 3219, 3438, 5988) is amended as follows:

a. In V–2 all before "12 AGL Spokane, Wash.," is deleted and "From Seattle, Wash., 12 AGL Ellensburg, Wash., including a 12 AGL south alternate via INT Seattle 124° and Ellensburg 274° radials; 12 AGL Ephrata, Wash., including a 12 AGL north alternate from Seattle to Ephrata via Wenatchee, Wash.;" is substituted therefor.

b. In V–4 all before "12 AGL Pendleton, Oreg.;" is deleted and "From Neah Bay, Wash., RBN, 12 AGL Port Angeles, Wash.; 12 AGL INT Port Angeles 090° and Seattle, Wash., 329° radials; 12 AGL Seattle; 12 AGL Yakima, Wash., including a 12 AGL south alternate from Seattle to Yakima via INT Seattle 163° and Olympia, Wash., 084° radials and INT Olympia 084° and Yakima 305° radials, excluding the airspace between the main and this alternate airway;" is substituted therefor.

c. In V–23 all after "12 AGL Red Bluff;" is deleted and "58 miles, 12 AGL, 95 MSL Fort Jones, Calif.; 12 AGL Medford, Oreg., including a 12 AGL east alternate via INT Fort Jones 042° and Medford 157° radials and also a 12 AGL west alternate via INT Fort Jones 340° and Medford 235° radials, excluding the airspace between the main and these alternate airways; 12 AGL Eugene, Oreg., including a 12 AGL west alternate from Medford to Eugene via Roseburg, Oreg., and INT Roseburg 003° and Eugene 187° radials; 12 AGL Portland, Oreg., including a 12 AGL east alternate and also a 12 AGL west alternate from Eugene to Portland via Corvallis, Oreg., INT Corvallis 352° and Newberg, Oreg., 204° radials and Newberg; 20 miles, 12 AGL, 45 MSL INT Portland 350° and Seattle, Wash., 197° radials; 21 miles, 45 MSL, 12 AGL Seattle; 12 AGL Paine, Wash.; 12 AGL Bellingham, Wash.; 12 AGL via INT Bellingham 290° radial to the United States/Canadian border." is substituted therefor.

d. In V–25 all between "12 AGL Red Bluff, Calif.;" and "12 AGL INT Yakima 305°" is deleted and "53 miles, 12 AGL, 95 MSL INT Red Bluff 015° and Klamath Falls, Oreg., 181° radials; 19 miles, 95 MSL, 12 AGL Klamath Falls; 21 miles, 12 AGL, 77 miles, 90 MSL, 12 AGL Redmond, Oreg.; 12 AGL The Dalles, Oreg.; 12 AGL Yakima, Wash., including a 12 AGL east alternate via INT The Dalles 032° and Yakima 183° radials;" is substituted therefor.

e. In V–27 all between "12 AGL Fortuna, Calif.;" and "The airspace below 2,000 feet MSL" is deleted and "12 AGL Crescent City, Calif.; 31 miles, 12 AGL, 32 miles, 59 MSL, 12 AGL North Bend, Oreg.; 12 AGL Newport, Oreg.; 39 miles, 12 AGL, 30 miles, 45 MSL, 12 AGL Astoria, Oreg.; 30 miles, 12 AGL, 17 miles, 45 MSL, 12 AGL Olympia, Wash.; 12 AGL INT Olympia 010° and Seattle, Wash., 249° radials; 12 AGL Seattle, including a 12 AGL west alternate from Astoria to INT Olympia 010° and Seattle 249° radials via Hoquiam, Wash., excluding the airspace between the main and this west alternate." is substituted therefor.

f. In V–112 all before "Spokane, Wash.," is deleted and "From Astoria, Oreg., 44 miles, 12 AGL; 15 miles, 6-mile wide, 12 AGL Portland, Oreg.; 12 AGL The Dalles, Oreg.; 12 AGL INT The Dalles 096° and Pendleton, Oreg., 254° radials; 12 AGL Pendleton; 53 miles, 12 AGL, 28 miles, 45 MSL, 12 AGL" is substituted therefor.

g. V–121 is amended to read as follows:

V–121 From Medford, Oreg., 12 AGL INT Medford 352° and Roseburg, Oreg., 127° radials; 12 AGL Roseburg; 12 AGL North Bend, Oreg.; 12 AGL Eugene, Oreg.

h. V–122 is amended to read as follows:

V–122 From Crescent City, Calif., 12 AGL Medford, Oreg.; 22 miles, 12 AGL, 75 MSL INT Medford 117° and Klamath Falls, Oreg., 282° True radials; 6 miles, 75 MSL, 12 AGL Klamath Falls; 21 miles, 12 AGL, 90 MSL Lakeview, Oreg.

i. V–182 is amended to read as follows:

V–182 From Portland, Oreg., 12 AGL The Dalles, Oreg.; 12 AGL Baker, Oreg.

j. V–204 is amended to read as follows:

V–204 From Hoquiam, Wash., 12 AGL Olympia, Wash.

k. V–287 is amended to read as follows:

V–287 From North Bend, Oreg., 12 AGL Newberg, Oreg., including a 12 AGL west alternate from North Bend to Newberg via Newport, Oreg.; excluding the airspace between the main and this west alternate; 12 AGL Portland, Oreg., including a 12 AGL east alternate via INT Newberg 069° and Portland 196° radials; 20 miles, 12 AGL, 51 miles, 45 MSL, 12 AGL Olympia, Wash.; 12 AGL INT Olympia 010° and Seattle, Wash., 329° radials; 12 AGL INT Seattle 329° and Port Angeles, Wash., 090° radials; 12 AGL Port Angeles, 12 AGL Neah Bay, Wash., RBN. The airspace within Canada is excluded.

l. V–448 is amended to read as follows:

V–448 From Portland, Oreg., 12 AGL Yakima, Wash., including a 12 AGL south alternate; 12 AGL Ephrata, Wash.

m. V–497 is amended to read as follows:

V–497 From John Day, Oreg., 49 miles, 65 MSL, 12 AGL The Dalles, Oreg.

n. V–500 is amended to read as follows:

V–500 From Portland, Oreg., 12 AGL Newberg, Oreg.; 41 miles, 12 AGL, 70 MSL John Day, Oreg.; 30 miles, 12 AGL, 71 miles, 105 MSL, 12 AGL Boise, Idaho.

2. Section 71.125 (32 F.R. 2058) is amended as follows: in V–440 all before "Victoria," is deleted and "From Seattle, Wash., 12 AGL" is substituted therefor.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on May 16, 1967.

H. B. Helstrom,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5744; Filed, May 23, 1967; 8:46 a.m.]

[Airspace Docket No. 67–CE–4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Designation and Revocation of Reporting Points

On March 4, 1967, a notice of proposed rule making was published in the Federal Register (32 F.R. 3750) stating that the Federal Aviation Agency was considering altering V–4, V–210, V–424, and V–12; revoking the Readsville, Mo., VOR as a designated low altitude reporting point; and designating the Columbia, Mo., VOR as a low altitude reporting point. It was also proposed to retain the 1,200-foot AGL floors on the airways.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to publicaion of the notice, the segment of V–210 under consideration was revoked (Airspace Docket No. 66–WA–41, 32 F.R. 6435). Accordingly, no action is taken on this airway segment.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth.

1. Section 71.123 (32 F.R. 2009, 3219) is amended as follows:

a. In V–4 "12 AGL Marshall, Mo.;" is deleted.

b. In V–12 all between "12 AGL Blue Springs;" and "12 AGL Troy, Ill.;" is deleted and "12 AGL Columbia, Mo.; 12 AGL Maryland Heights, Mo.;" is substituted therefor.

c. V–424 is amended to read as follows:

V–424 From Blue Springs, Mo., 12 AGL INT Blue Springs 077° and Macon, Mo., 236° radials; 12 AGL Macon.

2. In § 71.203 (32 F.R. 2275) "Readsville, Mo." is deleted and "Columbia, Mo." is added.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 16, 1967.

H. B. Helstrom,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5746; Filed, May 23, 1967; 8:46 a.m.]

[Airspace Docket No. 67–SO–38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On April 14, 1967, a notice of proposed rule making was published in the Federal Register (32 F.R. 5998) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate the Miami, Fla. (new Tamiami Airport) part-time control zone and alter the Miami, Fla., 700-foot transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., July 1, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the following control zone is added:

Miami, Fla. (New Tamiami Airport)

Within a 5-mile radius of the new Tamiami Airport, Fla. (latitude 25°38'49" N., longitude 80°25'59" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (32 F.R. 2148) the Miami, Fla., 700-foot transition area (32 F.R. 3766) is amended to read:

That airspace extending upward from 700 feet above the surface within a 7-mile radius

of Miami International Airport (latitude 25°-47'35" N., longitude 80°17'10" W.); within 5 miles south and 8 miles north of the Miami Runway 9–L ILS localizer west course, extending from the airport to 12 miles west of the Runway 9–L ILS LOM; within 5 miles north and 8 miles south of the Miami Runway 27–L ILS localizer east course, extending from the airport to 12 miles east of the Runway 27–L ILS LOM; within 5 miles south and 8 miles north of the Runway 9–L ILS localizer east course, extending from the airport to 12 miles east of the INT of Runway 9–L ILS localizer east course and the Biscayne Bay VOR 351° radial; within 2 miles each side of the Miami VORTAC 139° radial, extending from the 7-mile radius area to the VORTAC; within a 4-mile radius of the old Tamiami Airport, Fla. (latitude 25°45'15" N., longitude 80°22'35" W.); within an 8-mile radius of the new Tamiami Airport, Fla. (latitude 25°-38'49" N., longitude 80°25'59" W.); within a 6-mile radius of the Opa Locka Airport, Fla. (latitude 25°54'25" N., longitude 80°16'40" W.); within 2 miles each side of the Miami VORTAC 108° radial, extending from the 6-mile radius area to the VORTAC; within a 5-mile radius of the North Perry Airport, Fla. (latitude 26°00'06" N., longitude 80°14'24" W.); within a 7-mile radius of Fort Lauderdale-Hollywood International Airport (latitude 26°04'25" N., longitude 80°09'10" W.); within 2 miles each side of the 315° bearing from the Fort Lauderdale RBN, extending from the 7-mile radius area to 8 miles northwest of the RBN; within a 7-mile radius of Homestead AFB (latitude 25°29'15" N., longitude 80°23'10" W.); within 2 miles each side of the Homestead ILS localizer northeast course, extending from the 7-mile radius area to 9 miles northeast of Homestead AFB;

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on May 15, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67–5747; Filed, May 23, 1967; 8:46 a.m.]

[Airspace Docket No. 67–CE–20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 10, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3946) stating that the Federal Aviation Administration proposed to designate controlled airspace in the Denison, Iowa, terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

DENISON, IOWA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Denison, Iowa, Municipal Airport (latitude 41°59'15" N., longitude 95°23'00" W.) and within 2 miles each side of the 115° bearing from Denison Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 115° bearing from Denison Municipal Airport, extending from the airport to 12 miles southeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 10, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67–5748; Filed, May 23, 1967; 8:47 a.m.]

[Airspace Docket No. 67–SO–35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On April 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 5706) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Gainesville, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., July 20, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the following transition area is added:

GAINESVILLE, GA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gainesville Municipal Airport (latitude 34°16'23" N., longitude 83°49'45" W.); within 2 miles each side of the 216° bearing from the Gainesville, Ga., RBN (latitude 34°-16'29.99" N., longitude 83°49'55.58" W.), extending from the 6-mile radius area to 8 miles southwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on May 15, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67–5749; Filed, May 23, 1967; 8:47 a.m.]

[Airspace Docket No. 67–CE–13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Areas

On March 11, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3997) stating that the Federal Aviation Administration proposed to alter controlled airspace in the Green Bay, Wis., and Oshkosh, Wis., terminal areas.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition areas are amended to read:

GREEN BAY, WIS.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'15" N., longitude 88°07'45" W.); within 2 miles each side of the Green Bay VORTAC 326° radial, extending from the 6-mile radius area to 8 miles northwest of the VORTAC; and within 2 miles each side of the Green Bay ILS localizer southwest and northeast courses, extending from 11 miles southwest to 21 miles northeast of the OM.

OSHKOSH, WIS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Winnebago County Airport, Oshkosh, Wis. (latitude 43°59'20" N., longitude 88°33'15" W.); within 8 miles east and 5 miles west of the Oshkosh VOR 176° radial, extending from the 8-mile radius area to 12 miles south of the VOR; within a 5-mile radius of Fond du Lac County Airport, Fond du Lac, Wis. (latitude 43°46'10" N., longitude 88°29'30" W.); and within 5 miles south and 8 miles north of the 273° bearing from Fond du Lac County Airport, extending from the airport to 12 miles west of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44°36'00" N., longitude 87°47'15" W.; thence to latitude 44°36'00" N., longitude 87°27'00" W.; thence to latitude 43°30'00" N., longitude 87°27'00" W.; thence to latitude 43°30'00" N., longitude 88°30'00" W.; thence to latitude 43°40'40" N., longitude 89°38'20" W.; thence north along the east boundary of V–255 to latitude 44°19'50" N., longitude 89°29'00" W.; thence counterclockwise via the arc of a 15-mile radius circle centered on the Stevens Point, Wis., VOR to latitude 44°28'30" N., longitude 89°14'25" W.; thence to latitude 44°29'25" N., longitude 88°35'00" W.; thence clockwise via the arc of a 20-mile radius circle centered on the Green Bay VOR to the point of beginning, excluding the portion which overlies the Cecil, Wis., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 8, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67–5750; Filed, May 23, 1967; 8:47 a.m.]

[Airspace Docket No. 66–EA–51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Federal Airway and Designation of Jet Routes

On February 24, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3228) stating that the Federal Aviation Agency was considering extension of VOR Federal

airway No. 128 from Charleston, W. Va., to Casanova, Va., and designation of a new jet route between Charleston, W. Va., and Herndon, Va.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth.

1. Section 71.123 (32 F.R. 2009) is amended as follows: In V–128 "12 AGL Charleston, W. Va." is deleted and "12 AGL Charleston, W. Va.; 12 AGL Casanova, Va." is substituted therefor.

2. Section 75.100 (32 F.R. 2341) is amended by adding:

JET ROUTE NO. 142 (CHARLESTON, W. VA., TO HERNDON, VA.)

From Charleston, W. Va., via INT of Charleston 083° and Herndon, Va., 254° radials; to Herndon.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 16, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5745; Filed, May 23, 1967; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–492]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Group II Classification for Supplemental Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1967.

In EDR–107 (Docket 18064), dated December 23, 1966, and published at 31 F.R. 16626, the Board gave notice that it had under consideration an amendment to Part 241 which would reclassify nine supplemental air carriers from the Group I category to the Group II category for accounting and reporting purposes. The proposal was based on the fact that operating revenues of these supplemental carriers are now comparable to those of the Group II route air carriers, owing largely to charter services performed under contracts with the Military Airlift Command (MAC).

Only two air carriers, Saturn Airways, Inc., and Universal Airlines, Inc.,[1] submitted comments on the proposal. Both carriers objected to the reclassification, asserting that: (1) The additional reporting requirements are unwarranted and will impose a costly and time-consuming burden upon the reclassified carriers; (2) a considerable growth in operating revenues alone is not a sound basis for imposing additional reporting requirements; and (3) the proposed effective date of January 1, 1967, is unrealistic and cannot be complied with.

Initially, we must disagree with the assertion that a considerable increase in operating revenue alone is not a sound basis for imposing additional reporting requirements. Operating revenue indicates the scope of operations and accounting capability, which were the original bases for classifying the route carriers into three accounting groups. The supplemental carriers were assigned to Group I because their revenues were comparable to those of the smallest carriers. In fiscal 1966, however, Saturn received over $14 million and Universal received over $16 million in revenues from the Military Airlift Command (MAC) alone; fiscal 1967 MAC revenues are expected to be even greater. There is no doubt that these MAC contractors can no longer be classified among the "smallest" air carriers. The simplified accounts especially designed for small operations and revenues are no longer adequate for reporting the operating results of these carriers.

We must also reject the assertion that the additional information will not assist the Board in its rate-making function. The Board has assumed the responsibility of fixing minimum rates for MAC charter services in order to stabilize this highly competitive market. The Board accordingly has a duty to be informed of current cost levels and rates of return so that it will be in a position to adjust rates if conditions and yields should change rapidly. The supplemental carriers have an important segment of the MAC market, and their refined cost data are necessary for a true picture of MAC costs. It is true that the additional data reported on schedules P–6 and P–7 will not be the basis for a rate review. These data, however, will permit a continuing evaluation of system costs in relation to those of other MAC contractors, and are essential to a proper analysis of the allocations of such costs to MAC services.

We have decided to adopt the regulation substantially as proposed except for the effective date. Therefore, the tentative findings set forth in the explanatory statement to the proposed rule (EDR–107, supra) are incorporated herein by reference and finalized. Although it would be advantageous to have the detailed expense data for the full calendar year, we recognize that a retroactive date of January 1, 1967, would impose an additional accounting burden during the peak accounting season. The rule will be made effective July 1, 1967, to coincide with the beginning of the MAC contract year, thus allowing adequate time for the reclassified carriers to modify their accounting systems and develop allocation procedures.

In consideration of the foregoing, the Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective July 1, 1967, as follows:

1. Amend section 04, by dividing the supplemental air carriers into Group I and Group II, and by otherwise revising the list of certificated carriers to read:

Section 04—Air Carrier Groupings and Standard Name Abbreviations

GROUP I ROUTE AIR CARRIERS

Name	*Abbreviation*
Aerovias Sud Americana, Inc.	Aerovias.
Alaska Coastal Airlines, Inc.	Alaska Coastal.
Aspen Airways, Inc.	Aspen.
Caribbean-Atlantic Airlines, Inc.	Caribair.
Chicago Helicopter Airways, Inc.	Chicago Helicopter.
Cordova Airlines, Inc.	Cordova.
Kodiak Airways, Inc.	Kodiak.
Los Angeles Airways, Inc.	LA Airways.
New York Airways, Inc.	NY Airways.
Northern Consolidated Airlines, Inc.	Northern Consol.
Reeve Aleutian Airways, Inc.	Reeve.
San Francisco & Oakland Helicopter Airlines, Inc.	SFO Helicopter.
Western Alaska Airlines, Inc.	Western Alaska.
Wien Alaska Airlines, Inc.	Wien.

GROUP II ROUTE AIR CARRIERS

Airlift International, Inc.	Airlift.
Allegheny Airlines, Inc.	Allegheny.
Aloha Airlines, Inc.	Aloha.
Bonanza Air Lines, Inc.	Bonanza.
Central Airlines, Inc.	Central.
Frontier Airlines, Inc.	Frontier.
Lake Central Airlines, Inc.	Lake Central.
North Central Airlines, Inc.	North Central.
Ozark Air Lines, Inc.	Ozark.
Pacific Air Lines, Inc.	Pacific.
Southern Airways, Inc.	Southern.
Trans Caribbean Airways, Inc.	Trans Car.
Trans-Texas Airways, Inc.	Trans-Texas.
West Coast Airlines, Inc.	West Coast.

GROUP III ROUTE AIR CARRIERS

Alaska Airlines, Inc.	Alaska.
American Airlines, Inc.	American.
Braniff Airways, Inc.	Braniff.
Continental Air Lines, Inc.	Continental.
Delta Air Lines, Inc.	Delta.
Eastern Air Lines, Inc.	Eastern.
The Flying Tiger Line, Inc.	Flying Tiger.
Hawaiian Airlines, Inc.	Hawaiian.
Mohawk Airlines, Inc.	Mohawk.
National Airlines, Inc.	National.
Northeast Airlines, Inc.	Northeast.
Northwest Airlines, Inc.	Northwest.
Pacific Northern Airlines, Inc.	Pacific Northern.
Pan American World Airways, Inc.	Pan American.
Piedmont Aviation, Inc.	Piedmont.
Seaboard World Airlines, Inc.	Seaboard.
Slick Corp.	Slick.
Trans World Airlines, Inc.	Trans World.
United Air Lines, Inc.	United.
Western Air Lines, Inc.	Western.

GROUP I SUPPLEMENTAL AIR CARRIERS

Johnson Flying Service, Inc.	Johnson.
Purdue Aeronautics Corp.	Purdue.
Standard Airways, Inc.	Standard.
Vance International Airways, Inc.	Vance.

[1] Formerly Zantop Air Transport, Inc.

Group II Supplemental Air Carriers	
American Flyers Airline Corp.	American Flyers.
Capitol International Airways, Inc.	Capitol.
Modern Air Transport, Inc.	Modern.
Overseas National Airways, Inc.	Overseas National.
Saturn Airways, Inc.	Saturn.
Southern Air Transport, Inc.	Southern Air Transp.
Trans International Airlines Corp.	Trans International.
Universal Airlines, Inc.	Universal.
World Airways, Inc.	World.

2. Amended paragraph (h) of section 31 by revising the list of supplemental air carriers to read:

Supplemental Air Carrier Reporting Entities
American Flyers Airline Corp.
Capital International Airways, Inc.
Johnson Flying Service, Inc.
Modern Air Transport, Inc.
Overseas National Airways, Inc.
Purdue Aeronautics Corp.
Saturn Airways, Inc.
Southern Air Transport, Inc.
Standard Airways, Inc.
Trans International Airlines Corp.
Universal Airlines, Inc.
Vance International Airways, Inc.
World Airways, Inc.

3. Amend section 32 by inserting schedules B–10, P–1.2, P–4, P–5.2, and P–7 in the list of schedules in paragraph (a) and by revising paragraph (b), to read as follows:

Section 32—General Reporting Instructions

(a) * * *

Schedule No.		Filing	
		Frequency	Postmark interval (days)
* * *	* * *	* * *	* * *
B–8	Property and Equipment Retired	do	40
B–10	Developmental and Preoperating Costs	do	40
B–11	Current and Long-Term Receivables; Current and Long-Term Payables.	Monthly	30
* * *	* * *	* * *	* * *
P–1.1	Income Statement—Group 1 Air Carriers	Quarterly	40
P–1.2	Income Statement—Group II and Group III Air Carriers	do	40
P–2	Notes to Income Statement	do	40
P–3.1	Transport Revenues	do	40
P–4	Incidental Revenues—Net; Explanation of Special Items; Explanation of Deferred Federal Income Tax Adjustments, Dividends Declared and Retained Earnings Adjustments.	do	40
P–5.1	Aircraft Operating Expenses—Group 1 Air Carriers	do	40
P–5.2	Aircraft Operating Expenses—Group II and Group III Air Carriers.	do	40
P–6	Maintenance, Passenger Service, and General Services and Administration Expense Functions.	do	40
P–7	Aircraft and Traffic Servicing, Promotion and Sales, and General and Administrative Expense Functions—Group II and Group III Air Carriers.	do	40
	Interim Income Statement	Monthly	30
* * *	* * *	* * *	* * *

(b) Each supplemental air carrier shall file the schedules of the CAB Form 41 reports with the Civil Aeronautics Board in accordance with the above instructions, except that the time for filing B and P report schedules for the final quarter of each calendar year may be extended to 90 days following the year's end provided that preliminary schedules B–1, P–1.1 or P–1.2, and P–3.1 are submitted within the standard prescribed 40-day filing period. At the request of a supplemental air carrier, and upon a showing by such air carrier that public disclosure of its preliminary yearend report would adversely affect its interests and would not be in the public interest, the Board will withhold such preliminary yearend report from public disclosure until such time as (1) the final report is filed, (2) the final report is due, or (3) information covered by the preliminary report is publicly released by the carrier concerned, whichever first occurs.

* * * * *

4. Amend section 34—Profit and Loss Elements, as follows:

A. Amend the title and paragraph (a) of schedule P–1.1 to read:

Schedules P–1.1 and P–1.2—Income Statement

(a) Schedule P–1.1 shall be filed by each Group I supplemental air carrier and schedule P–1.2 shall be filed by each Group II supplemental air carrier.

* * * * *

B. Amend paragraphs (c) and (d) of schedule P–3.1 to read:

Schedule P–3.1—Transport Revenues

* * * * *

(c) Revenues reported shall reflect the aggregate revenue from each indicated class of traffic. In the case of military contracts, type of service shall be reported under the appropriate objective account. Abbreviations may be used in reflecting type of service, such as CAMs (Commercial Air Movements), CAFs (Commercial Air Freight Movements), MAC–FC (Military Airlift Command Fixed Contracts), MAC–CC (Military Airlift Command Call Contracts). The type of aircraft shall also be reported for each type of service, e.g., CAMs—DC–4. Type of service would also include maintenance, equipment modification, personnel training, etc.

(d) The sum of the subdivisions of each objective account reported in this schedule shall agree with the corresponding amounts reported in schedule P–1—Income Statement.

C. Amend the title and paragraphs (a) and (i) of schedule P–5.1 to read:

Schedules P–5.1 and P–5.2—Aircraft Operating Expenses

(a) Schedule P–5.1 shall be filed by each Group I supplemental air carrier and schedule P–5.2 shall be filed by each Group II supplemental air carrier.

* * * * *

(i) The total of function 5100 Flying Operations reported on this schedule shall agree with corresponding amounts reported on schedule P–1, and the total of item 5278 Total Direct Maintenance—Flight Equipment shall agree with the corresponding amount reported in schedule P–6.

D. Amend schedule P–6 by revising paragraph (c); redesignating paragraphs (d) and (e) as paragraphs (e) and (f), respectively; inserting new paragraph (d) after paragraph (c); and amending redesignated paragraph (f), to read as follows:

Schedule P–6—Maintenance, Passenger Service, and General Services and Administration Expense Functions

* * * * *

(c) Group I supplemental air carriers shall report the indicated data for all items except function 5500 Passenger Service.

(d) Group II supplemental air carriers shall report the indicated data for all items except function 6900 General Services and Administration.

(e) Items 79.6 Applied Maintenance Burden—* * *

(f) The sum of the totals of subfunctions 5200 Direct Maintenance and 5300 Maintenance Burden shall agree with the corresponding amount reported in function 5400 on schedule P–1. The total of function 6900 General Services and Administration reported in this schedule by Group I supplemental air carriers shall agree with the corresponding amount reported on Schedule P–1.

E. Add the text for new schedule P–7 immediately following schedule P–6 to read:

Schedule P–7—Aircraft and Traffic Servicing, Promotion and Sales, and General and Administrative Expense Functions

(a) This schedule shall be filed by each Group II supplemental air carrier.

(b) The schedule shall be filed for quarterly data only. The caption "Operation" at the head of each column is not applicable to supplemental air carriers.

(c) Supplemental air carriers shall report the indicated data for all items except subfunction 6100 Aircraft Servicing.

(d) The total of each functional expense classification reported in this schedule shall agree with the corresponding amount reported on schedule P–1.

(Secs. 204(a), 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-5761; Filed, May 23, 1967; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

STANDARD RUBBERS AND RUBBER COMPOUNDING MATERIALS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER.

The amendment revises § 230.8–6, *Standard rubbers and rubber compounding materials,* to (1) renew and change the price of standard reference material 388c, and renumber the material 388d, and (2) add standard reference material 390. Accordingly, § 230.8–6 is revised to read:

§ 230.8–6 Standard rubbers and rubber compounding materials.

* * * * *

(a) *Standard rubbers.*

Sample Nos.	Kind	Approximate weight in grams	Price
• • •	• • •	• • •	• • •
388d	Butyl	27,000	$105.00
390	Butyl (Mooney viscosity only).	27,000	95.00

* * * * *

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies Sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: May 15, 1967.

A. V. ASTIN, *Director.*

[F.R. Doc. 67-5728; Filed, May 23, 1967; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Definition of Floor Trader and Record Keeping

On January 28, 1967, there was published in the FEDERAL REGISTER (32 F.R. 1042) a notice of proposed amendments of §§ 1.3 and 1.35 of the general regulations (17 CFR 1.3, 1.35) under the Commodity Exchange Act (7 U.S.C. 1 et seq.) with respect to records of cash commodity and futures transactions. Interested persons were afforded opportunity to submit written data, views, or arguments on the proposal.

Prior to the publication of the notice on January 28, 1967, conferences were held with officials and members of all of the exchanges which would be affected by the proposed changes. At these conferences, tentative proposed record-keeping requirements were discussed in detail in order that the Commodity Exchange Authority might have the benefit of the experience and views of the exchanges, and that the requirements might be kept to a reasonable minimum. As a result of the discussions held with the exchanges, several changes were made in the tentative requirements originally presented to them.

Written data, views, and arguments received pursuant to the notice of proposed rule making were carefully reviewed, and it was determined to provide further opportunity for the presentation of views in an oral hearing. Such a hearing was held on March 28, 1967, at which time the need for the amendments was explained by the Commodity Exchange Authority in a statement which appears in the transcribed record of that hearing. Oral statements made at the hearing and written submissions filed at that time were carefully considered. Pursuant to these comments one additional change was made in the proposed amendments, consisting of the addition of the parenthetic statement which appears at the end of § 1.35(d).

After due consideration of all comments submitted pursuant to the notice of proposed rule making or at the hearing and other information available to the Department of Agriculture, it is hereby found that the amendments of §§ 1.3 and 1.35 set forth herein are reasonably necessary to effectuate the provisions and accomplish the purposes of the Commodity Exchange Act. The volume of futures trading in regulated commodities has increased tremendously and is expected to continue at very high levels. The Commodity Exchange Authority must adopt electronic data processing equipment and techniques to cope with this volume of trading and enable the Authority properly to enforce provisions of the Commodity Exchange Act. In order for electronic data processing to be effectively used by the Authority, it is necessary that members of contract markets and the contract markets themselves maintain more uniform and more centrally available records. The revisions of §§ 1.3 and 1.35 will achieve these results, and they are necessary to improve the Authority's ability to detect illegal trading practices which are detrimental to market users and the general public.

Therefore, pursuant to the Provisions of the Commodity Exchange Act, said §§ 1.3 and 1.35 are hereby amended as follows:

(1) Section 1.3 is amended by adding at the end thereof a new paragraph (x) reading as follows:

§ 1.3 Definitions.

* * * * *

(x) *Floor trader.* A member of a contract market who, on the exchange floor, executes a futures trade for his own account or an account controlled by him, or has such a trade made for him.

(2) Section 1.35 is amended to read as follows:

§ 1.35 Records of cash commodity and futures transactions.

(a) Futures commission merchants and members of contract markets: Each futures commission merchant and each member of a contract market shall keep full, complete, and systematic records, together with all pertinent data and memoranda, of all transactions relating to his business of dealing in commodity futures and cash commodities. He shall retain the required records, data, and memoranda in accordance with the requirements of § 1.31, and shall produce them for inspection and shall furnish true and correct information and reports as to the contents or the meaning thereof, when and as requested by any authorized representative of the U.S. Department of Agriculture or the U.S. Department of Justice. Included among such records shall be all orders (filled, unfilled, or canceled), trading cards, signature cards, street books, journals, ledgers, canceled checks, copies of confirmations, copies of statements of purchase and sale and all other records, data, and memoranda which have been prepared in the course of his business of dealing in commodity futures and cash commodities.

(b) Futures commission merchants and clearing members of contract markets: Each futures commission merchant and each clearing member of a contract market shall, as a minimum requirement, prepare regularly and promptly, and keep systematically and in permanent form, the following:

(1) A financial ledger record which will show separately for each customer

all charges against and credits to such customer's account, including but not limited to funds or securities deposited, withdrawn, or transferred, and charges or credits resulting from losses or gains on closed transactions;

(2) A record of transactions which will show separately for each account (including house accounts) all commodity futures transactions executed for such account, including the date, price, quantity, market, commodity, and future; and

(3) A record or journal which will show separately for each business day complete details of all commodity futures transactions executed on that day, including the date, price, quantity, market, commodity, future, and the person for whom such transaction was made.

(c) Clearing members of contract markets: In the daily record or journal required to be kept under paragraph (b)(3) of this section, each clearing member of a contract market shall also show the floor broker or floor trader executing each transaction, the opposite floor broker or floor trader, and the opposite clearing member with whom it was made.

(d) Members of contract markets: Each member of a contract market who, in the place provided by the contract market for the meeting of persons similarly engaged, executes purchases or sales of any commodity for future delivery on or subject to the rules of such contract market, shall prepare regularly and promptly a trading card or other record showing such purchases and sales. Such trading card or record shall show his own name, the name of the member firm clearing the trade, the date, price, quantity, commodity and future, and shall clearly identify the opposite floor broker or floor trader with whom such transaction was executed, and the opposite clearing member (if, in accordance with the rules or practice of the contract market such opposite clearing member is made known to him).

(e) Contract markets: Each contract market shall maintain or cause to be maintained by its clearing organization a record which shall show for each futures trade: The date, commodity, future, quantity, price, floor broker or floor trader buying, clearing member buying, floor broker or floor trader selling, clearing member selling, and a symbol indicating the customer type. The customer type indicator shall show whether the person executing the trade:

(1) Was trading for his own account or an account which he controlled;

(2) Was trading for his clearing member's house account;

(3) Was trading for another member present on the exchange floor, or an account controlled by such other member; or

(4) Was trading for any other type of customer.

The record required by this paragraph (e) shall show, by appropriate and uniform symbols, exchanges of futures for cash, transfer trades, and trades cleared on dates other than the date of execution.

(f) Each contract market shall provide for the identification of floor brokers, floor traders, and clearing members, in the records required to be kept under paragraphs (c), (d), and (e) of this section, by the use of a distinctive, nonvariable designation for each such floor broker, floor trader, and clearing member.

(Sec. 4g, 49 Stat. 1496; sec. 5(b), 42 Stat. 1000, as amended; sec. 8a(5), 49 Stat. 1500, as amended; 7 U.S.C. 6g, 7(b), 12a(5); 29 F.R. 16210, as amended)

The amendments set forth above are the same as those proposed in the notice of rule making, except for changes made pursuant to comments received in the rule making proceedings or for clarity. The principal clarifying change is the addition of paragraph (f) in § 1.35. It does not appear that further rule making procedure on these changes would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and public procedure with respect to the amendments are impracticable and unnecessary.

The recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The amendments shall become effective on July 1, 1967.

Done at Washington, D.C., this 18th day of May, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-5775; Filed, May 23, 1967; 8:49 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 60—IMMIGRATION; AVAILABILITY OF, AND ADVERSE EFFECT UPON, AMERICAN WORKERS

Correction of CFR

In the revision of Title 29, Parts 0 to 499, revised as of January 1, 1967, the text of § 60.2(a)(2) which was inadvertently omitted, reads as follows:

§ 60.2 Certification and noncertification schedules.

(a) *Determination.* * * *

(2) For the categories of employment described in Schedule B, the determination and certification required by section 212(a)(14) cannot now be made.

* * * * *

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

San Pablo Bay, Calif.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.216 establishing and governing the use and navigation of a danger zone in San Pablo Bay, Calif., is hereby amended with respect to "Note" at the end of paragraph (a) to extend the period of use, as follows:

§ 204.216 San Pablo Bay, Calif.; gunnery range, U.S. Naval Schools Command, Mare Island, Vallejo.

(a) *The danger zone.* * * *

NOTE: The danger zone shall be used until June 2, 1968, after which it shall be subject to review to determine the further need thereof.

* * * * *

[Regs., May 4, 1967, 1507-32 (San Pablo Bay, Calif.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-5727; Filed, May 23, 1967; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Fishing in Yellowstone National Park, Wyo.

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 3), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Midwest Region Order No. 4 (31 F.R. 5769), as amended, § 7.13 of Title 36, Code of Federal Regulations is amended as set forth below. The purpose of this amendment is to extend the open season date of fishing, and to define and clarify fishing regulations with respect to existing catch and possession limits, and to provide for the closing of streams to fishing when research programs are in progress.

It has been determined that public comment on these amendments is impractical, unnecessary, and contrary to

the public interest, since these amendments will relax a restriction upon the public and authorize fishing at an earlier date than was previously in effect; will clarify for the public during this fishing season the limits on catch and in possession; and will provide authority for the Superintendent to adequately manage fisheries research projects which are being conducted within the park and which require protection during this fishing season. In order that the public may have the benefits of the extended fishing season, and the clarification of the catch and possession limits as soon as possible and so that fisheries research programs within the park will not be jeopardized during this fishing season, these amendments shall take effect immediately upon their publication in the FEDERAL REGISTER.

Subparagraphs (1), (2)(ii), and (5) of paragraph (e) of § 7.13 are amended to read as follows:

§ 7.13 Yellowstone National Park.

* * * * *

(e) *Fishing*—(1) *Open season.* Except as otherwise provided, the open season for fishing in the waters of the park shall be from sunrise on May 28 to sunset on October 31.

(2) *Limited open season.* * * *

(ii) All streams emptying into Yellowstone Lake are open to fishing from sunrise on July 15 to sunset on October 31, except those streams which may be closed by the Superintendent during periods when active research programs are in progress. Notice of closure of such streams will be made by the posting of official signs. For fishing purposes, signs and buoys within 100 yards of the stream outlets or inlets on Yellowstone Lake shall define these stream waters from the lake waters.

* * * * *

(5) *Catch and possession limits.* (i) The daily catch limit of trout and grayling shall be a total of five (5) fish per person fishing of which no more than three (3) may be taken from Yellowstone Lake and its tributaries or from Yellowstone River and its tributaries above the Upper Falls at Canyon. A person must cease fishing immediately upon filling his catch limit.

(ii) The number of trout or grayling which may be possessed by any person during any day shall not exceed five (5). The possession limit shall apply to all non-commerially processed trout and grayling which are in possession of a person.

* * * * *

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

JOHN S. MCLAUGHLIN,
Superintendent,
Yellowstone National Park.

[F.R. Doc. 67-5736; Filed, May 23, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1004]

MILK IN DELAWARE VALLEY MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Delaware Valley marketing area is being considered for the period after May 31, 1967.

The provisions proposed to be suspended are: (1) In the introductory paragraph of § 1004.15, the provision "or an other order plant". (2) In subparagraph (d) of § 1004.15 the provision "except that, for the purpose of applying location adjustments pursuant to §§ 1004.52 and 1004.82 milk which is diverted from a pool plant to a plant at which a greater location adjustment credit is applicable shall be priced at the latter location."

These suspensions would be applicable to the Delaware Valley order as amended effective June 1, 1967. A major cooperative in the market requested suspension action on the basis that such provisions will impede the efficient handling of reserve milk supplies pending consideration at a public hearing of proposed modifications of the provisions to better accommodate the existing market situation.

Because most Federal orders determine producer status on the basis of receipt of milk directly from the farm at a pool plant, no provision was made in the Delaware Valley order for diversions to an other order plant. One of the primary outlets used by the cooperative for the disposition of reserve milk is a pool plant under another Federal order. However, under the terms of such other order such milk cannot acquire producer status under that order. Accordingly, milk diverted by the cooperative to such other order plant would not hold producer status under either order. The requested suspension would permit retention of producer status under the Delaware Valley order.

With respect to the point of pricing of diverted milk, the provision was intended to deter the association of milk with the pool which was intended solely for manufacturing uses and to insure that the pool could not subsidize transportation costs which are not incurred. Generally, it can be presumed that milk not needed for fluid use could be moved to nearby manufacturing plants in the country at substantial transportation savings. However, the cooperative contends that the outlets for a large share of the reserve milk supplies associated with the Delaware Valley market are so located that there is, in fact, no significant savings on transportation charges on milk diverted to such outlets. Therefore, they contend that pricing diverted milk at the plant of physical receipt imposes a significant burden on the individual producers involved.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on May 22, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67–5820; Filed, May 23, 1967; 8:49 a.m.]

[7 CFR Parts 1012, 1013]

[Docket Nos. AO 347–46, AO 286–A13]

MILK IN TAMPA BAY AND SOUTHEASTERN FLORIDA MARKETING AREAS

Emergency Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Tampa and Miami, Fla., on April 28, and May 1, 1967, pursuant to notices thereof issued on March 15, 1967 (32 F.R. 4313) and on March 28, 1967 (32 F.R. 5472).

The material issues on the record of the hearing relate to:

1. The Class I price;

2. Shrinkage allowance for producer milk;

3. Classification of milk moved to nonpool plants; and

4. Need for emergency action on Issue 3.

This decision deals with Issues 3 and 4. Issues 1 and 2 will be dealt with in a later decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

3. *Classification of milk moved to nonpool plants.* The Southeastern Florida order should, under specified conditions, allow a Class IV classification of bulk milk moved to nonpool plants.

Presently, fluid milk products transferred or diverted in bulk from a pool plant to a nonpool plant located within 500 miles of West Palm Beach (except an other order plant or a producer-handler plant) may be classified as Class II or Class III milk. Such classification is allowed if there is sufficient utilization in these classes at the nonpool plant after the assignment of the plant's Class I utilization to its receipts.

Independent Dairy Farmers' Association proposed that the present provisions be changed to allow Class IV classification as well as Class II or Class III classification on bulk milk moved to nonpool plants. The association claims that the Class IV classification and pricing would be more commensurate with the salvage value of unneeded producer milk that must be moved to nonpool plants for disposal. The association, which represents about three-fourths of the producer milk supply in the market, assumes the function of disposing of the milk in the market that is not needed by handlers.

Milk not needed in the market for Class I use is generally processed into Class II products such as cream items, buttermilk, and chocolate drink and into Class III products such as cottage cheese and frozen desserts. Facilities for manufacturing storable products such as butter, nonfat dry milk, and hard cheeses are not available in the market or within a reasonable distance from the market. Thus, it is often difficult to find an outlet for any remaining producer milk. Handlers have accommodated producers by separating the milk for the purpose of salvaging the butterfat, with the skim milk portion being dumped or used as livestock feed. Milk handled in this manner at a pool plant is classified as Class IV milk.

The Class IV price reflects only the value of the butterfat contained in the milk. No value is returned to producers for the skim milk portion. In March 1967, for example, the Class IV price was $3.05 per hundredweight on a 3.5 percent butterfat basis. The Class III price that month was $4.16.

The separation capacity at pool plants is no longer sufficient to take care of the Class IV milk that must be handled. The handler who had been separating up to

40 percent of the market's Class IV milk has relocated his pool plant and is no longer in a position to handle Class IV milk. The cooperative association contemplates moving excess producer milk to a nonpool plant in Miami, the only such facility available locally with adequate separating capacity to handle Class IV milk. The lowest classification presently allowed under the order on milk moved to nonpool plants is Class III.

The order should be changed to allow a Class IV classification on such milk, as producers proposed. There is no economic reason for differentiating between pool plants and nonpool plants in the classification of milk of which only the butterfat portion has any returnable value. Adoption of the proposal will result in more equitable classified pricing for handlers on any surplus milk which they must dispose of to nonpool plants.

4. *Need for emergency action on Issue 3.* The due and timely execution of the functions of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for filing exceptions thereto.

The proposed amendments must be made effective by June 1 if they are to have any practical application in 1967. Milk supplies relative to fluid sales under the Southeastern Florida order are customarily the highest in June. Considerably more milk is disposed of in Class IV in June than in the other months. In 1966, Class IV utilization in June was 72 percent of the total Class IV utilization for the year.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of an interested party. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Southeastern Florida Marketing Area" and "Order Amending the Order, Regulating the Handling of Milk in the Southeastern Florida Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of March 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Southeastern Florida marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on May 18, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Southeastern Florida Marketing Area

§ 1013.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the Southeastern Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

In § 1013.44(c), subparagraphs (1) and (3) (iv) are revised to read as follows:

§ 1013.44 Transfers.

* * * * *

(c) * * *

(1) The transferring or diverting handler claims classification in Class II, Class III, or Class IV in his report submitted to the market administrator pursuant to § 1013.30;

* * * * *

(3) * * *

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class IV milk to the extent available, then as Class III milk, and any remainder as Class II milk; and

* * * * *

[F.R. Doc. 67-5758; Filed, May 23, 1967; 8:47 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 67-CE-6-AD]

AIRWORTHINESS DIRECTIVES

Continental Models IO-470 and TSIO-470 Engines

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain Continental Models IO-470 and TSIO-470 engines. There have been instances of fatigue cracks in the thread runout area of the barrel on reground and chrome plated Continental Part No. 626820 cylinder assemblies installed in these engines which could result in separation of the cylinder head from the cylinder barrel. This part number applies to two groups of cylinder assemblies, those having the letter "H" stamped on the rocker box flange over the exhaust valve, and those which do not have this identification. Strengthening design features were incorporated in those cylinders having the letter "H" stamped on them. The instances of fatigue cracks in question have occurred on those reground or chrome plated parts which are not marked with the letter "H." Therefore, the "H" marked parts will not be covered by the proposed AD. Since this condition is likely to exist or develop in other engines of the same design, on which the unmarked reground or chrome plated cylinder assemblies are installed, the proposed AD would require, within the next 200 hours' time in service after the effective date of this AD, that these cylinders be removed from service.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Director, Central Region, Attention: Regional Counsel, Airworthiness Rules Docket, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new AD:

CONTINENTAL. Applies to Models IO-470-D, IO-470-E, IO-470-F, IO-470-H, IO-470-L, IO-470-M, IO-470-N, IO-470-S, IO-470-U, IO-470-V, and TSIO-470-B, TSIO-470-C, TSIO-470-D engines.

Compliance required as indicated, unless already accomplished.

To prevent failure of reground or chrome plated Part No. 626820 cylinder assemblies, not having the letter "H" stamped on the rocker box flange over the exhaust valve, installed on the above referred to Continental engine models, accomplish the following:

Within the next 200 hours' time in service after the effective date of this AD, remove reground or chrome plated Part No. 626820 cylinder assemblies, not having the letter "H" stamped on the rocker box flange over the exhaust valve, and install as replacements either (1) Continental Part No. 626820 cylinder assemblies identified by the letter "H" stamped on the rocker box flange over the exhaust valve, or (2) Continental Part No. 626820 cylinder assemblies not having the letter "H" stamped on the rocker box flange over the exhaust valve which have neither been reground nor chrome plated.

Issued at Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-5751; Filed, May 23, 1967; 8:47 a.m.]

[14 CFR Part 39]

[Docket No. 6360]

AIRWORTHINESS DIRECTIVES

Mooney Model M20C, M20D, M20E Airplanes

Amendment 39-45 (30 F.R. 3349), Airworthiness Directive 65-6-5, requires the replacement of Dukes fuel pumps with redesigned pumps on Mooney M20C, M20D, and M20E airplanes. After issuing Amendment 39-45, due to service experience, the Agency determined that corrective action is also required for more recently manufactured aircraft having higher serial numbers than those specified in the Airworthiness Directive. Therefore, the Agency is considering superseding Amendment 39-45 with a new AD applicable to additional aircraft requiring the replacement of Dukes fuel pumps with redesigned models.

Interested persons are invited to participate in making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, Post Office Box 1689, Fort Worth, Tex. 76101.

All communications received within 30 days after publication of this notice will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be made a part of the official docket and will be available for examination by interested persons, both before and after the closing date for comments, at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new Airworthiness Directive:

MOONEY. Applies to Model M20C (Mark 21) airplanes, Serial Numbers 2623 through 2737 and 2739 through 3198; Model M20D (Master) airplanes, Serial Numbers 201 through 260; and Model M20E (Super 21) airplanes, Serial Numbers 101 through 850.

Compliance required as indicated unless already accomplished.

Service experience indicates that it is necessary to replace Dukes fuel pumps now in service with a redesigned Dukes fuel pump as follows:

(a) For Model M20E (Super 21) Airplanes Equipped with Dukes Fuel Pump:

(1) Within the next 25 hours time in service after April 12, 1965, replace Dukes fuel pump, Part Number 4140-00-19, Serial Numbers 101, 102, 103, 150 through 312, with Dukes fuel pump, Part Number 4140-00-19A, with pump Serial Number above 1551, in accordance with Mooney Service Bulletin M20-121B (Rev. B, 11-4-66).

(2) Within the next 100 hours time in service after April 12, 1965, replace Dukes fuel pump, Part Number 4140-00-19, Serial Numbers 313 through 613, with Dukes fuel pump, Part Number 4140-00-19A with pump serial number above 1551, in accordance with Mooney Service Bulletin M20-121B (Rev. B, 11-4-66).

(3) Within the next 100 hours time in service after the effective date of this AD, replace Dukes fuel pump, Part Number 4140-00-19A, Serial Numbers 614 through 1551 with Dukes fuel pump, Part Number 4140-00-19A with pump serial number above 1551, in accordance with Mooney Service Bulletin M20-121B (Rev. B, 11-4-66).

(b) For Models M20C (Mark 21) and M20D (Master) Airplanes Equipped with Dukes Fuel Pump:

(1) Within the next 25 hours time in service after April 12, 1965, replace Dukes fuel pump, Part Number 4140-00-21, Serial Numbers 100, 102, 103, 150 through 244, with Dukes fuel pump, Part Number 4140-00-21A with pump serial number above 1159, in accordance with Mooney Service Bulletin M20-121B, (Rev. B, 11-4-66).

(2) Within the next 100 hours time in service after April 12, 1965, replace Dukes fuel pump, Part Number 4140-00-21, Serial Numbers 245 through 409, with Dukes fuel pump, Part Number 4140-00-21A with pump serial number above 1159, in accordance with Mooney Service Bulletin Number M20-121B (Rev. B, 11-4-66).

(3) Within the next 100 hours time in service after the effective date of the AD, replace Dukes fuel pump, Part Number 4140-00-21A, Serial Numbers 410 through 1159, with Dukes fuel pump, Part Number 4140-00-21A with pump serial number above 1159, in accordance with Mooney Service Bulletin M20-121B (Rev. B, 11-4-66).

(c) For Model M20E, Serial Numbers 101 through 263, Model M20C, Serial Numbers 2623 through 2690, and Model M20D, Serial Numbers 201 through 226, concurrent with the fuel pump replacement in (a) and (b) above, remove Mooney electric fuel pump mounting bracket, Part Number 610032, and install redesigned pump bracket, Part Number 610048, in accordance with Mooney Service Letter 20-120, dated March 18, 1964.

This supersedes Amendment 39-45, 30 F.R. 3349, AD 65-6-5.

Issued in Fort Worth, Tex., on May 11, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-5752; Filed, May 23, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-5]

TRANSITION AREA

Proposed Alteration; Supplemental Notice

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Sioux Falls, S. Dak., terminal area.

In a notice of proposed rule making published in the FEDERAL REGISTER on February 21, 1967 (32 F.R. 3101), the Federal Aviation Administration proposed to alter the Sioux Falls, S. Dak., transition area by redesignating it as follows:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Sioux Falls/Joe Foss Field (latitude 43°-34'44" N., longitude 96°44'27" W.); within a 21-mile radius of the Sioux Falls VORTAC, extending from a line 5 miles east of and parallel to the 154° radial, clockwise to the 329° radial, and within a 17-mile radius of the Sioux Falls VORTAC, extending from the 329° radial, clockwise to a line 5 miles south of and parallel to the 070° radial, and that airspace extending upward from 1,200 feet above the surface within a 43-mile radius of the Sioux Falls VORTAC, extending from the south edge of V-120 east of Sioux Falls clockwise to the south edge of V-120 west of Sioux Falls; and within a 33-mile radius of Sioux Falls VORTAC, extending from a line 5 miles southwest of and parallel to the 336° radial, clockwise to a line 5 miles south of and parallel to the 070° radial.

Subsequent to publication of the notice of proposed rule making, it has been determined that the proposed transition area must be revised in order to provide a more effective use of airspace. The proposed revision will consist of raising the floor on part of the proposed 1,200-foot floor transition area and by reducing the amount of 700-foot floor transition area.

In view of the foregoing, the proposed notice is amended to propose that the Sioux Falls transition area be redesignated as follows:

That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Sioux Falls VORTAC; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Sioux Falls VORTAC extending from a line 5 miles southwest of and parallel to the Sioux Falls VORTAC 336° radial clockwise to the northwest edge of V-148, and extending from the south edge of V-120 east of Sioux Falls clockwise to the south edge of V-120 west of Sioux Falls; and that airspace extending upward from 5,000 feet MSL within a 43-mile radius of Sioux Falls VORTAC, extending from the south edge of V-120 east of Sioux Falls clockwise to the south edge of V-120 west of Sioux Falls, excluding the area which overlies V-15, V-15E, V-148, V-181, and V-181W; and within a 33-mile radius of Sioux Falls VORTAC, extending from a line 5 miles southwest of and parallel to the Sioux Falls VORTAC 336° radial clockwise to the northwest edge of V-148, excluding the portion which overlies V-181.

The proposed 700-foot floor transition area will provide controlled airspace protection for arriving and departing aircraft at Joe Foss Field, Sioux Falls, S. Dak., during descent from 1,500 to 1,000 feet above the surface and during climb to 1,200 feet above the surface.

The proposed 1,200-foot floor transition area will provide controlled airspace protection for arriving and departing aircraft at this airport during the portions of the arrival procedures executed between 1,500 feet above the surface and 5,000 feet MSL and during the portion of the departure procedures executed between 1,200 feet above the surface and 5,000 feet MSL.

The proposed transition area with a floor of 5,000 feet MSL will provide controlled airspace protection for aircraft holding at the Chester, Sherman, Parker, and Canton, S. Dak., intersections, and for the portions of the high altitude approach procedures executed above 5,300 feet MSL. The portions of this 5,000-foot MSL floor transition area southeast and west of Sioux Falls in conjunction with the 1,200-foot and 700-foot transition areas will provide controlled airspace protection for aircraft transitioning to and from jet route J-82.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floors of the transition area.

No procedural changes will be effected in conjunction with the actions proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on May 5, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-5753; Filed, May 23, 1967; 8:47 a.m.]

[14 CFR Parts 71, 73]

[Airspace Docket No. 67-WE-8]

RESTRICTED AREA AND CONTINENTAL CONTROL AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate a new joint use restricted area near Tonopah, Nev., and include it in the continental control area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Tonopah Test Range, presently designated as Restricted Area R-4809, has been utilized by the Atomic Energy Commission (AEC) since 1956. Additional rocket programs scheduled for testing at the Tonopah Test Range cannot be contained within the existing R-4809 and ground installations and instrumentation within R-4807 and R-4808 prevent their use for impact areas. The test rockets would be fired from launchers located in the Tonopah Test Range, R-4809 and the proposed restricted area would provide two impact areas. The proposed new area would be designated as R-4814 and subdivided into two parts to provide more flexibility in the management of the airspace under the joint use concept.

The Tonopah Test Range launch facilities and associated instrumentation are a part of an $11 million investment

in permanent testing facilities. Due to the close proximity to Albuquerque, N. Mex., and the remote location of the test range, the Atomic Energy Commission considers it to be in the best interest of the Government to be able to continue the use of the test range for rocket testing that requires higher altitudes. The apogee of the rockets will vary up to 1 million feet. These rockets are essentially vertical probes, wherein the exit and reentry part of the trajectory, below 100,000 feet, is practically vertical.

These rockets will be solid fuel ballistic devices with one, two, or three stages and since they do not have guidance mechanisms, the expected impacts are somewhat dispersed. Therefore, the proposed restricted area is relatively large in order to insure an adequate degree of safety. The reentry payloads envisioned are inert, i.e., nonexplosive, nonfragmenting, and not radioactive. These rockets, which vary in size from 3 to 13 inches in diameter and are 3 to 20 feet long, will be fired on an infrequent basis. AEC plans to fire approximately 10 to 15 rockets per year with each firing period scheduled for a duration of 30 hours. The actual flight time of the rockets from launch to impact is approximately 5 minutes with a maximum of 15 minutes expected.

R–4814A would infringe on a natural VFR flyway between Las Vegas and Currant, Nev., and both R–4814A and R–4814B would overlie Federal airway V–244 and jet route J–80. Since the actual closure periods should be brief and infrequent, the principal inconvenience to airmen will arise from the necessity for checking the status of the area before transit. Normally, the exact time of the rocket firing is not critical and could be adjusted to accommodate aircraft operating on an air traffic control clearance on V–244 and J–80. Delays of such traffic would not be expected except that an occasional aircraft could be delayed for 5 or 10 minutes.

The proposed restricted area would include those segments of two circles which lie outside of existing restricted areas R–4807, R–4808, and R–4809. One circle would be centered on latitude 37°47'00'' N., longitude 116°21'30'' W. and have a radius of 27 statute miles. The other would be centered on latitude 37°53'30'' N., longitude 115°48'20'' W., and have a radius of 36 statute miles. The altitudes would include from the surface to flight level 240. Aircraft above flight level 240 would be separated from the rocket firings through air traffic control procedures.

The surface underlying the proposed restricted area is almost entirely public land under the jurisdiction of the Bureau of Land Management and the Forest Service. As a safety precaution, all individuals residing within or having an interest in the area will be evacuated during the tests. The AEC will negotiate with these persons and compensate them for their inconvenience. In addition, U.S. Highway 25 which runs through the area will be closed during the test periods.

If action is taken to adopt this proposal, a new restricted area, R–4814A and R–4814B, will be designated at Tonopah, Nev., as follows:

R–4814A TONOPAH, NEV.

Boundaries: Beginning at latitude 37°53'-00'' N., longitude 116°50'15'' W.; thence clockwise via the arc of a circle with a 27-statute-mile radius centered at latitude 37°-47'00'' N., longitude 116°21'30'' W.; to latitude 37°40'30'' N., longitude 115°53'00'' W.; to latitude 37°42'00'' N., longitude 115°53'-00'' W.; to latitude 37°42'00'' N., longitude 116°11'00'' W.; to latitude 37°53'00'' N., longitude 116°11'00'' W; to the point of beginning.

Designated altitudes: Surface to FL 240.

Time of designation: Monday through Saturday, as published by NOTAM issued at least 48 hours in advance and upon termination of use.

Controlling agency: Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency: Manager, Atomic Energy Commission, Albuquerque, N. Mex.

R–4814B TONOPAH, NEV.

Boundaries: Beginning at latitude 38°10'-30'' N., longitude 116°21'30'' W.; thence clockwise via the arc of a circle with a 36-statute-mile radius centered at latitude 37°-53'30'' N., longitude 115°48'20'' W.; to latitude 37°24'00'' N., longitude 115°35'00'' W.; to latitude 37°28'00'' N., longitude 115°-35'00'' W.; to latitude 37°28'00'' N., longitude 115°48'00'' W.; to latitude 37°33'00'' N., longitude 115°48'00'' W.; to latitude 37°33'-00'' N., longitude 115°53'00'' W.; to latitude 37°40'30'' N., longitude 115°53'00'' W.; thence counterclockwise via the arc of a circle with a 27-statute-mile radius centered at latitude 37°47'00'' N., longitude 116°21'-30'' W.; to point of beginning.

Designated altitudes: Surface to FL 240.

Time of designation: Monday through Saturday, as published by NOTAM issued at least 48 hours in advance and upon termination of use.

Controlling agency: Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency: Manager, Atomic Energy Commission, Albuquerque, N. Mex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 17, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5754; Filed, May 23, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 103]

[Ex Parte 253]

CARRIER AGREEMENTS RELATING TO RATES, FARES, ETC.

Stay of Effective Date

MAY 19, 1967.

Notice of independent action-regulations governing the giving of public notice of tariff publication proposals by individual carriers where publication is to be effected by a rate conference.

This rulemaking proceeding, initiated by a notice of proposed rulemaking published in 31 F.R. 13392 on October 15, 1966, was conducted under the Commission's modified procedure.

The Hearing Examiner issued his recommended report and order proposing an amendment to Part 103 of Chapter I, Subtitle B of Title 49 of the Code of Federal Regulations. This amendment was set out in a Notice of Issuance of Examiner's Recommended Report and Order published in the rules and regulations section on page 6451 of the FEDERAL REGISTER issue of April 26, 1967, as F.R. Doc. 67–4606.

On May 11, 1967, notice was published on page 7128 of the FEDERAL REGISTER that F.R. Doc. 67–4606 was inadvertently published in the rules and regulations section of the FEDERAL REGISTER, and that the document should have been published in the Proposed Rule Making Section of the April 26, 1967 issue. A cross-reference redesignating F.R. Doc. 67–4606 to the Proposed Rule Making Section was published on page 7134 of the May 11, 1967, FEDERAL REGISTER.

Exceptions having been timely filed to the Examiner's Recommended Report and Order the effective date of the proposed amendment to Part 103 is stayed until further notice.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–5767; Filed, May 23, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 2105]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 15, 1967.

The Department of Agriculture, on behalf of the Forest Service, has filed application, Montana 2105, for the withdrawal of the lands described below, from all forms of appropriation, subject to existing valid claims.

The applicant desires the land for the development of a road in connection with the administration of the Lolo National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

LOLO NATIONAL FOREST

PRINCIPAL MERIDIAN MONTANA

Harvey Creek Road

T. 11 N., R. 14 W.,
Sec. 20, Lot 3, SE¼SW¼.
A strip of land 60 feet in width, being 30 feet on each side of the centerline of Harvey Creek Road No. 307 in and through the above subdivisions, and as shown on the attached plat.
Total area—2.72 acres, more or less.
T. 11 N., R. 14 W.,
Sec. 20, NW¼SW¼.
A tract of land of variable width in the above subdivision in accordance with the figures and measurements as shown on the attached plat.
Total area—0.92 acres, more or less.

The areas described aggregate 3.64 acres.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 67–5733; Filed, May 23, 1967; 8:45 a.m.]

[Utah 2945]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

MAY 16, 1967.

The U.S. Forest Service, Department of Agriculture, has filed an application for the withdrawal of the lands described below, from all forms of appropriation except the General Mining and Mineral Leasing laws.

The applicant desires the land for extending the boundaries of the Manti-LaSal National Forest. The lands were obtained in a private exchange of land and are suitable for inclusion into the forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 19 S., R. 7 E.,
Sec. 8, S½NW¼, and NE¼SW¼.

The area described contains 120 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 67–5734; Filed, May 23, 1967; 8:45 a.m.]

[Utah 2930]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

MAY 17, 1967.

The U.S. Forest Service, Department of Agriculture, has filed application for the withdrawal of the lands described below, from all forms of appropriation except the general mining and mineral leasing laws, subject to existing valid rights.

The applicant desires the land to extend the boundaries of the Fishlake National Forest, Utah, to include an isolated parcel of public domain land suitable for national forest purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach argeement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 23 S., R. 3 E.,
Sec. 11, E½E½, S½SW¼, SW¼SE¼.

The area described aggregates 280 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-5735; Filed, May 23, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

May Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein, the CCC Monthly Sales List for May 1967 is amended as set forth below:

1. A new section which covers Dry Edible Beans is inserted immediately after the Tung Oil section. The new section will read as follows:

DRY EDIBLE BEANS—(BAGGED)

A. Domestic market price but not less than the following minimum prices per hundredweight for U.S. No. f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades and locations, adjust by applicable 1966 price support differentials.

Class	Price per cwt.	Area of production
Pea	7.37	Michigan:
Light red kidney	9.51	Michigan/New York.

B. *Available.* Evanston Grain Merchandising ACSC Office.

2. An unrestricted use section for peanuts is being added and will read as follows:

Unrestricted use.

A. U.S. Medium—Virginia type, offered at the higher of the market price or 105 percent of support plus carrying charges.

B. When stocks are available, lot lists are issued by Peanut Growers Cooperative Marketing Association, Franklin, Va.

3. The first sentence of paragraph 12 of press release portion of the Sales List is amended to read as follows:

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3 or GSM-4) for May 1967 are 5½ percent for U.S. bank obligations and 6½ percent for foreign bank obligations, without regard to credit periods involved, up to a maximum of 36 months.* * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; U.S.C. 1441 (note))

Signed at Washington, D.C., on May 18, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-5756; Filed, May 23, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18573; Order E-25169]

FRONTIER AIRLINES, INC.

Order of Investigation and Suspension Regarding Ladies Fare Proposal

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of May 1967.

By tariff [1] posted April 17, 1967, and marked to become effective June 1, 1967, Frontier Airlines, Inc. (Frontier) has proposed ladies round-trip excursion fares at the level of 60 percent of the standard fare applicable to such transportation. Transportation under this proposal, is limited to women at least 22 years of age, must be completed within 15 days after the date of departure of the going portion of the trip, and is subject to a minimum round-trip fare of $20. The tariff will not be applicable in some of Frontier's competitive markets, and bears an expiration date of August 31, 1967.

In its letter of justification accompanying the tariff transmittal, and in its answer to complaints, Frontier asserts that its proposal is of extraordinary and unusual importance to the carrier and is economically justified, that an experimentation period is required in order to evaluate the fare, and that the fare is not unjustly discriminatory since it will not have an adverse effect upon other passengers. With regard to economic justification, the carrier asserts that the adult female population constitutes an untapped source for airline travel, that its Ladies Fare will result in an increase of at least 75 percent in adult female travel producing an estimated annual increase in operating profit of approximately $900,000 after allowance for a 60 percent diversion of present full-fare female passengers and for the added cost of handling the additional passengers, and that as a result, Frontier's subsidy would be reduced by $188,000 annually. The carrier states that it wishes to market test the Ladies Fares and to evaluate the success of the Ladies Fares by comparing the growth and development of traffic in the markets where the Ladies Fares are applicable with those where they are not; that it will develop more detailed information on the use of the fares by means of passenger questionnaires; and that the 3-month expiration date affords the Board opportunity to refuse renewal of the tariff after 3 months if it finds that the fares are not beneficial, and also provides Frontier the opportunity to discontinue the fares if it finds them to be unsuccessful. Concerning discrimination, the carrier states that discrimination per se is not illegal and only becomes so if it results in significant prejudice; the law does not prohibit more favorable treatment of one sex when the favorable treatment has no adverse effect upon members of the opposite sex. Frontier asserts that there is no factual basis for finding that the proposed fares would have an adverse effect upon other passengers, that men as a class would benefit from the reduced fares since the proposed tariff will provide reduced transportation costs for their wives, mothers, sisters, and daughters, and that the proposed fares would eliminate a significant element of discrimination under existing tariffs wherein a married woman traveling with her husband receives a substantial Family Plan discount while a single or widowed woman is denied such discount. In addition, the carrier states that, rather than burdening other traffic, its various promotional fares have resulted in a significant reduction of unit costs.

Complaints requesting investigation and suspension of the Ladies Fare proposal have been filed by Northwest Airlines, Inc. (Northwest), and Western Air Lines, Inc. (Western). The complaints assert that the instant proposal is basically the same as that filed by Frontier in late 1966, and which the Board ordered investigated and suspended by Order E-24563, December 27, 1966. Complainants contend that a special fare based upon the sex of the passenger is unjustly discriminatory and runs directly counter to the Federal Government's philosophy of abrogating discrimination based upon sex. In addition, it is asserted that the proposal is unjust and unreasonable and that Frontier's use of an added cost technique is improper.

The Board has determined to investigate Frontier's Ladies Fare proposal. By Order E-24563, December 27, 1966, the Board ordered the investigation and suspension of an earlier Frontier Ladies Fare tariff. The instant proposal differs from the earlier one in three respects: (1) It offers a discount of 40 percent instead of 50 percent; (2) it excludes 29 competitive markets instead of applying systemwide; and (3) it is limited to an initial 3-month period instead of 6 months. None of these differences remove the basic question of discrimination inherent in the proposal. Therefore, for the reasons more fully stated in Order E-24563, December 27, 1966, the Board will also suspend the tariff pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions in Rule 18 on 1st Revised Page 32 of tariff CAB No. 101 issued by Airline Tariff Publishers, Inc., Agent, and rules, reg-

[1] Rule 18 of Airline Tariff Publishers, Inc., Agent, CAB No. 101.

ulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions in Rule 18 on 1st Revised Page 32 of tariff CAB No. 101 issued by Airline Tariff Publishers, Inc., Agent, are suspended and their use deferred to and including August 29, 1967, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

4. Except to the extent granted herein, the complaints of Northwest Airlines, Inc., in Docket 18494, and Western Air Lines, Inc., in Docket 18489 be dismissed; and

5. Copies of this order be filed with the aforesaid tariff and be served upon Frontier Airlines, Inc., Northwest Airlines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-5762; Filed, May 23, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

CHICAGO, DULUTH AND GEORGIAN BAY TRANSIT CO. (GEORGIAN BAY LINE) ET AL.

Security for Protection of the Public; Application for Casualty Certificate

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, Amendment 2 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages:

Chicago, Duluth and Georgian Bay Transit Co. (Georgian Bay Line).
Rederiaktiebolaget Clipper (Clipper Steamship Co.) (Clipper Line).
Victoria Steamship Co., Ltd. (Incres Line).
Alaska Cruise Lines, Ltd.
N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland-America Line).
Europa-Canada Linie G.m.b.H., Bremen (Europe-Canada Line and ECL Shipping Co.).
Aktiebolaget Svenska Amerika Linien (Swedish American Line).
Grace Line, Inc.
The Cunard Steam-Ship Co. Ltd. (Cunard).
N.V. Mailschip Rotterdam (Holland-America Line).
Den norske Amerikalinje A/S (Norwegian America Line).
"Italia" Societa' Per Azioni Di Navigazione (Italian Line).
Home Lines, Inc. (Home Lines).
Delta Steamship Lines, Inc. (Delta Line).
Compagnie Generale Transatlantique (French Line).
Transatlantic Shipping Corp. and Transoceanic Navigation Corp. (Greek Line).
Giacomo Costa Fu Andrea (Costa Line) (Linea "C").
Moore McCormack Lines, Inc.
Matson Navigation Co./The Oceanic Steamship Co. (Matson Lines).
Aegean Cruises, S.A. and Unitours, Inc. (Aegean: Epirotiki Lines).
The New Zealand Shipping Co., Ltd.
Jugosiavenska linijska plovidba-Rijeka (Jugolinija; Yugoline).
Compagnie Francaise de Navigation (Paquet Lines).
Canadian Pacific Railway Co. (Canadian Pacific).
Oceanic Special Shipping Co., Ltd.
The Indo China Steam Navigation Co., Ltd.

Dated: May 19, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5764; Filed, May 23, 1967; 8:48 a.m.]

HANSEATIC SCHIFFAHRTS-GESELLSCHAFT m.b.H. & CO. ET AL.

Security for Protection of the Public; Issuance of Performance Certificate

Notice is hereby given that, pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) that a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation has been issued to the following:

Hanseatic Schiffahrts-Gesellschaft m.b.H. & Co., Deutsche Atlantik Schiffahrts-Gesellschaft m.b.H & Co. (Hanseatic Line, Inc.) (German Atlantic Line) (GAL). Certificate No. P-46. Effective date: May 18, 1967.
Council on International Educational Exchange, Inc. (Council on Student Travel). Certificate No. P-47. Effective date: May 18, 1967.

Dated: May 19, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5765; Filed, May 23, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-329]

COMMUNITY NATURAL GAS CO., INC., AND MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

MAY 16, 1967.

Take notice that on May 8, 1967, Community Natural Gas Co., Inc. (Applicant), 111 North Main Street, Owensville, Ind. 47565, filed in Docket No. CP67-329 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Midwestern Gas Transmission Co. (Respondent) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the community of Carlisle, Ind., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 0.57 miles of 3-inch lateral transmission line extending due west from a point of interconnection with Respondent's main transmission line to a point of connection with the proposed municipal distribution system at the town border of Carlisle, Ind.

Applicant estimates the third year peak daily and peak annual natural gas requirements at 380 Mcf and 31,000 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $98,000, said cost to be financed through the sale of common stock, a bank loan and cash from internal sources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 12, 1967.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5729; Filed, May 23, 1967; 8:45 a.m.]

[Docket No. CI64-1138]

TEXACO, INC., ET AL.

Notice of Petition To Amend

MAY 16, 1967.

Take notice that on May 8, 1967, Texaco, Inc. (Operator), et al. (Petitioner), Post Office Box 52332, Houston, Tex. 77052, filed in Docket No. CI64-1138 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing Petitioner to sell additional volumes of natural gas, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner proposes to sell an additional 4,000 Mcf of natural gas per day to El Paso Natural Gas Co. from the Fuller Gasoline Plant, Scurry County, Tex., at a total initial rate of 15.74 cents per Mcf at 14.65 p.s.i.a. pursuant to its FPC Gas Rate Schedule No. 328. Petitioner has submitted as a supplement to the related rate schedule a supplemental agreement with the gas purchaser for the sale of the additional volumes. Petitioner agrees to accept a certificate amendment which conforms to the provisions of the Commission's Opinion No. 468, 34 FPC 159, to the extent

that such provisions are judicially upheld or not further stayed.

The subject petition has been filed under protest and is conditioned by Petitioner upon a determination being made by the Commission that additional certificate authorization is required for the service proposed. Petitioner states that the proposed increase in sales and deliveries of residue gas derived from casinghead gas results from a more rapid rate of production arising out of an increase in oil allowables. Petitioner submits that the subject petition and rate schedule supplement pertain to the identical gas reserves from which sales were heretofore authorized in this docket inasmuch as the contract comprising Petitioner's FPC Gas Rate Schedule No. 328 provides that the gas purchaser has the right to increase its daily takes and that upon commencement of the additional deliveries the contract volume previously in effect automatically will be increased by the amount of the additional volumes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 12, 1967.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5730; Filed, May 23, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2104]

GREAT AMERICAN INSURANCE CO.

Notice of Filing of Application for Order Exempting Transaction Between Affiliated Persons

MAY 18, 1967.

Notice is hereby given that Great American Insurance Co. ("Great American"), 99 John Street, New York, N.Y. 10038, a New York corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act a proposed purchase by Great American from Insurance Securities Trust Fund ("Trust"), a registered open-end, diversified investment company, of 52,221 shares of the capital stock of Peoples Life Insurance Co. ("Peoples Life"), a life insurance company incorporated in the District of Columbia. All interested persons are referred to the application on file with the Commission for a full statement of the representations made therein, which are summarized below.

As of December 31, 1966 Trust owned 309,820 shares, or slightly less than 10 percent, of the capital stock of Great American. Such ownership has not changed materially since that date. Great American is therefore an affiliated person of Trust within the meaning of section 2(a)(3) of the Act. Trust also owns 52,221 shares, or approximately 4.1 percent of the outstanding capital stock of Peoples Life. Great American represents that there are no other relationships between Trust and either Great American or Peoples Life.

Section 17(a) of the Act, as here pertinent, makes it unlawful for Great American, an affiliate of Trust, to purchase from such registered investment company any security or other property unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the Trust and with the general purposes of the Act.

Applicant represents that the $40 per share purchase price of the Peoples Life stock was the asked price quoted on April 12, 1967, the day the arrangement was entered into and negotiated at arm's length. Applicant also states that it is unlikely that the Trust could sell its 52,221 shares of Peoples Life stock at a more favorable price since this block has no value from the standpoint of control in view of the large holdings of persons connected with the management of Peoples Life. In addition, applicant indicates that it would probably be unable to acquire a block of this size in the open market without causing an increase in price to a point where the investment could no longer be justified.

The transaction is to be consummated within 20 days after issuance of the Commission's order pursuant to section 17(b).

Notice is further given that any interested person may, not later than June 5, 1967 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon the application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-5737; Filed, May 23, 1967; 8:45 a.m.]

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

MAY 18, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 19, 1967, through May 28, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-5766; Filed, May 23, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 390]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 19, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. and also in the

field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 493 (Sub-No. 4 TA), filed May 17, 1967. Applicant: HYMAN MOTOR SERVICE CO., 425 South 6th Street, Quincy, Ill. 62301. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), serving the plantsite of Missouri Farmers Association, Inc., adjacent to the Missouri Electric Co-Operative, near Palmyra, Mo., as an off-route point in connection with applicant's authorized regular-route operations between Quincy, Ill., and St. Louis, Mo., for 180 days. Supporting shipper: Missouri Farmers Association, Inc., 201 South Seventh, Columbia, Mo. 65201. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 114301 (Sub-No. 48 TA), filed May 17, 1967. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow*, in bulk, from Berlin, Md., to points in Delaware, Virginia, West Virginia, New Jersey, and Pennsylvania (except those points in New Jersey and Pennsylvania located within 100 miles of Columbus Circle, N.Y.), and the District of Columbia, for 150 days. Supporting shipper: Ralston Purina Co., Checkerboard Square, Saint Louis, Mo. 63199 (Roy H. Shipley, Poultry Products Division, Traffic Manager). Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, Salisbury, Md. 21801.

No. MC 118290 (Sub-No. 5 TA), filed May 17, 1967. Applicant: EDWARD F. FULLER, doing business as EDDIE FULLER, 2180A Northwest 23d Street, Miami, Fla. 33142. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Fannin at Capital, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groceries*, not frozen, requiring refrigeration in transit, from Miami, West Palm Beach, and Tampa, Fla., to Houston and Dallas, Tex., and Los Angeles and San Francisco, Calif., for 180 days. Supporting Shippers: Miavana Wholesale Co., Inc., 1031 Northwest 21st Street, Miami, Fla. 33137; West Indies Food & Packing, Inc., 2149 Northwest 10th Avenue, Miami, Fla. 33152; and N. Polanco, Inc., 2177 Northwest Eighth Avenue, Miami, Fla. 33127. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 123067 (Sub-No. 60 TA), filed May 17, 1967. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. 27105. Applicant's representative: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Olivine*, dry, in bulk, in tank vehicles, from points in Jackson County, N.C., to points in Alabama, Georgia, Pennsylvania, and Tennessee, for 180 days. Supporting Shipper: E. J. Lavino & Co., Division of International Minerals & Chemicals Corp., Three Penn Center Plaza, Philadelphia, Pa. 19102. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 123393 (Sub-No. 182 TA), filed May 17, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from La Porte, Ind., to points in Missouri, Arkansas, Oklahoma, and Kansas, for 180 days. Supporting shipper: American Home Foods, Division of American Homc Products Corp., 685 Third Avenue, New York, N.Y. 10017. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5768; Filed, May 23, 1967; 8:48 a.m.]

[Notice 447]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 19, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 30504 (Deviation No. 6), TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend, Ind. 46621, filed May 5, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bristol, Ind., over Indiana Highway 120 to junction Indiana Highway 13, thence over Indiana Highway 13 to junction U.S. Highway 131, thence over U.S. Highway 131 to junction U.S. Highway 12, and return over the same route, for operating convenience only. The notice indicates that the carrier presently authorized to transport the same commodities, over a pertinent service route as follows: From Elkhart, Ind., over Indiana Highway 120 to junction Indiana Highway 15, thencc over Indiana Highway 15 to the Indiana-Michigan State line, thence over Michigan Highway 103 (formerly portion U.S. Highway 131), to junction U.S. Highway 12 (formerly portion U.S. Highway 112), thence over U.S. Highway 12 to Somerset Center, Mich., thence over unnumbered highway (formerly portion U.S. Highway 127) to Jackson, Mich., and return over the same route.

No. MC 33641 (Deviation No. 4), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed May 8, 1967. Carrier's representative: Marshall G. Berol, 100 Bush Street, San Francisco, Calif. 94104. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 93 and Interstate Highway 80N, north of Twin Falls, Idaho, over Interstate Highway 80N to junction Interstate Highway 15W, thence over Interstate Highway 15W to junction Interstate Highway 15, thence over Interstate Highway 15 to Pocatello, Idaho, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Weiser, Idaho, over U.S. Highway 95 via Payette, Idaho, to Fruitland, Idaho, thence over U.S. Highway 30 to Ontario, Oreg., thence over U.S. Highway 26 via Nyssa, Oreg., to junction U.S. Highway 20, thcnce over U.S. Highway 20 via Parma and Notus, Idaho, to junction U.S. Highway 30, thence over U.S. Highway 30 via Nampa, Meridian, Boise, Mountain Home, and Glenns Ferry, Idaho, to Bliss, Idaho, thence over Idaho Highway 24 via Gooding, Idaho, to Shoshone, Idaho, thence over U.S. Highway 93 to Twin Falls, Idaho (also from Bliss over U.S. Highway 30 via Buhl and Filer to Twin Falls), thence over U.S. Highway 30 to Burley, Idaho, thencc over U.S. Highway 30S via Malta and Strevell,

Idaho, and Snowville, Tremonton, and Bear River City, Utah, to Brigham City, Utah, (2) from Pocatello, Idaho, over U.S. Highway 30N to Montpelier, Idaho, (3) from Salt Lake City, Utah, over U.S. Highway 91 to Preston, Idaho, thence over Idaho Highway 34 to junction U.S. Highway 30N, thence over U.S. Highway 30N to Montpelier, Idaho (also, when Idaho Highway 34 is impassable due to weather condition, from Preston over U.S. Highway 91 to junction U.S. Highway 30N, thence over U.S. Highway 30N to Montpelier), thence over U.S. Highway 89 to Paris, Idaho, and (3) from Afton, Wyo., over U.S. Highway 89 to Alpine, Wyo., thence over U.S. Highway 26 to junction U.S. Highway 191, thence over U.S. Highway 191 to Pocatello, Idaho (also from Afton over U.S. Highway 89 to Geneva, Idaho, thence across the Idaho-Wyoming State line to Wyoming Highway 89, thence over Wyoming Highway to Border, Wyo., thence over U.S. Highway 30N to Pocatello), and return over the same routes.

No. MC 33641 (Deviation No. 5), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed May 8, 1967. Carrier's representative: Marshall G. Berol, 100 Bush Street, San Francisco, Calif. 94104. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 55 to Chicago, Ill., and return over the same route, for operating rights convenience only, restricted to shipments moving to or from Denver, Colo., or points west thereof. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Denver, Colo., over U.S. Highway 36 to Smith Center, Kans., thence over U.S. Highway 281 to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Mo., thence over U.S. Highway 50 to St. Louis, Mo., and (2) from Chicago, Ill., over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, thence over Alternate U.S. Highway 30 to Council Bluffs, Iowa, thence over U.S. Highway 6 to Hastings, Nebr., thence over U.S. Highway 34 to Brush, Colo., thence over U.S. Highway 6 to Denver, Colo., and return over the same routes.

No. MC 33641 (Deviation No. 6), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed May 8, 1967. Carrier's representative: Marshall G. Berol, 100 Bush Street, San Francisco, Calif. 94104. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 70 to junction Interstate Highway 75, thence over Interstate Highway 75 to Dayton, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 50 via Shoals, Ind., to Cincinnati, Ohio, thence over U.S. Highway 25 (or Ohio Highway 4) to Dayton, Ohio, and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 375) (Cancels Deviation No. 353), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed April 24, 1967, should be corrected to properly describe the access route as follows: From Cullman, Ala., over U.S. Highway 278 to junction Interstate Highway 65. Published in the FEDERAL REGISTER May 3, 1967.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5769; Filed, May 23, 1967; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 19, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. C-13718 (Amendment), filed March 3, 1967, published FEDERAL REGISTER issue of April 26, 1967, amended May 10, 1967, and republished as amended this issue. Applicant PAUL E. ARMS, doing business as SALINE CAB CO., 126 East Michigan, Saline, Mich. 48176. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property*, between Saline and points within 2½ miles thereof, and Manchester, Mich., and points within 1 mile thereof, on the one hand, and, on the other, points and places within 65 miles thereof, limited to shipments weighing not more than 1,000 pounds, moving to a single consignee and moving in taxicabs, sports wagons, panel, or stake trucks. Both intrastate and interstate authority sought.

HEARING: Thursday, June 8, 1967, at 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. 48913. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Public Service Commission of Michigan, Lewis Cass Building, Lansing, Mich., and should not be directed to the Interstate Commerce Commission. NOTE: The purpose of this republication is to add "and points within 2½ miles thereof", to the origin point of Saline, Mich.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5770; Filed, May 23, 1967; 8:48 a.m.]

[Notice 1064]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 19, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The below-listed applications are being republished primarily to clarify the commodity description. In the applications as originally published, it might have appeared that applicants seek authority to transport iron and steel articles, including, but not limited to, the commodities named in the original publications. The applicants, however, seek authority to transport only the specific commodities as set forth in the republication below, which are made of iron or steel. The restriction, "in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment," appearing in the applications, as filed, refers to the units that will make up a shipment and not to the shipment itself. The territorial authority sought by each applicant remains the same as that sought in the applications as filed and originally published. The public's attention is directed to the Special Footnote immediately following the republication of these applications.

No. MC 4964 (Sub-No. 35) (Republication), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: ROY L. JONES, INC., 915 McCarthy Avenue, Post Office Box 24128, Houston, Tex. 77029. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701.

No. MC 10881 (Sub-No. 5), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: CANYON TRUCKING CO., a corporation, Garden City Highway, Post Office Box 3106, Midland, Tex. 79704. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701.

No. MC 13250 (Sub-No. 88), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. Applicant's representative Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 18099 (Sub-No. 5), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: ROLAND HELDT, AGNES MARIE HELDT, HERTHA L. HELDT, AND ROLAND HELDT, AGNES MARIE HELDT, HERTHA L. HELDT AND W. L. POWELL, TRUSTEES FOR GRACE ELAINE POGUE, MARY ANN DAVIS, DIANA RUTH HELDT, AND DAVID MICHAEL HELDT, doing business as HELDT BROTHERS, Post Office Drawer 1130, Alice, Tex. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767.

No. MC 19227 (Sub-No. 116), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Post Office Box 52-602, Biscayne Annex, Miami, Fla. 33152. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 22046 (Sub-No. 15), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: W. M. (BILLY) WALKER, INC., 129 South Grimes Street, Hobbs, N. Mex. 88240. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767.

No. MC 23618 (Sub-No. 12), filed March 2, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: McALISTER TRUCKING COMPANY, a corporation, Post Office Box 2377, Abilene, Tex. 79604. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701.

No. MC 24583 (Sub-No. 13), filed March 20, 1967, published FEDERAL REGISTER issue of April 6, 1967. Applicant: RODNEY STEWART & TROY STEWART, a partnership, doing business as FRED STEWART COMPANY, 129 South Clay Street, Post Office Box 659, Magnolia, Ark. 71753. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002.

No. MC 27662 (Sub-No. 9), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: M. A. DAVIS TRANSPORT, INC., Post Office Box 9413, Beaumont Highway, Houston, Tex. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin Tex. 78767.

No. MC 29805 (Sub-No. 10), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: GULF STATES TRUCK LINES, INC., 9101 Linwood Avenue, Post Office Box 6090, Shreveport, La. 71106. Applicant's representative: Jerry Pestridge, Post Office Box 1148, Austin, Tex. 78767.

No. MC 30798 (Sub-No. 3), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: MILLER BROTHERS TRUCK LINE, INC., 901 Northeast 28th Street, Fort Worth, Tex. 76106. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 31321 (Sub-No. 8), filed March 20, 1967, published FEDERAL REGISTER issue of April 6, 1967. Applicant: SOUTHWESTERN TRANSFER COMPANY, INC., 1730 Bassett Avenue, Post Office Box 1611, El Paso, Tex. 79948. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002.

No. MC 32528 (Sub-No. 32), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: CECIL E. VALLEE, E. H. VALLEE, EFFIE VALLEE ALBAUGH, AND HELEN VALLEE WITHERS, doing business as UNION CITY TRANSFER, 1295 Railroad Avenue, Beaumont, Tex. 77702. Applicant's representative: John H. Benckenstein, 1350 Petroleum Building, Post Office Box 551, Beaumont, Tex. 77704.

No. MC 43867 (Sub-No. 19), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: ALTON LEANDER McALISTER, Post Office Box 2214, Wichita Falls, Tex. 76307. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC 56887 (Sub-No. 8), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: JESS EDWARDS, INC., Post Office Box 1091, Corpus Christi, Tex. 78403. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767.

No. MC 58311 (Sub-No. 15), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: BALL BROS. TRUCKING COMPANY, INC., 2330 East Main Street, Grand Prairie, Tex. 75050. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC 60157 (Sub-No. 9), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: C. A. WHITE TRUCKING COMPANY, INC., 4641 Greenville Avenue, Dallas, Tex. 75206. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC 63792 (Sub-No. 12), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: TOM HICKS TRANSFER COMPANY, INC., Post Office Box 283, Harvey, La. 70058. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 72058 (Sub-No. 6), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: HEARD & HEARD, INC., 115 East Vance, Post Office Box S, Refugio, Tex. 78377. Applicant's representative: Benton Coopwood, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 73165 (Sub-No. 231), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 74321 (Sub-No. 30), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767.

No. MC 77184 (Sub-No. 1), filed February 27, 1967, published FEDERAL REGISTER issue of March 30, 1967. Applicant: PAT BAKER, LESLIE BAKER, AND GLEN BAKER, a partnership, doing business as PAT BAKER AND SONS, Post Office Box 475, Kingsbury, Tex. 78638. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701.

No. MC 79999 (Sub-No. 3), filed March 20, 1967, published FEDERAL REGISTER issue of April 6, 1967. Applicant: E. JACK WALTON TRUCKING COMPANY, a corporation, 13020 Sarah's Lane, also Post Office Box 9789, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 First Houston Savings Building, Houston, Tex. 77002.

No. MC 83539 (Sub-No. 204) (Republication), filed February 6, 1967, and published in FEDERAL REGISTER issues of February 24, 1967, and April 19, 1967. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102.

No. MC 83835 (Sub-No. 54), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: WALES TRUCKING COMPANY, a corporation, Post Office Box 6186, Dallas, Tex. 75222, also 905 Myers Road, Grand Prairie, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC 85557 (Sub-No. 3) (Republication), filed January 9, 1967, published FEDERAL REGISTER issues of February 9, 1967, and April 12, 1967. Applicant: PAUL MUSSLEWHITE, Post Office Box 847, Levelland, Tex. 79336. Applicant's representative: Alvin R. Allison, 719 Houston Street, Levelland, Tex. 79336.

No. MC 85715 (Sub-No. 5), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: J. V. HARRISON TRUCK LINES, INC., Post Office Box 15057, Houston, Tex. 77020. Applicant's representative: Don Felts, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 85811 (Sub-No. 2), filed March 20, 1967, published FEDERAL REGISTER issue of April 6, 1967. Applicant: AMSCO TRANSPORTATION, INC., 10560 Mykawa Road, Houston, Tex.

77048, also Post Office Box 14147, Houston, Tex. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002.

No. MC 93318 (Sub-No. 15), filed March 2, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: JOE D. HUGHES, INC., Post Office Box 2143, Houston, Tex. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701.

No. MC 93884 (Sub-No. 4), filed March 23, 1967, published FEDERAL REGISTER issue of April 6, 1967. Applicant: FRANK C. STRECH TRUCKING CO., Box 2082, 2728 East Pearl, Odessa, Tex. 79760. Applicant's representative: Dan Felts, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 96719 (Sub-No. 2), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: THRASHER TRUCKING COMPANY, a corporation, Post Office Box 116, Monahans, Tex. 79756. Applicant's representative: Benton Coopwood, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 97068 (Sub-No. 6), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: H. S. ANDERSON TRUCKING COMPANY, a corporation, Highway 69, Post Office Box 3656, Port Arthur, Tex. 77640. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 97944 (Sub-No. 5), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: LANES BROTHERS TRUCKING COMPANY, a corporation, Post Office Box 1827, San Angelo, Tex. 76902. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701.

No. MC 98289 (Sub-No. 2), filed April 19, 1967, published FEDERAL REGISTER issue of May 4, 1967. Applicant: RITE-WAY TRANSPORT, INC., 4030 East Magnolia, Post Office Box 12163, Phoenix, Ariz. 85034.

No. MC 98334 (Sub-No. 2), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: INDUSTRIAL TRANSIT SERVICE, a corporation, 3203 Pluto, Dallas, Tex. 75212. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC 98649 (Sub-No. 4), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: BUCKALOO TRUCKING COMPANY, a corporation, Post Office Box 570, Kenedy, Tex. 78119. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701.

No. MC 98868 (Sub-No. 3), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: R. R. KENNEDY TRUCKING, INC., Post Office Drawer K, McCamey, Tex. 79752. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767.

No. MC 99214 (Sub-No. 4), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: PATTERSON TRUCK LINE, INC., 600 Roosevelt Street, Post Office Box 70, Houma, La. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 99365 (Sub-No. 3), filed February 27, 1967, published March 16, 1967. Applicant: SHORTY HALL RIG CO., INC., Post Office Box 2429, Odessa, Tex. 79760. Applicant's representative: George Fowler, 520 North Lee, Odessa, Tex. 79760.

No. MC 99753 (Sub-No. 2), filed February 27, 1967, published March 16, 1967. Applicant: CLYDE C. DENT, 106 Knight Hurst, Ennis, Tex. Applicant's representative: Albert G. Walker, 304 Capital National Bank Building, Austin, Tex. 78701.

No. MC 102162 (Sub-No. 4), filed March 23, 1967, published FEDERAL REGISTER issue of April 12, 1967. Applicant: RED ARROW HEAVY HAULING, INC., Post Office Box 1897, San Antonio, Tex. 78206. Applicant's representative: Wallace H. Nations, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 103066 (Sub-No. 24), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: STONE TRUCKING COMPANY, a corporation, Post Office Box 2014, Tulsa, Okla. 74101. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex.

No. MC 105984 (Sub-No. 8), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: JOHN B. BARBOUR, JR., doing business as JOHN B. BARBOUR TRUCKING COMPANY, Post Office Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC 106407 (Sub-No. 23), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: T. E. MERCER TRUCKING, CO., a corporation, Post Office Box 1809, Fort Worth, Tex. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Drawer 17007, Fort Worth, Tex. 76102.

No. MC 106497 (Sub-No. 36), filed April 13, 1967, published FEDERAL REGISTER issue April 27, 1967. Applicant: PARKHILL TRUCK COMPANY, a corporation, 4219 South Memorial, Tulsa, Okla. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106.

No. MC 106509 (Sub-No. 20), filed March 2, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: YOUNGER TRANSPORTATION, INC., Post Office Box 14066, Houston, Tex. 77021. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701.

No. MC 106623 (Sub-No. 10), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: SOUTHWEST OILFIELD TRANSPORTATION CO., a corporation, Post Office Box 7427, Houston, Tex. 77008. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767.

No. MC 106644 (Sub-No. 78), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 17050, Chattahoochee Station, Atlanta, Ga. 30321. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 106775 (Sub-No. 22) (Correction), filed February 27, 1967, published FEDERAL REGISTER issues of March 16, 1967, and March 23, 1967. Applicant: ATLAS TRUCK LINE, INC., Post Office Box 9848, Houston, Tex. 77015. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC 106941 (Sub-No. 4), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: WILLIAM H. OTT, doing business as TEXAS HOT SHOT COMPANY, 3815 Irvington Boulevard, Post Office Box 8587, Houston, Tex. 77009. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex 78701.

No. MC 107322 (Sub-No. 93), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: BELL TRANSPORTATION COMPANY, a corporation, 1406 Hays Street, Post Office Box 8598, Houston, Tex. 77009. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin Tex. 78701.

No. MC 107678 (Sub-No. 39), filed March 20, 1967, published FEDERAL REGISTER issue of March 30, 1967. Applicant: HILL & HILL TRUCK LINE, INC., 13019 Sarah Lane, Post Office Box 9698, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002.

No. MC 107993 (Sub-No. 14), filed February 27, 1967, published March 16, 1967. Applicant: J. J. WILLIS TRUCKING COMPANY, a corporation, Post Office Box 2112, Odessa, Tex. 79760. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 108942 (Sub-No. 4), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: C. G. TODD TRUCKING COMPANY, a corporation, Post Office Box 13734, Dallas, Tex., also 4828 West Illinois Avenue, Dallas, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC 109064 (Sub-No. 16), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., Post Office Box 8367, 3301 Southeast Loop 820, Fort Worth, Tex. 76112. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Drawer 17007, Fort Worth, Tex. 76102.

No. MC 110817 (Sub-No. 13), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: E. L. FARMER & COMPANY, a corporation, 300 South Grant, Post Office Box 3512, Odessa, Tex. Applicant's rep-

resentative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767.

No. MC 111412 (Sub-No. 6), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: J. I. HAILEY, INC., Navigation Boulevard, Post Office Box 1919, Corpus Christi, Tex. 78403. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767.

No. MC 113459 (Sub-No. 40), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Drawer 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC 115186 (Sub-No. 6), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: RAY E. RAMSEY, doing business as RAMSEY TRUCKING COMPANY, 1273 Sheffield, Post Office Box 9631, Houston, Tex. 77015. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 115603 (Sub-No. 9), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: TURNER BROS. TRUCKING COMPANY, INC., 5501 South Hattie, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC 119176 (Sub-No. 4), filed March 20, 1967, published FEDERAL REGISTER issue of March 30, 1967. Applicant: THE SQUAW TRANSIT COMPANY, a corporation, 5121 South 49 West Avenue, Post Office Box 9415, Tulsa, Okla. 74107. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002.

No. MC 119774 (Sub-No. 8), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS, JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, Tex. 75662. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC 119897 (Sub-No. 10), filed February 27, 1967, published March 16, 1967. Applicant: GREAT WESTERN MOTOR LINES, INC., Post Office Box 987, 4601 Avenue H, Rosenberg, Tex. 77471. Applicant's representative: George Fowler, 520 North Lee, Odessa, Tex. 79760.

No. MC 119908 (Sub-No. 3), filed April 19, 1967, published FEDERAL REGISTER issue May 11, 1967. Applicant: WESTERN LINES, INC., Post Office Box 1145, 3523 North McCarty, Houston, Tex. 77001. Applicant's representative: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. 20036.

No. MC 120031 (Sub-No. 2), filed March 20, 1967, published April 6, 1967. Applicant: WOODARD TRUCKING COMPANY, a corporation, 1620 Enid, Post Office Box 8647, Houston, Tex. 77009. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002.

No. MC 120228 (Sub-No. 3), filed February 27, 1967, published March 16, 1967. Applicant: TRANS WESTERN AIRPORT, INC., Post Office Box 490, 1111 Redondo Avenue, Odessa, Tex. 79760. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Drawer 17007, Fort Worth, Tex. 76102.

No. MC 120257 (Sub-No. 7), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: K. L. BREEDEN & SONS, INC., 410 Alamo Street, Terrell, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC 120316 (Sub-No. 2), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: WALTON TRANSPORTATION COMPANY, INC., 13020 Sarah's Lane, Post Office Box 9787, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Buildings, Houston, Tex. 77002.

No. MC 120633 (Sub-No. 3), filed March 23, 1967, published FEDERAL REGISTER issue of April 6, 1967. Applicant: SPECIALIZED CARRIERS INC., 310 South 12th Street, Waco, Tex. Applicant's representative: Wallace H. Nations, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 120851 (Sub-No. 2), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: BLASCHKE TRUCKING COMPANY, a corporation, 6242 Hurst, Houston, Tex. 77008. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC 121201 (Sub-No. 2), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: L. D. COOPER TRUCKING & CONTRACTING, INC., 7725 Parkhurst Street, Houston, Tex. 77028. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767.

No. MC 121423 (Sub-No. 2), filed March 20, 1967, published FEDERAL REGISTER issue of April 6, 1967. Applicant: BOYD NAEGELI, INC., 1107 Jackson, South Houston, Tex. 77587. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002.

No. MC 121424 (Sub-No. 2), filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: DAL-HAR DISTRIBUTING COMPANY, INC., 1517 Briarcrest, Dallas, Tex. 75224. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC 128901, filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967. Applicant: TEXAS TRANSPORT, INC., 6637 West Commerce Street, San Antonio, Tex. 78237. Applicant's representative: Benton Coopwood, The 904 Lavaca Building, Austin, Tex. 78701.

No. MC 128908, filed February 27, 1967, published FEDERAL REGISTER issue of March 23, 1967. Applicant: WALTER PITTS, INC., Post Office Box 14534, San Antonio, Tex. Applicant's representative: Albert G. Walker, 304 Capital National Bank Building, Austin, Tex. 78701.

No. MC 128949, filed March 20, 1967, published FEDERAL REGISTER issue of April 13, 1967. Applicant: BIGGS OF TEXAS, INC., 8110 La Porte Road, Houston, Tex. 77012. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) The following iron or steel articles to wit: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh* and *pipe*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment; and (2) the following iron or steel articles to wit: *Sheets, beams, plates*, and *coils*, weighing 2,000 pounds or more each, requiring the use of special equipment.

SPECIAL FOOTNOTE: The above republication reflects the scope of the applications as filed by applicants. The Special Notice set forth above applies with respect to this republication in the same manner as to initial publication.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5771; Filed, May 23, 1967; 8:48 a.m.]

[Notice 1065]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 19, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 125722 (Sub-No. 1) (Republication), filed February 3, 1963, published FEDERAL REGISTER issues of October 25, 1963, and January 31, 1964, under MC-FC-65666, and republished this issue. Applicant: GREAT WESTERN PACKERS EXPRESS, INC., 5151 York Road, Post Office Box 16886, Denver, Colo. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill. 60602. In No. MC 125722 (Sub-No. 3) and No. MC 125722 (Sub-No. 6), by a consolidated order entered March 30, 1965, the Commission, Operating Rights Board No. 1, authorized the issuance to applicant of a

certificate to transport meats, meat products, meat byproducts and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and dairy products, from Denver, Colorado Springs, and Pueblo, Colo., to Phoenix, Tucson, and Prescott, Ariz., subject to the coincidental cancellation of that part of applicant's certificate No. MC 125722 (Sub-No. 1), dated February 8, 1965, which authorized the transportation of packinghouse products and dairy products; and that, pursuant to the said order, certificate No. MC 125722 (Sub-No. 1), dated June 1, 1965, was issued to applicant, superseding and canceling certificate No. MC 125722 (Sub-No. 1), dated February 8, 1965, as modified by the said order.

Certificate No. MC 125722 (Sub-No. 1), dated February 8, 1965, authorized among other things the transportation of packinghouse products and dairy products from Denver, Colo., to Tucson, Ariz., over a described regular route, serving the intermediate points of Colorado Springs and Pueblo, Colo., and Prescott and Phoenix, Ariz.; and that the purpose of the applications in No. MC 125722 (Sub-Nos. 3 and 6), was to convert applicant's regular-route authority as to packinghouse products and dairy products into corresponding irregular-route authority. By petition filed April 6, 1967, applicant submitted additional information indicating that it did not intend to convert to irregular-route authority that portion of its regular-route authority from Denver to Pueblo, Colo., but that through inadvertance such intention was not brought to the attention of the Commission, or interested parties, at the time of filing such applications; therefore, applicant seeks modification of certificate No. MC 125722 (Sub-No. 1), dated June 1, 1965, so as additionally to authorize the transportation, over regular routes, of packinghouse products and dairy products, from Denver, Colo., to Pueblo, Colo., over U.S. Highway 85, serving the intermediate point of Colorado Springs, Colo.

A Supplemental Order of the Commission, Operating Rights Board No. 1, dated May 9, 1967, and served May 15, 1967, as modified, finds that while regular-route authority is sought in the subject petition, a grant of irregular-route authority as set forth below would be more appropriate in the present circumstances and in view of the limited commodities sought to be transported; compare *Transportation Activities, Brady Transfer & Storage Co.*, 47 M.C.C. 23; and *Motor Common Carriers of Property—Routes and Service*, 88 M.C.C. 415. That certificate No. MC 125722 (Sub-No. 1), dated June 1, 1965, be, and it is hereby, modified, by adding at Sheet 2, after the restriction appearing at lines 15–18 thereof, the following: *Packinghouse products and dairy products,* (1) from Denver, Colo., to Colorado Springs, and Pueblo, Colo., and (2) from Colorado Springs, Colo., to Pueblo, Colo.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the above-described applications, may have an interest in and would be prejudiced by the lack of proper notice of the modification of said certificate in this order, a notice of such modification will be published in the FEDERAL REGISTER and issuance of a modified certificate will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 42487 (Sub-No. 578) (Notice of Filing of Petition for Interpretation of Certificate), filed April 25, 1967. Petitioner: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, Menlo Park, Calif. Petitioner's representatives: Eugene T. Liipfert and Ronald B. Natalie, 1035 Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C. 20009. Petitioner states that it holds authority to transport general commodities, in No. MC 42487 Sub 578 Part B which reads, in part, "Between Evansville, Ind., and Vincennes, Ind., serving no intermediate points, from Evansville over U.S. Highway 41 to Vincennes and return over the same route." The regular route authority is subject to the following restriction: "Service is not authorized * * * (2) between points in Indiana * * *." Also contained in Sub 578, Part B, is a route between Boston and St. Louis, Mo., with Vincennes as an intermediate point. Petitioner states that it holds no authority at Evansville other than that described. Thus, the only way in which it can serve Evansville is by operating over the Vincennes-Evansville route which dead ends at Evansville; that the restriction against service between points in Indiana precludes the origination or delivery of Evansville traffic at Vincennes, as well as the interchange of Evansville traffic at Vincennes; and that if, however, the restriction is read as precluding as well the tacking of the Evansville-Vincennes route, at Vincennes, to the Boston-St. Louis route of petitioner, the former route becomes meaningless and cannot be used for any purpose. By the instant petition, petitioner requests the Commission determine that the restriction in Part B of its Sub 578 does not preclude tacking of its Evansville-Vincennes route at Vincennes and that it may transport traffic to and from Evansville under the same conditions as it may to and from Vincennes. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 59264 (Petition for reopening of Proceeding and for Clarification and further Amendment of Petitioner's Certificate of Public Convenience and Necessity), filed April 17, 1967. Petitioner: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. Petitioner's representatives: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005, and Edward A. Martin, 1001 15th Street, NW., Washington, D.C. 20005. Petitioner states it presently holds authority in certificate No. MC 59264, one segment of said certificate which reads as follows: "Ordnance and quartermaster supplies, subject to certain restrictions, for U.S. Government only, between Raritan Arsenal, Nixon, N.J., and points in Philadelphia County, Pa., on the one hand, and, on the other, all military posts, forts, and reservations, naval bases, and ports of embarkation in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia." Petitioner further states that since the grant of this segment in its original grandfather authority in a certificate issued March 21, 1941, continuous efforts were made by petitioner and resultant action taken by the Commission to revise and perfect the language of this segment so as to carry out the original purpose and intent under changed and changing circumstances and conditions, so as to enable petitioner to operate a full, complete, and responsive service in implementation of the public need for its specialized service and operation as to ordnance and quartermaster supplies.

The situation involving transportation of ordnance and quartermaster supplies in the area involved in the interest of the U.S. Government has again changed, very drastically. The Raritan, N.J., Arsenal has been abandoned and is no longer a Government facility, and many of the former military forts, posts, and reservations have been changed or discontinued. The production and handling of the commodities concerned is now handled primarily through commercial facilities, although the basic interest of the Government remains and has a need that the same type service be performed. Petitioner's present certificate restrictions are inconsistent with its effective handling of such traffic under these changed circumstances. The purpose of the instant petition is to request that the pertinent segment of its operating authority in MC 59264, issued September 18, 1962, be amended to read: "*Ordnance and quartermaster supplies,* between Nixon, N.J., and points in Philadelphia County, Pa., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia." NOTE: The petition is accompanied by a verified letter from the Department of the Army, Headquarters U.S. Army Materiel Command, dated March 29, 1967, and a verified statement by Leon Smith, President of Petitioner, both, in support of a change to conform to the new conditions. Any person desiring to participate, may file an original

and six copies of his written representations, views, or argument in support of, or against, the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9748. Authority sought for control and merger by GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, Kalamazoo, Mich. 49005, of the operating rights and property of BELL MOTOR FREIGHT, INC., 2135 Olmstead Road, Kalamazoo, Mich. 49001, and for acquisition by THOMAS B. WOODWORTH, SR., U Avenue, West, Schoolcraft, Mich., and FREDERICK J. BUCKHOUT, 5803 North 16th Street, Kalamazoo, Mich., of control of such rights and property through the transaction. Applicants' attorneys: John M. Veale, 1 Woodward Avenue, Detroit, Mich. 48226, and Leonard D. Verdier, Jr., 1 Vanderberg Center, Grand Rapids, Mich. 49502. Operating rights sought to be controlled and merged: *General commodities*, except those of unusual value, and except dangerous explosives, intoxicating beverages, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Chicago, Ill., and Grand Rapids, Mich., serving all intermediate and the off-route point of Fennville, Mich.; commodities as specified above, for operating convenience only, between Grand Rapids, Mich., to Benton Harbor, Mich., serving no intermediate points; *paper, paper products*, and *paper manufacturing machinery and parts thereof*, and *paper mill supplies*, over irregular routes, between points in Michigan on and west of U.S. Highway 27 and on and south of U.S. Highway 16, on the one hand, and, on the other, certain specified points in Ohio, and Huntington, W. Va., points in Indiana on and east of U.S. Highway 31 and on and north of U.S. Highway 52, and certain specified points in Ohio, and those in Ohio and Kentucky within 10 miles of Cincinnati, Ohio; *paper labels*, from Cincinnati, Ohio, to Sparta, Mich.; *printing paper*, from Watervliet, Mich., to Blanchester, Ohio; *magazines*, from Dayton and Springfield, Ohio, to Sparta, Mich., and certain specified points in Michigan; *jute, jute fiber*, and *carpet cushion linings*, from Franklin, Ohio, to points in that portion of Indiana lying on and north of U.S. Highway 52 from the Indiana-Ohio State line to Indianapolis, Ind., on and east of U.S. Highway 31 from Indianapolis to Peru, Ind., and south of U.S. Highway 24 from Peru to the Indiana-Ohio State line, including points on the designated portions of the highways above described except Indianapolis and Peru, Ind., and points on U.S. Highway 24; and *propellers*, from Piqua, Ohio, to points in Michigan on and west of U.S. Highway 27, and on and south of U.S. Highway 16. GRAFF TRUCKING COMPANY, INC., is authorized to operate as a *common carrier* in Michigan, Kentucky, Missouri, Iowa, Indiana, Illinois, Ohio, and Wisconsin, Application has been filed for temporary authority under section 210a(b).

No. MC-F-9749. Authority sought for purchase by JOE HODGES TRANSPORTATION CORPORATION, Post Office Box 82397, Oklahoma City, Okla., of a portion of the operating rights of LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Post Office Box 82488, Oklahoma City, Okla., and for acquisition by GEORGE T. PEW, 231 Chisholm Hill Road, Haverford, Pa., of control of such rights through the purchase. Applicants' attorneys: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex., and Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over regular routes, between Lawton, Okla., and Wichita Falls, Tex. Vendee is authorized to operate as a *common carrier* in Oklahoma and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9750. Authority sought for (1) control and merger by KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, 2125 Commercial Street, Waterloo, Iowa, of the operating rights and property of ARROW MOTOR FREIGHT LINE, INC., 498 First Avenue NW., New Brighton, Minn., and (2) purchase by TAKIN BROS. FREIGHT LINE, INC., Post Office Box 5000, 2125 Commercial Street, Waterloo, Iowa, of a portion of the operating rights of ARROW MOTOR FREIGHT LINE, INC., 498 First Avenue NW., New Brighton, Minn., and for acquisition by ALLEN E. KROBLIN, MILDRED E. KROBLIN, both of 104 Lillian Lane, Waterloo, Iowa, and LOYAL H. FRISCH, 3018 West Ninth Street, Waterloo, Iowa, of control of such rights and property through the transaction. Applicants' attorneys: Stockton, Lewis and Mitchell, The 1650 Grant Street Building, Denver, Colo. 80203. Operating rights sought to be (1) controlled and merged and (2) transferred: (1) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, from points in Black Hawk County, Iowa, to Waterloo, Iowa, from Waterloo, Iowa, to certain specified points in Iowa; *malt beverages*, from Minneapolis, Minn., and La Crosse, Wis., to certain specified points in Iowa; *household goods* as defined by the Commission, between certain specified points in Iowa, on the one hand, and, on the other, points in Iowa, Illinois, Minnesota, and Wisconsin; and *meats, meat products, and meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk), from Waterloo and Columbus Junction, Iowa, to points in Minnesota, with restrictions; and (2) *general commodities*, excepting, among others household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Waterloo and Oelwein, Iowa, on the one hand, and, on the other, Minneapolis and St. Paul, Minn., between St. Paul, Minn., on the one hand, and, on the other, South St. Paul and Newport, Minn., between certain specified points in Minnesota. KROBLIN REFRIGERATED XPRESS, INC., is authorized to operate as a *common carrier* in New York, Illinois, Iowa, Michigan, Florida, New Jersey, Ohio, Pennsylvania, Oklahoma, California, Wisconsin, Kansas, Virginia, Nebraska, Minnesota, Colorado, Maryland, Massachusetts, South Carolina, Texas, Missouri, Indiana, Arkansas, Delaware, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, West Virginia, North Dakota, Alabama, Tennessee, South Dakota, Louisiana, Mississippi, Kentucky, Wyoming, North Carolina, and the District of Columbia; and TAKIN BROS. FREIGHT LINE, INC., is authorized to operate as a *common carrier* in all points in the United States (excepting Colorado, Idaho, Montana, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming). Application has been filed for temporary authority under section 210a(b). NOTE: MC-87909 Sub-No. 9 is a matter directly related.

No. MC-F-9751. Authority sought for purchase by HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102, of a portion of the operating rights of A-P-A TRANSPORT CORP., 2110 85th Street, North Bergen, N.J. 07047, and for acquisition by S. H. MITCHELL, also of Winston-Salem, N.C., of control of such rights through the purchase. Applicants' attorneys and representative, respectively: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006, Herbert Burstein, 160 Broadway, New York, N.Y. 10038, and Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Union County, N.J., on the one hand, and, on the other, points in New York east and south of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 7 to the New York-Vermont State line, including points on the indicated portion of the highway specified. Vendee is authorized to operate as a *common carrier* in Georgia, South Carolina, North Carolina, Virginia, Michigan, Ohio, Indiana, Illinois, Maryland, New York, Pennsylvania, New Jersey, West Virginia, Massachusetts, Rhode Island, Florida, Delaware, Missouri, Wisconsin,

Kentucky, Alabama, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9752. Authority sought for purchase by DEAN VAN LINES, INC., 18420 South Santa Fe Avenue, Post Office Box 923, Long Beach, Calif. 90801, of the operating rights of PERRY MOVING & STORAGE, INC., 14 West Roy Street, Seattle, Wash. 98109, and for acquisition by DEAN VAN & STORAGE, INC., and DEAN INVESTMENT CO. and, in turn by A. E. DEAN, all also of Long Beach, Calif., of control of such rights through the purchase. Applicants' attorneys and representative: Axelrod, Goodman, and Steiner, 39 South La Salle Street, Chicago, Ill. 60603 and Phelix Woempner, 14 West Roy Street, Seattle, Wash. 98109. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes between Seattle, Wash., and points within 25 miles of Seattle, on the one hand, and, on the other, points in Washington, Oregon, and Idaho. Vendee is authorized to operate as a *common carrier* in Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, Maine, New Hampshire, Vermont, Alabama, Florida, Mississippi, Arizona, California, Nevada, Utah, Montana, Idaho, Oregon, Washington, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9753. Authority sought for purchase by WEATHERS BROS. TRANSFER CO., INC., 2728 Northeast Freeway, Northeast, Atlanta, Ga. 30329, of the operating rights of SWIFT VAN AND STORAGE CO., 5200 South Topeka Boulevard, Topeka, Kans., and for acquisition by R. L. WEATHERS, MRS. W. W. WEATHERS, MRS. GLORIA DOBBS, all also of Atlanta, Ga., and L. W. WEATHERS, 1268 Druid Park Avenue, Augusta, Ga., of control of such rights through the purchase. Applicants' attorney: Robert J. Gallagher, 66 Central Street, Wellesley, Mass. 02181. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Overland, Mo., and points within 35 miles of Overland, on the one hand, and, on the other, points in Missouri, Illinois, Minnesota, Michigan, Mississippi, Indiana, Ohio, Tennessee, Pennsylvania, Arkansas, Iowa, Colorado, Kansas, Kentucky, and New Jersey, between points in Missouri and Illinois, on the one hand, and, on the other, points in Missouri, Illinois, Kansas, Michigan, Ohio, Texas, Oklahoma, Pennsylvania, Arkansas, Iowa, Tennessee, Indiana, Wisconsin, Alabama, Kentucky, and Nebraska, between Overland, Mo., and points in that part of Missouri and Illinois within 35 miles of Overland, on the one hand, and, on the other, points in Florida, Georgia, Louisiana, New York, and the District of Columbia, between points in Missouri, except Overland, Mo., and points in Missouri within 35 miles of Overland, on the one hand, and, on the other, points in Minnesota, Mississippi, Colorado, New Jersey, Florida, Georgia, Louisiana, New York, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Georgia, Alabama, Arkansas, Delaware, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Connecticut, Tennessee, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-5772; Filed, May 23, 1967; 8:49 a.m.]

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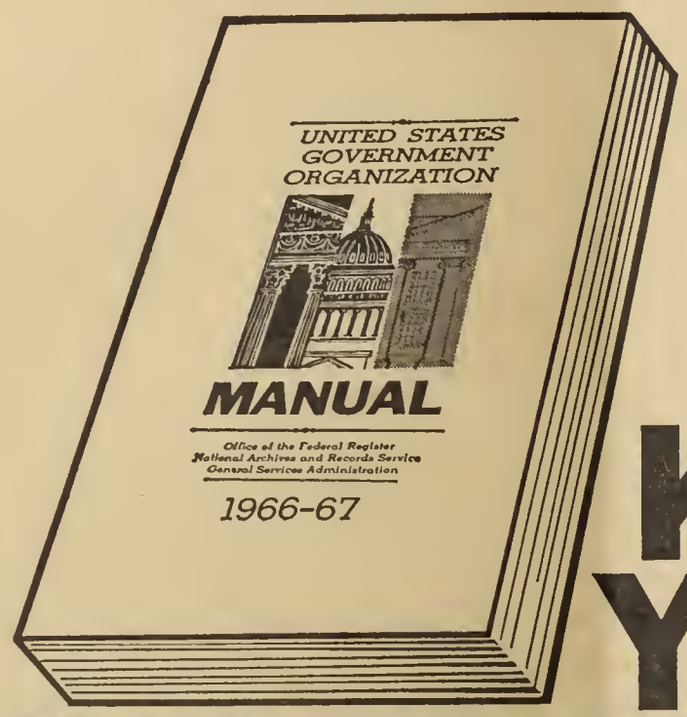
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Title 3—THE PRESIDENT

Proclamation 3785

PRAYER FOR PEACE, MEMORIAL DAY, 1967

By the President of the United States of America

A Proclamation

In reverent tribute on this Memorial Day 1967 we salute the gallant men of our country who have served us and still serve us so nobly and selflessly in defense of freedom.

We can never repay their sacrifices. Our honored dead sleep in hallowed ground on five continents. The debt we owe them, and that our children will owe for generations to come, is beyond measure.

Today, our young men are fighting and dying in Vietnam so that other young men may stand as they have stood—proudly independent, free to determine their own destiny. Before their common sacrifice and dedication the barriers of race, color, or creed crumble. The heroism of a just cause makes all men brothers against tyranny.

Every President in time of armed conflict must act in the deep conviction that the cause for which our young men suffer and die transcends their sacrifices.

A century ago President Lincoln expressed his grief over the terrible losses of the war between the States. He pointed out that all deprecated war, all sought to avoid it, but as there were those who would make war, so there must be those who could accept war.

We have had to accept the war in Vietnam to redeem our pledge to those who have accepted in good faith our commitment to protect their right of free choice. Only in this way can we preserve our own right to act in freedom.

So we shall continue to resist the aggressor in Vietnam, as we must.

But we continue to hold open the door to an honorable peace, as we must.

On this hallowed day, on behalf of the American people—indeed, on behalf of all of the people in the world—I repeat to the leaders of those whom we fight: Let us end this tragic waste; let us sit down together to chart the simple course to peace; let us together lead our peoples out of this bloody impasse.

And I ask you, my fellow Americans, to join me in prayer that the voice of reason and humanity will be heeded, that this tragic struggle can soon be brought to an end.

The Congress in a joint resolution approved May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period during such day when the people of the United States might unite in such supplication:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Memorial Day, Tuesday, May 30, 1967, as a day of prayer for permanent peace and I designate the hour beginning in each locality at eleven o'clock in the morning of that day as a time to unite in such prayer.

I urge the press, radio, television, and all other information media to cooperate in this observance.

I also urge all of the people of this Nation to join me in prayer to the Almighty for the safety of our Nation's sons and daughters around the world, for His blessing on those who have sacrificed their lives for this Nation in this and all other struggles, and for His aid in building a world where freedom and justice prevail, and where all men live in friendship, understanding, and peace.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of May in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk

Secretary of State.

[F.R. Doc. 67-5883; Filed, May 23, 1967; 2:10 p.m.]

Executive Order 11353

ESTABLISHING THE PRESIDENT'S ADVISORY COUNCIL ON COST REDUCTION

WHEREAS the economical management of the executive branch is a vital and continuing responsibility of the President; and

WHEREAS it is essential that the resources devoted to the fulfillment of our international responsibilities and the needs of our citizens be utilized in as effective and prudent a manner as possible; and

WHEREAS economies achieved in any governmental program permit more effectively meeting of these urgent national needs; and

WHEREAS the best cost reduction practices and techniques developed by individual Government agencies and by business and industry should be utilized in all Government agencies whenever applicable; and

WHEREAS there is a need for review and advice to the President on the progress of the Government's cost reduction program:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of the Council.* (a) There is hereby established the President's Advisory Council on Cost Reduction (hereinafter referred to as the Council).

(b) The Council shall consist of the following:

(1) The Director of the Bureau of the Budget, who shall be the Chairman of the Council,

(2) The Secretary of Defense, the Chairman of the United States Civil Service Commission, and the Administrator of General Services,

(3) Such other heads of executive departments and agencies, and such other officers or employees of the Federal Government, as the President may designate, and

(4) Such other members as the President may appoint from the public at large.

(c) Federal members of the Council shall receive no additional compensation for such service. Members appointed from private life shall receive compensation for each day engaged on business of the Council and travel expenses, including per diem in lieu of subsistence, as authorized by sections 3109 and 5703 of Title 5 of the United States Code for persons in the Government service employed intermittently.

SEC. 2. *Functions of the Council.* The Council shall:

(1) Review and evaluate the nature and adequacy of the Government cost reduction efforts and advise the President on means to strengthen and improve them.

(2) Explore with responsible operating officials throughout the executive branch opportunities for cost reduction and appropriate actions to achieve them.

(3) Consult with leaders in business, industry and research to draw on their experience in achieving cost reductions and to invite their suggestions.

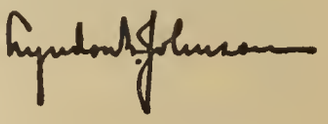
(4) Identify outstanding cost reduction programs, practices, and techniques developed in Government agencies and in business and industry susceptible to wider use in Government.

(5) Submit a final report to the President containing an evaluation of the Government-wide cost reduction program and appropriate recommendations for enhancing its effectiveness no later than 12 months after the effective date of this order, and make interim reports which it deems advisable.

SEC. 3. *Federal agencies.* (a) Upon request of the Chairman each executive department and agency shall, consistent with law, furnish the Council available information which the Council may require in performance of its functions.

(b) Each executive department and agency represented on the Council shall furnish such necessary assistance to the Council as may be authorized by section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

SEC. 4. *Termination of the Council.* The Council shall terminate 30 days after the submission of the final report to the President.



THE WHITE HOUSE,
May 23, 1967.

[F.R. Doc. 67-5932; Filed, May 24, 1967; 11:53 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that the position of Special Assistant to the Chairman of the National Advisory Council on Economic Opportunity is in Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (i) is added to § 213.3337 as set out below.

§ 213.3337 General Services Administration.

* * * * *

(i) *National Advisory Council on Economic Opportunity.* (1) One Special Assistant to the Chairman.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–5878; Filed, May 24, 1967; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67–CE–12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On March 2, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3470) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airway Nos. 26 and 148 in the vicinity of Minneapolis, Minn.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows:

1. In V–26 "12 AGL Farmington, Minn.; 12 AGL Eau Claire, Wis.;" is deleted and "12 AGL Flying Cloud, Minn.; 12 AGL INT Flying Cloud 081° and Eau Claire, Wis., 271° radials; 12 AGL Eau Claire, including a 12 AGL south alternate from Redwood Falls to Eau Claire via Farmington, Minn.;" is substituted therefor.

2. In V–148 all after "12 AGL Minneapolis, Minn." is deleted.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 17, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5815; Filed, May 24, 1967; 8:47 a.m.]

[Airspace Docket No. 66–WA–39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Federal Airways and Alteration of Transition Areas

On April 25, 1967, F.R. Doc. No. 67–4500, was published in the FEDERAL REGISTER (32 F.R. 6390) effective 0001 e.s.t., June 22, 1967. In this document, V–184 was altered in part by adding "The airspace within R–5802 is excluded." at the end of the text. This exclusion is in error as V–184 is not in proximity to R–5802. Corrective action is taken herein.

Since this amendment is minor and editorial in nature, the Administrator has determined that notice and public procedure thereon is unnecessary and that the amendment may be made effective immediately.

In consideration of the foregoing, F.R. Doc. No. 67–4500 is amended, effective immediately, as hereinafter set forth.

In Item 1.h., "The airspace within R–5802 is excluded." is deleted.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 17, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5816; Filed, May 24, 1967; 8:48 a.m.]

[Airspace Docket No. 66–WA–40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Transition Areas

On April 26, 1967, F.R. Doc. No. 67–4582, was published in the FEDERAL REGISTER (32 F.R. 6434) and in part altered the description of V–159 effective 0001 e.s.t., June 22, 1967. In describing V–159, one segment was omitted. Corrective action is taken herein.

Since this amendment is minor and editorial in nature, the Administrator has determined that notice and public procedure hereon are unnecessary, and that the amendment may be made effective immediately.

In consideration of the foregoing, F.R. Doc. No. 67–4582 Item 1.a. is amended, effective immediately, as hereinafter set forth.

In V–159 "12 AGL INT St. Joseph 343° and Omaha, Nebr., 124° radials;" is deleted and "12 AGL INT St. Joseph 343° and Neola, Iowa, 157° radials; 12 AGL INT Neola 157° and Omaha, Nebr., 124° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 17, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5817; Filed, May 24, 1967; 8:48 a.m.]

[Airspace Docket No. 67–SW–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Grand Isle, La., transition area.

On March 29, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 5292) stating that the Federal Aviation Agency proposed to alter the Grand Isle, La., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. An objection to the proposal was received from the Aircraft Owners and Pilots Association.

The Aircraft Owners and Pilots Association objected to the proposal to extend the 700-foot transition area from the 5-mile radius of Grand Isle Seaplane Base to 28 miles northeast of the Grand Isle VORTAC on the basis that the proposed transition area extension appeared excessive. Consideration was given to this objection and it was found that by raising the crossing altitude for the final approach fix of the proposed VOR/DME instrument approach procedure, the transition area extension could be reduced from 28 miles to 20 miles northeast of the VORTAC. This was coordinated with a representative of the

Aircraft Owners and Pilots Association who agreed that such reduction of the area would resolve their objection.

Since the change made in the proposed amendment is less restrictive in nature and imposes no additional burden on any person, further notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t. July 20, 1967, as herein set forth.

In § 71.181 (32 F.R. 2192) the Grand Isle, La., transition area is amended by adding "* * *, within 2 miles each side of the Grand Isle VORTAC 052° radial extending from the 5-mile radius area to the VORTAC, and within 2 miles each side of the Grand Isle VORTAC 050° radial extending from the 5-mile radius area to 20 miles northeast of the VORTAC."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on May 16, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-5818; Filed, May 24, 1967; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1204]

PART 13—PROHIBITED TRADE PRACTICES

Elnora C. Kincaid and Broadway Hobby House

Subpart—Importing, selling or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Elnora C. Kincaid et al., Seattle, Wash., Docket C-1204, May 8, 1967]

Consent order requiring a Seattle, Wash., retailer of hobby and handicraft materials to cease importing or selling any highly flammable fabric dangerous to the wearer.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Elnora C. Kincaid, an individual doing business as Broadway Hobby House, or under any other trade name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any fabric which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

Issued: May 8, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-5805; Filed, May 24, 1967; 8:47 a.m.]

[Docket No. 8038]

PART 13—PROHIBITED TRADE PRACTICES

Graber Manufacturing Co., Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.785 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Graber Manufacturing Co., Inc., et al., Middleton, Wis., Docket 8038, May 2, 1967]

In the Matter of Graber Manufacturing Co., Inc., a Corporation; Joseph V. Graber, and Marie Graber, Individually and as Officers of Graber Manufacturing Co., Inc.; and Joseph V. Graber, Marie Graber, Copartners, Trading and Doing Business as Graber Co.

Consent order requiring a Middleton, Wis., manufacturer of drapery hardware and related products to cease discriminating in price among competing resellers of its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Graber Manufacturing Co., Inc., a corporation, and Joseph V. Graber and Marie Graber, individually and as officers of said corporation, and Joseph V. Graber and Marie Graber, copartners, trading and doing business as Graber Co., and their respective officers, employees, assignees, and representatives, directly or through any corporate or other device, in or in connection with the sale of curtain and drapery hardware, curtain and drapery hardware components, parts, and accessories, and related products in commerce, as commerce is defined in the Clayton Act, as amended, forthwith cease and desist 12 months from the date of service of this order from:

Discriminating, directly or indirectly, in the price of said products of like grade and quality by selling to any purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of respondents' products.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Arthur R. Jones.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent John N. Graber.

It is further ordered, That respondents Graber Manufacturing Co., Inc., a corporation, and Joseph V. Graber and Marie Graber, individually and as officers of said corporation, and Joseph V. Graber and Marie Graber, copartners, trading and doing business as Graber Co., shall, within sixty (60) days after the operative date of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist as set forth in this order.

Issued: May 2, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-5806; Filed, May 24, 1967; 8:47 a.m.]

[Docket No. C-1203]

PART 13—PROHIBITED TRADE PRACTICES

Midwest Automation Training-Kansas City, Inc., and Jule M. Blum

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-30 Connections or arrangements with others; 13.15-70 Financing activities; 13.15-230 Plant and equipment; § 13.60 *Earnings and profits;* § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* § 13.1417 *Financing activities;* § 13.1555 *Size, extent or equipment;* Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits;* § 13.1663 *Individual's special selection or situations;* § 13.1670 *Jobs and employment.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Midwest Automation Training-Kansas City, Inc., et al., Kansas City, Mo., Docket C-1203, May 2, 1967]

Consent order requiring a Kansas City, Mo., correspondence school in electronic data processing to cease making deceptive claims as to employment and earnings for their graduates, exaggerating its equipment and facilities, making deceptive offers of interest free tuition loans, and falsely claiming affiliation with a large equipment manufacturer.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Midwest Automation Training-Kansas City, Inc., a corporation, and its officers, and Jule M. Blum, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of courses of instruction in electronic data processing or any other subject, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that employment is being offered when the real purpose of the offer is to obtain leads to prospective purchasers of respondents' courses.

2. (a) Representing, directly or by implication, that respondents' school is well-established or that respondents possess the requisite equipment and facilities for providing the resident training which is a part of respondents' courses of instruction: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that respondents' school is well-established and respondents have the physical facilities, equipment, instructional material, personnel, and other resources necessary to provide training of the quality needed to obtain the stated objectives of respondents' courses.

(b) Misrepresenting in any manner the length of time that respondents' school has been in existence.

3. (a) Representing, directly or by implication, that respondents provide a placement service: *Provided, however,* It shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that they operate an active and effective service to assist persons completing respondents' courses to obtain employment in the positions for which such persons have been trained.

(b) Representing, directly or by implication, that persons completing respondents' courses are assured of placement in the geographical area of their choice; or misrepresenting in any manner respondents' ability or facilities for assisting graduates in finding employment.

4. Representing, directly or by implication, that respondents provide interest free tuition loans; or representing in any manner that payment of the cost of respondents' courses in installments will involve no interest or other costs in addition to the cash price of the course.

5. Representing, directly or by implication, that when the cost of respondents' courses is to be paid in installments, payment need not be completed until after the resident training has been completed and the graduate has obtained employment: *Provided, however,* It shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that in each instance when such representation is made, an express provision to that effect is endorsed on the enrollment contract and completion of payment is not required until after the course is completed and the graduate obtains employment.

6. Representing, directly or by implication, that respondents' school or courses have been accredited or approved by the International Business Machines Corp. (IBM) or respondents' school is sponsored by or in any other way affiliated with IBM; or misrepresenting in any manner the status or affiliation of respondents' salesmen, their representatives, or their school.

7. (a) Representing, directly or by implication, that there is any limitation on the number of persons who can be enrolled in respondents' courses: *Provided, however,* That nothing herein shall be deemed to prohibit respondents from making truthful and nondeceptive references to the maximum number of students who can be provided resident training at any given time.

(b) Misrepresenting in any manner the selectivity exercised by respondents in enrolling students in their courses.

8. (a) Representing, directly or by implication, that upon completion of respondents' courses, graduates will obtain employment with a starting salary of $350 per month or any other specific salary or range of salaries: *Provided, however,* It shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented starting salaries are typical of those obtained by such persons.

(b) Misrepresenting in any manner the earnings of persons completing respondents' courses of instruction.

It is further ordered, That respondents shall deliver, and obtain acknowledgment of receipt thereof, a copy of this order to all sales agents, representatives, or other persons who solicit enrollments in respondents' courses.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 2, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-5807; Filed, May 24, 1967; 8:47 a.m.]

[Docket No. 8704]

PART 13—PROHIBITED TRADE PRACTICES

Mercury Life and Health Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.260 *Terms and conditions:* 13.260-40 Insurance coverage. Subpart—Misrepresenting oneself and goods—Goods: § 13.1760 *Terms and conditions:* 13.1760-40 Insurance coverage. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions:* 13.1905-40 Insurance coverage.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Mercury Life and Health Co. et al., San Antonio, Tex., Docket 8704, May 2, 1967]

In the Matter of Mercury Life and Health Co., a Corporation, Mercury United Advertising Corp., a Corporation, and Leonard Hyatt, Individually and as an Officer of Said Corporations

Consent order requiring a San Antonio, Tex., insurance company and its advertising affiliate to cease making claims as to the benefits provided by its insurance policies without disclosing conspicuously and in close proximity to these claims all the limitations contained in the policies.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Mercury Life and Health Co., a corporation, Mercury United Advertising Corp., a corporation, and their respective officers and Leonard Hyatt, individually and as an officer of each of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of any insurance policy or policies, in commerce, as "commerce" is defined in the Federal Trade Commission Act, except in those States where respondents are licensed and regulated by State law to conduct the business of insurance, do forthwith cease and desist from:

Representing, directly or by implication:

1. That any policy may be continued in effect indefinitely or for any stated period of time unless full disclosure of any reduction in benefits or any other such provision, condition or limitation contained in the policy is made conspicuously, prominently and in sufficiently close conjunction with the representation as will fully relieve it of all capacity to deceive.

2. That any policy provides for indemnification against disability or loss due to sickness, disease, accident or death, in any amount or for any period of time, unless a statement of all the conditions, exceptions, restrictions, and limitations affecting the indemnification actually provided is set forth conspicuously, prominently and in sufficiently close conjunction with the representation as will fully relieve it of all capacity to deceive.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 2, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-5808; Filed, May 24, 1967; 8:47 a.m.]

[Docket No. 7946]

PART 13—PROHIBITED TRADE PRACTICES

Union Bag-Camp Paper Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modification of Order, Union Bag-Camp Paper Corp., New York, N.Y. Docket 7946, May 1, 1967]

In the Matter of Union Bag-Camp Paper Corp., a Corporation

Order modifying a divistiture order dated February 12, 1965, 30 F.R. 4125, requiring a manufacturer of paper products to divest itself of certain acquisitions by allowing an alternate plant to be divested.

The modified order to cease and desist, is as follows:

Now, therefore: *It is hereby ordered,* That Part VI of the order of February 12, 1965, be, and it hereby is, modified as follows:

It is further ordered, That Union Camp Corp. (formerly Union Bag-Camp Paper Corp.) shall divest itself within a period not exceeding twenty-one (21) months after the service upon it of this modified Part VI, absolutely and in good faith, subject to the the prior approval of the Commission, of either (a) the corrugated box plant located at 10200 Miles Avenue, Cleveland, Ohio, or (b) alternatively the corrugated box plant located at Washington, Pa., (which latter plant was acquired by respondent as a result of its acquisition of River Raisin Paper Co.), including all assets, properties, rights, and privileges, tangible or intangible, which are now located at the plant so divested and used at said plant in the manufacture of corrugated shipping containers (including without limitation the machinery and equipment now used at said plant in such manufacture), in a manner contemplating the operation of the plant so divested by the purchaser as a going concern in the manufacture and sale of corrugated shipping containers.

Issued: May 1, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-5809; Filed, May 24, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Planning

PART 1711—FEDERAL DISASTER ASSISTANCE FOR PROJECTS UNDER CONSTRUCTION

Sec.
1711.1 Purpose.
1711.2 Definitions.
1711.3 Requests for Federal assistance.
1711.4 Eligible projects.
1711.5 Criteria of eligible costs.
1711.6 Reimbursement.
1711.7 Application of certain sections of Part 1710.
1711.8 Effective date.

AUTHORITY: The provisions of this Part 1711 issued under sec. 9, Public Law 89-769, 80 Stat. 1316; E.O. 11051, 27 F.R. 9683, 3 CFR, 1959-1963 Comp.

§ 1711.1 Purpose.

The purpose of this part is to prescribe the standards and procedures to be followed in providing Federal assistance to repair, restore, or reconstruct any project of a State, county, municipal, or other local government agency for flood control, navigation, irrigation, reclamation, public power, sewage treatment, water treatment, watershed development, or airport construction which was damaged or destroyed as a result of a major disaster, and for the resulting additional eligible costs incurred to complete any such facility, which was in the process of construction or was completed but not accepted by the public operating authority when damaged or destroyed as a result of such major disaster, under section 9 of Public Law 89-769.

§ 1711.2 Definitions.

Except as otherwise stated, the following terms shall have the following meanings when used in the regulations in this part:

(a) *Act.* Public Law 89-769 enacted November 6, 1966, entitled "Disaster Relief Act of 1966."

(b) *Major disaster.* A major disaster as determined by the President pursuant to Public Law 81-875 entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855-1855g).

(c) *Applicant.* A State, county, municipal or other local government agency.

(d) *Contractor.* Any individual, partnership, corporation, agency, or other entity (other than an organization engaged in the business of insurance) performing work for an eligible applicant.

§ 1711.3 Requests for Federal assistance.

(a) After the declaration of a major disaster by the President of the United States, under the provisions of Public Law 81-875, Federal financial assistance shall be provided under the Act on the basis of project applications submitted by the State and local governments to the respective Regional Director pursuant to the Federal-State Disaster Assistance Agreement and in accordance with this part. The project application shall include the name and type of facility damaged, the type and estimated extent of damage, a detailed estimate of eligible work required and the cost thereof, the amount of funds being requested, the name(s) of the contractor(s) (if any) involved and complete technical data supporting the claim. The above information is to be furnished for each feature of a project.

(b) For major disasters occurring prior to the effective date of this part, project applications under this part shall be submitted within 90 days of the effective date of this part. For all future disasters, project applications under this part shall be submitted not later than 90 days following the date of the President's declaration of a major disaster. If the circumstances of the disaster are such as to make the time limitation impracticable, the Regional Director may extend it for a reasonable period upon request. The filing of an application shall be without prejudice to any unresolved questions which may be pending between the applicant and the contractors.

(c) Every project application shall contain a certification by the Governor, or his authorized representative as designated in the Federal-State Disaster Assistance Agreement, that Federal financial assistance involved will be, or has been, expended in accordance with applicable law and regulations thereunder.

(d) The Regional Director shall, upon receipt of the request, direct an appropriate Federal agency to make an inspection at the site of the work, review available records, and provide an analysis of the claim and findings as to the work eligible under the Act. Upon receipt of the Federal agency analysis and findings, the Regional Director shall forward to the National Office his recommendation together with the project application and all supporting material. The Director, OEP, shall determine the amount of eligible work and approve the application not to exceed 50 percent of the cost thereof, or disapprove the application.

(e) If a project application is approved without change by the Director, signed copies thereof evidencing such approval shall be returned to the State.

(f) If the Director's approval of the project application is made subject to revisions or additional conditions, the project application may be given provisional approval and returned to the State (and through the State to the applicant, if applicable) for consent to such revisions or additional conditions. If the State (and applicant) accepts such revisions or additional conditions, it shall so signify by signing and returning the project application.

(g) If a project application is disapproved by the Director, the application shall be returned to the State with a statement of the reasons for such disapproval: *Provided,* If the project application is disapproved because of inadequacy of information, it may be resubmitted by the State within 30 days of the date of the return to the State for reconsideration by the Director.

§ 1711.4 Eligible projects.

An eligible project is any project of an eligible applicant for flood control, navigation, irrigation, reclamation, public power, sewage treatment, water treatment, watershed development, or airport construction (or a part of such facility), which was in the process of construction when damaged or destroyed by a major disaster. A project under construction by a Federal agency is not an eligible project within the meaning of the Act.

§ 1711.5 Criteria of eligible costs.

Eligible costs are defined to mean those costs determined by the Director of the Office of Emergency Planning as incurred or to be incurred in (a) restoring a public facility to substantially the same condition as existed prior to the damage resulting from the major disaster, and (b) completing construction not performed prior to the major disaster to the extent the increase of such costs over original construction costs is attributable to changed conditions resulting from the major disaster.

§ 1711.6 Reimbursement.

Reimbursement under this part shall be made through the State to the applicant which is constructing the public facility or for which it is being constructed, except that if the economic burden of the eligible costs of repair, restoration, reconstruction, or completion is incurred by a contractor, the applicant shall reimburse such contractor not to exceed 50 per centum of those costs. Reimbursement will be made under this part only after all eligible work is completed: *Provided*, That the Director may, at his discretion, approve periodic reimbursements based on progress of work. No reimbursement will be made to any party for damages caused by its own negligence.

§ 1711.7 Application of certain sections of Part 1710.

The following sections of Part 1710 of this chapter are applicable to this part: §§ 1710.2 (e), (g), (h), (i), and (j), 1710.3–1710.6, 1710.8, 1710.11, 1710.15, and such other provisions of Part 1710 of this chapter as may be consistent with the Act and the regulations in this part.

§ 1711.8 Effective date.

This part shall become effective on the 30th day following the date of publication in the FEDERAL REGISTER and shall apply with respect to any major disaster occurring after October 3, 1964.

Dated: May 19, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-5804; Filed, May 24, 1967; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 151—SERVICE IN POST OFFICES

PART 154—CONDITIONS OF DELIVERY

PART 161—REGISTRY

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 151.3(c)(1)(ii) the cubic-inch capacity under lockboxes and drawers in the table is revised to conform to the cubic-inch capacity as standardized in 654.332d of the Postal Manual.

§ 151.3 Post office boxes.

* * * * *

(c) *Rental rates*—(1) *Main post offices.* * * *

(ii) *Schedule.* * * *

* * * * *

* * *

Lock boxes and drawers				
Size No.				
1	2	3	4	5
Cubic-inch capacity				
To 265	265 to	500 to	1000 to	2000 and over

* * * * *

NOTE: The corresponding Postal Manual section is 151.332b.

II. Section 154.9 is added which codifies procedures for handling registered mail in military services.

§ 154.9 Delivery to military organizations and naval vessels.

(a) *Units not operating military post offices.* Mail addressed to the Commanding General, Commander, Commanding Officer, staff sections, and other officials by title, and personnel of military organizations, except registered, numbered insured, and certified mail endorsed "restricted delivery", will be delivered to unit mail clerks or mail orderlies when such individuals have been designated on DD Form 285, "Appointment of Unit Mail Clerk or Mail Orderly" (see paragraph (c) of this section) to receipt for all mail addressed to the unit for which he is designated. If the unit mail clerk or mail orderly has been designated on DD Form 285 to receipt for ordinary mail only, then registered, numbered insured, and certified mail addressed to individuals by name may be delivered to the unit mail clerk or mail orderly only if authorized by the addressee on Form 3849, "Mail Arrival Notice" or 3801 "Standing Delivery Order."

(b) *Units operating military post offices.* All mail addressed to military organizations that operate military post offices will be delivered to the military postal clerks for further delivery when requested.

(c) *Restricted delivery mail.* Registered, numbered insured, and certified mail marked "Deliver to addressee only" will be delivered only to the person to whom addressed. However, such mail addressed to the Commanding General, Commander, Commanding Officer, staff sections, and other officials by name and title, may be delivered to an authorized agent named by him in writing. "Deliver to addressee only" mail addressed to other personnel will not be delivered to unit mail clerks or mail orderlies, except when the addressee is located at a point remote from the post office. In such instances, this mail may be delivered to unit mail clerks or mail orderlies upon written request of the addressee.

(d) *Identification.* Unit mail clerks, mail orderlies, postal clerks, and assistant postal clerks must provide proper identification in order to obtain mail. DD Form 285 properly completed showing classes of mail that the bearer is authorized to receive, with the military identification card, or government issued identification bearing the individual's picture in the case of a civilian employee, will be required.

NOTE: The corresponding Postal Manual section is 154.9.

III. In Part 161 make the following changes:

A. In § 161.5, paragraph (c) is revised to restate the existing rule for additional clarity.

§ 161.5 Additional services and refunds.

* * * * *

(c) *Restricted delivery.* The sender may at the time of mailing direct that the registered article be delivered only to the addressee or to someone named by him in writing. This service is available only for articles addressed to natural persons specified by name. An additional fee is required. The mail will be endorsed "Deliver to Addressee Only or Deliver to Addressee or Order." After mailing and before delivery, the sender may direct such action by written order through the mailing postmaster. See also § 161.9(g).

* * * * *

NOTE: The corresponding Postal Manual section is 161.53.

B. In § 161.7 paragraph (b) is revised to relax the presently stated rule regarding sealing.

§ 161.7 Preparation for mailing.

* * * * *

(b) *Sealing.* The sender must securely seal envelopes. Self-sealing envelopes are not acceptable. Do not place paper or cellulose strips or wax or paper seals over the intersections of the flaps of letter size envelopes, where the postmark impressions are made. Wrap and seal packages with mucilage or glue or with plain paper strips. Packages containing currency or securities may not be sealed exclusively by use of paper strips, but must first be sealed securely with mucilage or glue. Large envelopes (flats) which are completely sealed and which also have paper strips or paper tape across the intersections of the flaps may be considered packages so far as the sealing requirements are concerned. Tape that will not adhere in such a manner as to damage the envelope or wrapper if removed, or tape which will not absorb a postmark impression, may not be used on registered mail.

* * * * *

NOTE: The corresponding Postal Manual section is 161.72.

C. In § 161.9 make the following changes:

1. Paragraph (a) is revised for clarification.

2. Paragraph (g)(5) is amended to provide for the handling of certain registered mail.

§ 161.9 Delivery.

(a) *Procedure.* The responsibility of the Postal Service for registered mail ends with its proper delivery. Mail for delivery by carriers is taken on the first trip after it is received unless the addressee has requested the postmaster to hold his mail at the post office. The addressee or person representing him may obtain the name and address of the sender, and may look at registered mail while it is held by the postal employee, before accepting delivery and signing the delivery receipt. Identification will be required if the applicant for registered mail is unknown. The mail will not be given to the addressee until the delivery receipt is obtained by the postal employee. If the signature on the delivery receipt is not legible, the delivering employee must print the name of the recipient on the receipt.

* * * * *

(g) *Restricted delivery.* * * *

(5) Registered mail addressed to the commander, staff sections, and other officials of military organizations by name and title will be delivered to the unit mail clerk, mail orderly, postal clerk, or assistant postal clerk in accordance with § 154.9(c) of this chapter.

* * * * *

NOTE: The corresponding Postal Manual sections are 161.91 and 161.97e, respectively.

As the foregoing amendments and revisions to Parts 151, 154, and 161 do not affect substantive rights, public rule making procedures, advance notice, as well as a delayed effective date are unnecessary and would be contrary to the public interest.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

MAY 19, 1967.

[F.R. Doc. 67-5793; Filed, May 24, 1967; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 16]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

TRANSFER OF COTTON ACREAGE AFFECTED BY NATURAL DISASTER

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to designate additional counties in Tennessee that have been affected by a natural disaster within the meaning of section 344(n) of the act for the 1967 crop.

In order that determinations with respect to transfer of acreage for the 1967 crop may be made prior to the end of the cotton planting season, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.430(i) of the regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) is amended by adding the following additional counties to the list of designated counties in the State of Tennessee.

TENNESSEE

Dyer.	Lake.

(Secs. 344(n), 375; 78 Stat. 177, 52 Stat. 66, as amended; 7 U.S.C. 1344(n), 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 23, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-5904; Filed, May 24, 1967; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

FORMOSAN SUBTERRANEAN TERMITE

Notice of Public Hearing

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), that the Deputy Administrator of the Agricultural Research Service has information that the Formosan subterranean termite (*Coptotermes formosanus* Shiraki), a dangerous insect new to and not heretofore widely prevalent or distributed within or throughout the United States, has recently been discovered in certain parts of Louisiana and Texas and is known to occur in Hawaii, Guam, and Midway Islands.

It is therefore proposed under the authority of said section 8 of the Plant Quarantine Act to quarantine the States of Hawaii, Louisiana, and Texas, and Guam and Midway Islands, and to restrict or prohibit the movement therefrom, or from any localities therein designated as infested with the Formosan subterranean termite, of timber and timber products, including but not limited to lumber, planks, poles, stumpwood, and pulpwood; soil; and any other products or articles or means of conveyance of any character whatsoever, not covered by the above, when it is determined by an inspector that they present a hazard of spread of the Formosan subterranean termite and the person in possession thereof has been so notified.

A public hearing will be held before a representative of the Agricultural Research Service in Room T 13003, New Federal Building, 701 Loyola Street, New Orleans, La., at 10 a.m., June 27, 1967, at which hearing any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before June 27, 1967, or with the presiding officer at the hearing.

All written communications received pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 19th day of May 1967.

[SEAL] E. P. REAGAN,
Acting Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 67-5800; Filed, May 24, 1967; 8:46 a.m.]

Consumer and Marketing Service

[7 CFR Parts 1067, 1102]

[Docket Nos. AO 222-A21, AO 237-A15]

MILK IN OZARKS AND FORT SMITH, ARK., MARKETING AREAS

Notice of Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Ozarks and Fort Smith, Ark., marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Fayetteville, Ark., on November 2, 1966, pursuant to notice thereof which was issued October 11, 1966 (31 F.R. 13395). The hearing was subsequently reopened on November 15, 1966, at St. Louis, Mo., pursuant to a notice issued November 4, 1966 (31 F.R. 14406). The hearing was further reopened with respect to Fort Smith only on January 26, and February 13, 1967, at Kansas City, Mo., pursuant to notices issued January 16, 1967 (32 F.R. 613) and February 2, 1967 (32 F.R. 2573) for the limited purpose of considering Class I prices and on February 28, 1967, at St. Louis, Mo., pursuant to a notice issued January 24, 1967 (32 F.R. 1042) only with respect to inclusion of Baxter, Carroll, Fulton, Izard, Madison, Newton, Searcy, and Stone Counties, Ark., in the proposed merged Ozarks-St. Louis marketing area.

The material issues on the record of the hearing relate to:

1. A special Class I price for milk disposed of by Ozarks handlers in the Fort Smith marketing area or to Fort Smith handlers.
2. Definition of the Fort Smith marketing area.
3. Definition of the Ozarks marketing area.
4. Location differentials in the Fort Smith order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price for milk disposed of by Ozarks handlers in the Fort Smith marketing area.* The proposal to apply a special price to Ozarks order milk disposed of in the Fort Smith marketing area is denied. Such pricing would not reflect economic conditions affecting supply and demand for such milk.

Cooperative associations proposed that the price for Class I milk disposed of by Ozarks handlers in the Fort Smith marketing area be increased to equal the Fort Smith order Class I price less cost of transportation from the plant of origin. While the details of this proposal would provide minor variations, depending on the method of handling the milk, the essential effect would be the same.

Proponents explained their belief in the need for such pricing on the basis of the competitive situation between Fort Smith and Ozarks order handlers. A Fort Smith handler complained that he is losing Class I sales to Ozarks order handlers both inside and outside the Fort Smith marketing area because of the lower Ozarks order price. The proposal was intended to raise the cost of Ozarks order Class I milk sold in Fort Smith, or sold to Fort Smith handlers, to equal the cost of Class I milk under the Fort Smith order.

The merits of the cooperative associations' proposal must be judged within the context of the statutory requirement of establishing milk prices which will assure an adequate supply of pure and wholesome milk for the market.

Milk supplies and Class I use under Fort Smith order. The quantity of milk regulated under the Fort Smith order is small relative to the quantity of milk regulated under orders in surrounding markets. The two handlers regulated by

the order are supplied by the Central Arkansas Milk Producers Association which also serves the Central Arkansas market. The association is able to arrange milk deliveries from members so that deliveries are closely related to handler needs in each market. The quantity of milk delivered to the Fort Smith handlers averaged 4 million pounds monthly in 1965 and 3.8 million pounds monthly in 1966. Total milk delivered to handlers in both the Fort Smith and Central Arkansas markets averaged 17.7 million pounds monthly in 1965 and 18.9 million pounds in 1966.[1]

Class I disposition by Fort Smith handlers has been variable. The most recent trend of Class I disposition by Fort Smith handlers has been towards a lower level than in previous periods. A review of changes since the beginning of 1964 shows that about the same annual level was maintained during the 1964–65 2-year period, that monthly Class I disposition increased in the first 6 months of 1966 over the year before, and decreased in the last 6 months of 1966. Class I disposition in October, November, and December 1966 averaged about 14 percent less than in the same annual quarter 1 year before.

Competition from other markets. Competition for Class I disposition in the Fort Smith market and surrounding areas was the principal concern of producers and handlers at this hearing. Losses or gains in handlers' sales may be examined in terms of sales inside and outside the marketing area.

Fort Smith handlers' Class I disposition in the marketing area averaged about 1.9 and 1.8 million pounds monthly, in 1964 and 1965, respectively. In 1966, record data show in-area disposition for only the first 9 months. In the first 6 months, in-area Class I disposition averaged only slightly lower than in the same months the year before. Any substantial loss of sales would need to be judged by the last 3 months of record data, July, August, and September, in which in-market disposition by Fort Smith handlers was about 18 percent below a year previous. Out-of-area Class I disposition (about one-half of handlers' sales), however, remained about the same as in 1965.

The competitive situation is significantly affected by sales of handlers regulated under other orders. The Fort Smith market is within the perimeter of sales areas of plants regulated under the Central Arkansas, Ozarks, and Oklahoma Metropolitan markets.

Disposition of other order handlers in the marketing area has been highly variable, ranging from about 250,000 to 850,000 pounds in individual months since the first of 1964. Average monthly disposition in 1964 was about 520,000 pounds, and in 1965, about 430,000 pounds. In the first 9 months of 1966 the average was about 635,000 pounds. In August 1966, the month of highest other order disposition, such sales amounted to 34.9 percent of in-area sales.

Since other order handlers provide a large proportion of the fluid milk sold in the Fort Smith marketing area and surrounding areas, such other order milk is a significant part of the supply situation. The availability of such other order milk and the price and other costs involved in bringing it to the market, are among the factors required to be considered in establishing the proper price needed to assure an adequate supply for this market.

The greater share of the other market disposition in and around the Fort Smith marketing area is by Ozarks order handlers. About 23 percent of the fluid milk sales in five counties surrounding the marketing area are made by Ozarks handlers.[2] For this reason, Ozarks order milk is an important influence in determining the price at which an adequate supply is obtainable for the Fort Smith market.

Ozarks milk supply and sales. The total producer milk supply in the Ozarks market increased to about 29.1 million pounds monthly in 1966 compared to 23.7 million pounds monthly in 1965.

Also, in relation to Class I sales of handlers, there was relatively more Ozarks producer milk under the order than in the prior year. During October, November, and December 1966, Class I use of producer milk was 74.6, 76.0, and 65.1 percent, respectively, compared to 84.0, 80.6, and 79.1 percent in the prior year.

Ozarks order plants which dispose of Class I milk in and around the Fort Smith marketing area are located in Fayetteville, Ark., and Springfield, Mo. It is clear, therefore, that the more ample milk supply in Southwest Missouri is a factor in the supply situation for the Fort Smith market, as well as the producer milk supply on the Fort Smith market.

The existence of this alternative supply for the Fort Smith market is particularly significant because of the price relationship of the two markets. During 1966 the Ozarks order Class I price ($4.98) averaged $0.93 per hundredweight less than the Fort Smith order Class I price ($5.91). Inasmuch as the distance from Fort Smith to Springfield, Mo., is about 177 miles, the cost of transportation, reckoned at 1.5 cents per 10 miles, would be about 27 cents. Thus, the effective price difference for milk moved from Springfield, Mo., to Fort Smith was about $0.66 per hundredweight. While the Ozarks order price at Fayetteville, Ark., is 25 cents higher than at Springfield, the transportation figure to Fort Smith (about 9 cents) is less, resulting in an effective price difference of about 59 cents per hundredweight.

Effects of proposal. The proposal to amend the Ozarks order would establish a price for Class I milk sold in the Fort Smith area significantly higher than the price at which Ozarks area milk is available under actual supply and demand conditions. Also the proposal would insulate the Fort Smith supply-demand situation from the supply-demand situation in the Ozarks area. As a result, the proposed pricing technique would not truly reflect supply and demand conditions in either market.

In the Fort Smith market, the proposed pricing technique would obscure the demonstrated availability of alternative milk supplies from the Ozarks area at a lesser price than the existing Fort Smith Class I price. The availability of such less expensive supply from another market is particularly significant in this case, since the Fort Smith market is small relative to the other market. Further, the other market has quantities of reserve milk which conceivably could displace all present supplies of producer milk on the Fort Smith market. One of the Fort Smith handlers testified that he was able to arrange for a full supply of milk from sources outside the Fort Smith area.

In the Ozarks market, the proposed pricing would result in a certain portion of the milk being charged to handlers at a price higher than necessary to obtain an adequate supply for the market. The Ozarks market is amply supplied at the existing Class I price level, and accordingly a higher level for all or any portion of the milk would not be reflective of supply and demand conditions.

Producer representatives in the Fort Smith market placed reliance on the contention that the Fort Smith Class I price had been determined by the Department to be the correct price to obtain a supply of milk for that market. They argued that accordingly such price should apply to all milk sold in the market. They pointed out that the State of Arkansas is a deficit area producing less milk than is sold for fluid purposes.

Such argument, however, overlooks the consideration that changes in marketing conditions should be recognized in establishing the appropriate Class I price level. The influx of increased quantities of milk from less expensive sources is a significant change in conditions.

Under some circumstances, the Class I price in a market subject to competition from a lower priced market would adjust automatically through a supply-demand adjustor. While there is a supply-demand adjustor in this market, it is more largely affected by circumstances in the Central Arkansas and Memphis markets than by the situation in the Fort Smith market. This is because the volumes of milk receipts and Class I disposition included in the supply-demand adjustment computation are very largely milk regulated under the Central Arkansas and Memphis orders.

It is concluded that the proposal to price Ozarks order milk at the Fort Smith order Class I price, if sold in the Fort Smith marketing area, should be denied because such pricing would fail to reflect economic conditions effecting supply and demand for such milk.

While the situation complained of by proponents does not justify adoption of their proposal, it may indicate need to review the appropriateness of the existing

[1] Official notice is taken of market information published by the market administrator for the Fort Smith and Central Arkansas markets for the period 1964 through 1966.

[2] Crawford, Franklin, Logan, Scott, and Sebastian.

price level in Fort Smith. The notice of hearing and the record, however, do not provide a basis for dealing with this question.

2. *Fort Smith marketing area.* No change should be made at this time in the Fort Smith marketing area.

The notice of hearing contained a proposal to add 11 Arkansas counties to the Fort Smith marketing area. At the hearing, producer associations modified their proposal to include only the seven counties of Crawford, Franklin, Johnson, Logan, Scott, Sebastian, and Yell. No testimony was presented in support of adding Benton, Boone, and Washington Counties (presently part of the Ozarks marketing area) or Madison and Carroll Counties to the Fort Smith marketing area.

Within the area proposed to be regulated, most of the milk sold is now regulated under the Fort Smith order and other Federal milk orders. There is, however, one unregulated handler located at Paris, Ark., who would become regulated if the Fort Smith marketing area were expanded to include any one of the counties of Franklin, Logan, or Johnson.

Proponents did not show, however, that any serious problem of disorderly marketing exists in any of the counties proposed to be added to the Fort Smith marketing area. The concern about the operations of the handler presently unregulated pertained to his selling prices, but no information was given as to the prices he pays dairy farmers. In any event, his sales constitute a relatively minor percentage of total milk disposed of in any of the counties proposed for inclusion in the Fort Smith marketing area.

The question of proper regulation in this area has significance beyond the relationship of the proposed counties to the present Fort Smith market. Handlers under other orders, principally Ozarks, have substantial sales in these proposed counties. Further, much of the adjoining area to the north is involved in the proposed merger of the Ozarks and St. Louis orders on which decision is pending. The proper delineation of marketing areas in this region thus may well be affected by considerations beyond this record. Since this record does not contain urgent or compelling reasons for extension of the Fort Smith marketing area, no action is taken on this issue.

3. *Ozarks marketing area.* A handler proposed that the Ozarks marketing area be extended to include Baxter, Carroll, Fulton, Izard, Madison, Newton, Searcy, and Stone Counties, all in the State of Arkansas. In view of the reopening of this issue by the notice of hearing issued January 24, 1967, on proposed amendments to merge the St. Louis, Mo., and Ozarks milk orders, action regarding these eight counties is deferred.

4. *Location adjustments.* Location differentials should be incorporated in the order to apply to the Class I and uniform prices for milk received at plants located more than 50 miles from the county courthouse in Fort Smith.

Location adjustments have not applied under the Fort Smith order. As noted previously, Class I sales are made in the marketing area by plants at a considerable distance from the market. Presently such plants are regulated under other orders where location adjustments apply. If a plant located more than 50 miles from Fort Smith became regulated under the Fort Smith order as a result of changes in operations, a location adjustment should apply on Class I milk priced at the plant to allow for the cost of moving the milk to the marketing area.

Class I milk products, because of their bulky, perishable nature, incur a relatively high transportation cost if such products or the milk used to produce them are moved considerable distances. Milk delivered directly by farmers to plants in or near the urban centers in the defined marketing area, therefore, is worth more to a handler than milk which is received from farmers at a plant located many miles from the market. This is so because in the latter instance, the handler must incur the additional cost of moving that milk to the central market. Under these conditions, the value of producer milk delivered to plants located some distance from the market is reduced in proportion to the distance (and the cost of transporting such milk) from the point of receipt to the market. Providing location differentials based on the cost of moving milk to the market will insure uniform pricing to Fort Smith handlers regardless of the location where the milk is procured.

For milk received from producers at a plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the county courthouse in Fort Smith, Ark., the Class I price should be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is distant from the county courthouse in Fort Smith, Ark. Milk can move efficiently from farms to approved plants located within the area in which no location differential would be applicable.

The location differential rates herein proposed are economically sound and representative of the cost of transporting milk to market by efficient means. Also, they are compatible with those effective under other nearby Federal milk orders.

Uniform prices paid producers supplying plants at which location differentials apply should likewise be adjusted to reflect the value of milk f.o.b. the point to which delivered.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the Class I location differential credit. For the purpose of calculating such location differential credit, the skim milk and butterfat in fluid milk products transferred in bulk should be assigned to Class I disposition at the transferee plant which is in excess of the sum of receipts at such plant from producers and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. The assignment of milk transferred in bulk would be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the county courthouse in Fort Smith, Ark.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Fort Smith, Ark., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1102.51, the introductory text preceding paragraph (a) is revised to read as follows:

§ 1102.51 Class prices.

Subject to the provisions of §§ 1102.52 and 1102.54, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

* * * * *

2. Add a new § 1102.54 to read as follows:

§ 1102.54 Location adjustment to handlers.

(a) For milk received from producers at an approved plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the county courthouse in Fort Smith, Ark., which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1102.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is distant from the county courthouse in Fort Smith, Ark.; and

(b) For purposes of calculating such adjustment, transfers of fluid milk products between approved plants shall be assigned to Class I disposition at the transferee plant which is in excess of the sum of receipts at such plant from producers and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

3. Section 1102.60 is revised to read as follows:

§ 1102.60 Producer-handlers.

Sections 1102.40 through 1102.46, 1102.50 through 1102.54, 1102.70 through 1102.72, 1102.80 through 1102.86, and 1102.90 through 1102.93 shall not apply to a producer-handler.

4. Section 1102.71 is revised to read as follows:

§ 1102.71 Computation of uniform prices for handlers.

For each of the months of August through February, the market administrator shall compute for each handler a uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Adjust the amount computed pursuant to § 1102.70 for each one-tenth percent that the average butterfat test of milk received from producers by such handler is less or more than 3.5 percent, an amount computed by multiplying such difference by the butterfat differential computed pursuant to § 1102.81 and multiplying the result by the total hundredweight of milk received from producers;

(b) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(c) Add an amount equal to the sum of the deductions to be made for location differentials pursuant to § 1102.86; and

(d) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 3.5 percent butterfat content.

5. In § 1102.72, paragraph (a) is revised to read as follows:

§ 1102.72 Computation of the uniform prices for base and excess milk for each handler.

* * * * *

(a) Follow the computations and adjustments provided for in § 1102.71 (a), (b), and (c);

* * * * *

6. In § 1102.80, paragraph (a) is revised to read as follows:

§ 1102.80 Time and method of payment.

* * * * *

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer except as provided in paragraph (c) of this section, at not less than the appropriate uniform price(s) adjusted by the producer butterfat differential computed pursuant to § 1102.81, subject to the location adjustment to producers pursuant to § 1102.86, for all milk received from such producer during the preceding month less the amount of payment made pursuant to paragraph (b) of this section.

* * * * *

7. Add a new § 1102.86 to read as follows:

§ 1102.86 Location differentials to producers.

The uniform price for producer milk received at an approved plant shall be reduced according to the location of the approved plant, at the rates set forth in § 1102.54.

Signed at Washington, D.C., on May 22, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-5834; Filed, May 24, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SW-18]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Waco, Tex., control zone.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The Waco, Tex. (Municipal Airport), control zone is described in § 71.171 (32 F.R. 2143).

Cancellation of two TACAN approaches to James Connally AFB, AL-579-TACAN-2 and JAL-579-TACAN-1, and application of revised criteria to other approaches has resulted in a change of the control zone airspace requirements.

It is proposed to redesignate the Waco, Tex., control zone as that airspace within a 5-mile radius of the Waco Municipal Airport (latitude 31°36'40" N., longitude 97°13'40" W.); within 2 miles each side of the Waco VORTAC 330° radial (321° magnetic), extending from the 5-mile radius zone to 8 miles northwest of the VORTAC; within 2 miles each side of the Waco ILS localizer north course, extending from the 5-mile radius zone to the OM; within a 5-mile radius of James Connally AFB (latitude 31°38'20" N., longitude 97°04'25" W.); within 2 miles each side of the Waco VORTAC 098° radial (089° magnetic) extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of a 359° bearing (350° magnetic) from the Connally RBN extending from the 5-mile radius zone to the RBN, and within 2 miles each side of the James Connally TACAN 352° radial (343° magnetic) extending from the TACAN to 7 miles north.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on May 11, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-5813; Filed, May 24, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-26]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that

would alter the 1,200-foot portion of the Alamosa, Colo., transition area.

The FAA proposes to enlarge the Alamosa 1,200-foot transition area to protect a new holding pattern which will be established northwest of the 11 NM DME fix of the Alamosa VORTAC 339° T (326° M) radial. This new holding pattern will be used to laterally separate turboprop aircraft conducting shuttle climb/descent maneuvers within that holding pattern from over traffic on V–210.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (32 F.R. 2148) the Alamosa, Colo., transition area is amended by deleting all after "* * * that airspace extending upward from 1,200 feet above the surface * * *", and substituting therefor, "within 7 miles west and 11 miles east of the Alamosa VORTAC 339° T (326° M) radial, extending from the VORTAC to 33 miles north, within 8 miles northeast and 5 miles southwest of the 127° T (114° M) and 307° T (294° M) radials, extending from 3 miles northwest to 12 miles southeast of the VORTAC."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on May 16, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67–5814; Filed, May 24, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Docket No. 18467; PDR–25A]

LOCAL SERVICE CARRIERS

Servicing Expense; Supplemental Notice

MAY 19, 1967.

The Board in 32 F.R. 6714 and by circulation of PDR–25, dated April 25, 1967, gave notice that it had under consideration an amendment to Subpart K of Part 302 which would prescribe a new standardized method for use in Board proceedings for estimating the servicing expense of local service routes and route proposals. Interested persons were invited to participate in the rule making proceeding by submission of ten (10) copies of written data, views, or arguments to the Docket Section of the Board on or before June 1, 1967.

The 13 local service carriers have requested a 30-day extension of the time for submitting written comments because of the complexity of the proposal and the delay in circulating the booklet "Proposed Local Service Air Carriers' Unit Cost for Estimating Total Servicing Expense."

The undersigned finds that good cause has been shown for the extension of time requested. Accordingly, pursuant to authority delegated in sections 7.3C and 7.6 of Public Notice PN–15, dated July 3, 1961, the undersigned hereby extends the time for submitting comments to July 3, 1967.

All relevant communications received on or before July 3, 1967, will be considered by the Board before taking action on the proposed rules. Copies of these communications will be available for examination in the Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates Division.

[F.R. Doc. 67–5827; Filed, May 24, 1967; 8:48 a.m.]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1602]

APPRENTICESHIP RECORDKEEPING

Notice of Proposed Rule Making

Notice of public hearing required by section 709(c), Title VII, Civil Rights Act of 1964, and of proposed rule making:

A. *Notice of public hearing.* Pursuant to the requirements of section 709(c), Title VII, Civil Rights Act of 1964, notice is hereby given that the Equal Employment Opportunity Commission will conduct a public hearing on Tuesday, June 20, 1967, at 10 a.m., e.d.t., in Room 1213, 1800 G Street NW., Washington, D.C., with respect to a proposed amendment to §§ 1602.20 and 1602.21 of Subpart E, Chapter XIV, Title 29 of the Code of Federal Regulations, which sections were the subject of a public hearing March 21, 1966, called pursuant to section 709(c), and are still under consideration by the Commission. The proposed recordkeeping regulation originally applied to joint labor-management committees controlling apprenticeship programs, and to employers and labor organizations in the construction industry operating apprenticeship programs other than joint labor-management programs. The proposed amendment extends the coverage of the recordkeeping regulation to all employers and labor organizations subject to Title VII that were not previously proposed for such coverage.

Interested persons are invited to participate in, and to present evidence, views, and arguments with respect to the proposed amendment at the said hearing. Pertinent statements from interested persons not desiring to participate in the hearing may be submitted in writing to the Director, Office of Research and Reports, Equal Employment Opportunity Commission, Washington, D.C. 20506, at any time prior to said hearing.

B. *Notice of proposed rule making.* Pursuant to the authority vested in it by section 709(c), 78 Stat. 623, the Equal Employment Opportunity Commission proposes that Title 29, Chapter XIV of the Code of Federal Regulations be amended by adding the following subparts to Part 1602 thereof:

Subpart E—Apprenticeship Recordkeeping

§ 1602.20 Records to be made or kept.

* * * * *

(b) Every employer, labor organization, and joint labor-management committee subject to Title VII which controls an apprenticeship program (regardless of any joint or individual obligation to file Report EEO–2) shall, beginning July 2, 1967, maintain a list in chronological order containing the names and addresses of all persons who have applied to participate in the apprenticeship program, including the dates on which such applications were received. (See sec. 709 (c), Title VII, Civil Rights Act of 1964). Such list shall contain a notation of the sex of the applicant and of the applicant's identification as "Negro", "Spanish-speaking American", "American Indian", "Oriental", or "Other". The methods of making such identification are set forth in the proposed instructions accompanying Report EEO–2, section 6(c) (See 32 F.R. 2854).

(c) In lieu of maintaining the chronological list referred to in paragraph (b)

of this section, persons required to compile the list may maintain on file written applications for participation in the apprenticeship program: *Provided,* That the application form contains a notation of the date the form was received, the address of the applicant, and a notation of the sex, and racial or ethnic origin, of the applicant as described above.

§ 1602.21 Preservation of records made or kept.

(a) Notwithstanding the provisions of § 1602.14, every joint committee required to file Report EEO–2 shall preserve the chronological list of apprenticeship applicants referred to in § 1602.20 for a period of 5 years from the date of the most recent entry thereon or, in lieu thereof, shall preserve any formal applications submitted by applicants for 5 years from their receipt; and shall preserve any other records made solely for the purpose of completing Report EEO–2 for a period of 1 year from the due date of the report for which they were compiled. Every other person subject to § 1602.20 (b) or (c) shall preserve the list of applicants or forms, as the case may be, for a period of 2 years from the date the application was received.

* * * * *

STEPHEN N. SHULMAN,
Chairman.

MAY 19, 1967.

[F.R. Doc. 67–5803; Filed, May 24, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 17364]

RADIO FREQUENCY DEVICES

Low Power Communication Devices; Order Extending Time for Filing Comments

In the matter of amendment of rules in Part 15, Subpart E—Low Power Communication Devices; Docket No. 17364, RM 449, RM 463.

The Commission has before it for consideration a request from the Door Operator and Remote Controls Manufacturers' Association (DORCMA) to extend the time for filing comments in this proceeding from May 22, 1967, to August 22, 1967.

The request states that DORCMA wishes to file comments in this proceeding and that its comments will be prepared by DORCMA's Technical Committee which is comprised of manufacturers from various locations around the country. DORCMA believes that substantial time will be required for the Technical Committee to assemble and develop these comments.

The comments of DORCMA should be of interest to the Commission in this proceeding and, accordingly, it appears that the public interest will be served by granting the extension of time requested. Furthermore, such an extension will provide additional time for other interested parties to prepare their comments.

Therefore, it is ordered, Pursuant to § 0.251(b) of the Commission's rules, that the time for filing comments in this proceeding is extended to August 22, 1967, and the time for filing reply comments is extended to September 7, 1967.

Adopted: May 18, 1967.

Released: May 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5821; Filed, May 24, 1967; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 20,605]

FEDERAL SAVINGS AND LOAN SYSTEM

Branch Offices

MAY 18, 1967.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14) be amended as follows:

Revise subparagraph (3) of paragraph (b) and subparagraph (1) of paragraph (c) of § 545.14, aforesaid, to read as follows:

§ 545.14 Branch office.

* * * * *

(b) *Eligibility.* * * *

(3) The association does not submit in support of its application evidence giving reasonable assurance that the proposed branch office, if approved, will be opened within 21 months after the date on which the application is filed, or, if the proposed branch office is to be located in a shopping center having not less than 400,000 square feet of shopping space, within 36 months after such date;

* * * * *

(c) *Application form; supporting information.* An application for permission to establish a branch office shall be in form prescribed by the Board. A Federal association may obtain from the Supervisory Agent the prescribed application form and "Outline of Information to be Submitted in Support of an Application for Permission to Establish (Maintain) a Branch Office." Information shall be furnished in support of the application in accordance with such outline designed to show: (1) There is or will be at the time the branch office is opened a necessity for the proposed branch office in the community to be served by it; * * *

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than June 30, 1967, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67–5835; Filed, May 24, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 731]

NEW MEXICO

Notice of Classification

MAY 18, 1967.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended, for lands within the Gila National Forest, and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 3 N., R. 9 E.,
Sec. 5, lots 1 to 4, inclusive;
Sec. 6, lots 16, 20, 21, and S½SE¼.
T. 4 N., R. 9 E.,
Sec. 1, lots 1 to 6, inclusive, and S½NE¼;
Sec. 3, lot 1;
Sec. 10, SE¼NE¼;
Sec. 11, lots 1, 2, 3, 5, 6, 7, 8, and 11;
Sec. 12, lots 1, 2, 3, and SW¼SW¼;
Sec. 13, lots 5, 6, 7, 8, 9, 10, 12, and SE¼SE¼;
Sec. 14, lots 5 and 6;
Sec. 23, lot 1;
Sec. 24, lots 1, 2, 3, 4, 6, E½NE¼, SW¼NE¼, and SE¼SE¼;
Sec. 25, lots 1, 2, 3, 4, and NE¼NE¼;
Sec. 34, NE¼.
T. 5 N., R. 9 E.,
Sec. 14, S½NW¼ and SW¼;
Sec. 15, SE¼NE¼;
Sec. 22, NE¼NE¼, S½NE¼, and N½SE¼;
Sec. 23, W½;
Sec. 25, S½;
Sec. 26, W½ and SE¼;
Sec. 27, NE¼, SE¼NW¼, and E½SE¼;
Sec. 33, SE¼NE¼;
Sec. 35, E½, E½W½, SW¼NW¼, and SW¼SW¼.
T. 4 N., R. 10 E.,
Sec. 4, lots 3 and 4;
Sec. 5, lots 2, 3, SE¼NE¼, and N½SE¼;
Sec. 6, lots 4, 5, 6, and 10;
Sec. 7, lots 4, 5, NE¼, NE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 17, lot 2, SW¼NW¼ and W½SW¼;
Sec. 18, lots 1 to 12, inclusive;
Sec. 19, lots 1, 2, 3, 4, 7, 8, and SW¼NE¼;
Sec. 29, SW¼ and W½SE¼;
Sec. 30, lots 1, 2, 3, 4, and E½SE¼.
T. 5 N., R. 10 E.,
Sec. 29, lot 4;
Sec. 30, lots 4 to 9, inclusive;
Sec. 31, lots 1, 2, 4, 7, NE¼, E½NW¼, and N½SE¼;
Sec. 33, S½NE¼, SE¼SW¼, E½SE¼, and SW¼SE¼;
Sec. 34, SW¼NW¼.
T. 2 N., R. 18 E.,
Sec. 1, SE¼NW¼ and NE¼SW¼;
Sec. 6.
T. 3 N., R. 18 E.,
Sec. 7;
Sec. 8, W½W½, SE¼SW¼, and S½SE¼;
Sec. 9, SW¼;
Sec. 14, W½NW¼ and NW¼SW¼;
Sec. 15, S½SW¼;
Sec. 17, NE¼, W½W½, and SE¼NW¼;
Sec. 18, NE¼, NE¼NW¼, E½SE¼NW¼, SE¼SW¼, NE¼SE¼, E½NW¼SE¼, and S½SE¼;
Sec. 22, W½E½;
Sec. 26, SW¼SW¼;
Sec. 27, SE¼SE¼;
Sec. 35, NE¼NW¼.
T. 4 N., R. 18 E.,
Sec. 31, SE¼SW¼.
T. 2 N., R. 19 E.,
Sec. 7, E½SE¼.
T. 3 N., R. 19 E.,
Sec. 5, lot 4, SW¼NW¼, and SW¼;
Sec. 31, lots 3, 4, and E½SW¼.
T. 22 S., R. 16 W.,
Sec. 17, E½, E½W½, NE¼NW¼SW¼, NE¼NW¼NW¼SW¼, S½NW¼NW¼SW¼, S½NW¼SW¼, and SW¼SW¼;
Sec. 19;
Sec. 21, N½N½, SW¼NE¼, S½NW¼, NE¼SW¼, and S½S½;
Sec. 22, NE¼ and E½SE¼;
Sec. 34, N½, N½S½, and SW¼SE¼.
T. 22 S., R. 17 W.,
Sec. 23, SE¼;
Sec. 26, NW¼;
Sec. 27, SE¼.
T. 23 S., R. 17 W.,
Sec. 31, NE¼.
T. 23 S., R. 18 W.,
Sec. 23, NE¼NE¼;
Sec. 24, N½, NE¼SW¼, and SE¼.
T. 19 S., R. 17 E.,
Sec. 22, SE¼NW¼;
Sec. 26, SE¼;
Sec. 27, NE¼NW¼, S½NW¼, and N½SW¼;
Sec. 33, W½;
Sec. 34, NW¼;
Sec. 35, NE¼.
T. 25 S., R. 33 E.,
Sec. 34, E½SE¼.
T. 26 S., R. 33 E.,
Sec. 3, E½NE¼;
Sec. 4, S½S½.
T. 25 S., R. 35 E.,
Sec. 1, lots 3, 4, S½NW¼, and SW¼;
Sec. 14, NE¼SE¼;
Sec. 23, E½;
Sec. 24, N½SE¼.
T. 25 S., R. 36 E.,
Sec. 4;
Sec. 5, lots 1, 2, S½NE¼, and SE¼;
Sec. 8, NE¼;
Sec. 25, E½SE¼;
Sec. 26, E½E½SE¼.
T. 25 S., R. 37 E.,
Sec. 30, lots 3, 4, and E½SW¼;
Sec. 31, lots 1, 2, 3, 4, and E½W½.
T. 26 S., R. 37 E.,
Sec. 6, lot 1, NE¼, and E½NW¼.

The areas described aggregate 18,845.09 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240. (43 CFR 2411.12(d)).

W. J. ANDERSON,
State Director.

[F.R. Doc. 67-5810; Filed, May 24, 1967; 8:47 a.m.]

[Oregon 011382-011394, Inclusive]

OREGON

Notice of Classification

MAY 10, 1967.

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through selection by the State of Oregon under provisions of sections 2275 and 2276 of the Revised Statutes (43 U.S.C. 851, 852), as amended. The selection is in lieu or as indemnity for an equal acreage of land lost to the State by reservation or appropriation prior to survey or because of other deficiencies. Under the laws of the State of Oregon, the lands would become Common School Forest Lands and would be managed for public purposes under sustained yield forestry principles.

2. No adverse comments were received following publication of notice of proposed classification (32 F.R. 3891), or at the public hearing held on April 14, 1967, at Portland, Oreg. The record showing the comments received and other information is on file and can be examined in the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg.

3. The lands affected by this classification are located in Benton, Clatsop, Coos, Douglas, Lincoln, Marion, Polk, and Tillamook Counties and are described as follows:

WILLAMETTE MERIDIAN

T. 10 S., R. 7 W.,
Sec. 6;
Sec. 8, SE¼;
Sec. 18, NE¼SW¼ and SE¼SE¼.
T. 4 N., R. 8 W.,
Sec. 14, lots 5 and 6.
T. 2 S., R. 8 W.,
Sec. 30, lots 3 and 4, E½SW¼, and S½SE¼.
T. 9 S., R. 8 W.,
Sec. 28, S½S½;
Sec. 30, NE¼SW¼;
Sec. 33, N½NE¼.
T. 10 S., R. 8 W.,
Sec. 2, SE¼NE¼;
Sec. 4, lots 2, 3, and 4, SW¼NE¼, S½NW¼, NW¼SW¼, and SE¼SE¼;
Sec. 8, E½NE¼;
Sec. 10, NE¼;
Sec. 14, E½NE¼.
T. 11 S., R. 8 W.,
Sec. 14, SW¼SW¼;
Sec. 26, NW¼SW¼ and S½SW¼;
Sec. 28, N½NW¼;
Sec. 30, lot 1, NE¼NW¼, and NE¼;
Sec. 32, E½NE¼;
Sec. 34, SE¼NE¼ and S½S½.
T. 12 S., R. 8 W.,
Sec. 4, lots 3 and 4;
Sec. 6, SE¼NE¼ and E½SE¼.
T. 1 N., R. 9 W.,
Sec. 19, lots 3, 4, E½SW¼, and E½SE¼;
Sec. 20, NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 21, W½SW¼ and SE¼SW¼;
Sec. 22, SW¼ and S½SE¼;
Sec. 27, N½NE¼, SW¼NE¼, and NW¼;
Sec. 28, W½;
Sec. 29, NE¼ and S½;
Sec. 30;
Sec. 32, N½NE¼ and NE¼NW¼;
Sec. 33, N½NW¼.
T. 5 N., R. 9 W.,
Sec. 27, NW¼NE¼;
Sec. 34, NE¼NE¼.
T. 11 S., R. 9 W.,
Sec. 34, SE¼NE¼ and E½SE¼.

T. 1 N., R. 10 W.,
Sec. 23, S½SE¼;
Sec. 25, SE¼.
T. 24 S., R. 11 W.,
Sec. 16, E½SW¼;
Sec. 20, NE¼SE¼;
Sec. 30, lot 1.
T. 22 S., R. 12 W.,
Sec. 24, lots 2, 3, and 4, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 25, lot 4, S½NW¼, S½SW¼, and SW¼SE¼;
Sec. 26, SE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 27, SW¼SE¼;
Sec. 35, NE¼NE¼, SW¼NE¼, and NW¼NW¼.
T. 7 S., R. 2 E.,
Sec. 34, SW¼ and W½SE¼.
T. 9 S., R. 3 E.,
Sec. 24, E½SE¼.

The areas described aggregate 8,193.14 acres.

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C., 20240.

G. H. RUDD,
Acting State Director.

[F.R. Doc. 67-5789; Filed, May 24, 1967; 8:45 a.m.]

[Serial No. U-2922]

UTAH

Notice of Proposed Classification of Public Lands for Multiple Use Management

MAY 19, 1967.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and to the regulations in Title 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating all the public lands in the area described below from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334), from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), and from State and private exchanges under section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), and the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The lands proposed to be classified are those administered by the Bureau of Land Management within the following described area:

All lands in Wayne and Garfield counties lying between the Dirty Devil River and the Green and Colorado rivers, exclusive of Canyonlands National Park and the extension thereto proposed by Senate Bill 26 of January 11, 1967, aggregating approximately 579,300 acres of public land.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with this proposed classification may present their views in writing to the Price District Manager, Bureau of Land Management, 900 North Seventh East, Price, Utah 84501, or to the State Director, Bureau of Land Management, Federal Building, Salt Lake City, Utah 84111.

4. Maps depicting these lands are on file and may be reviewed at the Bureau of Land Management's district office at Price and the State Office, Federal Building, Salt Lake City, Utah.

5. A public hearing on this proposed classification, at which statements in support of or opposition to the proposal may be presented, will be held on June 22, 1967 at 1 p.m. in the Wayne High School at Bicknell, Utah.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-5790; Filed, May 24, 1967; 8:45 a.m.]

[Serial No. U-2923]

UTAH

Notice of Proposed Classification of Public Lands for Multiple Use Management

MAY 19, 1967.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and the regulations in Title 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below together with any lands therein that may become public lands in the future. Publication of this notice has the effect of (a) segregating all the public lands in the area described below from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and (b) further segregating the lands described in paragraph 3 of this notice from operation of the general mining laws (30 U.S.C. 21). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (43 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands proposed to be classified are those lands administered by the Bureau of Land Management within that portion of the following described area which lies in Tooele County:

SALT LAKE MERIDIAN, UTAH

Tps. 1–3 N., Rs. 7–19 W.
Tps. 1–4 S., Rs. 7–19 W.
Tps. 5–10 S., Rs. 3–20 W.

The area described contains approximately 1,910,000 acres.

3. Publication of this notice also has the effect of segregating the lands described below from entry or location under the General Mining Laws, but not the Mineral Leasing Laws:

SALT LAKE MERIDIAN, UTAH

T. 5 S., R. 3 W.,
Sec. 19, NE¼SW¼, W½NW¼SW¼, NW¼SW¼SW¼, and SW¼SW¼NW¼.
T. 5 S., R. 4 W.,
Sec. 5, lot 5, and NE¼NE¼.
T. 7 S., R. 4 W.,
Sec. 15, SW¼NE¼.
T. 8 S., R. 7 W.,
Sec. 12, SE¼SE¼;
Sec. 13, E½NE¼.
T. 9 S., R. 8 W.,
Sec. 7, lot 4, SE¼SW¼, and S½SE¼;
Sec. 17, W½NW¼, and NW¼SW¼;
Sec. 18, lots 1 and 2, S½NE¼, E½NW¼, NE¼SW¼, and N½SE¼.
T. 9 S., R. 17 W.,
Sec. 18, SW¼NE¼.
T. 10 S., R. 9 W.,
Sec. 18, NE¼NE¼.

The area described contains 1,060.84 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with this proposed classification may present their views in writing to the Salt Lake District Manager, Bureau of Land Management, 1750 South Redwood Road, Salt Lake City, Utah 84104, or to the State Director, Bureau of Land Management, Federal Building, Salt Lake City, Utah 84111.

5. Maps depicting these lands are on file and may be reviewed at the Bureau of Land Management District Office at Salt Lake City, Utah, and the State Office, Federal Building, Salt Lake City, Utah.

6. A public hearing on this proposed classification will be held on June 13, 1967 at 1 p.m. in the courtroom of the Tooele County Courthouse, Tooele, Utah. At this time, statements in support of or opposition to the proposal may be presented.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-5791; Filed, May 24, 1967; 8:45 a.m.]

[Serial No. U-2924]

UTAH

Notice of Proposed Classification of Public Lands for Multiple Use Management

MAY 19, 1967.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and to the regulations in Title 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating the public lands in the area described below from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C.

334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The land shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The lands proposed to be classified are those lands administered by the Bureau of Land Management within the following described area which lies approximately 13 to 32 miles south of Roosevelt, Utah, in the southeast corner of Duchesne County and the west central portion of Uintah County:

Beginning at the point where the Uintah and Ouray Indian Reservation intersects the Green River in T. 9 S., R. 19 E., sec. 11, SLM; thence westerly and southerly along the Uintah and Ouray Indian Reservation boundary to a point where the Ashley National Forest boundary intersects the west line of sec. 27, T. 9 S., R. 15 E., SLM; thence south along the national forest boundary to the point where the national forest boundary intersects the west line of lot 3, sec. 16, T. 10 S., R. 15 E., SLM; thence south about one-quarter mile to the north quarter corner of sec. 21, T. 10 S., R. 15 E., SLM; thence east one-quarter mile; south one-quarter mile; east one-quarter mile; south one-half mile; east one-quarter mile; south one-quarter mile; west one-quarter mile to the southeast corner sec. 21, T. 10 S., R. 15 E., SLM; thence south one-half mile; west one-quarter mile; south three-quarters mile; west one-quarter mile; south one-half mile; east one-quarter mile; south about one-quarter mile; thence east to the northeast corner sec. 4, T. 11 S., R. 15 E., SLM; thence south about 1 mile to the southwest corner sec. 3, T. 11 S., R. 15 E., SLM; thence east three-quarters mile; south one-quarter mile; east three-quarters mile; south one-quarter mile; east one-half mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-quarter mile; north one-quarter mile; east one-quarter mile; north one-quarter mile; east one-quarter mile to the east quarter corner sec. 12, T. 11 S., R. 15 E., SLM; thence east about three-quarters mile; north one-quarter mile; east one-half mile; north one-quarter mile; east one-half mile; north one-quarter mile; east three-quarters mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-half mile; south one-quarter mile; east three-quarters mile; south one-quarter mile; east 1 mile; south one-quarter mile to the southeast corner sec. 11, T. 11 S., R. 16 E., SLM; thence south one-quarter mile; east 1 mile; north one-quarter mile; east about 1 mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-half mile; south one-quarter mile to the southwest corner sec. 16, T. 11 S., R. 17 E., SLM; thence east one-half mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-half mile; south one-quarter mile; east one-quarter mile; north one-quarter mile; east three-quarters mile; north one-quarter mile; east one-quarter mile; north one-quarter mile; east one-quarter mile; north one-quarter mile; west one-quarter mile; north one-half mile; east three-quarters mile; south one-quarter mile; east 1 mile; south one-quarter mile; east one-half mile; north one-half mile; east three-quarters mile; south three-quarters mile; to the south quarter corner sec. 17, T. 11 S., R. 18 E., SLM; thence south three-quarters mile; thence west one-quarter mile; south one-half mile; east three-quarters mile; north one-quarter mile; east approximately one-half mile to a point on the Green River, said point being located near the northeast corner of lot 3, sec. 28, T. 11 S., R. 18 E., SLM; thence northerly along the Green River to point of beginning.

The area described aggregates approximately 198,180 acres of public land.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with this proposed classification may present their views in writing to the Vernal District Manager, Bureau of Land Management, 89 West Main Street, Vernal, Utah 84078, or to the State Director, Bureau of Land Management, Federal Building, Salt Lake City, Utah 84111.

4. Maps depicting these lands are on file and may be reviewed at the Bureau of Land Management's District Office at Vernal and the State Office, Federal Building, Salt Lake City, Utah.

5. A public hearing on this proposed classification will be held on June 15, 1967, at 7:30 p.m. in the courtroom of the Duchesne County Courthouse, Duchesne, Utah.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-5792; Filed, May 24, 1967; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ROBERT JOHN JACOX

Notice of Granting of Relief Pursuant to Federal Firearms Act

Notice is hereby given that Robert John Jacox, Post Office Box 76, Rochester, Wash., has applied, pursuant to section 10 of the Federal Firearms Act (15 U.S.C. 910), for relief from disabilities under the Act incurred by reason of his conviction, October 10, 1932, on a plea of guilty for a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Robert John Jacox, because of such conviction, to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearms or ammunition or to receive firearms or ammunition so shipped, and he would be prevented from obtaining a license under the Act as a firearms dealer or firearms manufacturer. Notice is further given that having considered Robert John Jacox's application and by reason of having found that:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of the Federal Firearms Act of the National Firearms Act; and

(2) The circumstances surrounding the conviction and the applicant's record and reputation subsequent to his conviction in 1932 are such that the granting of the relief sought would not be contrary to the public interest:

It is ordered, That, pursuant to the authority vested in the Secretary of the Treasury by section 10 of the Federal Firearms Act (15 U.S.C. 910) and delegated to me by Treasury Decision 6897, as set out in § 177.31(c) of Internal Revenue Regulations (26 CFR 177.31 (c)), that Robert John Jacox be, and he hereby is, granted relief from any and all disabilities under the Federal Firearms Act, as amended, incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 17th day of May 1967.

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

[F.R. Doc. 67-5833; Filed, May 24, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CALIFORNIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of California natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

CALIFORNIA

Calaveras.	Stanislaus.
Contra Costa.	Sutter.
Sacramento.	Tuolumne.
San Joaquin.	Yolo.
Solano.	Yuba.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 19th day of May 1967.

ORVILLE L FREEMAN,
Secretary.

[F.R. Doc. 67-5802; Filed, May 24, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF PENNSYLVANIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of

scientific articles pursuant to section 6 (c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67–00030–33–46040. Applicant: University of Pennsylvania, School of Dental Medicine, 4001 Spruce Street, Philadelphia, Pa. 19104. Article: Electron Microscope, Model Norelco EM–300. Manufacturer: Philips Electronic Instrument Co., The Netherlands. Intended use of article: This article is required to continue and expand work being presently carried out in the field of periodontology and related aspects of oral biology. Studies include investigation of normal fine structure of periodontal tissues and will be expanded to cover pathologically created alterations. Both soft and mineralized tissues will be examined. Application received by Commissioner of Customs: April 11, 1967.

Docket No. 67–00074–00–46040. Applicant: University of Washington, Purchasing Department, 3917 University Way NE., Seattle, Wash. 98105. Article: Beam Deflecting attachment, model JEM–ABD. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The beam deflecting attachment will be used to obtain high resolution dark field images when used in conjunction with a JEM–7 electron microscope. The electron microscope will be used for scientific and research purposes in connection with the Department of Mineral Engineering of the University of Washington. Application received by Commissioner of Customs: May 15, 1967.

Docket No. 67–00075–33–46040. Applicant: Indiana University, Bloomington, Ind. 47401. Article: Electron Microscope, model HU–11C–1 complete with diffraction chamber mounting tank, model H–4–2. Manufacturer: Hitachi Corp., Japan. Intended use of article: This article will be used for educational and research purposes. Research projects include investigation and analysis of cytological inheritance of intercellular organization; biochemical and genetic resolution of Bacteriophage; reproduction of Bacteriophage in cell free system; and structural determination of lymphocites, mammalian taste buds, and caroted bodies. Application received by Commissioner of Customs: May 15, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67–5763; Filed, May 24, 1967; 8:45 a.m.]

Maritime Administration

FIVE C4 TROOPSHIPS

Notice of Reallocation

In F.R. Doc. 66–8493 appearing in the FEDERAL REGISTER issue of August 3, 1966 (31 F.R. 10425), notice was given that pursuant to the Ship Exchange Act (sec. 510(1) of the Merchant Marine Act, 1936, as added by P.L. 86–575 and amended by P.L. 89–254, 46 U.S.C. 1160(1)), 25 C4 troopships, owned by the United States of America, represented by the Secretary of Commerce, acting by and through the Maritime Administrator, were available for trade-out to nonsubsidized American flag steamship operators in exchange for their older and less efficient ships in accordance with the terms therein stated.

The applications received pursuant to the notice were reviewed and 15 of the C4 troopships were allocated to eight applicants, on certain conditions stated in the Notice of Allocation published in the FEDERAL REGISTER of November 30, 1966 (31 F.R. 15027). Thereafter, the allocations of five of the C4 troopships to three applicants were canceled because the applicants were unable to meet certain of the conditions upon which the allocations had been made.

On the basis of a review of the original applications received in relation to the criteria for assignments of the available troopships as stated in the notice, the five C4 troopships have been reassigned by the Acting Maritime Administrator as follows:

Applicant	Name of ship	Fleet
Central Gulf Steamship Corp	General S. D. Sturgis	Beaumont.
	Marine Carp	Do.
Merrimac Transport, Inc. (related company of Bulk Transport, Inc.).	General H. F. Hodges	Hudson.
Victory Transport, Inc. (related company of Bulk Transport, Inc.).	General M. B. Stewart	Do.
Hudson Waterways Corp	General J. H. McRae	Suisun.

Conditions of Assignment. The assignments of the above-mentioned ships are approved subject to the individual applicants agreeing to:

(a) Convert the C4 troopships to a general break-bulk cargo configuration acceptable to the Secretary of Navy by and in accordance with conversion plans approved by the Maritime Administration.

(b) Offer the C4 ships to Commander, MSTS, for service at fair and reasonable rates. Ships not immediately required may be placed in commercial operation subject to military call after reasonable advance notice by Commander, MSTS, that they are required for Military or National Defense use.

(c) Qualify for the ship exchange in accordance with the provisions of the Ship Exchange Act, Public Law 86–575, as amended, and with the requirements of General Order 92 (27 F.R. 2011).

(d) Accept the ship assignment within 10 days and enter in a Ship Exchange Contract within 60 days after the receipt of notice of assignment, unless additional time is granted by the Maritime Administration for good cause. Each assignment is contingent upon the execution of a shipyard contract or commitment for the contemplated conversion and the completion of financing both as approved by the Maritime Administration and not later than the time of execution of the exchange contracts. The allocations are also contingent upon the applicants meeting all other requirements for the exchanges involved.

(e) In the event any assignment is rejected or any applicant does not comply with the conditions of assignment, the Maritime Administration reserves the right to rescind the assignment and take such action with respect to the ships as it may deem appropriate.

(f) The Maritime Administration, without obligations to the applicants, reserves the right to cancel, in whole or in part, any of the above assignments prior to the execution of an exchange contract, if it determines for good cause that it would be in the public interest to do so, or that the applicant is not proceeding promptly and in good faith to comply with the conditions of the assignment.

(g) The Ship Exchange Contract will contain provisions requiring that the applicant complete the conversion of the C4 ship substantially in accordance with plans approved by the Maritime Administration within 12 months after execution of the Ship Exchange Contract, unless additional time is granted by the Maritime Administration for good cause. The exchange contract will provide that in the event the applicant fails to complete the conversion within the time stipulated, there shall become due and payable liquidated damages in the sum of $1,000 per day for failure to complete the conversion and should this default continue for a period of more than 60 days, the exchange contract will be subject to termination at the option of the Maritime Administration in which event title and possession of the C4 ship will be

returned to the U.S. Government, without obligation to the applicant.

(h) All assignments of ships are conditioned upon the vessels being taken for title by the applicant or a closely related company, and for the conversions to be financed without aid from a subsidized company or affiliate thereof and for chartering of the ships by the nonsubsidized shipowner directly to MSTS.

Dated: May 17, 1967.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-5885; Filed, May 24, 1967; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 67-27]

HUSKY OIL CO.

Notice of Qualification as U.S. Citizen

This is to give notice that pursuant to 19 CFR 3.21 (§ 3.21, Customs regulations), issued under the provisions of section 27A of the Merchant Marine Act, 1920, as amended by the Act of September 2, 1958 (46 U.S.C. 883-1), Husky Oil Co., Post Office Box 380, Cody, Wyo., incorporated under the laws of the State of Delaware, did on April 3, 1967, file with the Commandant, U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations on May 12, 1967, issued to Husky Oil Co. a certificate of compliance on Form 1262, as provided in 19 CFR 3.21(i) (§ 3.21(i), Customs regulations). The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under 19 CFR 3.21(h) (§ 3.21(h), Customs regulations).

This continues in effect the notice of qualification of Husky Oil Co. as a citizen of the United States dated May 14, 1964, and published as T.D. 56171.

Dated: May 16, 1967.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 67-5811; Filed, May 24, 1967; 8:47 a.m.]

National Transportation Safety Board

[Docket No. SA-398]

AIRCRAFT ACCIDENT AT BLUE GRASS FIELD, LEXINGTON, KY.

Notice of Investigation Hearing

In the matter of investigation of accident involving aircraft of U.S. Registry N3727G, which occurred at Blue Grass Field, Lexington, Ky., April 3, 1967; Docket No. SA-398.

Notice is hereby given that an Accident Investigation Hearing in the above matter will be held commencing at 9 a.m. (local time) on June 22, 1967, in the Convention Hall, Phoenix Hotel, Lexington, Ky.

Dated this 22d day of May 1967.

[SEAL] WILLIAM R. HENDRICKS,
Hearing Officer.

[F.R. Doc. 67-5832; Filed, May 24, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17333; FCC 67-591]

CALIFORNIA WATER AND TELEPHONE CO. ET AL.

Order Amending Designation Order

In the matter of California Water and Telephone Co., The Associated Bell Systems Cos., The General Telephone System and United Utilities, Inc., Cos., Docket No. 17333; applicability of section 214 of the Communications Act with regard to tariffs for channel service for use by community antenna television systems.

1. Before the Commission for consideration are: (1) An order, FCC 67-420, released April 3, 1967, designating certain issues for hearing in an adjudicatory proceeding; (2) the petition for reconsideration of our designation order filed on April 13, 1967, by Pennsylvania Community Antenna Television Association, Inc., Texas CATV Association, Inc., Pacific Northwest Community TV Association, Inc., and Ohio Cable Television Association (hereinafter "petitioners"); (3) the response filed by the Bell System on April 21, 1967; (4) the opposition filed by the Common Carrier Bureau on April 26, 1967; and (5) the reply filed by the petitioners on May 4, 1967.

2. Petitioners have advanced no reasons which persuade us that any revision of our designation order or the issues specified therein is warranted. The petition must therefore be denied.

3. We intended by our designation order to include as parties to this adjudicatory proceeding all parties to the proceeding in Docket Nos. 16928, 16943, and 17098 but, inadvertently, this was not done. The designation order will therefore be amended to effectuate this intention.

4. *It is ordered,* That the petition for reconsideration filed on April 13, 1967, by Pennsylvania Community Antenna Television Association, Inc., Texas CATV Association, Inc., Pacific Northwest Community TV Association, Inc., and Ohio Cable Television Association is denied.

5. *It is further ordered,* That, on the Commission's own motion, the order FCC 67-420, released April 3, 1967, is amended to provide that the parties respondent and other parties in Docket Nos. 16928, 16943, and 17098 are made parties to this proceeding.

Adopted: May 17, 1967.

Released: May 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5822; Filed, May 24, 1967; 8:48 a.m.]

[Docket No. 17437; FCC 67M-834]

FRANK HOVIS HEMBY

Order Continuing Hearing

In the matter of Frank Hovis Hemby, Zion Luthern Church and School, 6121 East Lovers Lane, Dallas, Tex. 75214, Docket No. 17437; suspension of radiotelegraph first class operator license and radiotelephone first class operator license.

The Chief Hearing Examiner having under consideration an informal request in behalf of the respondent herein that the hearing in the above-entitled proceeding, which heretofore was scheduled to be held on June 19, 1967, in Washington, D.C., be continued, and that it be held in Dallas, Tex;

It appearing, that since the complaining witness herein recently departed the United States on a voyage and will be at sea on the scheduled hearing date, the Commission's Field Engineering Bureau, the only other party to the proceeding, accedes to the respondent's request and asks that the hearing be continued to a date and place to be later specified;

It is ordered, That respondent's request is granted in part, and that the hearing in the above-entitled proceeding is continued to a date to be specified by subsequent order: *And, it is further ordered,* That to the extent that respondent re-

[1] Commissioners Bartley and Loevinger absent; Commissioner Wadsworth dissenting; Commissioner Johnson not participating.

quests a change in the place of hearing, ruling on said request is held in abeyance and will be announced at the time the new date for hearing is specified.

Issued: May 19, 1967.

Released: May 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5823; Filed, May 24, 1967; 8:48 a.m.]

[Docket Nos. 17431, 17432; FCC 67-555]

INDUSTRIAL COMMUNICATIONS SYSTEMS, INC.

Memorandum Opinion and Order Designating Applications for Hearing on Stated Issues

In re applications of Industrial Communications Systems, Inc., for a construction permit to establish a new station in the domestic public point-to-point microwave radio service at Los Angeles, Calif., Docket No. 17431, File No. 5444-C1-P-66; for a construction permit to establish a new station in the domestic public point-to-point microwave radio service at Santiago Peak, Calif., Docket No. 17432, File No. 5445-C1-P-66.

1. The Commission has before it (a) the above captioned applications for new common carrier microwave radio stations filed by Industrial Communications Systems, Inc. (ICS or applicant); (b) a petition to deny applications, filed on June 9, 1966, by the Pacific Telephone and Telegraph Co. (Pacific); (c) an opposition to petition to deny, timely filed on June 22, 1966, by applicant; and (d) a reply to the opposition to petition to deny, timely filed on July 5, 1966, by Pacific.

2. Applicant operates, in the Los Angeles vicinity, Station KMD990 licensed in the Domestic Public Land Mobile Radio Service. Under this license, it is authorized a microwave transmission link (control and repeater) between its base station at Santiago Peak, Calif., and its control facility in Los Angeles. The purpose of the subject applications[1] is to convert this microwave facility to licensed operation in the domestic public point-to-point microwave radio service. Since the current license authorizes control and repeater microwave transmission in a band which is normally reserved for facilities licensed in the point-to-point microwave radio service, no change in frequencies is proposed. However, the transmission capacity would be increased from approximately 3 to 48 message type channels to enable the rendition of common carrier message services in addition to serving as the repeater and control link for Station KMD990.

3. Pacific is a communications common carrier which operates numerous wire line and radio communication facilities, some of which also render services between Los Angeles and Santiago Peak. Pacific alleges (1) that the applicant has shown no public need for the proposed service; (2) that harmful radio interference to its operations will result; and (3) that the public interest would not be served by the inefficient utilization of the radio frequencies proposed. In its opposition, applicant contends (1) that the petition to deny should not be accepted because (a) it was not timely filed, (b) Pacific has not established itself as a party in interest and (c) the applications are not subject to petitions to deny; (2) that its showing of public need is fully supported by the order of the California Public Utilities Commission; and (3) that the interference problem is caused by Pacific. Pacific, in its reply, denies these allegations.

ACCEPTABILITY OF PETITION TO DENY

4. Applicant's objection to the timeliness of the petition to deny (which was filed on June 9, 1966) is based upon the time extension granted by the Commission which extended the filing date from May 25, 1966, to June 10, 1966. Applicant, in its letter of May 27, 1966, objected to the grant of this extension. The Commission, by letter dated June 3, 1966, denied reconsideration of its action. The reason for a time extension as stated by Pacific in its letter of May 13, 1966, amply justifies the extension of time, and we find no showing of good cause for reexamining this matter.

5. Applicant contends that Pacific has not established itself as a party in interest as required by section 309 of the Communications Act of 1934, as amended, and § 21.27(c) of the Commission's rules. Pacific alleges an adverse economic impact by virtue of the services it presently renders and offers between the points in question, and charges harmful radio interference. It should be noted that the existence of interference is acknowledged by applicant and the existence of Pacific circuits between the points in question is not refuted. It is not necessary that such charges be conclusively proved. It is enough to present facts tending to show that the charges are reasonably grounded. We find that Pacific has presented reasonably based allegations of probable harm resulting from the new services proposed and is a party in interest within the meaning of the Act and our rules.

6. Applicant further contends that the subject applications pertain to minor changes only and should not be subject to protest under the provisions of § 21.27 (a)(1) of the Commission's rules. Applicant states that no construction is actually involved and claims that the multiplex channelizing equipment proposed "* * * can be plugged in as simply as plugging in a toaster." Initially, we note that public notice was published that the applications were accepted for filing as applications for construction permits for new point-to-point stations, not as applications for modifications to an existing station to permit point-to-point services. The service proposed (Point-to-Point Microwave Radio) differs substantially from that previously authorized (Domestic Public Land Mobile Radio).[2] We find that the applications were correctly classified. That the applicant is currently transmitting on frequencies normally reserved for point-to-point microwave service is not controlling. But even if the applications were considered as applications for modifications to an existing station, they could not be considered as involving minor changes only within the meaning of § 21.27(a)(1) of the rules. "Minor change" here does not allude necessarily to ease of construction or installation but to the effect of the change within the context indicated in § 21.33 of the rules. Section 21.33(a) includes in its definition of major amendments an amendment which will "* * * improve the operating characteristics of an existing or proposed station; * * *; or which will materially alter the nature of an existing or proposed service". A modification that will increase the number of channels significantly and provide a completely new service is a major and not a minor change within the meaning of § 21.27(a)(1) of the rules.

7. In view of the foregoing, we find that the petition to deny of Pacific was properly filed and is in order for consideration under the Commission's rules.

PUBLIC INTEREST, CONVENIENCE, AND NECESSITY

8. As to the need for the proposed service, Pacific contends that applicant has not shown the required public need under § 21.706 of the rules, and, further, if there is a public requirement for additional point-to-point service between Los Angeles and Santiago Peak, it can be met by Pacific with its existing facilities. Pacific further argues that grant of applicant's proposal would not be in the public interest because it would result in inefficient utilization of radio frequencies. Pacific contends that the 6 Gc/s band is extremely crowded in the Los Angeles area and that applicant intends to utilize its assigned frequencies to obtain a maximum of only 48 channels thereby precluding a potential 600 channels which could be realized from this portion of the spectrum. Applicant maintains that the public interest, convenience, and necessity for its proposal was established in 1959 when the basic facilities of Sta-

[1] The applications were tendered for filing as modifications of the license of Station KMD990 to allow point-to-point service but were accepted for filing as applications for construction permits to establish new stations in the domestic public point-to-point microwave radio service (Public Notice-C, Report No. 280, dated Apr. 25, 1966). It should be noted that the current KMD990 license is conditioned as follows:

"This authorization is granted subject to the condition that the use of frequencies herein authorized for control and repeater facilities, is subject to termination without hearing upon notice from the Commission if, in its discretion, justification exists for the use of these frequencies for assignment to stations in the point-to-point microwave radio service."

[2] Mobile radio service is regulated under Part 21, Subpart G of the Commission's rules while point to point microwave service is regulated under Part 21, Subpart I.

tion KMD990 were licensed and that the present applications are a change in designation only. Applicant further contends that no other showing of need or public interest is required beyond the ruling of the California Public Utilities Commission.[3] However, applicant did indicate the existence of five potential customers but would not identify them due to "Pacific's competitive tactics".

9. Since we have heretofore ruled that the subject applications were properly classified as applications for construction permits for new stations, it follows that the showing of public interest, convenience, and necessity for Station KMD990 will not suffice for these applications. As to the ruling of the California Public Utilities Commission, it appears to revolve primarily on the question of whether applicant's current certification by the California Commission is sufficient for the newly proposed service and not on the question of public interest and need. In any event, the findings of State regulatory agencies as to the public interest, convenience, and necessity, have been held as not binding on the Commission even though their findings may be given great weight.[4] Accordingly, the Commission is unable to resolve, on the basis of the applications and pleadings before it, the extent to which wasteful duplication might result from the establishment of the proposed stations; whether a public need exists for such facilities; and the nature and extent of any benefits and disadvantages to the public which would accrue as a result of authorizing the proposed stations. Therefore, appropriate issues are hereinafter specified for resolution in a hearing.

RADIO INTERFERENCE

10. Pacific objects to the grant of the subject applications based upon likely harmful radio interference. Pacific contends that it is experiencing barely tolerable interference at present from applicant's operations to both its (Pacific's) 5967.4 Mc/s receiver at Santiago Peak and its 6219.5 Mc/s receiver at Anaheim, Calif., and that the proposed increase of channel capacity from about 3 to 48 by applicant, because of the greater bandwidth occupied, will likely lead to greater and intolerable interference. Applicant admits that this interference currently exists but charges that Pacific deliberately chose frequencies very close to those of applicant so as to create this problem. Pacific denies this charge. Applicant further offers to eliminate this "red herring" by agreeing to accept a grant of its applications subject to its changing frequencies so as to eliminate the interference. However, the applications can be considered only on the basis of the frequencies applied for. Applicant's statement that Pacific deliberately created the interference problem appears to be little more than a bald allegation. Such a charge, supported only by vague inferences, does not warrant inclusion as an issue to be resolved in hearing. Aside from this, the record in respect to the interference problem is such that the Commission is unable to find that the proposed operation will be free from causing harmful electrical interference to existing or authorized communications facilities. Accordingly, an appropriate issue will be included herein.

ORDER

11. Additionally, we find that except for the issues herein designated, the applicant is legally, technically, financially, and otherwise qualified to render the services it has proposed. By reason of the substantial issues of fact which have been raised, we are unable to make a finding that a grant of the applications would serve the public interest, convenience, and necessity. Therefore, it is concluded that the applications must be designated for hearing on the issues set forth below.

12. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the nature and extent of the communications facilities and services proposed by applicant, including the rates, charges, practices, classifications, regulations, facilities, and personnel pertaining thereto;

(b) To determine the nature and extent of existing communications facilities and services rendered by the Pacific Telephone and Telegraph Co. in the area and between the points proposed to be served by applicant, including the rates, charges, practices, classifications, regulations, facilities, and personnel pertaining thereto;

(c) To determine the extent to which unnecessary duplication would result from the establishment of the proposed facilities;

(d) To determine the communities and entities which may be expected to receive service from the proposed facilities of applicant and the public need for such services;

(e) To determine the nature and extent of any benefits to the public which would accrue as a result of authorizing applicant's proposed facilities and services;

(f) To determine the nature and extent of any disadvantages to the public which would accrue as a result of authorizing applicant's proposed facilities and services;

(g) To determine the extent to which the proposed operations are likely to (1) receive harmful radio interference from currently authorized communications facilities of the Pacific Telephone and Telegraph Co. and (2) cause such interference to currently authorized facilities of said carrier;

(h) To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the subject applications would serve the public interest, convenience, or necessity.

13. *It is further ordered*, That the Pacific Telephone and Telegraph Co. and the Chief, Common Carrier Bureau are made parties to the proceeding.

14. *It is further ordered*, That the burden of proof upon all of the issues, except issues (b), (c), and (f), shall be upon the applicant, and that the burden of proof upon issues (b), (c), and (f) shall be upon Pacific.

15. *It is further ordered*, That the petition to deny filed by Pacific is granted to the extent indicated herein.

16. *It is further ordered*, That the parties desiring to participate herein shall file their appearances in accordance with § 1.221 of the Commission's rules.

Adopted: May 10, 1967.

Released: May 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-5824; Filed, May 24, 1967; 8:48 a.m.]

[Docket No. 17443; FCC 67M-829]

RANCHO BERNARDO ANTENNA SYSTEM

Order Scheduling Hearing

In re: Cease and desist order to be directed against Rancho Bernardo Antenna System, owner and operator of a CATV System at San Diego, Calif., Docket No. 17443.

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened at 10 a.m., June 22, 1967; and that a prehearing conference shall be held on May 29, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.[1]

Issued: May 18, 1967.

Released: May 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-5825; Filed, May 24, 1967; 8:48 a.m.]

[Docket No. 17457; FCC 67-612]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of TELPAK Tariff Sharing Provisions of American Telephone

[3] The Pacific Telephone and Telegraph Company vs. Industrial Communications Systems, Inc., California Public Utilities Commission Case No. 7651, Decision No. 70265.

[4] See in re application of Bay Springs Telephone Co., Inc., FCC 63-513, Mimeo No. 35748 released June 10, 1963.

[5] Commissioner Wadsworth absent.

[1] All parties will be expected to cooperate in the matter of compliance with the Commission's directive that the hearing in this proceeding be expedited.

and Telegraph Co. and The Western Union Telegraph Co., Docket No. 17457.

1. The Commission has under consideration (a) the provisions appearing in Tariff FCC No. 260 of the American Telephone and Telegraph Co. (A.T. & T.) and in Tariff FCC No. 237 of the Western Union Telegraph Co. (WU) which permit the sharing of the carriers' TELPAK facilities by "Pipe line companies, railroad companies, other common contract carriers, or public utilities whose rates and charges are regulated by a government entity, and any nonprofit communications organization of such companies, provided that those involved in such shared use are in the same line of business" and by "Government agencies (Federal, State and Local)"; (b) a formal complaint filed January 20, 1967, by the National Retail Merchants Association (NRMA), Docket No. 17142, and A.T. & T.'s answer thereto of February 28, 1967, in which complainant NRMA challenges the validity of A.T. & T.'s sharing provisions that prohibit TELPAK C and D sharing by retail merchants while permitting sharing by others; and (c) a letter dated April 13, 1967, from A.T. & T. to the Commission in which A.T. & T. takes the position that it should not voluntarily revise its tariffs to permit TELPAK sharing by the press.

2. These TELPAK sharing provisions were included in the original TELPAK tariff filed by A.T. & T. effective February 16, 1961, and have remained in effect without change since that date. A.T. & T.'s reasons at that time for limiting the sharing of TELPAK facilities to the entities named in the tariff were that, in the Commission's decisions in The Above 890 MCs case (27 F.C.C. 359; 29 F.C.C. 825) the sharing of private microwave systems was limited to these same entities and comparable sharing provisions in TELPAK were justified so as to permit the TELPAK offering to be competitive with private microwave systems. WU filed its original TELPAK tariff effective June 16, 1962, to be competitive with the TELPAK offering of A.T. & T. and WU's sharing provisions have also remained unchanged to date.

3. On March 15, 1967, the Commission adopted its memorandum opinion and order in Docket No. 16218 (FCC 67–321) reaffirming its action of July 13, 1966 (4 F.C.C. 2d. 406) wherein the Commission amended its rules, effective August 22, 1966, so as to remove the limitations on private microwave sharing that were in effect at the time of the filing of the TELPAK tariffs of A.T. & T. and WU.

4. Complainant, NRMA, alleges that a large number of retail department stores have been users of interstate TELPAK A and B facilities; that, with the cancellation of the TELPAK A and B offerings effective May 1, 1967 (now scheduled for Aug. 1, 1967), there will be increased communications costs to the retail merchants; and that "the absence of the right to share in view of the demise as of May 1, 1967 (Aug. 1, 1967), of interstate TELPAK A and B service precludes the retail department store industry from sharing TELPAK C and D facilities so as to help offset wherever sharing is feasible the increased communication cost that will necessarily result." The relief specifically requested by complainant is that A.T. & T.'s tariffs be revised "so as to permit retail department store businesses to share TELPAK C and D facilities with one another or any other business organization otherwise eligible together with the retail department store businesses in the Commission's Business Radio Service." Complainant makes no claim for damages but reserves the right to file a supplemental complaint for damages accruing to specifically identified retail department stores by virtue of the inability to share TELPAK C and D facilities.

5. The aforementioned letter of April 13, 1967, from A.T. & T. to the Commission was in response to a letter of March 30, 1967, in which the Commission had requested A.T. & T. to advise the Commission of A.T. & T.'s intent concerning revisions in its TELPAK tariff to provide for the sharing of TELPAK services by the press in the light of the Commission's aforementioned action of March 15, 1967, in Docket No. 16218. For reasons stated in A.T. & T.'s letter of April 13, 1967, it has concluded that it would not be justified in amending its tariffs to provide for sharing by the press, notwithstanding the aforesaid action of the Commission.

6. Upon consideration of the foregoing, we conclude that substantial questions are presented as to whether the currently effective provisions in the TELPAK tariff that limit sharing to the specific entities named therein are lawful within the meaning of sections 201(b) and 202(a) of the Act and whether the Commission should order changes therein after opportunity for hearing pursuant to the provisions of section 205 of the Act. We are, therefore, instituting a general investigation on our own motion to resolve these questions and we are permitting complainant to intervene so that it may be heard on the issues herein.

7. We believe that it will be useful to make clear that we are here concerned only with the sharing provisions of the TELPAK tariffs of the carriers as they relate to the TELPAK C and D offerings of the carriers, that is the TELPAK C offering of a base capacity of 240 kc. (maximum equivalent of 60 voice grade channels) and the TELPAK D offering of a base capacity of approximately 1000 kcs. (maximum equivalent of 240 voice grade channels). A.T. & T. has filed tariffs, now published to become effective August 1, 1967, which, among other things, propose to eliminate the TELPAK A and B tariff offerings. Therefore, questions as to the sharing provisions as they relate to the TELPAK A and B offerings will not be considered in this proceeding.

8. Further, it should be made clear that the questions involved herein are not in issue in the pending proceeding in Docket No. 16258 relating to the investigation of the Bell System's charges for interstate and foreign communication services. That proceeding is concerned with the total revenue requirements of the Bell System companies for interstate and foreign communication services, and the variations in the level of earnings for the different classes of service, and not the internal rate components, practices, or regulations within each of the principal rate classifications of service. As we have heretofore stated with particular reference to the TELPAK C and D offerings, we will consider in Docket No. 16258 the overall level of earnings for TELPAK C and D and the relationship of such level to the level of earnings of other classes of service and the question of whether the existing TELPAK C and D rates are compensatory. (See, In the Matter of A.T. & T. Regulations and Charges for TELPAK Services and Channels, Docket No. 14251, et al., 6 F.C.C. 2d. 177; 180–181; Dec. 27, 1966). To the extent that any broadening of the TELPAK C and D sharing provisions that may be required as a result of the proceedings herein might affect the TELPAK C and D revenues, revenue requirements and the compensatory nature of the rates, such effects will be considered in the context of appropriate ratemaking proceedings.

9. *Accordingly, it is ordered,* That, pursuant to the provisions of sections 201–202, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the sharing provisions of A.T. & T.'s Tariff FCC No. 260, Original Page 83, Subsection 3.2.5.(B)(3)(a)(i) and (ii); and the Western Union Telegraph Co.'s Tariff FCC No. 237, Original Page 105, Subsection 15.5(a)(1) and (2), and any amendments, cancellations, or revisions thereof; and

10. *It is further ordered,* That the scope of the investigation shall include consideration of the following:

(1) Whether the practices and regulations published in the aforesaid tariffs governing the sharing of TELPAK C and D services are or will be unjust and unreasonable within the meaning of section 201(b) of the Act or subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons, or locality, or subject any person or class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Act;

(2) If any of such practices and regulations are found to be unlawful, whether the Commission, pursuant to section 205 of the Act, should prescribed practices and regulations for the sharing of TELPAK C and D services and, if so, what should be prescribed; and

11. *It is further ordered,* That a hearing shall be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the hearing examiner to be designated to preside at the hearing shall certify the record, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282; and

12. *It is further ordered,* That A.T. & T. and WU and all carriers listed as concurring carriers in the above-specified tariff schedules are hereby made parties respondent and the National Retail Merchants Association is hereby granted leave to intervene upon filing of notice of intention to appear and participate within 20 days of the release date of this order.

Adopted: May 19, 1967.

Released: May 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5826; Filed, May 24, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-10630 etc.]

GULF OIL CORP. ET AL.

Findings and Orders

MAY 16, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceeding, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Acco Oil & Gas Co., Applicant in Docket No. CI67-1328, proposes to continue in part, inter alia, the sale of natural gas heretofore authorized in Docket No. G-13870 to be made pursuant to CRA, Inc. (Operator), et al., FPC Gas Rate Schedule No. 13. The contract comprising said rate schedule will also be accepted for filing as a supplement to Applicant's rate schedule for the subject sale. CRA has filed for an increase in rate under its rate schedule which increase is suspended in Docket No. RI63-438. Applicant has requested to be made a co-respondent in said proceeding but does not desire to make the increased rate effective. Therefore, Applicant will be made a co-respondent in Docket No. RI63-438[1] and the proceeding will be redesignated accordingly.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 11, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-10630, G-13870, G-13943, G-16376, G-17582, CI61-752, CI61-1595, CI62-775, CI62-797, CI62-1391, CI62-1408, CI63-1457, CI64-418, CI65-890, CI66-1190, CI66-1291, and CI67-119 should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Acco Oil & Gas Co. should be a co-respondent in the proceeding pending in Docket No. RI63-438 and said proceeding should be redesignated accordingly.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involve imply ap-

[1] Statement of Commissioner Bartley in which he dissents and statement of Commissioner Loevinger in which he concurs and in which Commissioners Lee and Wadsworth join, filed as part of the original document; Commissioner Johnson absent.

[1] Consolidated with Docket No. AR64-2 et al.

proval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 5 and 26 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. CI66–766 and CI67–1205 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicants in Docket Nos. CI66–766 and CI67–1205 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 45 days from the date of this order Applicant in Docket No. CI66–766 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A. Applicant in Docket No. CI67–1205 shall file a rate schedule quality statement within 90 days from the date of initial delivery.

(H) Certificates are issued herein in Docket Nos. CI67–1062 and CI67–1088 authorizing the respective Applicants to continue the sales of natural gas which were initiated without prior Commission authorization.

(I) Certificates are issued herein in Docket Nos. CI67–707, CI67–1334, CI67–1335, and CI67–1344 authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954.

(J) The certificates heretofore issued in Docket Nos. G–16376, G–17582, CI61–752, CI62–775, CI62–797, CI62–1391, CI 63–1457, CI64–418, CI65–890, CI66–1190, CI66–1291, and CI67–119 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(K) The certificate heretofore issued in Docket No. G–10630 is amended by deleting therefrom authorization to sell natural gas pursuant to the rate schedule supplement as indicated in the tabulation herein and such authorization shall not be construed to relieve Applicant of any refund obligation which may be ordered in Docket No. G–16959.

(L) The certificates heretofore issued in Docket Nos. G–13870 and G–13943 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI67–1328; and the certificate issued in Docket No. CI62–1408 is amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI67–1351.

(M) The certificate heretofore issued in Docket No. CI61–1595 is amended by changing the certificate holder to the successor in interest as indicated in the tabulation herein.

(N) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(O) The certificate heretofore issued in Docket No. G–10324 is terminated only insofar as it pertains to Northern Pump Co.'s FPC Gas Rate Schedule No. 26.

(P) The certificates heretofore issued in Docket Nos. G–3994, G–12732, G–14385, and CI62–1124 are terminated.

(Q) Acco Oil & Gas Co. shall be a corespondent in the proceeding pending in Docket No. RI63–438 and said proceeding is redesignated accordingly.[2]

(R) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[2] CRA, Inc. (Operator), et al., and Acco Oil & Gas Co.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–10630 D 3–31–67	Gulf Oil Corp. (Operator) et al.	Northern Natural Gas Co., Eumont Pool, Lea County, N. Mex.	Letter agreement 12–19–66.[1] [3]	[3] 15	32
G–16376 D 3–13–67	McCommons Oil Co. et al. (partial abandonment).	Natural Gas Pipeline Co. of America, Boonsville Bend Conglomerate Field, Wise County, Tex.	Notice of partial cancellation 3–10–67. [3] [4]	1	3
G–17582 C 3–27–67 [5]	Pan American Petroleum Corp. (Operator) et al.	Texas Gas Transmission Corp., Minden Field, Webster Parish, La.	Letter agreement 1–10–67.[6]	247	9
			Letter agreement 2–15–67.[7] [8]	247	10
CI61–752 D 6–3–66	Atlantic Richfield Co.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major and Woodward Counties, Okla.	Assignment 5–15–64 [9]	225	10
			Assignment 5–15–64 [3] [10]	225	11
CI61–1595 E 2–27–67	Kenneth B. Valentine (successor to Davisson A. Benson, Jr.).	Equitable Gas Co., Otter District, Clay County, W. Va.	Davisson A. Benson, Jr., FPC GRS No. 1.	3	
			Notice of succession 2–20–66.		
			Assignment 3–25–65 [11] Effective date: 1–11–65	3	1
CI62–775 C 3–30–67 [5]	D. A. Dorward d.b.a. D. A. Dorward et al.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Letter agreement 5–3–66.[9]	197	2
CI62–797 C 3–30–67 [5]	Roy G. Hildreth d.b.a. Four H Drilling Co. et al.	Consolidated Gas Supply Corp., Spencer District, Roane County, W. Va.	Letter agreement 5–11–66.[5]	16	3
CI62–1391 [12] C 2–13–64	Target Drilling Corp.	Arkansas Louisiana Gas Co., East Kremlin Field, Garfield County, Okla.	Supplemental agreement 10–5–62.[5]	1	3
CI62–1408 D 3–29–67	Ferrell L. Prior d.b.a. Prior Oil Co.[13]	Consolidated Gas Supply Corp., New Milton District, Doddridge County, W. Va.	Assignment 6–24–66 [14]	162	2
			Assignment 6–25–66 [15]	162	3
			Assignment 6–25–66 [16]	162	4
			Assignment 8–2–66 [16] Effective date: 8–2–66.	162	5
CI63–1457 D 3–30–67	Apache Corp. (partial abandonment).	Northern Natural Gas Co., Bechthold (Tonkawa) Field, Lipscomb County, Tex.	Notice of partial Cancellation 3–29–67.[3] [17]	29	4
CI64–418 C 3–23–67 [5]	Union Pacific Railroad Co.	Colorado Interstate Gas Co., Wamsutter Unit Area, Sweetwater County, Wyo.	Agreement 10–28–65 [5]	6	2
CI64–793 A 1–10–64	Skelly Oil Co.	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	Contract 9–19–63	194	
			Letter 3–17–64 [18]	194	1
			Amendment 3–9–67 [19]	194	2
CI65–890 C 3–30–67 [5]	E. C. Wilson et al.	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	Letter Agreement 5–23–66.[5]	3	1

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI66-766 A 2-23-66 [20]	MWJ Producing Co. (Operator) et al., agent. [21 22]	El Paso Natural Gas Co., acreage in Reagan County, Tex.	Contract 12-21-65 [23] Assignment 12-22-65 [24] Assignment 12-22-65 [8 25]	10 10 10	--- 1 2
CI66-1190 C 3-30-67 [8]	Sunset International Petroleum Corp. et al.	Consolidated Gas Supply Corp., Union District, Upshur County, W. Va.	Letter agreemont 8-29-66. [8]	46	2
CI66-1291 C 3-30-67 [26]	J. M. Huber Corp.	Panhandle Eastern Pipe Line Co., Southeast Gage Field, Ellis County, Okla.	Amendment 12-16-66 Amendment 2-15-67 [27]	73 73	3 4
CI67-119 C 3-28-67 [28]	Pioneer Production Corp.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	Amendment 2-27-67 [8]	33	1
CI67-707 A 11-22-66 [8 29]	Mary A. Renner et al. [29]	Carnegie Natural Gas Co., Clay District, Wetzel County, W. Va.	Contract 3-10-50 [30] Letter agreement 1-5-54. [31] Assignment 12- -55 [32] Assignment 7 -25-57 [33] Assignment 6 -14-58 [34 35]	1 1 1 1 1	--- 1 2 3 4
CI67-1062 A 2-16-67 [8 36]	J. A. Pierce	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	Contract 9-3-54 [37] Letter agreement 7-5-60. [5 38]	2 2	--- 1
CI67-1088 A 2-14-67 [39]	Grace I. White, agent for H. E. White Gas Wells Nos. 1 and 2.	The Manufacturers Light & Heat Co., Porter Township, Clarion County, Pa.	Statement 1-10-67 [5 39]	1	---
CI67-1205 A 3-2-67 [40]	Sinclair Oil & Gas Co. [40]	El Paso Natural Gas Co., Todd (San Andres) Field, Crockett County, Tex.	Ratified 2-14-67 Contract 8-23-66 [5 41]	374 374	--- 1
CI67-1224 A 3-7-67 [26]	Joe N. Champlin	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 1-12-67 [8]	3	---
CI67-1322 (G-3994) B 3-22-67	W. C. Barnett, Jr., Trustee et al. [42]	Natural Gas Pipeline Co. of America, Fairbanks Field, Harris County, Tex.	Notice of cancellation 3-20-67. [2 4]	[4 2 1] 3	
CI67-1323 (G-14385) B 3-23-67	Tidewater Oil Co.	Transcontinental Gas Pipe Line Corp., South Bourg Field, Terrebonne Parish, La.	Notice of cancellation 3-20-67. [2 4]	80	4
CI67-1326 A 3-24-67 [26]	Titan Petroleum Corp. (Operator) et al.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Contract 10-15-66	1	---
CI67-1328 (G-13870) (G-13943) F 3-24-67	Acco Oil & Gas Co.	United Gas Pipe Line Co., North Indian Hills Field, Montgomery County, Tex.	Contract 10-1-57 [43] Contract 10-18-57 [44] Letter agreement 10-1-57. Letter agreement 10-1-57. Amendment 5-22-58 Assignment 2-21-67 [45]	6 6 6 6 6 6	--- 1 2 3 4 5
CI67-1331 A 3-28-67 [8]	Shenandoah Oil Corp.	Cities Service Gas Co., Aetna Field, Barber County, Kans.	Contract 3-8-67	4	---
CI67-1332 A 3-28-67 [8]	do	Cities Service Gas Co., Groendyke Field, Barber County, Kan.	Contract 3-10-67	5	---
CI67-1334 A 3-27-67 [26]	E. C. Ware et al.	Kentucky-West Virginia Gas Co., acreage in Pike County, Ky.	Contract 1-12-44	43	---
CI67-1335 A 3-27-67 [29]	do	Kentucky-West Virginia Gas Co., acreage in Martin County, Ky.	Contract 5-2-39	44	---
CI67-1336 (CI62-1124) B 3-27-67	Northern Pump Co. (Operator) et al.	Texas Eastern Transmission Corp., West Cosden Field, Bee County, Tex.	Notice of cancellation 3-24-67. [2 4]	35	2
CI67-1337 (G-12732) (G-10324) [46] B 3-27-67	Northern Pump Co.	do	Notice of cancellation 3-24-67. [2 4]	26	8
CI67-1340 A 3-28-67 [8]	J. & J. Enterprises, Inc.	Cumberland & Allegheny Gas Co., Union District, Upshur County, W. Va.	Contract 9-14-66 [8]	13	---
CI67-1341 A 3-28-67 [8]	do	Cumberland & Allegheny Gas Co., Union District, Barbour County, W. Va.	Contract 2-15-66 [8]	9	---
CI67-1342 A 3-28-67 [8]	do	Cumberland & Allegheny Gas Co., Buckhannon District, Upshur County, W. Va.	Contract 6-28-65 [8]	7	---
CI67-1343 A 3-28-67 [8]	do	Cumberland and Allegheny Gas Co., Union District, Barbour County, W. Va.	Contract 12-1-66 [8]	14	---
CI67-1344 A 3-28-67 [8]	do [29]	do	Contract 12-27-65 [47] Assignment 4-4-67 [48] Effective date: 4-4-67	15 15	--- 1
CI67-1345 A 3-28-67 [8]	do	Cumberland and Allegheny Gas Co., Warren District, Upsbur County, W. Va.	Contract 8-3-66 [8]	12	---
CI67-1346 A 3-28-67 [8]	do	Cumberland and Allegheny Gas Co., Buckhannon District, Upshur County, W. Va.	Contract 10-8-65 [8]	8	---
CI67-1347 A 3-28-67 [8]	do	Cumberland and Allegheny Gas Co., Union District, Barbour Couuty, W. Va.	Contract 5-3-66 [8]	10	---
CI67-1348 A 3-28-67 [8]	do	do	Contract 5-3-66 [8]	11	---
CI67-1350 A 3-29-67 [8]	Quaker State Oil Refining Corp.	United Fuel Gas Co., Four Mile Field, Sheridan District, Lincoln County, W. Va.	Contract 3-13-67 [8]	23	---
CI67-1351 (CI62-1408) F 3-29-67	Allegheny Land & Mineral Co. et al. (successor to Ferrell L. Prior d.b.a. Prior Oil Co.).	Consolidated Gas Supply Corp., New Milton District, Doddridge County, W. Va.	Contract 9-7-66 [49] Effective date: 8-2-66.	13	---
CI67-1354 A 3-30-67 [8]	Diamond Alkali Co.	Northern Natural Gas Co., Sheetz Unit, Meade County, Kans.	Contract 3-13-67 [8]	2	---

[1] Deletes production from Lea State DA-1 Well, SE¼NE¼, sec. 14, 19 S., 36 E., Lea County, N. Mex., due to decline in pressure.
[2] Effective date: Date of this order.
[3] 11.7212 cents rate effective subject to refund in Docket Nos. G-16959, RI64-78, and RI64-332.
[4] Source of gas depleted.
[5] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[6] Deletes depth limitation from acreage in the Ruby A. Walker No. 1 Well Unit.
[7] Deletes indefinite pricing provisions with respect to acreage added by Supplement No. 9.
[8] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[9] Assignment of certain acreage in Woodward County, Okla., to Pan American Petroleum Corp. Pan American was issued a certificate covering such acreage in Docket No. CI63-336.
[10] Assignment of certain acreage in Major County, Okla., to Pan American. Pan American reported that the acreage is unproductive.
[11] From Davisson A. Benson, Jr., to Kenneth B. Valentine.
[12] Applicant complied with conditioned temporary certificate issued Mar. 20, 1964 (by filing of Dec. 28, 1964, Supp. No. 4), deleting indefinite pricing provisions.
[13] Rate schedule designated as Hays & Co., agent for Ferrell L. Prior d.b.a. Prior Oil Co.
[14] From O. H. Henry to Joseph M. Pope.
[15] From Ferrell L. Prior to Joseph M. Pope.
[16] From Joseph M. Pope to Allegheny Land & Mineral Co. and Ritchie Oil & Gas Co.
[17] The wellhead pressure of the one well involved has declined to the point that the well will not feed into buyer's line; other wells are still covered under FPC GRS No. 29.
[18] Letter accepting temporary certificate (accepted for filing by letter dated Mar. 30, 1964).
[19] Provides for B.t.u. measurement on wet basis and a 5-year makeup period for gas paid for but not taken.
[20] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[21] By letter dated May 19, 1966, Applicant agreed to accept a permanent certificate under conditions specified in the Commission's letter order issuing temporary certificate (Opinion No. 468).
[22] MWJ Producing Co. owns no properties but is acting as agent and general manager for Judson et al.

[23] Between Edward H. Judson and Priscilla Ann Milburn.
[24] Edward H. Judson, signatory coowner, assigns certain interest to Herbert H. Eyster and Zeto Equipment ("et al." parties).
[25] Assigns interest from Judson to Pomeroy Smith et al. ("et al." parties).
[26] July 1, 1967, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[27] Corrects amendment dated Dec. 16, 1966, by eliminating from Exhibit "A" certain acreage inadvertently dedicated to the contract.
[28] Sale being rendered on June 7, 1954.
[29] No rate schedule or certificate filings made by predecessor.
[30] Between K. W. Renner, A. L. Lough, and C. W. Renner (sellers), and Carnegie Natural Gas Co.
[31] Increases rate from 15 cents per Mcf to 20 cents per Mcf.
[32] From K. W. Renner to Charles K. Renner.
[33] From Lough to George Hix.
[34] From George Hix to Mary A. Renner.
[35] Effective date: Date of transfer of producing properties involved.
[36] Sale being rendered without prior Commission authorization.
[37] Limited to gas produced from the Mesa Verde Formation.
[38] Extends term of determination of specific gravity from 3 to 6 months.
[39] Statement of volume and rate filed pursuant to section 154.92(c). Contract date is Sep. 16, 1957.
[40] By letter filed Mar. 2, 1967, Applicant agreed to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468.
[41] Between Southland Royalty Co. (now a small producer) and El Paso Natural Gas Co.
[42] Certificate issued to Noble and Baker.
[43] Basic contract between Magnolia Petroleum Co., as seller and United Gas Pipe Line p., a buyer, designated as Mobil Oil Corp. FPC GRS No. 139 (contracts are identical except for dates and signatory Coartises).
[44] Contract between Cyprus Oil Co., as seller and United Gas Pipe Line Co., as buyer; designated as CRA, Inc. (Operator), et al., FPC GRS No. 13. Applicant is filing as partial successor to both rate schedules (coutracts are identical except for dates and signatory parties).
[45] Instrument by which CRA, Inc., transfers a portion of the acreage it originally owned and a portion of the acreage it acquired from Mobil Oil Corp. previously dedicated to Mobil's FPC GRS No. 139. Provides for a depth limitation to the base of the Yegua Formation.
[46] Other sales covered under Docket No. G-10324; therefore, said certificate will be terminated only insofar as it pertains to Northern Pump Co.'s FPC GRS No. 26.
[47] Between S. W. Jack Drilling Co. et al., and Cumberland and Allegheny Gas Co.
[48] From S. W. Jack Drilling Co. to J. & J. Enterprises, Inc.
[49] Applicant, predecessor, and buyer have agreed to delete this acreage from predecessor's contract and commit same to contract having same terms and price. On file as Hays and Co., Agent for Ferrell L. Prior d.b.a. Prior Oil Co., FPC GRS No. 162, in Docket No. C162-1408.

[F.R. Doc. 67-5731; Filed, May 24, 1967; 8:45 a.m.]

[Docket No. RI67-322]

BLAKE HAMMAN ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

MAY 17, 1967.

On February 20, 1967, Blake Hamman (Operator) et al. (Hamman) filed with the Commission a proposed change in rate from 15.0 cents to 16.0 cents per Mcf, which pertains to their jurisdictional sales of natural gas from Boonesville Field, Jack, Parker, and Wise Counties, Tex. (R.R. District No. 9), to Natural Gas Pipeline Co. of America. The Commission by order issued March 15, 1967, suspended for 5 months Hamman's aforementioned rate filing until August 23, 1967, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On April 17, 1967, Hamman submitted an amended notice of change in rate, designated as Supplement No. 1 to Supplement No. 3 to Hamman's FPC Gas Rate Schedule No. 1, amending Supplement No. 3 to their aforementioned rate schedule to provide for a rate increase to 17.29 cents instead of the 16.0 cents rate filed on February 20, 1967. Hamman's amended filing reflects a change in the B.t.u. adjustment as a result of the buyer advising Hamman that the weighted average B.t.u. shown in Hamman's original rate increase filing was in error (correction from the original 1035 B.t.u. per cubic foot to 1065 B.t.u. per cubic foot). The corrected notice of change also reflects a 0.25 cent per Mcf dehydration charge for any gas dehydrated as the original filing did not include this charge.

Hamman's proposed 17.29 cents per Mcf rate exceeds the area ceilings of 11.5 cents (Railroad District No. 7-B) and 14.5 cents (Railroad District No. 9) for increased rates as announced in the Commission's Statement of General Policy No. 61-1, as amended, as did the previously suspended rate in said docket. Since Hamman's proposed 17.29 cents rate is based solely upon a corrected B.t.u. adjustment and the addition of a dehydration charge to a currently effective rate, we conclude that it would be in the public interest to accept Hamman's corrective rate filing subject to the suspension proceeding in Docket No. RI67-322, with the suspension period of such corrective rate filing to terminate concurrently with the suspension period (August 23, 1967) presently in effect in said docket.

The Commission finds: Good cause exists for amending the Commission's order issued on March 15, 1967, in Docket No. RI67-322, to the extent hereinafter provided.

The Commission orders:

(A) The suspension order issued March 15, 1967, in Docket No. RI67-322, is amended only so far as to permit the 17.29 cents per Mcf rate contained in Supplement No. 1 to Supplement No. 3 to Hamman's FPC Gas Rate Schedule No. 1 to be filed to supersede the 16.0 cents per Mcf rate provided by Supplement No. 3 to Hamman's FPC Gas Rate Schedule No. 1, subject to the suspension proceeding in Docket No. RI67-322. The suspension period for such substitute rate filing shall terminate concurrently with the suspension period (Aug. 23, 1967) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on March 15, 1967, in Docket No. RI67-322, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5781; Filed, May 24, 1967; 8:45 a.m.]

[Docket No. CP67-333]

NORTHERN NATURAL GAS CO.

Notice of Application

MAY 17, 1967.

Take notice that on May 11, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-333 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon service to five communities in Kansas and to abandon by sale to Kansas Power and Light Co. (Kansas) the facilities involved in said service. Kansas will serve these communities in place of Applicant and will render said service from its own supply of natural gas.

Applicant also proposes to abandon and remove a meter and regulating facility which has served the Bissells Point Area near Great Bend, Kans. Kansas will provide natural gas service to the customers in this area from its own sources.

Applicant states that it has agreed to sell and Kansas has agreed to purchase the abovementioned facilities for $85,318.37.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 16, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hear-

ing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5782; Filed, May 24, 1967; 8:45 a.m.]

[Docket No. CS67-86 etc.]

CLIFFORD E. PAYNE ET AL.

Notice of Applications for "Small Producer" Certificates [1]

MAY 17, 1967.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 5, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No.	Date filed	Name of applicant
CS67-86	4-24-67	Clifford E. Payne, 511 College Ave., Lubbock, Tex. 79401.
CS67-87	4-24-67	George P. Livermore, 406 Lubbock National Bank Bldg., Lubbock, Tex. 79401.
CS67-88	4-26-67	Ladenburg, Thalmann & Co., 25 Broad St., New York, N.Y. 10004.
CS67-89	4-28-67	Sunshine Royalty Co., c/o Frank O. Elliott, President, Post Office Box 1355, Roswell, N. Mex.
CS67-90	5- 1-67	King, Warren & Dye, Post Office Box 1505, Midland, Tex. 79701.
CS67-91	5- 3-67	B. W. P., Inc., 1012 Alpine, Midland, Tex. 79701.
CS67-92	5- 4-67	Elliott Oil, Inc., c/o Frank O. Elliott, President, Post Office Box 1355, Roswell, N. Mex.
CS67-93	5- 4-67	Elliott & Hall, c/o Frank O. Elliott, Post Office Box 1355, Roswell, N. Mex.
CS67-94	5- 4-67	Elliott Production Co., c/o Frank O. Elliott, President, Post Office Box 1355, Roswell, N. Mex.
CS67-95	5- 8-67	Fred Turner, Jr., Box 910, Midland, Tex. 79701.

[F.R. Doc. 67-5783; Filed, May 24, 1967; 8:45 a.m.]

[Docket No. CP67-332]

SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 17, 1967.

Take notice that on May 10, 1967, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-332 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas for resale in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell to Transcontinental Gas Pipe Line Corp. (Transco), Applicant's share of the recoverable natural gas reserves from Ship Shoal Area Blocks 13, 14, and 15, Offshore Louisiana, pursuant to a contract between Applicant and Transco dated February 22, 1967. Applicant states that all natural gas proposed to be sold herein will be delivered to Transco at platforms in Ship Shoal Area Blocks 13, 14, and 15, or at such points as may be mutually agreeable to the parties.

Applicant states that the proposed initial price for all natural gas delivered under the terms of the abovementioned contract is 20.625 cents per Mcf and said contract is being filed as Applicant's Gas Rate Schedule No. F-6 to Applicant's FPC Gas Tariff, Original Volume No. 3.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 12, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commisison's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5784; Filed, May 24, 1967; 8:45 a.m.]

[Docket Nos. RI67-211—RI67-213]

TEXACO, INC., ET AL.

Order Amending Orders, Permitting Withdrawal of Increased Rate Filing and Terminating Proceeding

MAY 17, 1967.

Texaco, Inc., Docket Nos. RI67-211 and RI67-213; Texaco, Inc. (Operator), et al., Docket No. RI67-212.

On November 22, 1966, Texaco, Inc. (Texaco), filed with the Commission a proposed renegotiated rate increase from 11.0 cents to 11.7025 cents per Mcf (consisting of a 0.7-cent renegotiated increase and a 0.0025-cent increase under the tax provision of the contract), designated as Supplement No. 8 to its FPC Gas Rate Schedule No. 98, for its jurisdictional sales of natural gas from the Hugoton Field, Kearny County, Kans., to Kansas-Nebraska Natural Gas Co., Inc. (Kansas-Nebraska). The Commission by order issued December 21, 1966, in Docket No. RI67-211, suspended for 5 months Texaco's aforementioned rate filing until May 23, 1967, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On April 17, 1967, Texaco submitted an amended notice of change in rate, designated as Supplement No. 1 to Supplement No. 8 to Texaco's FPC Gas Rate Schedule No. 98, providing for an increased rate of 11.7 cents per Mcf (relating only to the 0.7-cent renegotiated increase) which Texaco proposes to substitute for the 11.7025-cent rate contained in its previously suspended Supplement No. 8. Texaco requests that the May 23, 1967, suspension date con-

tinue to be applicable to the 11.7-cent rate increase reflected in its substitute notice of change in rate. The proposed substitute rate filing is set forth in Appendix A hereof.

Kansas-Nebraska has protested the proposed rate increase only as it relates to the 0.0025-cent tax reimbursement portion of the increase, stating that the tax reimbursement clause of the contract was not applicable to an "assessment" but only in the event of a tax increase. The Commission's order issued December 21, 1966, in Docket No. RI67–211, suspending the proposed increased rate stated that in view of the contractual problem presented, the hearing provided for therein should concern itself with the contractual basis for the rate filing as well as the statutory lawfulness of the proposed rate. Since Texaco's substitute filing does not include that portion of the rate increase objected to by Kansas-Nebraska, the hearing with respect to the contractual basis for the original filing shall be terminated. The 11.7-cent rate should be accepted for filing and permitted to be substituted for the 11.7025-cent rate contained in Supplement No. 8, with the suspension period of such substitute rate filing to terminate concurrently with the suspension period (May 23, 1967), in Docket No. RI67–211, presently in effect in said docket.

The proceedings in Docket Nos. RI67–212 and RI67–213 relate to four proposed tax reimbursement increases filed by Texaco on November 22, 1966, which were suspended for 1 day by the Commission's order issued therein on December 21, 1966. The proposed increases reflect only the 0.0025-cent partial reimbursement of the tax assessment levied by the Kansas State Board of Health. The suspension order provided that in view of the protest filed by Kansas-Nebraska, the purchaser, with respect to the contractual basis for the filing made by Texaco, designated as Supplement No. 5 to its FPC Gas Rate Schedule No. 327 (the only rate filing involved in Docket No. RI67–212), the hearings therein should concern themselves with the contractual basis for Texaco's filings as well as the lawfulness of the proposed rates. The three increases involved in Docket No. RI67–212 relate to sales to Panhandle Eastern Pipe Line Co. (Panhandle). Panhandle has not questioned the contractual right of Texaco to file these increases. Texaco on April 17, 1967, submitted a letter requesting permission to withdraw the tax increase involved in Docket No. RI67–212 which has not been placed in effect subject to refund. We find it appropriate to allow the withdrawal of the tax increase in Docket No. RI67–212 and to terminate the contractual issue with respect to the hearings provided for in the subject suspension order.

The Commission orders:

(A) The suspension order issued on December 21, 1966, in Docket No. RI67–211, is amended so as to permit the 11.7 cents per Mcf rate contained in Supplement No. 1 to Supplement No. 8 to Texaco's FPC Gas Rate Schedule No. 98 to be filed to supersede the 11.7025-cent rate provided by Supplement No. 8 to Texaco's FPC Gas Rate Schedule No. 98, subject to the existing rate suspension proceeding in Docket No. RI67–211. The suspension period for such substitute rate filing shall terminate concurrently with the suspension period (May 23, 1967) presently in effect in said docket.

(B) The suspension orders issued on December 21, 1966, in Docket Nos. RI67–211 and RI67–213, are amended so as to terminate the contractual issue with respect to the hearings ordered therein.

(C) Supplement No. 5 to Texaco's FPC Gas Rate Schedule No. 327 is permitted to be withdrawn and the proceeding in Docket No. RI67–212 is terminated.

(D) In all other respects, the orders issued by the Commission on December 21, 1966, in Docket Nos. RI67–211 and RI67–213, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-211	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	98	1 to 8 [7]	Kansas-Nebraska Natural Gas Co., Inc. (Hugoton Field, Kearny County, Kans.).	$1,050	4-17-67	[1] 5-18-68	[2] 5-23-67	[5] [6] 11.0	[3] [4] [6] 11.7	RI67-211.

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] The end of the suspension period for the previously filed 11.7025 cents per Mcf rate in Docket No. RI67-211.
[3] Renegotiated rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u adjustment.
[6] Settlement rate in Texaco's company-wide settlement in Docket Nos. G-8969 et al., by order issued Dec. 30, 1963. Moratorium on rate increases expired Mar. 1, 1966.
[7] Notice of change filed during suspension period to be substituted for previously filed notice of change from 11.0 cents to 11.7025 cents (Supplement No. 8) which included 0.0025 cent partial reimbursement of assessment levied by Kansas State Board of Health.

[F.R. Doc. 67-5780; Filed, May 24, 1967; 8:45 a.m.]

[Docket No. G-10658]

UNITED FUEL GAS CO.

Notice of Petition To Amend

MAY 17, 1967.

Take notice that on May 12, 1967, United Fuel Gas Co. (Petitioner), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. G-10658 a petition to amend the order issued by the Commission September 18, 1956, as amended October 27, 1964, and March 31, 1967, by extending the time of authorization for the increased sales to E. I. du Pont de Nemours & Co. (du Pont) until October 31, 1967, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, as amended, Petitioner was authorized to deliver to du Pont up to 70,000 Mcf of natural gas per day on an interruptible basis for a period from April 1, 1967, through October 1, 1967.

Petitioner, in the instant filing, states that it misstated the period for which du Pont requested the increased delivery of natural gas from Petitioner and that the period was, in fact, from April 1, 1967, through October 31, 1967. Petitioner requests that the Commission amend, in view of the above-mentioned reasons, the order by extending the period of authorization until October 31, 1967.

Protests or petitions to intervene may be filed with the Federal Power Commission, in Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 16, 1967.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5785; Filed, May 24, 1967; 8:45 a.m.]

[Docket No. RI67-393]

BRUCE WALKUP

Order Accepting Rate Schedule and Supplements, Providing for Hearing On and Suspension of Proposed Change in Rate

MAY 17, 1967.

On April 17, 1967, Bruce Walkup (Walkup)[18] tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

[18] Address is: 30th Floor, 650 California Street, San Francisco, Calif. 94108.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-393	Bruce Walkup, 30th Floor, 650 California Street., San Francisco, Calif. 94108.	[1] 1	-------	El Paso Natural Gas Co. (Spraberry Field, Upton and Midland Counties, Tex.) (RR. District Nos. 8 and 7-C) (Permian Basin Area).	----------	1-7-66	[2] 1-1-64	(Accepted)	----------	----------	
		1	[3] 1		----------	1-7-66	[2] 1-1-64	(Accepted)	----------	----------	
		1	[4] 2		----------	1-7-66	[2] 1-1-64	(Accepted)	----------	----------	
		1	[5] 3		----------	1-7-66	[2] 1-1-64	(Accepted)	----------	----------	
		1	4		$639	4-17-67	[6] 5-18-67	10-18-67	14.5	[7] 18.0	

[1] Contract dated Nov. 3, 1952, between Humble Oil & Refining Co., buyer, and El Paso Natural Gas Co., seller.
[2] The Jan. 1, 1964, effective date is the effective date of succession by Sohio Petroleum Co. to Abel & Bancroft's Rate Schedule No. 5.
[3] Assignment dated Sept. 19, 1957, by W. E. Bakke assigning properties to Bruce Walkup subject to contract between Humble and El Paso dated Nov. 3, 1952.
[4] Assignment dated Mar. 1, 1957, by W. E. Bakke assigning properties to Bruce Walkup subject to the contract between Humble and El Paso dated Nov. 3, 1952.
[5] Assignment dated Mar. 27, 1962, provides for increased rate.
[6] The stated effective date is the first day after expiration of the statutory notice.
[7] Pressure base is 14.65 p.s.i.a.

Walkup requests that his proposed rate increase be permitted to become effective as of April 17, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Walkup's rate filing and such request is denied.

Walkup, holder of a Small Producer Certificate for sales in the Permian Basin Area, has requested reinstatement of his FPC Gas Rate Schedule No. 1 and has filed for an increased rate of 18.0 cents per Mcf which exceeds the applicable Permian Basin area base rate ceiling of 14.5 cents per Mcf. The filings were made pursuant to Commission order issued February 6, 1967, in Docket Nos. CS66–48 et al., granting relief to small producers by permitting such producers to collect rates above the Permian Basin Area ceilings, pending judicial review of Opinion No. 468. The rate schedule will be reinstated as hereinafter provided.

Concurrently with his request for reinstatement, Walkup has also submitted the proposed rate increase involved here. Since the proposed rate exceeds the applicable area base rates prescribed for the Permian Basin Area in Opinion No. 468, as amended, it should be suspended for 5 months from the date of expiration of the statutory notice as set forth in the tabulation shown on page 2 hereof. The proposed rate will also be subject to rejection, ab initio, in the event the Permian court stay is dissolved or the moratorium provisions of Opinion Nos. 468 and 468–A are upheld ultimately upon judicial review. The collection of such rate will also be subject to the refund provisions of paragraph (D) of Opinion No. 468 as well as the refund provisions of the applicable suspension proceeding.

Prior to filing a small producer certificate application, Walkup submitted a conventional certificate application and rate filings to secure authorization and to establish a rate schedule to cover his interest in properties formerly covered by Abel & Bancroft. The application, Docket No. CI66–598, and related rate filings, were dismissed as moot by the order granting the small producer certificate. We conclude that Walkup's aforementioned contract and rate filings should now be accepted for filing and designated as Bruce Walkup's FPC Gas Rate Schedule No. 1, with Supplement Nos. 1, 2, and 3 thereto. In conformity with the Commission's order dated August 15, 1966, issuing a small producer certificate to Walkup in Docket No. CS66–138, the rate schedule should be accepted as of January 1, 1964.

The proposed change rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Walkup's proposed contract dated November 3, 1952, and rate filings, designated as Walkup's FPC Gas Rate Schedule No. 1, with Supplement Nos. 1, 2, and 3 thereto, and for permitting such contract and supplements to become effective as of January 1, 1964.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 4 to Walkup's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Walkup's contract dated November 3, 1952, and related rate filings, designated as Walkup's FPC Gas Rate Schedule No. 1, with Supplement Nos. 1, 2 and 3 thereto, are accepted for filing and permitted to become effective as of January 1, 1964.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Walkup's FPC Gas Rate Schedule No. 1.

(C) Pending such hearing and decision thereon, Supplement No. 4 to Walkup's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until October 18, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 5, 1967.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5779; Filed, May 24, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

MARSHALL & ILSLEY BANK STOCK CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Marshall & Ilsley Bank Stock Corp., Milwaukee, Wis., for approval of acquisition of 80 percent or more of the voting shares of West Suburban Bank, Brookfield, Wis.

There has come before the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), an application by Marshall & Ilsley Bank Stock Corp., Milwaukee, Wis., for the Board's prior approval of the acquisition of 80 percent or more of the outstanding voting shares of West Suburban Bank, Brookfield, Wis.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banks for the State of Wisconsin and requested his views and recommendation. The Commissioner advised that the proposal met with his approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 5, 1967 (32 F.R. 63), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th day following the date of this order or (b) later than 3 months after the date of the order.

Dated at Washington, D.C. this 17th day of May 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-5786; Filed, May 24, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3886]

AMERICAN STEEL & PUMP CORP.

Order Suspending Trading

MAY 19, 1967.

The 4 percent Income Bonds, Series A due December 1, 1994, listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the common stock, 47 cents par value of American Steel & Pump Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 21, 1967, through May 30, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5794; Filed, May 24, 1967; 8:46 a.m.]

NORTHERN INSTRUMENT CORP.

Order Suspending Trading

MAY 19, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Northern Instrument Corp., Babylon, N.Y., and all other securities of Northern Instrument Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange is summarily suspended, this order to be be effective for the period May 22, 1967, through May 31, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5795; Filed, May 24, 1967; 8:46 a.m.]

RAND DEVELOPMENT CORP.

Order Suspending Trading

MAY 19, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 5 cents par value, of Rand Development Corp., Cleveland, Ohio, and the Class B Common Stock, 5 cents par value, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 20, 1967, through May 28, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5796; Filed, May 24, 1967; 8:46 a.m.]

[File No. 811-1389]

S & P NATIONAL CORP.

Order Suspending Trading

MAY 19, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Common and Class A stock of S & P National Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 22, 1967, through May 31, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5797; Filed, May 24, 1967; 8:46 a.m.]

STEEL CREST HOMES, INC.

Order Suspending Trading

MAY 19, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Steel Crest Homes, Inc., King of Prussia, Pa., and all other securities of Steel Crest Homes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 22, 1967, through May 31, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5798; Filed, May 24, 1967; 8:46 a.m.]

[812-2109]

VIRGINIA CAPITAL CORP.

Notice of Filing of Application for Order Exempting Proposed Transactions

MAY 19, 1967.

Notice is hereby given that Virginia Capital Corp. ("Applicant"), 907 State-Planters Bank Building, Richmond, Va., a Virginia corporation, a registered closed-end investment company, and a licensee under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting certain proposed transactions from the provisions of section 17(a) and for an order under section 23(c) permitting the purchase of securities of which it is the issuer. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Applicant has entered into an agreement with J. Smith Ferebee and Richard T. Short, Jr., pursuant to which Ferebee and Short will transfer to Applicant their shares of Applicant, consisting of 23,000 shares of common stock, in exchange for all of the outstanding securities of two Alabama real estate corporations, Fagan Springs Town House Corp. ("Fagan Springs") and East Hills, Inc. ("East Hills"), which are held by Applicant in its portfolio.

Both Ferebee and Short had resigned as directors of Applicant before entering into the agreement. They had for some time been in disagreement with the management of Applicant over the policies of Applicant. Ferebee owns 21,000 shares of the 133,375, or approximately 16 percent, of Applicant's outstanding shares and is therefore an "affiliated person" of Applicant within the meaning of section 2(a)(3) of the Act.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governor Daane. Governor Sherrill did not participate in the Board's action in this matter.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to such company any security or other property, unless the Commission finds, upon application, under section 17(b) of the Act, that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

Section 23(c) of the Act prohibits a registered investment company from purchasing its own securities other than on a securities exchange or pursuant to tender, except under such circumstances as the Commission may permit by rule, regulation, or order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class of securities to be purchased.

In support of its application, Applicant states that since its acquisition of Fagan Springs and East Hills, they have never been successful investments. The assets of the real estate corporations are located in an area which has an overabundance of residential apartments, the result of overbuilding during a period of expansion 2 years ago, and an economy which is declining or stabilizing on a lower level. Applicant further states that its staff, consisting of one full-time and one part-time employee, is not large enough to devote the time necessary to the management of these corporations, and that absentee ownership has not proven to be effective.

Applicant states that the corporations of Fagan Springs and East Hills, which it proposes to sell, have a cost basis of $298,000, and are presently valued by Applicant at $140,000. Applicant further states that two recent independent appraisals of its position in the two companies indicate a combined value of either $120,000 or $105,000. Based on the $140,000 valuation, Applicant will be paying the equivalent of $6.08 per share for the stock of Ferebee and Short, or $2.64 below its net asset value of $8.72 as at March 31, 1967. The application states that Applicant's stock, since June 1966, has traded in limited quantities in the range of $6–$6.75. The net asset value of Applicant's outstanding shares would increase by $0.55 per share as a result of the proposed transaction which it represents to be at arm's length.

Applicant represents that consummation of the proposed transaction offers the first acceptable opportunity it has had after 2 years of effort to solve the problems created by this distress situation, and at the same time to comply with the Small Business Administration's requirement that it reduce its real estate portfolio before Applicant is eligible for further loans. Applicant further represents that it has not been able to sell Fagan Springs and East Hills on the open market, that they have been, and will continue to be, a drain on Applicant's cash and manpower, with little or no probability of profit, and that Applicant believes that its losses will be increased if the transaction is not effected.

Notice is further given that any interested person may, not later than May 31, 1967, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–5799; Filed, May 24, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1066]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 19, 1967.

The following applications are governed by Special Rule 1.247 [1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the Special Rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 11207 (Sub-No. 262), filed May 8, 1967. Applicant: DEATON, INC., 3409 10th Avenue North, Birmingham, Ala. 35234. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Composition building boards,* from the plantsite and warehouses of Southern Johns-Mansville Products Corp., Jarratt, Va., to points in North Carolina, South Carolina,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Georgia, Florida, Alabama, Louisiana, Mississippi, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 16334 (Sub-No. 4) (Amendment), filed March 6, 1967, published FEDERAL REGISTER issue of March 23, 1967, amended May 17, 1967, and republished as amended this issue. Applicant: ARNOLD E. DEBRICK, doing business as DEBRICK TRUCK LINE, R.F.D. No. 2, Paola, Kans. Applicant's representative: Earle W. Francis, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay products, fittings, and jointing materials*, for use on clay products, from Pittsburgh, Kans., to points in Nebraska and Iowa. NOTE: The purpose of this republication is to delete the restriction to movements "in regular equipment and in specialized trailers and trucks equipped with booms". If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 22195 (Sub-No. 129), filed May 4, 1967. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, S. Dak. 57101. Applicant's representative: J. P. Everist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* in bulk, in tank vehicles, from the plantsite (storage facility) of Armour Agricultural Chemical Co. near Bellevue (Jackson County) Iowa, to points in Iowa, Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 26088 (Sub-No. 11), filed May 12, 1967. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., Post Office Box 68, Allendale, S.C. 29810. Applicant's representative: Wm. Addams, Room 406, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*, from Augusta, Ga., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga.

No. MC 29988 (Sub-No. 106), filed March 14, 1967. Applicant: D C INTERNATIONAL, INC., East 45th at Jackson, Denver, Colo. 80216. Applicant's representative: David Wm. West, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except livestock, gasoline, and other liquids in bulk, automobiles, coal, sand, and gravel, and Portland cement, between points within a 25-mile radius of Phoenix, Ariz. NOTE: Applicant states that pickup or delivery of freight within the 25-mile radius would be limited to linehaul to or from the area over carrier's own line. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 42487 (Sub-No. 670), filed March 3, 1967. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 95025. Applicant's representative: David Wm. West, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* with usual exceptions, between points within a 25-mile radius of Phoenix, Ariz. NOTE: Applicant states that pickup or delivery of freight within the 25-mile radius would be limited to line-haul to or from the area over carrier's own line. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 42963 (Sub-No. 41), filed May 8, 1967. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. 63102. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission to points in Illinois, Missouri, Arkansas, Kentucky, Tennessee, Indiana, Ohio, Nebraska, Iowa, Kansas, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 44801 (Sub-No. 8), filed May 9, 1967. Applicant: O. C. WILEY & SONS INC., 632 Oakley Avenue, Lynchburg, Va. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groceries and commodities dealt in by wholesale and retail grocery houses*, from Lynchburg and Richmond, Va., to Virginia Foods, Inc., warehouse near Bluefield, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lynchburg, Va., or Washington, D.C.

No. MC 50069 (Sub-No. 378), filed May 5, 1967. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid coal tar products*, in bulk, in tank vehicles, from Toledo, Ohio, to points in Alabama, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 61403 (Sub-No. 168), filed May 9, 1967. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite and storage facilities of Reichhold Chemicals, Inc., at or near Tuscaloosa, Ala., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Memphis, Tenn., or Jacksonville, Fla.

No. MC 64600 (Sub-No. 33), filed May 4, 1967. Applicant: WILSON TRUCKING CORPORATION, New Hope Road, Post Office Box 340, Waynesboro, Va. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk), serving the Surry Power Station in Surry County, Va., as an off-route point in connection with applicant's presently authorized regular route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67450 (Sub-No. 27), filed May 4, 1967. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products*, in bulk, from Cedar Rapids, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 69512 (Sub-No. 5), filed March 21, 1967. Applicant: THUNDERBIRD FREIGHT LINES, INC., 1515 South 22d Avenue, Phoenix, Ariz. 85009. Applicant's representative: David Wm. West, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points within a 25-mile radius of Phoenix, Ariz. (determined from the city limits), with the stipulation that the pickup and delivery of freight within the 25-mile radius would be limited to linehaul to or from the area over carrier's own line; Queen Creek, Ariz., and points within 5 miles thereof, with same stipulation. NOTE: Applicant states that it will tack the authority sought with its presently held authority wherein it is authorized to conduct operations in the States of California, Arizona, and New Mexico. If a hearing is

deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 76032 (Sub-No. 212), filed March 14, 1967. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: David W. West, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points within a 25-mile radius of Phoenix, Ariz. NOTE: Applicant states that pickup or delivery of freight within the 25-mile radius would be limited to linehaul to or from the area over carrier's own line. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 76472 (Sub-No. 7), filed May 11, 1967. Applicant: MATERIAL TRUCKING, INC., 924 South Heald Street, Wilmington, Del. Applicant's representative: Morris J. Winokur, 1920, Two Penn Center Plaza, Philadephia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (except rock salt and rock salt compounds, in bulk), from Wilmington, Del., to points in Caroline, Dorchester, Somerset, Talbot, Wicomico, and Worcester Counties, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 78786 (Sub-No. 271), filed March 14, 1967. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: David Wm. West, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points within a 25-mile radius of Phoenix, Ariz. NOTE: Applicant states pickup and delivery of freight within the 25-mile radius would be limited to linehaul to or from the area over applicant's own line. Applicant further states it proposes to tack the authority herein requested to other authority now held by applicant serving points in Arizona and Texas. Applicant is authorized to operate as a contract carrier in MC 78787 Sub 27 and other subs, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 79135 (Sub-No. 38), filed May 8, 1967. Applicant: COSSITT MOTOR EXPRESS, INC., 63 Kendrick Avenue, Hamilton, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, except in bulk, grills, advertising materials, premiums, and displays*, from Cobelskill and Stamford, N.Y., to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, and Pennsylvania. NOTE: Applicant states that the above proposed authority could be tacked with its present authority in Sub 25, from Horton, N.Y. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Albany, N.Y., or Washington, D.C.

No. MC 87720 (Sub-No. 64), filed May 9, 1967. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Office furniture*, crated and uncrated, from Nashville, Tenn., to points in Pennsylvania, New Jersey, New York, Connecticut, Ohio, Massachusetts, Rhode Island, Delaware, Maryland, Virginia, West Virginia, Maine, New Hampshire, Vermont, and the District of Columbia, under contract with Globe Wernicke Co., division of Sheller-Globe Corp. of Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 88594 (Sub-No. 12), filed May 8, 1967. Applicant: CARLETON G. WHITAKER, INC., Post Office Box 93, Route 17, Deposit, N.Y. 13754. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities dealt in by a processor or distributor of dairy products*, in vehicles equipped with temperature-controlling devices between North Lawrence, N.Y., on the one hand, and, on the other, Philadelphia, Pa., Baltimore, Md., Washington, D.C., and points in their respective commercial zones as defined by the Commission. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 95540 (Sub-No. 698), filed May 10, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionary products*, from Dunn, N.C., to points in Michigan, Ohio, Indiana, Illinois, Missouri, Oklahoma, Kansas, Florida, and North Dakota. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not indicate a location.

No. MC 95540 (Sub-No. 699), filed May 10, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lake City, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 95540 (Sub-No. 700), filed May 10, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representatives: Alan E. Serby and Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural commodities* exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Act, when transported at the same time and in the same vehicle with commodities subject to economic regulation (as otherwise authorized), (1) from points in Louisiana to Louisville, Ky.; Indianapolis, Ind.; and points in Illinois, Iowa, Kansas, Missouri, Wisconsin, South Dakota, and Minnesota, and (2) from Gulfport, Miss., to points in Alabama (except Montgomery), Arizona, Arkansas, California, Colorado, Florida (except Pensacola), Georgia (except Atlanta and points within 15 miles thereof), Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 96176 (Sub-No. 13), filed May 8, 1967. Applicant: RAY CARTER, INC., 1629 Rozelle Street, Memphis, Tenn. 38106. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles, each weighing 15,000 pounds or more*, between points in Alabama, Arkansas, Louisiana, Kentucky, Mississippi, and Tennessee. Restriction: The operations authorized herein are restricted against the transportation of: (1) Iron and steel, and iron and steel articles, which originate at Anniston, Birmingham, Decatur, Gadsden, and Tuscaloosa, Ala., or points within 10 miles thereof: (2) Stone, aircraft, and missiles and parts thereof; and, (3) pipe, pipeline dope, and valves used in or in connection with the construction, operation, repair, maintenance, servicing, or dismantling of pipelines, including the stringing or picking up of pipe in connection therewith. NOTE: (a) The authority sought above is restricted to commodities which are transported on trailers; (b) any authority granted, to the extent that it duplicates any authority heretofore granted to or now held by applicant shall not be construed as conferring more than one operating right; and (c) any authority granted herein and that now held by applicant between the same points shall be construed as comprising a single operating right not

severable for sale or otherwise. (d) Applicant states that the above proposed authority duplicates present authority held by Ray Carter, Inc., in certificate No. MC 96176, and by this application authority to transport articles (with certain named restrictions), each weighing 15,000 pounds or more, in the same six nonradial States where applicant is presently authorized to serve. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 96344 (Sub-No. 3), filed May 9, 1967. Applicant: NORTHWEST DRAYAGE COMPANY, a corporation, 10 Angelica Street, St. Louis, Mo. 63147. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and Alton, Ill., on the one hand, and, on the other, points in Missouri, Illinois, Indiana, Kentucky, Tennessee, Arkansas, Oklahoma, Kansas, Nebraska, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 98313 (Sub-No. 1), filed April 4, 1967. Applicant: POWELL BETTS AND WILLIS I. BETTS, a partnership, doing business as BETTS TRANSFER, 1000 Conrad Street, Johnstown, Pa. Applicant's representative: William S. Livengood, Jr., 227 State Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Property* (excluding household furniture, articles of special value, heavy machinery, or property requiring special equipment to handle, commodities in bulk in tank trucks, and property for the American Stores Co.), (1) from Johnstown (Cambria County), Pa., to points in Cambria County; (2) from Johnstown, to the Boroughs of Somerset (Somerset County), Indiana (Indiana County), and Bedford (Bedford County), and Latrobe and Altoona, Pa., and (3) points between Johnstown, Pa., and the points above described. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Harrisburg, or Johnstown, Pa.

No. MC 102560 (Sub-No. 8), filed May 5, 1967. Applicant: FREILER INDUSTRIES, INC., Box 636, Amite, La. 70422. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials, treated poles, and treated piling*, moving on either pole trailers of flatbed equipment, from points in Tangipahoa and St. Tammany Parishes, La., to points in Orleans Parish, La.; and (2) *Building materials*, moving on flatbed equipment, from points in Orleans Parish, La., to points in East Baton Rouge, Livingston, Orleans, St. Tammany, and Tangipahoa Parishes, La. NOTE: Applicant states the above proposed authority could be tacked with Sub 5, to give service from Slidell and Madisonville, La., to points in Arkansas and Missouri, over points in Missouri. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 105413 (Sub-No. 28), filed May 9, 1967. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Highway 275, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials; acids, and chemicals; petroleum oil* (used in fungicides, herbicides or pesticides); including but not restricted to, anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products, in bulk, from the Gulf Oil Corp.'s River Terminal located at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 105950 (Sub-No. 6), filed May 8, 1967. Applicant: BADER BROS. VAN LINES, INC., 475 Underhill Boulevard, Syosset, N.Y. 11791. Applicant's representative: Henry M. Bressier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in New Jersey within 25 miles of New York, N.Y., and points in Suffolk and Nassau Counties, N.Y. NOTE: The purpose of this instant application is to add Nassau County as a base point in authority held in its Sub 1. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 106163 (Sub-No. 24), filed May 5, 1967. Applicant: RED LINE TRANSFER AND STORAGE COMPANY, INC., Post Office Box 856, 2600 West Sixth Avenue, Pine Bluff, Ark. 71601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Eudora, Ark., and Mer Rouge, La., from Eudora, Ark., over U.S. Highway 65 to junction Louisiana Highway 2, thence over Louisiana Highway 2 to Mer Rouge, serving all intermediate and off-route points; (2) between junction U.S. Highway 65 and Louisiana Highway 2, over U.S. Highway 65, to Lake Providence, La., serving all intermediate and off-route points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Greenville, Miss.

No. MC 107010 (Sub-No. 28), filed April 14, 1967. Applicant: D & R BULK CARRIERS, INC., Post Office Box 106, Auburn, Nebr. 68305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite (storage facility) of Armour Agricultural Chemical Co., near Bellevue (Jackson County), Iowa, to points in Iowa, Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107227 (Sub-No. 94), filed May 8, 1967. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sough to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles* (except passenger automobiles), *and chassis*, in initial and secondary movements, in driveaway service, and (2) *bodies, cabs, and parts of, and accessories for*, such vehicles when moving in connection therewith, (a) from ports of entry on the international boundary line between Canada and the United States located at Maine, New Hampshire, Vermont, New York, Michigan, Minnesota, North Dakota, Montana, Idaho, and Washington to points in the United States (except Alaska and Hawaii), and (b) from ports of entry on the international boundary line between Canada and the United States located at Alaska to points in Alaska, restricted in all instances to the transportation of traffic moving from Canadian plantsites of: Pacific Car & Foundory Co., or its subsidiaries and divisions including Peterlin Motors Co., and Sicard, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., Seattle, Wash., or Washington, D.C.

No. MC 107496 (Sub-No. 563), filed May 8, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone*, from Weeping Water, Nebr., to points in Iowa, South Dakota, Minnesota, Kansas, and Missouri. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 107515 (Sub-No. 571), filed May 5, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nondairy food dressing, nondairy cream substitute, and cocoa mix* in mechanically refrigerated equipment, from Jonesboro, Tenn., to points in Alabama, Florida,

Georgia, Indiana, Illinois, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Knoxville, Tenn.

No. MC 108449 (Sub-No. 260), filed May 9, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, acids, and chemicals, petroleum oil* (used in fungicides, herbicides or pesticides), including but not restricted to anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products, in bulk, from the Gulf Oil Corp.'s River Terminal at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 109478 (Sub-No. 103), filed May 9, 1967. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and parts therefor*, (1) from Salem, N.J., to points in New York, and (2) from Connellsville and South Connellsville, Pa., to points in New York, Massachusetts, Connecticut, Rhode Island, New Hampshire, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 110264 (Sub-No. 35), filed March 14, 1967. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., Post Office Box 3459, 4500 McLeod Road NE., Albuquerque, N. Mex. 87110. Applicant's representative: David W. West, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value), household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points within a 25-mile radius of Phoenix, Ariz. NOTE: Applicant states that pickup or delivery of freight within the 25-mile radius would be limited to linehaul to or from the area over carrier's own line. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 110325 (Sub-No. 43), filed March 14, 1967. Applicant: TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, Calif. 90015. Applicant's representative: David Wm. West, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points within a 25-mile radius of Phoenix, Ariz. NOTE: Applicant states that pickup or delivery of freight within the 25-mile radius would be limited to linehaul to or from the area over carrier's own line. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 110525 (Sub-No. 830), filed May 4, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street, NW., Madison Building, Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl lacquer*, in bulk, in tank vehicles, from Carrollton, Ky., to Milwaukee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 232) (Correction), filed January 30, 1967, published FEDERAL REGISTER issues of February 24, 1967, and May 18, 1967, corrected May 18, 1967, and republished, as corrected, this issue. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in tank or hopper type vehicles, from Depue and Riverdale, Ill., and Dubuque and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Minnesota, Missouri, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to include the State of Minnesota as a destination point, which was erroneously omitted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110988 (Sub-No. 237), filed May 9, 1967. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles (except lignin liquor and lignin pitch), from Neenah, Menasha, Appleton, and Kimberly, Wis., to points in Illinois, Indiana, Michigan, Missouri, Iowa, Wisconsin, and Minnesota. NOTE: Applicant states it presently holds authority to transport sodium sulphite solution, lacquer solvent, and liquid caustic soda to Illinois and the Upper Peninsula of Michigan; and Rosin sizing and liquid alum to the Upper Peninsula of Michigan, however no duplicate authority is being sought. Applicant indicates tacking possibilities at South Beloit, Ill., and Mason City, Iowa. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 111401 (Sub-No. 213) (Amendment), filed December 29, 1966, published FEDERAL REGISTER issues of February 9, 1967, and March 2, 1967, and republished as amended, this issue. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, liquefied and/or gaseous, in bulk, from the Alamo Chemical Co. and Gardner Cryogenic Corp. Helium plant commonly referred to as Greenwood Facility located in Morton County, Kans., approximately 25 miles northwest of Elkhart, Kans., to points in the United States, except Alaska and Hawaii. NOTE: The purpose of this republication is to delete all of the excepted points previously listed. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 113388 (Sub-No. 81), filed May 4, 1967. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 248, Bridgeville, Del. 19933. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foods and foodstuffs*, from points in Cumberland County, N.J., to points in Maine, New Hampshire, Ohio, Vermont, and West Virginia, and (2) *Such commodities as are used in, or are incidental to the preparation, packing, and shipment of foods and foodstuffs*, from points in Maine, New Hampshire, Ohio, Pennsylvania, Vermont, and West Virginia, to points in Cumberland County, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 114019 (Sub-No. 174), filed May 11, 1967. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from Dover, Del., to points in Illinois, Indiana, Kansas, Kentucky, Ohio, Michigan, Minnesota, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114019 (Sub-No. 175), filed May 12, 1967. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Louis, Mo., to points in Indiana, Ohio,

Pennsylvania, Michigan, New Jersey, New York, Delaware, Connecticut, Massachusetts, Maryland, New Hampshire, Maine, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114045 (Sub-No. 280), filed May 8, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Finley and Belt Line Road, 75240, Dallas, Tex. 75222. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cooked bakery goods,* in vehicles equipped with mechanical refrigeration, from Dallas and Fort Worth, Tex., to Las Vegas, Reno, Carson City, and Elko, Nev. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114091 (Sub-No. 79), filed May 8, 1967. Applicant: HUFF TRANSPORT CO., INC., 2114 South 41st Street, Louisville, Ky. 40211. Applicant's representative: Rudy Yessin, Post Office Box 457, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate fertilizer, and liquid nitrogen fertilizer solutions,* in bulk, in tank vehicles, from Marseilles, Ill., and points within 5 miles thereof, to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 114533 (Sub-No. 154), filed May 5, 1967. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture film and supplies used in connection with commercial and television pictures), between Milwaukee, Wis., on the one hand, and, on the other, Grand Rapids, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 114552 (Sub-No. 32), filed May 10, 1967. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Citrus pulp, citrus meal, and oyster shells,* (1) from points in Florida to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee; and (2) from points in Mobile County, Ala., to points in Georgia, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Jacksonville, Fla., or Charlotte, N.C.

No. MC 115357 (Sub-No. 6), filed May 10, 1967. Applicant: GEORGE WILLARD TURNER, doing business as TURNER AUTO TRANSPORT, 1313 Erie Street, North Kansas City, Mo. 64116. Applicant's representative: Sherman L. Gibson, 1000 Commerce Tower, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Automobiles* in secondary movements, in truckaway service (restricted against movements from places of manufacture or assembly), between Kansas City, Mo., on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Nebraska, Oklahoma, and Texas. NOTE: Applicant states it presently holds authority to transport used automobiles within the same area covered by instant application. If a hearing is deemed necessary, applicant requests it to be held at Kansas City, Mo.

No. MC 115523 (Sub-No. 139), filed May 8, 1967. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Post Office Box 1895, Salt Lake City, Utah. Applicant's representative: Franklin D. Johnson, 422 Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hides, dry,* green, and salted, loose or in bundles and not in containers between points in Washington and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Spokane, Wash.

No. MC 115651 (Sub-No. 17), filed May 12, 1967. Applicant: KANEY TRANSPORTATION, INC., Rural Route No. 4, Post Office Box 12, Freeport, Ill. 61032. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, in tank vehicles, from the plantsite and storage facilities of Armour Agricultural Chemical Co. near Bellevue, Jackson County, Iowa, to points in Iowa, Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115651 (Sub-No. 18), filed May 12, 1967. Applicant: KANEY TRANSPORTATION, INC., Rural Route No. 4, Post Office Box 12, Freeport, Ill. 61032. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Diammonium phosphate,* in bulk, (1) from Depue, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; (2) from Riverdale and Colfax, Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin; (3) from Des Moines, Iowa, to points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; and (4) from Dubuque, Iowa, to points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No MC 115924 (Sub-No. 14), May 8, 1967. Applicant: SUGAR TRANSPORT, INC., Post Office Box 4063, Port Wentworth, Ga. 31407. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar, corn syrup, and blends of corn syrup and liquid, and invert sugar,* in bulk, in tank vehicles, from Port Wentworth, Ga., to points in Alabama, under continuing contract or contracts with Savannah Sugar Refining Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 116073 (Sub-No. 73), filed May 8, 1967. Applicant: BARRETT MOBILE HOME TRANSPORT INC., Post Office Box 601, 1825 Main Avenue, Moorhead, Minn. 56561. Applicant's representative: Donald Cross, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in tuckaway service, from points in Marathon County, Wis., Poweshiek and Polk Counties, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116077 (Sub-No. 212), filed May 11, 1967. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* having a prior movement by water between points in Texas, from the plantsite of Dundee Cement Co. at or near Houston, Tex., to points in Oklahoma, Arkansas, Louisiana, Mississippi, and Alabama. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 116254 (Sub-No. 72), filed May 12, 1967. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35661. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, originating at the plantsite and storage facilities of Reichhold Chemicals, Inc., at or near Tuscaloosa, Ala., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 117815 (Sub-No. 123), filed May 10, 1967. Applicant: PULLEY

FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty cheese drums and cheese packaging supplies*, from Hutchinson and New Ulm, Minn., to points in Nebraska on and east of U.S. Highway 83 and points in Iowa, and (2) *cheese in metal drums or other packages*, from points in Nebraska on and east of U.S. Highway 83 and points in Iowa, to Hutchinson and New Ulm, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Madison, Wis.

No. MC 118288 (Sub-No. 21), filed May 11, 1967. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat meal, bone meal, and blood meal*, from points in Montana to points in North Dakota, South Dakota, Minnesota, Wisconsin, Wyoming, Nebraska, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 118535 (Sub-No. 30), filed May 10, 1967. Applicant: JIM TIONA, JR., Post Office Box 127, 803 West Ohio, Butler, Mo. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed ingredients*, from Dubuque, Iowa, and Omaha, Nebr., to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin and (2) *Dry animal and poultry feeds and feed ingredients*, from Kansas City, Mo., to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo., or Chicago, Ill.

No. MC 119234 (Sub-No. 2) filed May 10, 1967. Applicant: MERCER MARINE TRANSIT CORP., Route 2, Hargroves Road, Smyrna, Ga. 30080. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats and boating equipment*, (1) between points in the United States on and east of U.S. Highway 85, and (2) between points in the United States on and east of U.S. Highway 51, on the one hand, and, on the other, points in the United States west of U.S. Highway 85, (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119829 (Sub-No. 23), filed May 8, 1967. Applicant: F. J. EGNER & SON, INC., Post Office Box 216, 3969 Congress Parkway, West Richfield, Ohio 44286. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Suite 1680, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers and liquid fertilizer ingredients*, in bulk, in tank vehicles, (1) from Thorntown and Eaton, Ind., to points in Ohio, and (2) from Warsaw, Ind., to points in Illinois and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 119829 (Sub-No. 24), filed May 10, 1967. Applicant: F. J. EGNER & SON, INC., 3969 Congress Parkway, West Richfield, Ohio 44286. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Suite 1680, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) from points in Franklin County, Ohio, to points in Marion and Vigo Counties, Ind., and Lawrence County, Ill., and (2) from points in Clark County, Ohio, to points in Marion and Vigo Counties, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 120383 (Sub-No. 3), filed May 10, 1967. Applicant: DRUCAS MOVING & STORAGE SERVICE, INC., 1029 Twiggs Street, Tampa, Fla. 33602. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 2006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Florida, and (b) between points in Florida on the one hand, and, on the other, the ports of New Orleans, La., and Savannah, Ga., restricted to shipments having a prior or subsequent movement in foreign commerce beyond said ports in containers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 123383 (Sub-No. 21), filed May 8, 1967. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* (except commodities in bulk and commodities which because of size and weight require the use of special equipment), from the plantsite of the Flintkote Co. at Camden, N.J., to points in that part of New York north of U.S. Highway 6, and (2) *joint system*, from Akron, N.Y., to Camden, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123405 (Sub-No. 18), filed May 8, 1967. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, Pa. 17404. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Westfield, N.Y., and North East and Erie, Pa., to points in Georgia, NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 124692 (Sub-No. 35), filed May 9, 1967. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, as defined by the Commission in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 273, restricted against transportation of commodities which, because of size or weight, require special equipment or special handling, from points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, to points in North Dakota, South Dakota, Nebraska, Montana, Wyoming, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn.

No. MC 126149 (Sub-No. 1), filed May 10, 1967. Applicant: DENNY MOTOR FREIGHT, INC., 201 Ellen Court, New Albany, Ind. 47150. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (not including tractors with vehicle beds, bed frames or fifth wheels), and attachments and parts thereof, when moving incidental to and in the same vehicle with tractors, but not including articles which because of size or weight require the use of special equipment from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, Colorado, Connecticut, Delaware, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, Pennsylvania, Vermont, Wisconsin, and West Virginia; (2) *prefabricated buildings*, complete, knocked down or in sections and when transported in connection with the transportation of such buildings, *component parts* thereof and *equipment and materials* incidental to the erection and completion of such buildings, from New Albany, Ind., and points within 1 mile thereof, to points in Pennsylvania, Kentucky, Missouri, Ohio, and Illinois; and (3) *flavoring syrup, liquid sugar*, and *invert sugar*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Louisiana, Maryland, Illinois, Indiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: The purpose of this application is to convert the applicant's present contract carrier

authority to a common carrier. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Chicago, Ill.

No. MC 126292 (Sub-No. 1), filed May 8, 1967. Applicant: MOORE & MOORE MOVING AND STORAGE COMPANY, INC., 3325 North El Paso Street, Colorado Springs, Colo. 80907. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized household goods*, between points in El Paso, Pueblo, Teller, Fremont, Park, Douglas, Elbert, Lincoln, and Jefferson Counties, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126313 (Sub-No. 2), filed May 8, 1967. Applicant: BEAUCE EXPRESS, INC., 125 10th Street, Beauceville, Est., Beauce County, Quebec, Canada. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel bar joists, steel trusses, and steel bars*, from ports of entry on the international boundary line between the United States and Canada, located at or near Jackman and Coburn, Gore, Maine, Derby Line, Norton Mills, and Highgate Springs, Vt., and Rouses Point, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey, and *returned and damaged shipments of steel bar joists, steel trusses, and steel bars*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta or Portland, Maine, or Boston, Mass.

No. MC 127215 (Sub-No. 30), filed May 8, 1967. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. 62881. Applicant's representative: W. C. Kendrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, (1) from Kansas City, Mo., to points in Kansas, Nebraska, Missouri, and Iowa, (2) from Cairo, Ill., to points in Illinois, Arkansas, Missouri, Kentucky, Tennessee, and Indiana, and (3) from Louisville, Ky., to points in Kentucky, Illinois, Indiana, and Ohio. NOTE: If a hearing is deemed necessary applicant requests it be held at St. Paul, Minn., Chicago, Ill., or Des Moines, Iowa.

No. MC 127834 (Sub-No. 11), filed May 12, 1967. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign poles, parts, and accessories therefor* (except commodities requiring special equipment), from points in Boone County, Ky., from Kokomo, Ind., and Cincinnati, Ohio, to points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Nashville, Tenn.

No. MC 128136 (Sub-No. 1), filed May 4, 1967. Applicant: CHARLES F. BRICKER, doing business as FARM & FOREST TRUCK SERVICE, 1648 North Lincoln Avenue, M.C. 28, Salem, Ohio 44460. Applicant's representative: Jay B. Zellar, 47 North Fourth Street, Zanesville, Ohio 43701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dressed lumber*, from Stanley Land and Lumber Corp., Drakes Branch, Va., to points on and west of U.S. Highway 220 in Pennsylvania and points on and west of New York Highway 14 in New York, under contract with Stanley Land and Lumber Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Wheeling, Ohio.

No. MC 128205 (Sub-No. 4), filed May 10, 1967. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 4141 West George Street, Schiller Park, Ill. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the plantsites, warehouses, and facilities of The New Jersey Zinc Co., located at or near Depue and Riverdale, Ill., and Des Moines and Dubuque, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 128345 (Sub-No. 1) (Correction), filed July 21, 1966, published in the FEDERAL REGISTER issue of April 6, 1967, and May 18, 1967, and republished as corrected this issue. Applicant: OTTO SCOTT TRUCKING CO., 517 Tennessee Avenue, Chickasha, Okla. 73018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Piggy-back trailers*, loaded or empty, having a prior movement by rail, and containing general commodities when loaded, between points in Graddo and Caddo Counties, Okla., those parts of Garvin, McClain, and Cleveland Counties on and west of Oklahoma Highway 74, that part of Stephens County on and north of Oklahoma Highway 29; and that part of Canadian County, Okla., on and west of U.S. Highway 81 and on and south of Interstate Highway 40. NOTE: The purpose of this republication is to show the correct filing date as July 21, 1966, in lieu of July 21, 1967, as previously published. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 128375 (Sub-No. 8), filed May 5, 1967. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. Applicant's representative: Duane W. Acklie, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 65801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Inedible meat and meat byproducts* for use in animal food, from points in Wisconsin, Illinois, Minnesota, Indiana, Michigan, Ohio, Kentucky, Tennessee, Arkansas, West Virginia, and Virginia, to Allentown, Pa., and (2) *canned pet food, supplies, ingredients*, and *materials* used in the manufacture of pet food, between Allentown, Pa., and Crete, Nebr., under contract with Allen Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128375 (Sub-No. 9), filed May 5, 1967. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. Applicant's representative: Charles J. Kimball, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal and fiberglass containers, industrial blenders, and dump station machines, frankfurter processing machines, sand blasters, truck hoists, tractor stilts, stock tank heaters, farm fertilizer applicators, nurse tank wagons, and parts thereof*, from Lenox, Iowa, and Beatrice, Nebr., to points in the United States (except points in Hawaii and Alaska), and (2) *Tools, parts, supplies, and partially fabricated products*, utilized in connection with the manufacturing of the above-named commodities, between Lenox, Iowa; Beatrice, Nebr.; and the port of entry on the United States and Canada boundary line at or near Detroit, Mich., under continuing contract with Tote Systems, Division Hoover Ball and Bearing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128413 (Sub-No. 3), filed May 9, 1967. Applicant: SEASON-ALL TRANSPORTATION CO., a corporation, Route 119, Indiana, Pa. 15701. Applicant's representative: Richard J. Smith, 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum products, fabricated metal products, and materials, equipment, and supplies*, used in the production, distribution and sale of the above-named commodities (except commodities in bulk) (1) between the facilities of Season-all Industries, Inc., located at or near Inkster and Marshall, Mich., on the one hand, and, on the other, points in that part of the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada and (2) between the facilities of Season-all Industries, Inc., located at or near Indiana, Pa., Inkster and Marshall, Mich., on the one hand, and, on the other, points in Iowa, under a continuing contract or contracts with Season-all Industries, Inc. NOTE: If a hearing is deemed necessary,

applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128570 (Sub-No. 2), filed May 1, 1967. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. 19802. Applicant's representative: L. Agnew Myers, Jr., 1050 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Inter office records and memoranda, non-negotiable instruments, accounting and billing records and documents* (except cash letters and accompanying checks), between Wilmington, Del., on the one hand, and, on the other, points in Kent, Talbot, Wicomico, Caroline, Dorchester, Somerset, and Worcester Counties, Md., and Accomack and Northhampton Counties, Va., (2) *precision instruments and accessories, parts, and other articles pertaining thereto*, between points in Montgomery County, Pa., and Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey, and (3) *such commodities* as are dealt in by pharmaceutical and drug supply houses (except in bulk or in tank vehicles), from New Castle, Del., to points in Kent, Queen Anne, Talbot, Dorchester, Caroline, Wicomico, Somerset, and Worcester Counties, Md., and points in Northhampton and Accomack Counties, Va. NOTE: The purpose of this application is to convert certain of applicant's permits to certificates. Applicant holds contract carrier authority under MC 115601 and subs, therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Philadelphia, Pa.

No. MC 128675 (Sub-No. 1), filed April 19, 1967. Applicant: EDWARD T. WALSH, doing business as WALSH CARRIAGE, 4 Mygatt Street, Binghamton, N.Y. 13902. Applicant's representative: Donald C. Carmien, 71 State Street, Binghamton, N.Y. 13902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, nonrefrigerated and frozen foods*, in cans, from Johnson City, N.Y., to points in Connecticut, Delaware, New Jersey, Virginia, North Carolina, South Carolina, Georgia, Maryland, Washington, D.C., Arkansas, and points in Pennsylvania (except those in that area bounded by a line beginning at the New York-Pennsylvania State line and extending south along Pennsylvania Highway 14 to junction U.S. Highway 6, thence westerly along U.S. Highway 6 to Warren, Pa., and thence in a northerly direction along U.S. Highway 62 to the New York-Pennsylvania State line, (2) *fresh processed and canned foodstuffs* and *foods* used in the manufacture of food products, *cartons, labels*, and *empty cans*, on return from the above specified destination points to Johnson City, N.Y., under contract with Specialty Foods Corp., and (3) *fresh processed and canned foodstuffs*, and *foods* used in the manufacture of food products, *cartons, labels*, and *empty cans*, from points in Rhode Island, Connecticut, Delaware, New Jersey, Pennsylvania, Virginia, and Georgia to Binghamton, N.Y., under contract with Polar Food Service, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 128677 (Sub-No. 1), filed May 12, 1967. Applicant: PORTLAND EXPRESS, INC., Post Office Box 183, Portland, Tenn. 37148. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Nashville and Mitchellville, Tenn., over U.S. Highway 31W, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128806 (Sub-No. 2), filed May 10, 1967. Applicant: NUNES TRUCKING CO., INC., 114 Liberty Street, Barrington, Ill. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the plantsites, warehouses, and facilities of The New Jersey Zinc Co., located at or near Depue and Riverdale, Ill., and Des Moines and Dubuque, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 128841 (Sub-No. 1), filed May 4, 1967. Applicant: MUR-GAIL, INC., 600 Midland Bank Building, Minneapolis, Minn. 55402. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by premium trading stamp companies, restricted to traffic having had immediate prior out of State transportation by rail; also *returned shipments of such commodities* as are dealt in by premium trading stamp companies for subsequent out of State movement by rail, from Minneapolis and St. Paul, Minn., to points in Minnesota, under contract with the Sperry and Hutchinson Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 128856 (Sub-No. 1), filed May 8, 1967. Applicant: LINZIE DOWNING, doing business as LIN DOWNING & SONS, Post Office Box 1771, Yuma, Ariz. 85364. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, between points in Riverside and Imperial Counties, Calif., on the one hand, and, on the other, points in Yuma, Maricopa, Pima, and Pinal Counties, Ariz. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 128912, filed March 1, 1967. Applicant: BERNICE DRESBACH, doing business as DRESBACH TRUCKING COMPANY, Route No. 2, Higby Road, Chillicothe, Ohio 45601. Applicant's representative: David M. Phillips, Room 202 Citizens National Bank, Chillicothe, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregates*, loose, dry, or pliable, in bulk, in dump vehicles, between points in Ross County, Ohio, Michigan, West Virginia, Indiana, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128929, filed March 2, 1967. Applicant: ROGERS MOTOR LINES OF BOSTON, INC., 49 Wachusett Street, Jamaica Plain, Mass. Applicant's representative: Gerard J. Donovan, 12 Stanson Oaks Drive, North Attleboro, Mass. 02760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 129014 (Sub-No. 2), filed, May 8, 1967. Applicant: MISSISSIPPI-RED RIVER TRANSPORT CO., a corporation, 1830 East Division, Arlington, Tex. 76010. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions*, in bulk, from the facilities of International Minerals & Chemical Corp. at or near Hugo, Okla., to points in (1) Texas, east of U.S. Highways 75 and north of Texas State Highway 7 from Centerville, Tex. (on U.S. Highway 75), to its intersection with Texas State Highway 103, thence over Texas Highway 103 to its intersection with Texas Highway 21, thence over Texas Highway 21 to the Texas-Louisiana State line, and bounded on the east by the Texas-Louisiana and Texas-Arkansas State lines, and bounded on the north by the Texas-Oklahoma State line; (2) to points in Louisiana bounded on the west by the Texas-Louisiana State line, bounded on the north by the Arkansas-Louisiana State line, and bounded on the south and east by the following highways (including service to points on such named highways); from the Texas-Louisiana State line over Louisiana Highway 6 to its intersection with Louisiana Highway 175 at or near Many, La., thence over Louisiana Highway 175 to its intersection with U.S. Highway 171, thence over U.S. Highway 171 to its intersection with Louisiana Highway 3 at or near Shreveport, La., thence over Louisiana Highway 3 to the Louisiana-Arkansas State line; and (3)

to points in Arkansas bounded on the west by the Texas-Arkansas and the Oklahoma-Arkansas State lines, bounded on the south by the Louisiana-Arkansas State line, and bounded on the east and north by the following highways (including service to points located on said highways); from the Louisiana-Arkansas State line over Arkansas Highway 29 to its intersection with Arkansas Highway 4 at or near Hope, Ark., thence over Arkansas Highway 4 to its intersection with Arkansas Highway 77 at or near Nashville, Ark., thence over Arkansas Highway 27 to its intersection with U.S. Highway 70 at or near Kirby, Ark., thence over U.S. Highway 70 to its intersection with Arkansas Highway 8 at or near Glenwood, Ark., thence over Arkansas Highway 8 to the Arkansas-Okhahoma State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 129018 (Sub-No. 2), filed May 4, 1967. Applicant: DARRELL D. WYLIE, 521 West Sixth Street, Russell, Kans. 67665. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Ice cream and dairy products,* as defined by the Commission in 61 M.C.C. 209, 273, from Lincoln, Grand Island, and Holdrege, Nebr., to points in Kansas (except points in Wyandotte County), under contract with Beatrice Foods Co., Lincoln, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 129051, filed April 27, 1967. Applicant: NOVA VAN & STORAGE, INC., 2808 North Nichols Street, Fort Worth, Tex. 76106. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* in containers, as defined by the Commission between points in Tarrant County, Tex., on the one hand, and, on the other, points within a 50-mile radius of Tarrant County, Tex., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 129057 (Sub-No. 1), filed May 10, 1967. Applicant: DUNN MOVING & STORAGE, INC., 530 East 8th Street, Post Office Box 182, Junction City, Kans. 66441. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, (1) between points in Geary, Riley, Clay, Dickinson, Pottawatomie, Wabaunsee, and Morris Counties, Kans., and (2) between Junction City, Kans., on the one hand, and, on the other, points in Cloud, Ottawa, Saline, Lincoln, Mitchell, Jewell, Smith, Osbourne, Republic, Washington, and Marshall Counties, Kans., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Junction City, Kans., or Washington, D.C.

No. MC 129069, filed May 8, 1967. Applicant: O. G. McGECHIE, doing business as CORTEZ TRUCKING SERVICE, Post Office Box 146, Moffett, Okla. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Crushed stone,* from the plantsite of Arkhola Sand & Gravel Co., about 4 miles north of Van Buren, Drawford County, Ark., to the construction site of Lock and Dam No. 14 on the south side of the Arkansas River, in Le Flore County, Okla., approximately 8 miles west of Fort Smith, Ark., under contract with Arkhola Sand & Gravel Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., Tulsa or Oklahoma City, Okla.

No. MC 129070, filed May 8, 1967. Applicant: JOSEPH LUCKASZ, 31 Francis Drive, Clark, N. J. Applicant's representative: George A. Olson, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Paper, paper products, and packaging materials,* between points in New Jersey, New York, and Connecticut, under contract with the Charles J. Slicklen Paper Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 129071, filed May 5, 1967. Applicant: WHITEHALL TRANSPORT, INC., Whitehall, Wis. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Whitehall and Eau Claire, Wis., and the St. Paul-Minneapolis, Minn., commercial zone to points in Indiana, Kentucky, Michigan, Ohio, Pennsylvania, New York, New Jersey, Virginia, West Virginia, Maryland, Delaware, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, under contract with Whitehall Packing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 129073, filed May 8, 1967. Applicant: R. D. BROWN, 1017 North Eighth, Greybull, Wyo. 82426. Applicant's representative: J. F. Meglan, 2822 Third Avenue North, Billings, Mont. 59101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bentonite, drilling mud, and drilling mud additives,* between points in Wyoming, on the one hand, and, on the other, points in Montana and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings Mont.

No. MC 129075, filed May 4, 1967. Applicant: JAMES O. SHIVES, Melvin, Ill. 60952. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Farm machinery and equipment* (except those commodities which because of size or weight require special equipment), from points in Iowa and Wisconsin, to Melvin, Ill., under contract with Arends & Bros., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 129076, filed May 4, 1967. Applicant: SPECIALIZED CARRIERS, INC., 928 South Pennsylvania Street, Indianapolis, Ind. 46204. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum bridge railing and guard railing components,* consisting of *posts, rails, anchor system, and other related miscellaneous parts,* from the plantsites of Howe Engineering Co., Inc., Indianapolis, Ind., to points in Indiana, Iowa, Arkansas, Georgia, Illinois, Kentucky, Missouri, North Carolina, West Virginia, Pennsylvania, New York, New Jersey, Texas, Ohio, Tennessee, and Michigan under contract with Howe Engineering Co., Inc., Indianapolis, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 129080, filed May 10, 1967. Applicant: CHARLES CORBISHLEY, doing businss as QUICKWAY, Post Office Box 602, Glen Rock, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Dresses on hangers and such commodities* as are dealt in or used by chain grocery or department stores, from Paramus, N.J., to points in Broome, Chemung, Cortland, Dutchess, Orange, and Rockland Counties, N.Y., and Fairfield, Hartford, and New Haven Counties, Conn., and (2) *damaged, defective, or returned shipments* of the commodities described above, from points in Broome, Chemung, Cortland, Dutchess, Orange, and Rockland Counties, N.Y., and Fairfield, Hartford, and New Haven Counties, Conn., to Paramus, N.J., under contract with the Grand Union Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 129084, filed May 11, 1967. Applicant: CUYAHOGA TRUCKING

COMPANY, a corporation, 4365 Bradley Road SW., Cleveland, Ohio 44109. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous ingots, and fabrications, and nonferrous scrap*, between the plantsite of Alloys and Chemicals Corp. at Cleveland, Ohio, on the one hand, and, on the other, Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and ports of entry on the United States-Canada boundary line in the States of Michigan, Minnesota, and New York, under contract with Alloys and Chemicals Corp. of Cleveland, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 668 (Sub-No. 91), filed May 4, 1967. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers* in the same vehicle with passengers: (1) Between New York, N.Y., and Saddle Brook, N.J.: From New York over Interstate Highway 95 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 80 and Saddle Brook ramp in Saddle Brook, N.J., thence over Interstate Highway 80 Saddle Brook ramp to Pehle Avenue, and return over the same route serving no intermediate points except for the purpose of joinder; (2) between Saddle Brook, N.J., and Saddle Brook, N.J.: (a) from the junction of Interstate Highway 80 Saddle Brook ramp and Pehle Avenue in Saddle Brook over Pehle Avenue to junction Saddle River Road; thence over Saddle River Road to junction Mayhill Street; thence over Mayhill Street to junction Market Street; thence over Market Street to junction Erie Street; thence over Erie Street to junction Midland Avenue, thence over Midland Avenue to junction Pehle Avenue; thence over Pehle Avenue to junction Interstate Highway 80 Saddle Brook ramp, and (b) from junction of Saddle River Road and Market Street over Market Street to junction Mayhill Street, and return over the same routes serving all intermediate points. NOTE: Applicant states it proposes to join the proposed routes to its existing authority between Saddle Brook, N.J., and New York, N.Y., via the George Washington Bridge and Lincoln Tunnel. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York N.Y.

No. MC 1515 (Sub-No. 117), filed May 8, 1967. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: R. J. Bernard, 10 South Riverside Plaza, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *Passengers and their baggage, and express, and newspapers* in the same vehicle with passengers, (1) between Hendersonville, N.C., and junction Interstate Highways 26 and 85: from Hendersonville over U.S. Highway 64 to junction Interstate Highway 26, thence over Interstate Highway 26 to junction U.S. Highway 176, thence over U.S. Highway 176 to junction North Carolina Highway 108, thence over North Carolina Highway 108 to junction Interstate Highway 26, thence over Interstate Highway 26 to junction Interstate Highway 85, near Spartanburg, S.C., and return over the same route, serving all intermediate points, (2) between Newport and Tazewell, Tenn., over U.S. Highway 25E, serving all intermediate points, and (3) between Harlan, Ky., and junction new U.S. Highway 119 and old U.S. Highway 119 over new U.S. Highway 119 approximately 3 miles west of Harlan, serving all intermediate points. (Applicant respectfully requests that simultaneously with the granting of the authority sought in (3) above, that its presently held authority over old U.S. Highway 119 between Harlan, Ky., and junction old U.S. Highway 119 and new U.S. Highway 119 be revoked), and (B) Irregular routes: *Passengers and their baggage*, in charter operations, between points on the above described routes, to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Asheville, N.C., or Knoxville, Tenn.

No. MC 14071 (Sub-No. 3), filed May 8, 1967. Applicant: LEBANON BUS CO., a corporation, 539 East Cumberland Street, Lebanon, Pa. 17042. Applicant's representative: James W. Hagar, Post Office Box 432, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing, or pleasure tours, beginning and ending at Elstonville, Pa., and points within 15 miles thereof, and extending to points in the United States including Alaska and Hawaii. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130038, filed May 5, 1967. Applicant: ARISTA STUDENT TRAVEL ASSOCIATION, INC., 589 Fifth Avenue, Second Floor, New York, N.Y. 10017. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in charter operations, of high school and junior high school students, in groups, accompanied by chaperones, in all expense cultural and educational tours of no less than 30 days duration, during the months of June, July, and August, annually, beginning and ending at New York, N.Y., and extending to points in the continental United States.

APPLICATION FOR FREIGHT FORWARDER

No. FF-173 (Sub-No. 2), FRANK P. DOW COMPANY, INC. EXTENSION—LONGVIEW (2), filed April 17, 1967. Applicant: FRANK P. DOW COMPANY, INC. (Office Address), Olympic National Building, Seattle, Wash. (Send all correspondence to), 354 South Spring Street, Los Angeles, Calif. 90013. Applicant's representative: David A. Sutherlund, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a *freight forwarder* in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, or motor vehicle in the transportation of *general commodities* (except fur skins, dried eggs, bristles, and hog casings, when destined to New York, N.Y., and used household goods and used automobiles) when imported from Longview, Wash., Stockton, Calif., and San Diego, Calif., to points in the United States east of and including points in North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held initially at Los Angeles, Calif., and, if necessary, for continued hearing, at Chicago, Ill., and New York, N.Y.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 115067 (Sub-No. 3), filed May 1, 1967. Applicant: CLARENCE D. SPENCER, JR. and LOUISE M. SPENCER, a partnership, doing business as INDEPENDENT MOTOR TRANSPORT, 530 West Queen Avenue, Albany, Oreg. Applicant's representative: Earle V. White 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Linn and Benton Counties, Oreg. Restriction: To shipments moving on the through bill of lading of a forwarder operating under the section 402(b)(2) exemption, and having an immediately prior or subsequent linehaul movement by rail, motor, water, or air carrier. NOTE: Applicant states that the above proposed service is to be limited to providing a local service for a forwarder of used household goods.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5773; Filed, May 24, 1967; 8:45 a.m.]

[Ex Parte No. 256]

INCREASED FREIGHT RATES, 1967

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on 19th day of May A.D. 1967.

It appearing, that on May 18, 1967, a petition was filed with the Interstate Commerce Commission by the railroads listed in Appendix I thereto, being substantially all railroads in eastern and western territories, in which it is requested that the Commission institute an investigation into the adequacy of freight rates and charges of all carriers by railroad within the United States; make all carriers by railroad within the United States respondents therein and authorize and permit increases in all freight rates and charges within, from, to, and via eastern territory, as defined in Appendix II to the petition, and within, from, to, and via western territory, as defined in said Appendix II, on the bases set forth in Appendix III to the said petition and an accompanying motion for an emergency increase in such rates and charges. Petitioners also seek permission in said petition and motion to make such increased rates and charges effective at the earliest practicable date, upon 1 day's notice, subject to the condidition that refund be made in the event that, after such investigation as the Commission may deem necessary, no increase or a lesser increase than that set forth in said Appendix III is allowed with respect to particular rates; and pray for the entry of an order modifying all outstanding orders of the Commission to the extent necessary to enable the railroads to make the proposed increased rates and charges effective; and also for the entry of appropriate orders under sections 4 and 6 of the Interstate Commerce Act.

And it further appearing, that on May 19, 1967, a petition was filed by substantially all railroads in the southern region requesting an investigation of the adequacy of freight rates and charges within, to, and from southern territory and proposing a plan of increases to be made effective at the earliest practicable date, subject to a refund provision similar to that referred to in the preceding paragraph.

Upon consideration of the above-entitled petitions and motion, and good cause appearing therefor:

It is ordered:

1. That an investigation under the above caption be and it is hereby instituted into and concerning the adequacy of all freight rates and charges of all common carriers by railroad in the United States and into the reasonableness and lawfulness thereof; said investigation to include the proposals of the eastern and western railroads and of the southern railroads for increases in rates and charges as set forth in their respective petitions.

2. That all common carriers by railroad subject to the Interstate Commerce Act be and they are hereby made respondents to this proceeding.

3. That under section 4 of the Administrative Procedure Act (5 U.S.C. sec. 553), sections 4, 6, 15, and 15a of the Interstate Commerce Act (49 U.S.C. secs. 4, 6, 15, and 15a) any person may submit statements in the following manner:

(a) *Verified statements in support of petitions and motion.* An original and 24 copies of verified (sworn) statements in support of the petitions and motion shall be furnished to the Commission, and one copy of each shall be sent by first-class mail to each of the Regional Offices of the Commission listed in the appendix where it will be open to public inspection. Such statements must be filed on or before June 2, 1967. A copy of such statements shall be furnished to any interested person upon request.

(b) *Verified statements not in support of petitions and motion.* An original and 24 copies of verified (sworn) statements in opposition to the petitions and motion, or not in support thereof, shall be furnished to the Commission, and 25 copies shall be furnished to the Committees of Railroad Counsel, 1024 Transportation Building, Washington, D.C. 20006, for the railroads. One copy of such statements shall be sent by first-class mail to each of the Regional Offices of the Commission listed in the appendix where it will be open to public inspection. These statements must be filed on or before July 3, 1967. A copy shall be furnished to any interested person upon request. Statements should specify the particular order or orders, if any, of which modification is objected to, and the reasons therefor.

(c) *Verified statements in reply.* Verified (sworn) statements in reply must be filed on or before July 10, 1967, and an original and 24 copies thereof must be furnished to the Commission. The person whose verified statement is being replied to shall be served with a copy of the reply by first-class mail, a copy of each reply statement shall be sent to each of the Regional Offices of the Commission listed in the appendix where it will be open to public inspection, and a copy thereof shall be furnished to any interested party upon request. Additional copies shall be made available in Washington (at Room 1024, Transportation Building) for the person whose verified statement is being replied to or any other interested person who may be in Washington for the oral argument mentioned in the following paragraph hereof.

(d) *Oral argument.* An oral argument will be held before the Commission at its offices in Washington, D.C., beginning at 10 o'clock, a.m., on July 11, 1967. Any person desiring to participate in oral argument should request an allotment of time, as provided by the Commission's general rules of practice. The oral argument will include the issues of whether to grant the relief requested in the petitions and motion and whether any further investigation is necessary as to any particular rates or charges, or whether the investigation may be discontinued as to such particular rates or charges. Briefs in lieu of or supplementing oral argument may be filed on or before July 12, 1967.

(e) *Protests.* Unsworn statements (protests) against the proposed increases may also be filed by any person on or before July 6, 1967. Such protests need not be in the form of affidavits. An original and seven copies should be submitted to the Commission and 25 copies of such protests should be furnished to the Committees of Railroad Counsel, 1024 Transportation Building, Washington, D.C. 20006, for the railroads. Replies to such protests may be filed as provided by § 1.42(d) of the Commission's general rules of practice.

(f) *Oral hearings.* It is contemplated that an interim report will be issued by the Commission following oral argument, and thereafter, to the extent found necessary in the report, further investigation of particular rates and charges will be made including oral hearings and cross-examination.

A copy of Freight Commodity Statistics of Class I Railroads in the United States for the year ended December 31, 1965, will be available at the Office of the Secretary, Interstate Commerce Commission and at each of the Regional Offices listed in the appendix for use by any party. The Commission will take official notice of the analyses of the 1-percent sample of Waybills by the Commission's Bureau of Economics.

And it is further ordered, That a copy of this order be filed with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

APPENDIX

Regional Offices of the Commission to which a copy of verified statements are to be sent. Other copies are to be sent to the Commission, Washington, D.C. 20423, as provided by the order.

Regional Office, Interstate Commerce Commission, John Fitzgerald Kennedy Building, Government Center, Room 2211B, Boston, Mass. 02203.

Regional Office, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

Regional Office, Interstate Commerce Commission, 680 West Peachtree Street, NW., Atlanta, Ga. 30308.

Regional Office, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

Regional Office, Interstate Commerce Commission, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

Regional Office, Interstate Commerce Commission, Federal Office Building, 450 Golden Gate Avenue, Post Office Box 36004, San Francisco, Calif. 94102.

[F.R. Doc. 67-5828; Filed, May 24, 1967; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 22, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41029—*Joint motor-rail rates—eastern central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 450), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic or New England territories, on the one hand, and points in Central States, middlewest, or southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 21 to The Eastern Central Motor Carriers Association, Inc., agent, tariff MF–ICC A–268.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–5829; Filed, May 24, 1967; 8:49 a.m.]

[Notice 391]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 22, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29566 (Sub-No. 127 TA), filed May 18, 1967. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Wichita, Kans., to Lincoln, Norfolk, and Omaha, Nebr., for 180 days. Supporting shipper: Cudahy Co., 22d and Broadway, Wichita, Kans. 67219. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 35906 (Sub-No. 1 TA), filed May 18, 1967. Applicant: JOHN LESTICIAN, doing business as JOHN LESTICIAN TRUCKING, 484 Bunting Avenue, Trenton, N.J. 08611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pea coal*, from Trenton, N.J., to Fort Dix, N.J., for 180 days. Supporting shipper: Department of the Army, Purchasing & Contracting Office, Fort Dix, N.J. 08640. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 106760 (Sub-No. 78 TA), filed May 18, 1967. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43614. Applicant's representative: O. L. Thee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, complete, knocked down, or in sections, including component parts, materials, supplies and fixtures, and when shipped with those buildings, accessories used in the erection, construction, and completion thereof*, from Norman, Okla., to points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, and Texas, for 180 days. Supporting shipper: Powell's Plastic Hexagon Homes, Norman (Cleveland County), Okla. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, Toledo, Ohio 43604.

No. MC 108207 (Sub-No. 221 TA), filed May 18, 1967. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocktail dips*, from Dallas, Tex., to Wichita, Hutchinson, Liberal, and Topeka, Kans., for 150 days. Supporting shipper: Bluebonnet Gourmet Foods, 910 North Lancaster Avenue, Dallas, Tex. 75203. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 124078 (Sub-No. 278 TA), filed May 18, 1967. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and compressed gases* (except liquefied petroleum gases), in shipper-owned trailers, from Butler, Pa., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin in and east of Iron, Price, Taylor, Clark, Jackson, and La Crosse Counties, Wis., and the District of Columbia; and (2) *liquid and compressed gases* (except liquefied petroleum gases), in cylinders and cylinder cradles, from Butler, Pa., to points in Ohio in and east of Lucas, Wood, Hancock, Hardin, Logan, Champaign, Madison, Fayette, Ross, Pike, Jackson, and Gallia Counties, Ohio; to points in West Virginia in and north of Cabell, Putnam, Kanawha, Fayette, and Greenbrier Counties, W. Va.; to points in Virginia in, north, and west of Alleghany, Rockbridge, Nelson, Albemarle, Orange, Culpeper, Stafford, Prince William, and Fairfax Counties, Va.; to points in Maryland in and west of Montgomery, Howard, Baltimore, Baltimore City, and Harford Counties, Md.; to points in Pennsylvania in and west of York, Lancaster, Berks, Schuylkill, Luzerne, Wyoming, and Bradford Counties, Pa.; to points in New York in and west of Tioga, Tompkins, Seneca, and Wayne Counties, N.Y.; and to the District of Columbia; for 150 days. Supporting shipper: Airco Industrial Gases Division, Air Reduction Co., Inc., 150 East 42d Street, New York, N.Y. 10017 (J. N. Fogelberg, Manager, Transport Equipment). Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 128710 (Sub-No. 1 TA), filed May 18, 1967. Applicant: SATELLITE EXPRESS, INC., 57 West Park Avenue, Vineland, N.J. 08360. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perishable subsistence*, moving on Government bills of lading, from Jersey City, N.J., to U.S. Army Depot, Tobyhanna, Pa., Niagara Falls Municipal Airport, N.Y., Seneca Army Depot, Romulus, N.Y., Veterans Administration Hospital, Canandaigua, N.Y., Veterans Administration Hospital, Castle Point, N.Y., Veterans Administration Hospital, Montrose, N.Y., Medina, N.Y., and Veterans Administration Hospital, Albany, N.Y., for 150 days. Supporting shipper: Headquarters, Military Traffic, Management and Terminal Service, Department of the Army, Washington, D.C., and/or U.S. Defense Supply Agency. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 129088 TA, filed May 18, 1967. Applicant: CAROLINA VAN & STORAGE CO., INC., Post Office Box 1367, 2100 Old Garner Road, Raleigh, N.C. 27602. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square

South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Carolina, restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments; for 180 days. Supporting shippers: CTI-Container Transport International, Inc., 17 Battery Place, New York, N.Y. 10004; and Express Forwarding & Storage Co., Inc., 17 Battery Place, New York, N.Y. 10004. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

MOTOR CARRIERS OF PASSENGERS

No. MC 94774 (Sub-No. 4 TA), filed May 18, 1967. Applicant: BROWN'S BUS SERVICE, INC., doing business as PENN JERSEY COACHWAYS, 35 Cornell Avenue, Gloucester City, N.J. 08030. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Chester, Pa., and Gloucester City, N.J., from Chester over U.S. Highway 13 to junction Pennsylvania Highway 420, thence over Pennsylvania Highway 420 to Essington, Pa., thence over Pennsylvania Highway 291 to Philadelphia, Pa., thence over Walt Whitman Bridge and city streets to Camden and Gloucester City, and return over the same route, serving all intermediate points, for 180 days. NOTE: Applicant presently conducts operations under No. MC 94774 (Sub-No. 2), between Chester, Pa., and Camden, N.J., serving all intermediate points, subject to the condition that service is restricted to the transportation of passengers who are picked up or discharged at the site of the plant of the New York Ship Building Corp. at Camden. By this application, applicant seeks extension of its present route, a distance of approximately 1 mile to 10th and Brick Streets, Gloucester City, N.J., and the removal of the restriction now imposed. Supported by: There are statements from various daily riders attached to the application, that may be examined here at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-5830; Filed, May 24, 1967; 8:49 a.m.]

[Notice 1523]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 22, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69615. By order of May 18, 1967, the Transfer Board approved the transfer to Raymond J. Stevens, doing business as Caravan Movers, 60 Thornfell Street, Springfield, Mass. 01104, of the operating rights of Joseph Sosnofsky, doing business as Sosnow's Express, 43 Jefferson Avenue, Springfield, Mass. 01107, authorizing the transportation, over irregular routes, of household goods, between Springfield, Mass., on the one hand, and, on the other, points in Connecticut and New York, and of salvaged merchandise, including bankrupts' stock and fixtures, between Springfield, Mass., on the one hand, and, on the other, points in Connecticut, and in a described portion of New York.

No. MC-FC-69621. By order of May 18, 1967, the Transfer Board approved the transfer to Helderman Trucking Co., Inc., Post Office Box 128, Gold Hill, N.C., of the certificate of registration No. MC-99101 (Sub-No. 1) issued December 17, 1963, to C. L. Helderman, doing business as Helderman Trucking Co., Post Office Box 128, Gold Hill, N.C., evidencing a right to engage in interstate or foreign commerce in the transportation of the commodities specified therein between points in North Carolina.

No. MC-FC-69625. By order of May 18, 1967, the Transfer Board approved the transfer to Dick Kindschy, Boyceville, Wis., of certificate No. MC-62409, issued July 16, 1937, to Robert U. Schlough, Boyceville, Wis., and acquired by Lyndon Schlough, Boyceville, Wis., pursuant to No. MC-FC-65271, consummated October 31, 1962, authorizing the transportation of livestock and farm products, from points and places in Sheridan, Hay River, Tiffany, and New Haven Townships, Dunn County, and Vance Creek and Prairie Farm Townships, Barron County, Wis., to Minneapolis, St. Paul, and South St. Paul, Minn., and general commodities, with the usual exceptions, from Minneapolis, St. Paul, and South St. Paul, to the above-specified origin points. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-69628. By order of May 17, 1967, the Transfer Board approved the transfer to Ralph R. Boltz, doing business as Boltz Brothers, Myerstown, Pa., of corrected certificate No. MC-95161, issued September 9, 1952, to Ralph B. Boltz and Ammon J. Boltz, a partnership, doing business as Boltz Bros., Myerstown, Pa., authorizing the transportation of agricultural commodities, over a regular route between Bethel, Pa., and Baltimore, Md., and, on return, feeds, fertilizer, and fertilizer materials. Christian V. Graf and John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-5831; Filed, May 24, 1967; 8:49 a.m.]

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FEDERAL REGISTER

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Thursday, May 25, 1967 • Washington, D.C.

PART II

Department of State

Agency for International Development

[A.I.D. Regulation 1]

•

Commodity Transactions Financed by A.I.D.





Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Title 22, Chapter II, Part 201 (A.I.D. Reg. 1 as revised) was promulgated September 12, 1964 in 29 F.R. 12895 et seq. Amendments thereto were published in 29 F.R. 18288, 30 F.R. 12941, 31 F.R. 14079, 31 F.R. 15195, 31 F.R. 16693, 32 F.R. 494, 32 F.R. 495, 32 F.R. 923, and 32 F.R. 6488. Because of the number and complexity of the amendments, Part 201 is republished as set forth below. This republication contains editorial, but no substantive changes.

Subpart A—Definitions and Scope of This Part

Sec.
201.01 Definitions.
201.02 Scope.

Subpart B—Conditions Governing the Eligibility of Procurement Transactions for A.I.D. Financing

201.10 Purpose.
201.11 Eligibility of commodities.
201.12 Eligibility of incidental services.
201.13 Eligibility of delivery services.
201.14 Eligibility of bid bonds and performance guaranties.
201.15 U.S.-flag vessel shipping requirement.

Subpart C—Procurement Procedures—Responsibilities of Importers

201.20 Purpose.
201.21 Notice to supplier.
201.22 Formal competitive bid procedures.
201.23 Other procurement procedures.
201.24 Solicitation of bids and quotations.
201.25 Advance and progress payments for custom-made commodities.
201.26 Bid bonds and performance guaranties.
201.27 Expenditure of marine insurance loss payments.

Subpart D—Responsibilities of Suppliers

201.30 Purpose.
201.31 Suppliers of commodities.
201.32 Suppliers of delivery services.
201.33 Prior review of proposed sales.

Subpart E—General Provisions Relating to A.I.D. Financing of Commodities and Commodity-Related Services

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201.41 Audit and inspection.
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201.44 Vesting in A.I.D. of title to commodities.
201.45 Termination or modification of a loan, grant, or implementing document.
201.46 Compensation to supplier if shipment is prohibited.
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Subpart F—Payment and Reimbursement

201.50 Purpose.
201.51 Methods of financing.
201.52 Required documents.
201.53 Final date for presentation of documents.

Subpart G—Price Provisions

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201.60 Purpose and applicability of this subpart.
201.61 Meaning of terms in this subpart.
201.62 Responsibilities of borrower/grantee and of supplier.
201.63 Maximum prices for commodities.
201.64 Application of the price rules to commodities.
201.65 Commissions, service payments, and discounts.
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201.67 Maximum freight charges.
201.68 Maximum prices for commodity-related services.
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201.73 Limitations on the responsibilities of banks.
201.74 Additional documents for A.I.D.
201.75 Termination or modification.

Subpart I—Rights and Remedies of A.I.D., Waiver Authority, and Transitory Provisions

201.80 Purpose.
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201.83 No waiver of alternative rights or remedies by A.I.D.
201.84 Limitation on period for making refund requests.
201.85 Waiver and amendment authority.
201.86 Continuation in effect of certain prior issuances.
Appendix A—Supplier's Certificate and Agreement with the Agency for International Development.
Appendix B—Instructions for Notice of Proposed Procurement.
Appendix C—Certificate and Agreement With the Agency for International Development Concerning Commission and Service Payments Associated With Commodity Sales Financed With Foreign Assistance Funds.
Appendix D—Certificate and Agreement Regarding Concerted Pricing.

AUTHORITY: The provisions of this Part 201 issued under sec. 621, 75 Stat. 445; 22 U.S.C. 2402.

Subpart A—Definitions and Scope of This Part

§ 201.01 Definitions.

As used in this part, the following terms shall have the meanings indicated below:

(a) *The Act.* "The Act" means the Foreign Assistance Act of 1961, as amended from time to time.

(b) *A.I.D.* "A.I.D." means the Agency for International Development or any successor agency, including, when applicable, each US AID.

(c) *A.I.D. geographic code.* "A.I.D. geographic code" means a code in the A.I.D. Geographic Code Book which designates a country, a group of countries, or an otherwise defined area.

(d) *AID/W.* "AID/W" means the A.I.D. in Washington, D.C. 20523, including any office thereof.

(e) *Approved applicant.* "Approved applicant" means the person or organization designated by the borrower/grantee to establish credits with banks in favor of suppliers or to instruct banks to make payments to suppliers, and includes any agent acting on behalf of such approved applicant.

(f) *Bank.* "Bank" means a banking institution organized under the laws of the United States, or any State, territory, or possession thereof, or Puerto Rico or the District of Columbia.

(g) *Borrower/grantee.* "Borrower/grantee" means the government of any cooperating country, or any agency, instrumentality or political subdivision thereof, or any private entity to which A.I.D. directly makes funds available by loan or grant.

(h) *Commodity.* "Commodity" means any material, article, supply, goods, or equipment.

(i) *Commodity-related services.* "Commodity-related services" means delivery services and/or incidental services.

(j) *Cooperating country.* "Cooperating country" means any country to which A.I.D. provides any form of assistance under the Act.

(k) *Delivery.* "Delivery" means the transfer to, or for the account of, an importer of the right to possession of a commodity, or the rendering to, or for the account of, an importer of any commodity-related service.

(l) *Delivery services.* "Delivery services" means any service customarily performed in a commercial export transaction which is necessary to effect a physical transfer of commodities from the country of export to the cooperating country. Examples of such services are the following: Export packing, local drayage in the source country (including waiting time at the dock), ocean and other freight, loading, heavy lift, wharfage, tollage, switching, dumping and trimming, lighterage, insurance, commodity inspection services, and services of a freight forwarder. "Delivery services" may also include work and materials necessary to meet A.I.D. marking requirements.

(m) *Implementing document.* "Implementing document" means any document issued by A.I.D. which authorizes the use of A.I.D. funds for the procurement of commodities and/or commodity-related services and which specifies conditions which will apply to such procurement.

(n) *Importer.* "Importer" means any person or organization, governmental or otherwise, in the cooperating country who is authorized by the borrower/grantee to use A.I.D. funds under this Regulation for the procurement of commodities, and includes any borrower/grantee who undertakes such procurement.

(o) *Incidental services.* "Incidental services" means the installation or erection of A.I.D.-financed equipment, or the training of personnel in the maintenance, operation and use of such equipment.

(p) *Purchase contract.* "Purchase contract" means any contract or similar arrangement under which a supplier fur-

nishes commodities and/or commodity-related services financed under this Part 201.

(q) *Source.* "Source" means the country from which a commodity is shipped to the cooperating country, or the cooperating country if the commodity is located therein at the time of the purchase. Where, however, a commodity is shipped from a free port or bonded warehouse in the form in which received therein, "source" means the country from which the commodity was shipped to the free port or bonded warehouse.

(r) *Supplier.* "Supplier" means any person or organization, governmental or otherwise, who furnishes commodities and/or commodity-related services financed under this Part 201.

(s) *Supplier's Certificate.* "Supplier's Certificate" means AID Form 282, "Supplier's Certificate and Agreement with the Agency for International Development", including the "Invoice-and-Contract Abstract" on the reverse of such form (Appendix A to this Part 201), or any substitute form which may be prescribed in the letter of commitment, request for the opening of a special letter of credit, or other pertinent implementing document.

(t) *United States.* "United States" means the United States of America, any State, territory or possession thereof, Puerto Rico and the District of Columbia.

(u) *US AID.* "US AID" means the A.I.D. mission or representative to any cooperating country.

(v) *Certificate and Agreement Regarding Concerted Pricing.* "Certificate and Agreement Regarding Concerted Pricing" means A.I.D. Form 285 (Appendix D to this Part 201).

(w) *Certificate Concerning Commissions.* "Certificate Concerning Commissions" means the Certificate and Agreement with the Agency for International Development Concerning Commissions and Service Payments Associated with Commodity Sales Financed with Foreign Assistance Funds" (A.I.D. Form 283) which appears as Appendix C to this Part 201.

§ 201.02 Scope.

The appropriate implementing document will indicate whether and the extent to which this Part 201 shall apply to the procurement of commodities or commodity-related services or both.

(a) The borrower/grantee is responsible for compliance with the applicable provisions of this Part 201 by importers and suppliers and for assuring that importers and suppliers are informed of the extent to which this Part 201 applies.

(b) Subpart B sets forth conditions governing the eligibility for A.I.D.-financing of transactions covering commodities and commodity-related services.

(c) Subpart C prescribes procedures which importers shall follow in purchasing commodities.

(d) Subpart D sets forth the responsibilities of suppliers.

(e) Subpart E contains provisions relating to

(1) The diversion of shipments and the vesting in A.I.D. of title to commodities.

(2) The effect of termination or modification of any loan, grant or implementing document; and

(3) A.I.D. audit and inspection rights.

(f) Subpart F describes the financing process and prescribes the documents which shall be submitted to banks and to A.I.D.

(g) Subpart G contains the price tests which shall be met and limitations on amounts and types of payments which A.I.D. will finance.

(h) Subpart H defines the rights and responsibilities of banks.

(i) Subpart I sets out the rights and remedies which are reserved to A.I.D. and provides for the waiver under special circumstances of the provisions of this Part 201. The subpart also contains necessary transitory provisions.

(j) Unless otherwise indicated, references in this Part 201 to subparts or to sections relate to subparts or sections of this Part 201.

Subpart B—Conditions Governing the Eligibility of Procurement Transactions for A.I.D. Financing

§ 201.10 Purpose.

This subpart sets forth requirements for A.I.D. financing applicable to transactions for the procurement of commodities and/or commodity-related services.

§ 201.11 Eligibility of commodities.

To qualify for A.I.D. financing, a commodity procurement transaction shall satisfy the following requirements:

(a) *Description and condition of the commodity.* The commodity shall conform to the description in the implementing document. Unless otherwise authorized by AID/W in writing, the commodity shall be unused, and may not have been disposed of as surplus by any governmental agency.

(b) *Source*—(1) *General rule.* The source of the commodity shall be a country authorized in the implementing document by name or by reference to an A.I.D. geographic code. In addition, the commodity shall have been mined, grown, or through manufacturing, processing, or assembly produced in a source country authorized in the implementing document.

(2) *Exceptions.* A produced commodity will not be eligible for A.I.D. financing if

(i) It contains any component from countries other than free world countries as listed in A.I.D. geographic code 899; or

(ii) It contains components which were imported into the country of production from such free world countries other than authorized source countries; and

(*a*) Such components were acquired by the producer in the form in which they were imported; and

(*b*) The total cost of such components (delivered at the point of production) amounts to more than 10 percent, or such other percentage as A.I.D. may prescribe, of the lowest price (excluding the cost of ocean transportation and marine insurance) at which the supplier makes the commodity available for export sale (whether or not financed by A.I.D.).

(3) *Waiver provision.* AID/W may from time to time waive or modify the requirements of subparagraph (2)(ii) of this paragraph (b) if in its view such action is necessary to achieve A.I.D.'s objective of conformity with normal industry practices.

(c) *Date of shipping documents.* The documents required as evidence of shipment under § 201.52(a)(4) shall show that the date of shipment was within the shipping period, if any, specified in the implementing document.

(d) *Medium of transportation.* Shipment shall not be effected

(1) By a transportation medium owned, operated or under the control of any country not included within A.I.D. geographic code 899; or

(2) From the United States on a vessel which A.I.D. has designated ineligible; or

(3) Under any ocean or air charter which has not received prior approval by AID/W.

(e) *Marine insurance.* If A.I.D. determines that the government of a cooperating country, by statute, decree, rule, or regulation, discriminates with respect to A.I.D.-financed procurement against any marine insurance company authorized to do business in any State of the United States, then any A.I.D.-financed commodity shipped to the cooperating country shall be insured against marine risks and such insurance shall be placed in the United States with a company or companies authorized to do a marine insurance business in a State of the United States. "Discrimination" within the meaning of this paragraph (e) may be found to exist whenever the effect of governmental action by a cooperating country is to hinder an importer in entering into a c.i.f. contract with a U.S. supplier or in instructing a U.S. supplier to place marine insurance in the United States.

(f) *Timely submission of documents.* All documents required under § 201.52 to be submitted by a supplier in order to receive payment or reimbursement shall be submitted to A.I.D. or to a designated bank, whichever is appropriate, on or before the terminal date specified in the letter of commitment, the request for the opening of a special letter of credit, or other implementing document.

(g) *U.S. Treasury Department regulations.* Procurement transactions shall comply with the requirements of the Foreign Assets Control Regulation and Cuban Assets Control Regulation of the U.S. Treasury Department.

(h) *Commodities shipped out of free port or bonded warehouse.* No commodity shipped out of a free port or bonded warehouse is eligible for A.I.D. financing if it was shipped to the free port or bonded warehouse without compliance with the requirements set forth in paragraph (d) (1) and (2) of this § 201.11.

(i) *Purchase price.* The purchase price for the commodity shall satisfy the requirements of Subpart G.

§ 201.12 Eligibility of incidental services.

Incidental services may be financed under the same implementing document which makes funds available for the procurement of equipment if

(a) The supplier does not procure such services with local currency in the cooperating country; and

(b) Such services are specified in the purchase contract relating to the equipment.

§ 201.13 Eligibility of delivery services.

Delivery services will be financed by A.I.D. in the manner provided in this § 201.13.

(a) *General.* Delivery services which relate to A.I.D.-financed commodities may be financed under the implementing document which authorizes the purchase of the commodities or under a separate implementing document.

(b) *Conditions and limitations*—(1) *Freight.* Unless otherwise authorized, A.I.D. will not finance freight

(i) For shipment beyond the point of entry in the cooperating country; or

(ii) On any non-U.S.-flag transportation medium or any U.S.-flag vessel transferred from foreign-flag to provisional U.S.-flag registry under 46 U.S.C. section 12 for carriage of commodities to the cooperating country, or to or from a free port or bonded warehouse; or

(iii) On any vessel designated by A.I.D. as ineligible to carry A.I.D.-financed cargo; or

(iv) On any liner vessel for which the rate applicable to the commodity shipped and applying to both A.I.D.-financed and non-A.I.D.-financed cargo has not been filed with the Federal Maritime Commission (whether or not such filing is required by the Federal Maritime Commission); or

(v) Under any ocean or air charter covering full or part cargo (whether for a single voyage, consecutive voyages, or a time period) which has not received prior approval by AID/W (Resources Transportation Division); or

(vi) Which is attributable to brokerage commissions which exceed the limitations specified in § 201.65(l) or to address commissions, dead freight, or demurrage.

(2) *Inspection services.* A.I.D. will finance inspection of A.I.D.-financed commodities if such inspection is performed by independent inspectors at the request of the importer and is either customary in export transactions for the commodity involved or is necessary to determine conformity of the commodities to the contract.

(3) *Insurance.* (i) A.I.D. will finance U.S. dollar premiums for marine insurance including war risk on A.I.D.-financed commodities, if

(*a*) The insurance is placed on a competitive basis, in an authorized source country, with a company or companies authorized to do a marine insurance business in any State of the United States; and

(*b*) Such insurance is placed either in accordance with the terms of the commodity purchase contract or by, or on the written instructions of, the importer; and

(c) Insurance coverage relates only to the period during which the commodities are in transit to the cooperating country, except that it may include coverage under a so-called "warehouse-to-warehouse" clause; and

(*d*) The premiums do not exceed the limitations contained in § 201.68.

(*e*) Within 15 days after payment by a supplier of marine insurance of any loss claim in excess of $6,000 to the assured or to his assignee under any marine insurance policy financed by A.I.D. pursuant to this Part 201, the supplier of marine insurance notifies A.I.D., Office of the Controller, of the amount and date of the payment, a description of the commodity, the A.I.D. number, name of carrier, vessel, and voyage number (alternatively, flight or inland carrier run number), date of the bill of lading, the identity and address of the assured, and the identity and address of any assignee of the assured to whom payment has actually been made.

(ii) Within the meaning of § 201.11(e) as well as of this subparagraph, insurance is "placed" in a country only if payment of the insurance premium is made to, and the insurance policy is issued by, an insurance company office located in said country. "On a competitive basis" means under conditions of effective competition, but not necessarily under formal competitive bid procedures.

§ 201.14 Eligibility of bid bonds and performance guaranties.

The cost of any bid bond posted by a successful bidder or of any guaranty of performance posted by a supplier is eligible for financing under the implementing document to the extent that the principal amount of the bond or guaranty does not exceed the amount customary in international trade for the type of transaction and commodity involved: *Provided,* That the bid bond and guarantee of performance must be payable in U.S. dollars and must conform to the requirements of the invitation for bids or the contract, as applicable.

§ 201.15 U.S.-flag vessel shipping requirement.

(a) *General requirement.* At least 50 percent of the gross tonnage of all commodities financed with A.I.D. dollar funds and transported to the cooperating country on ocean vessels shall be transported on privately owned U.S.-flag commercial vessels. The foregoing requirement shall apply separately for any dry bulk carrier shipments, dry cargo liner shipments, and tanker shipments from each of the following geographical areas:

(1) United States;
(2) Europe and Africa;
(3) Near East and South Asia;
(4) Latin America and Canada; and
(5) Far East.

(b) *Responsibility of borrower/grantee.* The borrower/grantee shall be responsible for assuring compliance with the requirements of paragraph (a) of this § 201.15 and for imposing upon subborrowers, contractors and importers such requirements regarding shipping arrangements with suppliers as will assure discharge of this responsibility. Such compliance shall be achieved during each U.S. fiscal year (July 1–June 30) as well as each quarterly period thereof, or during such other period or periods as may be specified by A.I.D. in agreements or implementing documents.

(c) *Nonavailability of U.S.-flag vessels.* Upon application of the borrower/grantee, AID/W (Resources Transportation Division) will determine and advise the borrower/grantee whether or not a privately owned U.S.-flag commercial vessel is available for a specific shipment of commodities at fair and reasonable rates. Such determination and advice of nonavailability does not relieve the borrower/grantee of the obligation to comply with the requirements of paragraphs (a) and (b) of this § 201.15 except to the extent that A.I.D. after reviewing shipments by the borrower/grantee during the fiscal year, quarterly period thereof, or other relevant time period, determines that such compliance has not been possible. Any such determination and advice will not render transportation costs on foreign flag vessels eligible for A.I.D. financing.

(d) *Privately owned U.S.-flag commercial vessels.* For purposes of this § 201.15 the term "privately owned U.S.-flag commercial vessels" shall not include any vessel which, subsequent to September 21, 1961, shall have been either built outside the United States, rebuilt outside the United States, or documented under any foreign registry until such vessel shall have been documented under the laws of the United States for a period of 3 years.

Subpart C—Procurement Procedures—Responsibilities of Importers.

§ 201.20 Purpose.

This subpart prescribes procurement procedures which shall apply to an importer whenever a commodity procurement is to be financed by A.I.D.

§ 201.21 Notice to supplier.

The importer is responsible for providing the supplier with the following information (either through the invitation for bids or otherwise):

(a) Notice that the transaction is to be financed by A.I.D. under this Part 201;

(b) The identification number of the implementing document; and

(c) All additional information prerequisite to A.I.D. financing and contained in the instructions from the borrower/grantee to the importer (for example, eligible source of commodity, periods during which deliveries must be made, shipping provisions, and documentation requirements).

§ 201.22 Formal competitive bid procedures.

If the implementing document requires, or if the importer elects procurement through formal competitive bid procedures, the following minimum requirements shall apply:

(a) *Contents of the invitation for bids.* Every invitation for bids and every attachment or amendment to an invitation shall be in the English language. The invitation shall contain the following:

(1) *Statement of requirements.* The invitation shall state specifically that formal competitive bid procedures apply. The terms and conditions which apply to the procurement shall be clearly indicated, including any factors other than price to be used in evaluation. Commodity specifications shall be stated in terms of U.S. standards, in a nonrestrictive manner, and in sufficient detail to permit maximum response from prospective suppliers.

(2) *Statement regarding submission of bids.* Invitations for bids shall state the applicable invitation number, the address to which bids are to be sent, the closing hour and date for submission and the date, hour, and place for public opening of bids. If additional drawings, details, or regulations or forms are necessary for bidding, the invitation shall state where such material may be obtained.

(3) *Statement regarding this Part 201.* Invitations for bids shall expressly indicate the extent to which any resulting contract is subject to the requirements of this Part 201.

(b) *Advertising the invitation for bids.* The invitation for bids shall be advertised in the manner described in § 201.24(a)(1).

(c) *Handling bids.* Bids received shall be held intact and sealed and shall be safeguarded against disclosure of contents prior to bid opening. The bids shall be opened publicly as specified in the bid invitation, and all properly submitted bids shall be considered. Direct submission of a bid by a prospective supplier, rather than through an agent or other representative of the supplier in the cooperating country, shall not be cause for rejection.

(d) *Awards.* Every award shall be made to that responsible bidder whose bid, conforming to the invitation for bids, is lowest in price, unless another bid is demonstrably more advantageous to the importer because of any factor (other than price) set forth in the invitation for bids as a factor to be considered in the evaluation of bids.

(e) *Submission of award information to A.I.D.* The importer shall complete Form A.I.D. 11–83 "Abstract of Bids", identifying thereon the successful bidder, and noting any two or more identical bids or any evidence of suspected collusion. If the lowest bid has not been accepted, the importer shall justify the award and shall append to the Abstract a statement of reasons for rejecting all lower bids. The Abstract and any justification statement shall be sent in triplicate to the Office of the Controller, A.I.D., Washington, D.C. 20523, to arrive within 20 days after the award of the contract.

§ 201.23 Other procurement procedures.

(a) *General requirements.* Procurement not subject to § 201.22 shall be made in accordance with good commercial practice. Specifications shall be expressed in terms of U.S. standards and shall be in the English language. All solicitations of quotations and offers shall be made uniformly to a reasonable number of prospective suppliers.

(b) *Notification as adequate solicitation.* If the notification requirements of § 201.24(a)(2) apply, such notification shall be deemed an adequate solicitation of quotations and offers, and all supplementary solicitations shall be consistent with such notification.

(c) *Notice of quotations and offers received.* A.I.D. may require that an importer furnish an abstract in the English language and identify thereon all offers or quotations received, the offer accepted or order placed, the price, the quantity, the name and address of all persons submitting offers or quotations and of their principals, if any (including manufacturers or processors of the commodity).

§ 201.24 Solicitation of bids and quotations.

(a) *Notification requirements.* Except as paragraph (b) or (c) of this § 201.24 may apply, the importer shall comply with the minimum notification requirements set forth in this paragraph (a). He may take such additional steps to notify prospective suppliers as are consistent with prudent procurement.

(1) *Under formal competitive bid procedures.* Invitations for bids must be advertised in the following manner:

(i) *Submission to A.I.D.* Three copies of the invitation for bids must be sent to the Office of Small Business, A.I.D., Washington, D.C. 20523, and 50 copies of the invitation shall be sent to a place in the United States designated by the borrower/grantee and agreed to by A.I.D. Invitations must be available to prospective suppliers free of charge, unless otherwise authorized by the Office of Small Business AID/W. All copies must be accompanied by a complete set of any additional drawings, details, applicable Government regulations, and other pertinent data necessary to the preparation of bids, or make reference to such additional documents as are readily available to the public or are available for public inspection.

(ii) *Time of submission.* Copies of the invitation for bids must be furnished sufficiently in advance of the bid-closing date to permit adequate preparation of bids. Unless a longer period is prescribed by the Office of Small Business, AID/W, or upon application of the importer a lesser period is authorized by such Office, the required copies shall be sent so as to arrive in the Office of Small Business, AID/W, at least 45 days in advance of the bid-closing date.

(2) *Under other procurement procedures.* In procurement other than by formal competitive bids, the solicitation of quotations and offers must include the following: The importer shall submit, in triplicate, to the Office of Small Business, A.I.D., Washington, D.C. 20523, a notice of proposed procurement, which shall include commodity specifications in terms of U.S. standards, and other procurement data, in the English language and in the format set out in "Instructions for Notice of Proposed Procurement" (Appendix B to this Part 201). No importer, importer's agent or representative, or anyone acting in his behalf, shall accept any offer or place any order or agree to accept any offer or place any order until 45 days after the expected arrival of such form at the Office of Small Business, AID/W, in the course of mail. The Office of Small Business may require a longer period or, upon application of the importer, authorize a lesser period.

(3) *Resubmission of notifications to A.I.D.* A.I.D. may require the revision and resubmission to A.I.D. of any invitation for bids which does not comply with the requirements of § 201.22(a) or of subparagraph (1) of this paragraph (a), or of any notice of proposed procurement which does not comply with the requirements of subparagraph (2) of this paragraph (a). In such cases the importer shall effect changes necessary to assure compliance with the applicable requirements. The bid-closing date or the date before which an order may not be placed or accepted will be extended as A.I.D. (Office of Small Business) may instruct. A.I.D. (Office of Small Business) may, when it determines it necessary, return to the importer for revision or resubmission the invitation for bids or the notice of proposed procurement. In such cases the revised invitation or notice must be resubmitted in accordance with all the requirements of this paragraph (a) for original submission to A.I.D.

(b) *Exemption for small value procurement.* Any commodity procurement undertaken by an importer under a single import license or other authority where the estimated landed cost of all purchases made by him under a single three-digit A.I.D. commodity code is less than $5,000 is exempted from the notification requirements of paragraph (a) of this § 201.24. This exemption does not apply to procurement undertaken in amounts of less than $5,000 for the purpose, or with the effect, of evading the requirements of paragraph (a) of this § 201.24.

(c) *Waiver provisions.* A.I.D. may waive any notification requirement in the following situations:

(1) *Procurement under certain special supplier-importer relationships.* (i) A supplier may apply for a waiver for the benefit of a named importer if

(*a*) The procurement concerns a registered brand name commodity

(*1*) Which is for resale by the importer;

(*2*) For which the importer is a regularly authorized distributor or dealer of the supplier; and

(*3*) For which the supplier is the sole distributor; or

(*b*) The procurement concerns a commodity

(*1*) Whis is for resale by the importer;

(2) For which the importer is a regularly authorized distributor or dealer of the supplier; and

(3) For which the supplier is the manufacturer or the manufacturer's regularly authorized exporter for the destination involved; or

(c) The procurement concerns a commodity

(1) Which is procured for manufacture, processing or assembly, and resale of the end-product by the importer;

(2) For which the importer is a regularly authorized distributor or dealer of the supplier; and

(3) For which the supplier is the manufacturer or the manufacturer's regularly authorized exporter for the destination involved; or

(d) The commodity is procured under such other commercial relationship which appears to A.I.D. to merit a waiver from the notification requirements.

(ii) Applications for waiver shall be sent by the supplier to the Office of Small Business, A.I.D., Washington, D.C. 20523, and shall include the following:

(a) The name and address of the importer who serves as the authorized distributor or dealer;

(b) The specific commodities covered by the supplier-importer agreement;

(c) Certification concerning the nature and duration of the commercial relationship between the supplier and the importer, supported by a copy or abstract of the pertinent provisions of any underlying written agreement between the supplier and the importer; and

(d) If the supplier is not the manufacturer of the commodity, a statement containing the pertinent provisions of any underlying agreement between the supplier and the manufacturer.

(iii) The waiver, if granted, will be forwarded in duplicate to the supplier. The supplier is responsible for forwarding one copy of the waiver to the importer and for advising the Office of Small Business, AID/W, of any change in his agreement with the importer which may affect the waiver granted by A.I.D.

(2) *Proprietary procurement.* (i) Procurement where A.I.D. has determined that, in order to assure the interchangeability or standardization of equipment, or because of special design requirements, or for any similar reason, purchase of a commodity by reference to a particular specification, trade name, or designation is necessary.

(ii) Application for waivers shall be made in writing to A.I.D. by the importer and shall include supporting justification together with the recommendations of the borrower/grantee. In the absence of other instructions, such applications shall be submitted to the US AID for transmittal to AID/W. Notice of approval or rejection of any such application for a waiver will normally be transmitted to the importer through the US AID.

(3) *Emergency procurement.* (i) Commodity procurement necessary to avoid a serious delay in project completion or in a plant's production, or to avoid a substantial increase in the cost thereof, if the procurement cannot be effected within the time limitations prescribed by paragraph (a) of this § 201.24 for notification procedures.

(ii) A request for an emergency procurement waiver shall be made by the importer to the US AID. The request shall state the facts justifying such emergency procurement and shall bear the endorsement of the borrower/grantee. Emergency procurement requires the prior written approval of the US AID.

(4) *Special situations.* (i) Procurement in special situations, if AID/W has determined that it would be impracticable or inconsistent with the purposes of the Act to require adherence to the notification procedures prescribed in paragraph (a) of this § 201.24.

(ii) A request for a special situation waiver shall be made by the importer to the US AID. The request shall justify the procurement and shall bear the endorsement of the borrower/grantee. In the absence of other instructions, the US AID shall transmit the request to AID/W for decision.

§ 201.25 Advance and progress payments for custom-made commodities.

(a) Advance or progress payments prior to shipment may be made with A.I.D. funds if the procurement involves any commodity made to the special specifications of the importer and if prior written approval to make such payments has been obtained from A.I.D. by the importer, through the borrower/grantee, or if such payments are authorized in the implementing document. Any request for A.I.D. approval may be submitted either to AID/W or to the US AID for transmittal to AID/W. A.I.D. will consider any such request only if

(1) The total purchase price exceeds $100,000;

(2) Each payment is at least ten percent of such price; and

(3) The total of all payments prior to shipment does not exceed eighty percent of the purchase price.

(b) A.I.D. may require the supplier to post in A.I.D.'s favor either a guaranty of performance or a prepayment bond equal to the amount of the contract. A.I.D. may impose such further conditions as it deems appropriate.

§ 201.26 Bid bonds and performance guaranties.

Whenever the importer requires the posting of a bid bond or performance guaranty, the type of bond or guaranty (whether certified check, irrevocable letter of credit, bank bond, bank guaranty, surety bond, or otherwise) shall be at the option of the bidder or supplier. Posted bid bonds shall be returned to unsuccessful bidders promptly after an award is made. Unless converted to a required guaranty of performance, any bid bond posted by the successful bidder shall also be returned promptly. Performance guaranties (as distinguished from commodity warranties of quality or performance) shall be canceled no later than 30 days after completion of the contract performance guaranteed.

§ 201.27 Expenditure of marine insurance loss payments.

If the importer receives directly or indirectly any marine insurance loss payment under a marine insurance policy financed pursuant to this Part 201, the importer shall use such loss proceeds to procure from a source specified in the implementing document which originally provided the A.I.D. funds commodities which have not been designated by A.I.D. to the borrower/grantee as ineligible for A.I.D. financing.

Subpart D—Responsibilities of Suppliers

§ 201.30 Purpose.

This subpart establishes the responsibilities of suppliers who furnish commodities and/or commodity-related services. The subpart also establishes procedures for prior review by A.I.D. of relevant contract data.

§ 201.31 Suppliers of commodities.

(a) *Performance of the sales contract.* The supplier of commodities shall comply with the terms and conditions of his contract with the importer and of any letter of credit under which he secures payment.

(b) *Eligibility of commodities.* The supplier shall fulfill his responsibilities under § 201.11 by assuring that

(1) The commodity conforms to the description contained in his contract and letter of credit and, unless otherwise authorized by A.I.D. in writing, the commodity is unused and has not been disposed of as surplus by any governmental agency;

(2) The source of the commodity complies with the provisions of § 201.11(b), relating to source as required by his contract or letter of credit, and with the provisions of § 201.11(h), relating to commodities shipped out of free port or bonded warehouse, if the supplier arranged transportation to the free port or bonded warehouse;

(3) The provisions of § 201.11(d) relating to the medium of transportation are complied with to the extent that the supplier arranges such transportation;

(4) All documents required by § 201.52 to be submitted by the supplier to receive payment are submitted by him on or before the terminal date specified in the letter of credit, or, if there is no letter of credit, in his contract;

(5) The provisions of the U.S. Treasury Department Foreign Assets Control Regulation and Cuban Assets Control Regulation are complied with; and

(6) The purchase price of the commodity meets the requirements of Subpart G applicable to the supplier.

(c) *Eligibility of delivery services.* The supplier of commodities shall be responsible for assuring that any delivery services obtained by him for his own or for the importer's account comply with the requirements (other than those relating to freight rates) of § 201.13 and, if required by A.I.D., for assuring that any shipping documents obtained by him contain an appropriate diversion clause pursuant to § 201.43. The supplier shall

deliver to A.I.D. any shipping documents available to him whenever such delivery is requested by A.I.D.

(d) *Commodity marking*—(1) *Affixation of emblem and identification number.* The supplier shall be responsible for assuring that all commodities and their shipping containers, whether shipped from the United States or from any other source country, carry the official A.I.D. (clasped hands) emblem and, in addition, in the case of commodities furnished to countries participating in the Alliance for Progress, the Alliance for Progress (flaming torch) emblem. Emblems shall be affixed by metal plate, decalcomania, stencil, label, tag, or other means, depending upon the type of commodity or shipping container and the nature of the surface to be marked. The emblem placed on the commodities shall be as durable as the trademark, company or brand name affixed by the producer; the emblem on each shipping container shall be affixed in a manner which assures that the emblem will remain legible until the container reaches the consignee. Upon each shipping container the last set of digits of the identification number of the pertinent implementing document shall be marked in characters at least equal in height to the shipper's marks.

(i) *Size of emblems.* The size of an emblem may vary depending upon the size of the commodity and the size of the package or shipping container. The emblem shall in every case be large enough to be clearly visible at a reasonable distance.

(ii) *Design and color of emblems.* Emblems shall conform in design and color to samples available from AID/W (Office of Small Business) and from the US AID.

(2) *Exception to requirement for affixation of emblems.* To the extent compliance is impracticable, affixation shall not be required for

(i) Raw materials shipped in bulk (including grain, coal, petroleum, oil, and lubricants);

(ii) Vegetable fibers packaged in bales; and

(iii) Semifinished products which are not packaged in any way.

(3) *Waiver.* If compliance with the marking requirement is found to be impracticable with respect to other commodities not excepted by subparagraph (2) of this paragraph (d), the supplier (or, when appropriate, the borrower/grantee) may request AID/W (Office of Small Business) for a waiver.

(4) *Display of emblems on ships.* The official A.I.D. (clasped hands) emblem, and, in addition, in the case of shipments to countries participating in the Alliance for Progress, the Alliance for Progress (flaming torch) emblem shall be prominently displayed on all ships during loading and unloading when their cargoes consist entirely of A.I.D.-financed goods. Ship charterers shall insert in charter party agreements instructions relating to the display of A.I.D. emblems.

(e) *Export licenses.* The supplier shall assure that all necessary export licenses are obtained.

(f) *Airmail distribution of shipping documents.* In addition to customary commercial document distribution the supplier shall, at the time of loading the commodities or as soon as practicable thereafter, airmail one set of the following documents to the Controller, US AID, c/o American Embassy in the capital city of the cooperating country to which shipment is being made, or to such other address as is designated to him: a nonnegotiable copy of the ocean or charter party bill of lading or other shipping document, supplier's invoice, and packing list. The supplier shall indicate on each such document the number of the applicable implementing document, if known to the supplier.

(g) *Adjustment refunds, credits, and allowances.* All adjustments in the purchase price in an A.I.D.-financed transaction in favor of the importer arising out of the terms of the contract or the customs of the trade shall be made by the supplier in the form of a dollar payment to A.I.D. Any such payment shall be transmitted to the Office of the Controller, A.I.D., Washington, D.C., and shall be accompanied by a statement explaining the adjustment and shall specify the name and address of the importer, the date and amount of the original invoice, and the identification number of the implementing document, if known, under which the original transaction was financed. A.I.D. will advise the borrower/grantee of such adjustment refunds received. Despatch earned by the supplier, other than despatch earned at the port of loading on c.i.f. and c. & f. shipments, shall be refunded to A.I.D. in accordance with the provision of § 201.67(a)(5).

(h) *Vesting in A.I.D. of title to commodities.* The supplier shall be responsible for compliance with the provisions of § 201.44 applicable to him.

(i) *Termination or modification of A.I.D. financing.* The supplier shall be responsible for compliance with the provisions of § 201.45 applicable to him.

§ 201.32 Suppliers of delivery services.

(a) *Performance of the service contract.* The supplier of delivery services financed by A.I.D. shall comply with the terms and conditions of his contract to supply delivery services.

(b) *Emblems.* A supplier of ocean transportation services shall assure that the A.I.D. emblem and, where applicable, the Alliance for Progress emblem are prominently displayed, during loading and unloading, on any ship whose cargo consists entirely of A.I.D.-financed commodities.

(c) *Adjustments in the price of delivery services.* The supplier of delivery services shall pay to the Controller, A.I.D., Washington, D.C. 20523, all adjustments in the purchase price in favor of the importer (or person purchasing the ocean transportation services) arising out of the terms of the contract or the customs of the trade. Any such payment shall be accompanied by a statement explaining the adjustment and shall specify the name and address of the importer or other person for whom the adjustment is made, the date and amount of the original invoice, and the identification number of the implementing document, if known, under which the original transaction was financed.

(d) *Marine insurance reporting requirement.* With respect to any loss payment in excess of $6,000 which a supplier of marine insurance makes under a marine insurance policy financed pursuant to this Part 201, the supplier of marine insurance shall, within 15 days of making such payment, report to A.I.D., Office of the Controller, the amount and date of the payment, a description of the commodity, the A.I.D. numbers, name of the carrier, vessel, and voyage number (alternatively, flight or inland carrier run number), date of the bill of lading, the identity and address of the assured, and the identity and address of any assignee of the assured to whom payment has actually been made.

§ 201.33 Prior review of proposed sales.

A.I.D. may require that a supplier submit to A.I.D. for prior review any proposed sale of commodities or of commodity-related services which is to be financed by A.I.D. Upon being notified by A.I.D. that such prior review will be required, the supplier shall submit to A.I.D. for review all proposed transactions of the type covered by the notification in accordance with instructions contained therein. The supplier shall also provide any further information, documentation, or certification which A.I.D. may specify after review of a proposed transaction. A.I.D. will notify the supplier of any special documents or certifications which the supplier must submit in order to obtain payment under such transactions and will forward to the banks appropriate amendments to letters of commitment or to requests for the opening of a special letter of credit.

Subpart E—General Provisions Relating to A.I.D. Financing of Commodities and Commodity-Related Services

§ 201.40 Purpose.

This subpart sets forth certain provisions of general application to transactions subject to this part.

§ 201.41 Audit and inspection.

The borrower/grantee shall maintain records adequate to document the arrival and disposition in the cooperating country of all commodities financed by A.I.D. and to identify the importer (or the first purchaser or transferee if the commodity is imported by the borrower/grantee) for a period of 5 years following the date of payment or reimbursement by A.I.D. or for such other period as A.I.D. and the borrower/grantee agree. In addition, the borrower/grantee or the importer shall, to the extent either exercises control or custody over the commodities, permit A.I.D. or any of its authorized representatives at all reasonable times during the 5-year or other agreed period to inspect the commodities at any point, including the point of use, and to inspect all records and documents pertaining to such commodities.

§ 201.42 Reexport of A.I.D.-financed commodities.

Unless specifically authorized by A.I.D., commodities imported into a cooperating country under A.I.D. financing may not be exported in the same or substantially in the same form from the cooperating country. In the event of any unauthorized reexport, the borrower/grantee shall pay promptly to A.I.D., upon demand, the entire amount reimbursed or such lesser or greater amount as A.I.D. may deem appropriate under the circumstances of the particular transaction. Such an amount shall in no event, however, exceed the greater of either the amount reimbursed or the amount realized from the reexport.

§ 201.43 Diversion clause.

A.I.D. may require that charter parties, bills of lading, or other ocean shipping documents covering A.I.D.-financed commodities contain a clause substantially as follows:

A.I.D. may at any time prior to unloading prescribe a different port of discharge from among the ports covered by the applicable conference tariff. Diversion charges shall apply in accordance with the tariff. Deviation insurance and extra handling costs actually incurred shall be reimbursed.

§ 201.44 Vesting in A.I.D. of title to commodities.

(a) *Vesting upon order of A.I.D.* A.I.D. may direct that title to A.I.D.-financed commodities in transit to a cooperating country shall be vested in A.I.D. if in the opinion of A.I.D. such action is necessary to assure compliance with the provisions or purposes of any act of Congress.

(1) *Rights of A.I.D. upon vesting of title.* In accordance with instructions by A.I.D., the borrower/grantee, supplier, and bank shall transfer such negotiable bills of lading, suppliers' invoices, packing lists, inspection certificates or other designated documents relating to the commodities as are in, or may come into, their possession.

(2) *Diversion of commodities.* A.I.D. may direct the master or operator of a vessel or an inland carrier carrying the commodities to divert them away from the port or other destination specified in the shipping documents and to deliver them at such other destination as A.I.D. may designate.

(b) *Financial responsibility of A.I.D. under vesting order.* (1) A.I.D. will reimburse a supplier who has not already received payment under the sales contract for all commodities with respect to which A.I.D. has taken title under a vesting order.

(2) A.I.D. will assume the responsibility for any extra costs (including the costs of marine insurance and handling) which are incurred as a result of a diversion. With respect to liner shipments, such costs shall not exceed diversion charges as per tariff, and shall include only those deviation insurance and extra handling costs which are actually incurred.

(3) A.I.D. shall incur no liability to the borrower/grantee, the importer, or to the approved applicant by reason of any order which vests in A.I.D. title to commodities, or by reason of any request for the diversion of commodities.

§ 201.45 Termination or modification of a loan, grant or implementing document.

(a) *Effect of termination or modification.* (1) Except as provided in subparagraph (2) of this paragraph (a), the availability of A.I.D. funds to finance the procurement of commodities and commodity-related services shall terminate or shall be modified, whenever and to the same extent that the implementing document, letter of commitment or special letter of credit which relates to such delivery is terminated or modified by operation of provisions contained in the document or by the exercise of rights otherwise reserved to A.I.D.

(2) Unless the supplier and A.I.D. agree otherwise, to the extent that the supplier has received an irrevocable letter of credit from a bank under an A.I.D. letter of commitment, the purchase contract shall be affected only to the extent necessary to comply with any vesting order issued by A.I.D. in accordance with § 201.44.

(b) *Responsibilities of parties after termination or modification of A.I.D. financing.* Upon termination or modification of A.I.D. financing of commodities or commodity-related services, the supplier, importer and approved applicant shall make such arrangements as are necessary to obtain the cancellation or modification of any letter of credit in favor of the supplier.

§ 201.46 Compensation to supplier if shipment is prohibited.

(a) *Payment to supplier.* A.I.D. shall make appropriate payment to a supplier for the value of A.I.D.-financed commodities available for immediate shipment from the United States if all the following conditions are satisfied:

(1) Shipment is prohibited by order of the U.S. Government and such order has general application to all shipments to the cooperating country.

(2) Payment may not be made by the bank under the terms of the letter of credit or payment instructions.

(3) The supplier is unable to dispose of the commodities without loss.

(4) The supplier tenders to A.I.D. a negotiable warehouse receipt covering the commodities in question and presents to A.I.D. such other documentation required by § 201.52 as may be appropriate under the circumstances.

(b) *Other settlement.* In lieu of accepting title to the commodities, A.I.D. may negotiate with the supplier such other settlement as may be fair and equitable under the circumstances.

§ 201.47 Use of marine insurance loss proceeds.

The borrower/grantee shall pay promptly to A.I.D. a sum equal to the proceeds received by an importer or his assignee in settlement of a marine insurance claim under a marine insurance policy financed pursuant to this Part 201, if such proceeds are not expended in the manner provided by §201.27 within a reasonable period after receipt by the importer.

Subpart F—Payment and Reimbursement

§ 201.50 Purpose.

This subpart describes:

(a) The methods by which A.I.D. will make payment or reimbursement for commodities and commodity-related services which have been furnished;

(b) The documentation required to be submitted to A.I.D. for the purpose of obtaining such payment or reimbursement; and

(c) The terminal date for presentation of documents which A.I.D. requires as a condition for reimbursement.

§ 201.51 Methods of financing.

In procurement subject to this Part 201 the following methods of financing may be employed by A.I.D. In each case, the method of financing shall be consistent with provisions in the pertinent implementing documents.

(a) *Direct reimbursement.* Upon presentation to A.I.D. of the documents specified in § 201.52, a borrower/grantee will be reimbursed for the cost of commodities and commodity-related services procured by the borrower/grantee directly or procured by other importers with the authorization of the borrower/grantee, if such commodities or services are eligible under the implementing document and under this Part 201 for A.I.D. financing.

(b) *Letter of commitment to a bank.* At the request of the borrower/grantee, A.I.D. will issue a letter of commitment to a bank for a specified amount in dollars. Reimbursement to a bank will be in accordance with the terms of such letter of commitment for sight payments made for the account of an approved applicant. Any such payment by a bank made in anticipation of a letter of commitment and falling within the scope of payments authorized by such letter when issued will be deemed to be a payment to be reimbursed by A.I.D. thereunder.

(1) *Requests for letters of commitment.* Requests for the issuance of letters of commitment shall be in the English language and shall be submitted to A.I.D. by the borrower/grantee in duplicate. They shall contain the following:

(i) Identification of the implementing document;

(ii) The dollar amount of the letter of commitment;

(iii) The name and address of the bank to which the letter of commitment is to be issued;

(iv) The name and address of the approved applicant;

(v) The expiration date to be stated in the letter of commitment, which shall be not later than the final date specified in the implementing document for submission of documentation to the bank as a basis for disbursement against the letter of commitment, except that, if a

terminal shipping date is provided in the implementing document, the expiration date shall be the last day of the month following the month in which the terminal shipping date occurs; and

(vi) Identification of the items to be financed under the letter of commitment (described, if practicable, in terms of the A.I.D. 3- or 4-digit commodity code).

(2) *Approved applicant's request to bank*—(i) *Form and effect of request.* An approved applicant may apply to the bank holding a letter of commitment for the issuance, confirmation, or advice of a commercial letter of credit for the benefit of a supplier, or may instruct the bank to make payments at sight to such supplier, or may instruct the bank to make payments at sight to or for the account of the borrower/grantee.

(ii) *Borrower/grantee assignment under letter of commitment.* The borrower/grantee's request to A.I.D. for a letter of commitment shall be deemed notification to A.I.D. of assignment of any rights to receive reimbursement for the specified funds under the related implementing document. A.I.D. by issuance of the letter of commitment shall be deemed to have consented to such assignment. Any such assignment or consent shall inure to the benefit of the bank's legal successors and assignees.

(iii) *Requirements imposed by bank.* The borrower/grantee and the approved applicant shall be deemed to have consented to imposition by the bank upon the beneficiary of any letter of credit or payment instruction of such requirements as the bank deems necessary in order to comply with its applicable obligations to A.I.D. Such consent shall be deemed an express condition incorporated in any request of the approved applicant under subparagraph (2)(i) of this paragraph (b).

(3) *Reimbursement of bank.* Upon presentation to A.I.D. of the documents described in § 201.52, A.I.D. will reimburse the bank for any amounts paid by it in dollars to or on behalf of the approved applicant pursuant to a letter of commitment, subject, however, to compliance by the bank with the requirements of Subpart H. Such documents in the normal course should be presented to A.I.D. promptly. Bank charges will be eligible for reimbursement if authorized in the letter of commitment. Reimbursement will be made by check within 30 days.

(c) *Special letter of credit.* Upon application of the borrower/grantee, A.I.D. may request a bank to open a special letter of credit, revocable or irrevocable, for a designated beneficiary.

(1) *Financing instructions.* The beneficiary of the special letter of credit may instruct the bank to issue subsidiary letters of credit, or to make payments at sight, to designated parties or may claim reimbursement from the bank for payments which it has made to suppliers upon submission to the bank of the documents required under § 201.52. When issuing subsidiary letters of credit to parties designated by the beneficiary of the special letter of credit, the bank will instruct such parties to make reference in their documents to the A.I.D. reference number indicated in the A.I.D. request for the opening of a special letter of credit.

(2) *Reimbursement of bank.* Upon presentation to A.I.D. of the documents described in § 201.52, A.I.D. will reimburse the bank for any amounts paid by it in dollars pursuant to the letter of credit, subject, however, to compliance by the bank with the requirements of Subpart H. Such documents in the normal course should be presented to A.I.D. promptly. Bank charges will be eligible for reimbursement if authorized in the A.I.D. request for the opening of a special letter of credit. Reimbursement will be made by check within 30 days.

(3) *Availability of documents.* The bank shall make available to A.I.D., upon request, a copy of each subsidiary letter of credit issued; a copy of each payment instruction or request; and a copy of each document in its possession received by it against payment.

(d) *Bank charges under letter of commitment or special letter of credit.* (1) To claim reimbursement for commissions, transfers or other charges, not including interest on advances, the bank shall submit Voucher SF 1034 and shall attach thereto a copy of the payment advice which identifies the costs being billed.

(2) To claim reimbursement for interest on advances, the bank shall claim reimbursement on Voucher SF 1034, attaching thereto

(i) The monthly statement of advance account established under the letter of commitment or special letter of credit, in duplicate, showing

(*a*) The opening balance;

(*b*) The date and amount of such charge attributable to the letter of commitment or special letter of credit, indicating the number of the letter of commitment or special letter of credit, subsidiary letter of credit, or payment instruction or request under which the charge was made;

(c) The date and amount of each A.I.D. reimbursement to the bank, indicating either the A.I.D. bureau voucher number or the number of the letter of commitment or special letter of credit, subsidiary letter of credit, or payment instruction or request under which the payment was made; and

(*d*) The closing balance;

(ii) The bank's monthly advice of charge, in duplicate, showing

(*a*) The outstanding balance in the advance account on each day of the period covered; and

(*b*) The amount of interest charged during the period.

(3) *Certification.* Each claim for reimbursement shall have endorsed thereon or attached thereto a certification by an authorized representative of the bank that the charges for which payment is being claimed are in accordance with the schedule of charges agreed on between the bank and the approved applicant or beneficiary.

(4) *Report.* The bank shall render a report as of the end of each calendar month to AID/W (Office of the Controller) and to the approved applicant or beneficiary. The report shall contain the following information based upon actual paid invoices and paid bank charges:

(i) The balance as of the end of the previous reporting period;

(ii) Increases or decreases during the current reporting period in the authorized amount of the letter of commitment or special letter of credit;

(iii) Total payments made during the current reporting period; and

(iv) The balance as of the close of the current reporting period.

§ 201.52 Required documents.

(a) *Commodities and commodity-related services.* Claims for reimbursement or payment with respect to commodities and commodity-related services shall be supported by the documents listed in subparagraphs (1) through (9) of this paragraph (a) or by such other documents as may be required in the implementing document, letter of commitment, or request for the opening of a special letter of credit. Each document shall indicate the identification number of the applicable implementing document, letter of commitment, or request for the opening of a special letter of credit.

(1) *Voucher.* Voucher SF 1034 with three copies, to be prepared by the borrower/grantee, by the approved applicant, or by the bank as assignee or agent for the approved applicant.

(2) *Supplier's invoice.* (i) One copy of the supplier's detailed invoice showing the following:

(*a*) The name and address of the importer;

(*b*) The quantity and the description of each item shipped, in sufficient detail for ready identification;

(c) The total gross sales price;

(*d*) The total net sales price (determined by deducting from the total gross sales price the amounts required to be deducted under § 201.65(g));

(*e*) The sales price for each item net of all trade discounts to which the importer is entitled;

(*f*) The delivery terms (e.g., f.o.b., f.a.s., c.i.f., and c. & f.);

(*g*) The dollar amount of any incidental services which are not included in the price of the commodity and for which reimbursement is claimed;

(*h*) The dollar amount of all delivery services obtained by the supplier of the commodity for the importer's account which are not included in the price of the commodity and for which reimbursement is claimed;

(*i*) To the extent that the commodity price includes transportation cost as defined in § 201.61(c) or other commodity-related services, a description of such services and the dollar amounts attributable to such services; and

(*j*) Unless a Supplier's Certificate covering marine insurance is submitted, the name and address of the supplier of such insurance and the dollar cost thereof.

(ii) Each invoice shall be marked "PAID" by the supplier, or alternatively, the bank may certify by an endorsement on or attachment to the invoice that payment has been made in the amount shown on the invoice.

(3) *Charter party.* A copy (or photostat) of any charter party under which shipment is made. If shipment is made under a consecutive voyage or time charter and the person or organization seeking reimbursement or payment has previously submitted to A.I.D. a copy (or photostat) of said charter party in support of a prior claim for reimbursement or payment, such person or organization may, in lieu of further submission of the charter party, certify to the fact of prior submission.

(4) *Evidence of shipment.* A copy (or photostat) of the bill of lading (ocean, charter party, airway, railway, barge, or truck) or parcel post receipt evidencing shipment from the point of export in the source country or a free port or bonded warehouse. In the case of any sale on a c.i.f. or c. & f. basis the bill of lading shall indicate the carrier's statement of charges whether or not freight is financed by A.I.D.

(5) *Documentation on shipment to a free port or bonded warehouse.* (i) In the case of commodities shipped from a free port or bonded warehouse, the supplier shall

(*a*) Provide as an attachment to a copy of the invoice a copy of the bill of lading (bearing a notation of the freight cost) covering the shipment of the commodity into the free port or bonded warehouse, or

(*b*) If such a bill of lading is not available to the supplier, provide the following information and certify to its accuracy to the best of his knowledge and belief: the country or area from which the commodities were shipped to such free port or bonded warehouse; the name and flag of the vessel which transported the commodities from the source country to the free port or bonded warehouse; the cost of the freight on such shipment; and the free port or bonded warehouse to which shipment was made from the source country, or

(*c*) With respect to commodities which have been commingled in the warehouse in such a way that shipments out of the warehouse cannot be related to particular shipments into the warehouse, the supplier shall certify to the best of his knowledge and belief that a portion of the commodities was transported to the free port or bonded warehouse on U.S.-flag carriers, and the quantity for which A.I.D. financing is sought does not exceed that amount.

(ii) In the event a supplier cannot comply with the requirements of subdivision (i) of this subparagraph, it will be assumed, in the absence of evidence to the contrary, that the commodity was transported to the free port or bonded warehouse by a vessel under the flag of a country under A.I.D. geographic code 899 other than the United States.

(6) *Supplier's Certificates.* An original and two copies of the Supplier's Certificate executed by

(i) The supplier of the commodity for the cost of the commodity and any commodity-related services furnished by the commodity supplier;

(ii) The carrier for the cost of ocean or air transportation;

(iii) The insurer for the cost of marine insurance if such cost exceeds $50.

(7) *Certificate and Agreement Regarding Concerted Pricing.* One signed original of the Certificate and Agreement Regarding Concerted Pricing executed by

(i) The supplier of the commodity; and

(ii) The producer of the commodity, if the supplier indicates in paragraph (1)(a) of the Certificate that he is not also the producer.

This subparagraph (7) shall apply only when the letter of commitment, a request for opening of a special letter of credit, or (in cases of A.I.D. financing by direct reimbursement of a borrower/grantee) other implementing document limits the source of procurement to the United States (A.I.D. Geographic Code 000) and the supplier supplies any of the following commodities: Potassic fertilizers (Commodity Codes 2332, 2333, and 2334); mixed chemical fertilizers (Commodity Code 2343); phosphates and phosphatic fertilizer materials (Commodity Codes 2351, 2354, 2355, and 2356); carbon black (Commodity Code 3907); wood pulp (Commodity Code 5913); corrugating material of paper and paperboard (Commodity Code 5916); kraft paper and kraft paperboard (Commodity Code 5917); sulphur (Commodity Code 6406); and tires, tubes, and repair materials (Commodity Code 8913).

(8) *Producer's invoice.* Whenever the supplier indicates in paragraph (1)(a) of the Certificate and Agreement Regard Concerted Pricing that he is not also the producer, one copy of the producer's invoice covering the same commodities which are described in the supplier's invoice.

(9) *Certificate Concerning Commissions.* One signed original executed by the commodity supplier of the Certificate Concerning Commissions.

(b) *Special provision in case of direct reimbursement to borrower/grantee.* In the case of financing by reimbursement directly to a borrower/grantee for payments made by it for procurement, the supplier may, if he desires, submit the Supplier's Certificate prescribed in paragraph (a)(6)(i) of this § 201.52, in duplicate, with Invoice-and-Contract Abstract completed in all applicable respects except as to class of supplier, information as to agents' commission, domestic and foreign, and domestic unit price information, accompanied by one copy of such certificate with the Invoice-and-Contract Abstract fully completed in a sealed envelope, addressed to the Controller, A.I.D., Washington, D.C. 20523, with the following statement upon its face, signed by the supplier:

The undersigned certifies that enclosed in this envelope is a copy of an executed Supplier's Certificate covering the item invoiced, which has been filled in wherever applicable. This envelope contains a document intended only for A.I.D. and is to be opened only by A.I.D.

If such alternative procedure is used, the signer of the Supplier's Certificate shall be deemed to have satisfied the requirement in § 201.65(k) to report all commissions and similar allowances and the requirement of the Supplier's Certificate that he has filled in the applicable portions of the Invoice-and-Contract Abstract.

(c) *Execution of Certificates.* (1) The original of each Supplier's Certificate, each Certificate Concerning Commissions, and each Certificate and Agreement Regarding Concerted Pricing shall be signed by hand and shall bind the person or organization on whose behalf the execution is made. Any person or organization on whose behalf another purports to sign a Certificate which is submitted by such person or organization shall in all respects be bound thereby, notwithstanding that the person so signing acted without express authority.

(2) The Supplier's Certificate covering the cost of marine insurance may be executed on behalf of the marine insurer by an insurance broker or by a commodity supplier if the commodity supplier is the assured under an open cargo insurance policy issued by the marine insurer and is authorized under such policy to bind the marine insurer by issuing insurance certificates or policies in favor of importers. In each such case, the insurance broker or commodity supplier shall indicate on the Supplier's Certificate the name and address of the insurance company which is acting as the supplier of marine insurance and shall describe himself below his signature as a commodity supplier issuing a certificate under an open cargo insurance policy or as an insurance broker.

§ 201.53 Final date for presentation of documents.

(a) *Direct reimbursement.* Prescribed documents shall be presented to A.I.D. by the borrower/grantee no later than the terminal date specified in the implementing document.

(b) *Letter of commitment to bank or special letter of credit.* Prescribed documents shall be presented by the bank to A.I.D. and shall cover (1) payments or negotiations made under letters of credit expiring no later than the expiration date stated in the letter of commitment or the request for the opening of a special letter of credit, or (2) payments to a supplier, the approved applicant, or, at the request of an approved applicant, to a person other than the supplier, made no later than such expiration date.

Subpart G—Price Provisions

§ 201.60 Purpose and applicability of this subpart.

This subpart prescribes rules relating to prices, discounts, commissions, credits, allowances, and other payments. These rules shall be observed in the procurement of commodities and commodity-related services financed under this part. The rules implement and supplement the requirements of the Act

relating to prices in such procurement. The general purpose of these rules is to assure the prudent use of A.I.D. funds.

(a) *Statutory price limitations.* (1) Section 604(a) of the Act provides:

> Funds made available under this Act may be used for procurement outside the United States * * * only if the price of any commodity procured in bulk is lower than the market price prevailing in the United States at the time of procurement, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(2) Section 604(b) of the Act provides:

> No funds made available under this Act shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(b) *Transactions covered.* The rules and conditions prescribed by this subpart apply to all A.I.D.-financed transactions subject to this regulation whether or not the commodities are purchased in bulk.

(c) *Compliance.* Compliance with this Subpart G and with any additional price requirement contained in the implementing document shall be a condition to the financing by A.I.D. of procurement transactions under this Part 201. Post-audit of transactions will be made by A.I.D. to determine whether there has been such compliance.

§ 201.61 Meaning of terms in this subpart.

(a) *Time of purchase.* "Time of purchase" means that period encompassing the date the purchase price is fixed during which prices in comparable sales remain substantially constant.

(b) *The date the purchase price is fixed.* "The date the purchase price is fixed" means the date on which the parties agree on the price. If, however, the parties establish the price as of any other date which is subsequent to the date of such agreement and not later than the date of delivery, the term means such other date regardless of whether it precedes, coincides with or follows the legally effective date of the purchase contract.

(c) *Transportation cost.* "Transportation cost" means the cost of all transportation by land, sea, or air from the port of export to the destination in the cooperating country, plus the cost of marine insurance, if any, covering such transaction. (NOTE: Such costs are financed by A.I.D. only to the extent provided in § 201.13.)

(d) *Purchase price.* "Purchase price" means the total amount which the purchaser agrees to pay or make available to or for the benefit of the supplier (including any person or organization designated by the supplier to receive such payment) for any commodity or commodity-related service which is wholly or partly financed by A.I.D.

(e) *Comparable sale.* "Comparable sale" means any sale of or bona fide offer to sell the same commodity, or (in the absence of such a sale or offer to sell) any sale of or offer to sell a similar commodity which, with respect to the quantity, quality, grade, period of delivery, supply area, terms of sale, or class of purchaser, either.

(1) Is not sufficiently different from the sale being tested to result customarily in a price different from the price in the sale being tested; or

(2) Can be related to the sale being tested through application of a customary price differential.

(f) *Comparable export sale.* "Comparable export sale" means any "comparable sale" in export transactions.

(g) *Comparable domestic sale.* "Comparable domestic sale" means any "comparable sale" not in export transactions.

(h) *Export differential.* "Export differential" means the customary difference in price between domestic sales and otherwise comparable export sales.

(i) *Class of purchaser.* "Class of purchaser" means any group of purchasers which is separately identifiable and which is distinguishable from other purchasers on the basis of quantity purchased, distribution function or established trade practice.

(j) *Period of delivery.* "Period of delivery" means the length of time between the date of the purchase contract and the date by which delivery is to be completed.

(k) *Supply area.* "Supply area" means

(1) The source country; or

(2) If the commodity is customarily sold at different prices (exclusive of transportation costs) from different geographical areas within a source country, the specific geographic area within the source country from which the commodity is shipped to the cooperating country.

(l) *Similar commodity.* "Similar commodity" means a commodity which

(1) Is functionally interchangeable with the commodity in the sale being tested; and

(2) Affords the purchaser substantially equivalent serviceability.

(m) *Producer.* "Producer" means any person who grows, mines, manufactures, processes, or assembles a commodity in the form in which it is exported.

(n) *Commission.* "Commission" means any payment or allowance by a supplier to any person for the contribution which that person has made to securing the sale for the supplier or which that person makes to securing on a continuing basis similar sales for the supplier.

(o) *Commission employee.* "Commission employee" means any employee or officer of the supplier who has contributed to securing the sale and who is paid a salary which is directly or indirectly calculated as, or related to, a precentage of the amount of the sale.

(p) *Local currency.* "Local currency" means the currency of the cooperating country.

(q) *Local service organization.* "Local service organization" means any person who in the cooperating country performs services in connection with the A.I.D.-financed commodities.

(r) *Opening bank.* "Opening bank" means the bank which has opened the letter of credit in the cooperating country in favor of the supplier.

(s) *Regular place of business.* "Regular place of business" means a permanent business establishment such as an office, sales outlet, or other fixed place of business, but does not include a mere postal address or box number or any casual or temporary use of facilities for the sole or principal purpose of rendering a commission eligible for A.I.D. financing.

(t) *Representative of the importer.* "Representative of the importer" means any entity affiliated with the importer by ownership or management ties.

(u) *Resident of the United States.* "Resident of the United States" means any natural person who maintains a permanent household in the United States; who pays or who is subject to the income tax requirements, if any, of the State in which he maintains his household; and who is physically present for at least 60 days of the year in the United States.

(v) *Sales agent.* "Sales agent" means any person who is neither the importer nor a commission employee and who has contributed to securing the sale or to securing similar sales on a continuing basis for the supplier.

(w) *Service payment.* "Service payment" means with respect to services performed in connection with commodities financed under this Part 201 any payment or allowance by the supplier to any person, whether or not a sales agent, but not including a commission, payment or allowance for incidental or delivery services, or a salary payment to any officer or employee of the supplier.

(x) *State.* "State" means the District of Columbia, Puerto Rico, or any State, territory or possession of the United States.

(y) *U.S. firm.* "U.S. firm" means

(1) A corporation which has been organized under the laws of any State of the United States, which maintains a regular place of business in the United States, and which is at least 51 percent beneficially owned by citizens of the United States or U.S. firms or both; or

(2) A sole proprietorship in which the sole proprietor is both a citizen and resident of the United States; or

(3) A partnership or association in which the majority of partners or association members are both citizens and residents of the United States.

§ 201.62 Responsibilities of borrower/grantee and of supplier.

(a) *Responsibilities of borrower/grantee and importer.* The borrower/grantee shall insure that the importer

(1) Procures in accordance with the conditions set forth in § 201.24, and in either § 201.22 or § 201.23, whichever is applicable, and

(2) Except as provided otherwise in § 201.22(d), pays no more than the lowest available competitive price, including transportation cost, for the commodity.

(b) *Responsibility of supplier.* In accordance with the provisions contained in the Supplier's Certificate which the supplier executes in order to receive payment, the supplier is responsible for compliance with the provisions of this Sub-

part G other than paragraph (a) of this § 201.62.

§ 201.63 Maximum prices for commodities.

(a) *U.S. prevailing market price—U.S. source.* The purchase price for a commodity the source of which is the United States shall not exceed the market price prevailing in comparable export sales in the United States at the time of purchase adjusted for differences in the transportation cost: *Provided, however,* That if there are no such comparable export sales, then the purchase price, excluding transportation cost, may not exceed the market price prevailing in comparable domestic sales in the United States at the time of purchase, adjusted upward or downward by the appropriate export differential.

(b) *U.S. prevailing market price—non-U.S. source.* The purchase price, including transportation cost, for a commodity the source of which is not the United States shall be lower than the market price prevailing in comparable export sales in the United States at the time of purchase including transportation cost: *Provided, however,* That if there are no such comparable export sales in the United States, then the purchase price from the source outside the United States, including transportation cost, must be lower than the market price prevailing in comparable domestic sales in the United States at the time of purchase, adjusted upward or downward by the appropriate export differential and transportation cost.

(c) *Supplier's comparable export price—U.S. and non-U.S. sources.* (1) The purchase price, excluding transportation cost, shall not exceed prices generally charged by the supplier in comparable export sales from the source country at the time of purchase.

(2) The requirement in subparagraph (1) of this paragraph (c) shall not apply to the purchase price

(i) In any sale under formal competitive bid procedures; or

(ii) In any sale of a commodity generally traded on an organized commodity exchange.

(3) "Comparable export sales" for the purpose of this paragraph (c) shall not include sales

(i) Under formal competitive bid procedures; or

(ii) Of a commodity by a supplier to affiliates if the supplier as a general practice sells the commodity to affiliates at prices lower than the prices he charges to nonaffiliates.

(d) *Source country prevailing market price—non-U.S. source.* The purchase price, excluding transportation cost, shall not exceed the market price prevailing in the source country in comparable export sales at the time of purchase: *Provided, however,* That, if there are no such comparable export sales, then the purchase price, excluding transportation cost, shall not exceed the market price prevailing in comparable domestic sales in the source country at the time of purchase adjusted upward or downward by the appropriate export differential.

(e) *Price test in the absence of a comparable sale at the time of purchase—U.S. and non-U.S. sources*—(1) *Sale by a supplier who is not the producer.* The purchase price shall not exceed the sum of

(i) The supplier's cost of acquisition; and

(ii) The customary markup of the supplier

(*a*) In comparable sales other than at the time of purchase; or

(*b*) If no comparable sale at any time can be found, in the most nearly similar sale of the most nearly similar commodity by the supplier or his competitors.

(2) *Sale by a supplier who is the producer.* The purchase price shall not exceed a price established in accordance with the customary pricing practices of the supplier for other products of the same general class as the commodity sold.

(f) *Additional rule for sugar.* In addition to being subject to the other price limitations contained in this § 201.63, the purchase price for sugar shall not exceed the world price as derived from the daily market quotations on the New York Sugar Exchange for No. 8 Contract spot, f.o.b. and stowed, adjusted for differences in quality, bagging, transportation cost, and other appropriate considerations.

(g) *Additional rule for crude oil, petroleum fuels, and lubricants.* In addition to being subject to the other price limitations of this section, the purchase price, including transportation cost, for crude oil, petroleum fuel, or lubricants procured from a non-U.S. source shall not exceed the prevailing price, including transportation cost, at which such commodity is available at the time of purchase in quantities similar to the contract amount from the same or from any other eligible source for otherwise comparable export sales. This limitation shall not apply to the purchase price of such a commodity procured under formal competitive bid procedures. "Comparable export sales" for the purpose of this paragraph (g) shall not include sales under formal competitive bid procedures.

§ 201.64 Application of the price rules to commodities.

(a) *Calculation of commodity prices on a common basis.* In testing whether the purchase price of a commodity exceeds the price in comparable export sales or in comparable domestic sales, as applicable under § 201.63 (a), (c), (d), and (e), it is necessary to insure that the price being tested as well as the prices being used as a test or measurement are calculated on the basis of delivery alongside or on board the vessel or other export conveyance. Such prices will include, therefore, in addition to the price of the commodity at an internal point in the source country, transporation from that point to the port of export in the source country, and to the extent not already included in the price at the internal point, inspection, export packing, forwarder's fees at customary rates, the cost of placing the commodities on board the vessel or export conveyance (unless this cost is covered in the export freight), and other necessary costs customary in the trade.

(b) *Calculation of commodity prices which involve transportation costs.* (1) In testing a purchase price which includes transportation cost (customarily known as a c. & f. or c.i.f. price) for compliance with the requirements of § 201.63 (a), (c), (d), and (e), A.I.D. will subtract from such price transportation cost as calculated by reference to the freight rate (for the type and flag of vessel on which the commodity was shipped) prevailing on the date the purchase price is fixed. In the absence of evidence to the contrary, the actual transportation cost paid by the supplier shall be presumed to be the transportation cost calculated in accordance with the formula contained in the foregoing sentence.

(2) In testing a purchase price involving transportation cost for compliance with § 201.62 and § 201.63 (b), (f), and (g), the test or measurement prices shall be

(i) Prices based upon transportation by a U.S.-flag carrier if the price tested involves transportation by a U.S.-flag carrier; or

(ii) Prices based upon transportation by either a U.S.-flag carrier or a foreign-flag carrier, whichever is lower, if the price tested involves transportation by a foreign-flag carrier.

(c) *Calculation of amount eligible for financing when shipment is out of a free port or bonded warehouse.* In the case of a shipment from a free port or bonded warehouse, A.I.D. will not finance any portion of the cost of the commodity, delivered to the country of destination, which exceeds the eligible price of the commodity, f.o.b. or f.a.s. source country, plus any transportation cost which can be documented in accordance with § 201.52(a)(5)(i) as having been incurred on a U.S.-flag transportation medium.

(d) *Determination of prevailing market price.* In the determination of any prevailing market price for any commodity, relevant published and other price information will be considered.

§ 201.65 Commissions, service payments, and discounts.

(a) *General.* This section sets forth rules which govern the eligibility of commissions, service payments, and discounts for A.I.D. financing. Paragraphs (b), (c), and (d) of this § 201.65 establish general limitation, subject to special exceptions, on the eligibility for A.I.D. financing of commissions and service payments. These limitations will govern unless A.I.D. has rendered them inapplicable by express provision in the letter of commitment, request for opening of a special letter of credit, or other implementing document to the effect that paragraphs (b), (c) (d), and (e) of this § 201.65 will not apply to the particular transaction. In any case where A.I.D. does finance a commission or service payment, the specific limitations set forth in paragraph (h) of this § 201.65 shall continue to apply. With respect to shipments to Vietnam, the general limitations established by paragraphs (b), (c), and (d) of this section are modified in

special regard by the option established by paragraph (f) of this § 201.65 in favor of a supplier to effect a commission or service payment in local currency through a dollar bank draft procedure.

(b) *Commission to sales agents.* Unless otherwise authorized by A.I.D., a commission paid or payable by a supplier to or for the benefit of a sales agent in connection with any sale subject to this Part 201 will be eligible for A.I.D. financing only if—

(1) The sales agent performed no part of the services relating to the commission outside the United States, and the sales agent maintains a regular place of business in the United States; or

(2) The sales agent whose services relate to the commission is a U.S. firm, and any officer, employee, partner, or association member of the sales agent who has performed outside the United States any part of the services relating to the commission is both a citizen and resident of the United States.

(c) *Commission to commission employees.* Unless otherwise authorized by A.I.D., a commission paid or payable by a supplier to or for the benefit of a commission employee in connection with any sale subject to this Part 201 will be eligible for A.I.D. financing only if—

(1) The commission employee performed no part of the services relating to the commission outside the United States; or

(2) The commission employee whose services relate to the commission is both a citizen and resident of the United States.

(d) *Service payments.* Unless otherwise authorized by A.I.D., a service payment in connection with any sale subject to this Part 201 will not be eligible for A.I.D. financing if any portion thereof has been paid or is payable by the supplier to or for the benefit of a local service organization.

(e) *Payments by opening bank in local currency*—(1) *General.* Under arrangements between A.I.D. and the governments of certain cooperating countries a supplier may, if he wishes, request the opening bank on the Certificate Concerning Commissions to pay a commission in local currency directly to the sales agent or commission employee or to make a service payment on behalf of the supplier in local currency directly to a local service organization. Under this procedure, the sales agent, commission employee, or local service organization will be paid by the opening bank with local currency funds deposited by the importer with the opening bank.

(2) *Contents of invoice.* A supplier who wishes to arrange a commission or service payment in local currency in accordance with this procedure shall show on his invoice the gross value of the shipment, all the deductions required by this § 201.65 and the net invoice amount. The draft on the U.S. bank which the supplier presents may not exceed the net amount shown on his invoice. The supplier shall also provide on his invoice—

(i) *Commission information.* An amount expressed in dollars to be paid in a local currency equivalent to the sales agent or commission employee as commission; the name and address of the sales agent or commission employee; and the dollar sales price to be financed with A.I.D. funds, exclusive of commission.

(ii) *Service payment information.* An amount expressed in dollars to be paid in a local currency equivalent to a local service organization as a service payment; the name and address of the local service organization; and the dollar sales price to be financed with A.I.D. funds, exclusive of the service payment.

(3) *Contents of sealed envelope.* The supplier shall place in a sealed envelope one signed copy of the Certificate Concerning Commissions and shall signify thereon his adherence to Certification H. The sealed envelope shall be physically attached to the suppliers invoice. The supplier shall place on the outside of the envelope the name and address of the opening bank. If the supplier does not wish to have the amount of commission or service payment made known to the importer, he may place in the sealed envelope a second set of invoices. This second set will be made out for the gross value of the shipment, and, unlike the first set submitted to the U.S. bank as a required document, will not contain a deduction for the commission or service payment which the opening bank is to pay on behalf of the supplier. If a second set of invoices is placed in the sealed envelope, the supplier shall note on each such copy the words "For the importer" and shall note on each copy of the invoice which he submits to the U.S. bank as a basis for payment the words "Only for A.I.D. and the opening bank."

(4) *Execution of Certificate Concerning Commissions.* As a requirement for receiving payment, the supplier shall execute one signed original of the Certificate Concerning Commissions. This original will be forwarded by the U.S. bank to A.I.D. By executing Certification H on the Certificate Concerning Commissions the supplier undertakes to make a commission or service payment in no other manner in connection with the sale described on the Invoice-and-Contract Abstract. Appended to Certification H is a request to the opening bank to make the requested payment in local currency on behalf of the supplier to the sales agent, commission employee, or local service organization. This request reaches the opening bank through the signed copy of the Certificate Concerning Commissions which the supplier has placed in the sealed envelope.

(5) *Payment by opening bank.* Without responsibility for itself, for A.I.D. or for the U.S. bank, the opening bank will honor the request of the supplier contained in Certification H of the Certificate Concerning Commissions by withholding from the importer the supplier's invoice for the net amount and substituting in lieu thereof the supplier's invoice for the gross amount contained in the sealed envelope. The opening bank will convert the commission or service payment which the supplier has indicated in dollars on the Certificate Concerning Commissions, on the Invoice-and-Contract Abstract, and on his invoice into a local currency equivalent (at the official rate of exchange) and will pay over the resulting sum on behalf of the supplier to the sales agent, commission employee, or local service organization.

(6) *No multiple or split commissions.* Unless otherwise authorized by A.I.D., a supplier who pays a commission in local currency may not claim A.I.D. financing for any dollar commission in connection with the same transaction.

(f) *Payments by opening banks in local currency on shipments to Vietnam*—(1) *Special bank draft procedure.* Under arrangements between A.I.D. and the Government of Vietnam a supplier may, if he wishes, arrange for the opening bank to pay on his behalf a commission in local currency directly to the sales agent or commission employee or to make on his behalf a service payment directly to a local service organization. Under this procedure, the supplier will execute an invoice on which the commission or service payment information may appear or may be withheld at the supplier's discretion. Commission or service payment information must however appear on the Invoice-and-Contract Abstract and on the Certificate Concerning Commissions. The supplier may effect a payment to the sales agent or local service organization by placing in a sealed envelope attached to his invoice a dollar bank draft drawn on any bank and payable to the opening bank on behalf of the sales agent, commission employee, or local service organization. The supplier shall also enclose in the sealed envelope a signed, executed copy of the Certificate Concerning Commissions and shall mark on the outside of the envelope the name and address of the opening bank. The U.S. bank will forward to the opening bank the sealed envelope along with the other documents. The opening bank will remove the bank draft, convert the amount contained therein into a local currency equivalent (at the official exchange rate), and will pay over the resulting sum to the sales agent, commission employee, or local service organization whose name and address the supplier has set forth on the Invoice-and-Contract Abstract and on the Certificate Concerning Commissions. The opening bank will transfer the dollar amount representing such commission or service payment to the National Bank of Vietnam. From time to time, as A.I.D. identifies the amounts of such commission or service payments, A.I.D. will issue bills for collection requesting the Government of Vietnam to refund these dollar amounts to A.I.D.

(2) *Execution of Certificate Concerning Commissions.* A supplier who uses the procedure described in this paragraph (f) in connection with shipments to Vietnam shall execute Certification I on the Certificate Concerning Commissions. By this undertaking to A.I.D. the supplier agrees to make a commission or service payment in no other manner in connection with the sale described on

the Invoice-and-Contract Abstract. The execution of Certification I will also comprise a separate request to the opening bank to make the payment in local currency on his behalf to the sales agent, commission employee, or local service organization.

(3) *No multiple or split commissions.* Unless authorized by A.I.D., a supplier who arranges for the opening bank to pay a commission in local currency in accordance with the bank draft procedure described by this paragraph (f) may not claim A.I.D. financing for any other commission in connection with the same transaction.

(g) *Required deductions from invoice amount.* To arrive at the net amount eligible for A.I.D. financing, there shall be deducted from the gross amount of the supplier's invoice submitted under paragraph (a) (2) of § 201.52—

(1) All trade discounts to which the importer is entitled; and

(2) All commissions and service payments to the extent they are ineligible for dollar financing under this § 201.65.

(h) *Commissions and service payments to importers, purchasing agents, and third parties.* A commission or service payment in connection with any sale subject to this Part 201 shall not be eligible for A.I.D. financing if paid or payable by the supplier—

(1) To or for the benefit of the importer; or

(2) To or for the benefit of a purchasing agent or other agent or representative of an importer, even though such purchasing agent or other agent or representative may also have an agreement with a supplier to represent the supplier; or

(3) To any third party in connection with a sale by the supplier to his dealer, distributor, or established agent in the cooperating country.

(i) *Commissions and service payments attributable to A.I.D. financing.* In connection with commodities financed under this Part 201 every commission paid or payable by a supplier to or for the benefit of a sales agent or commission employee and every service payment payable by a supplier to or for the benefit of a local service organization shall be presumed conclusively to have been paid or to be paid from A.I.D. funds, whether or not such commission or service payment is reported to A.I.D. on the Supplier's Certificate or is deducted on the supplier's invoice, and shall thereby be subject to the eligibility requirements of this § 201.65. This presumption shall not apply whenever—

(1) The supplier arranges for a commission to be paid to a sales agent or commission employee or arranges for a service payment to be paid to a local service organization through the opening bank under the procedure described in paragraph (e) or (f) of this § 201.65; or

(2) The importer, on behalf of the supplier, pays in local currency a commission directly to a sales agent or commission employee or makes a service payment in local currency directly to a local service organization.

(j) *Maximum commission or service payment.* A commission or service payment shall not exceed the amount which the supplier customarily pays in connection with similar transactions or the amount which is customary in the trade.

(k) *Report of commissions and service payments.* All commissions and service payments, whether or not eligible for financing under this Part 201, made by the supplier in connection with A.I.D.-financed sales to or for the benefit of a sales agent, commission employee, the importer, or any representative of the importer shall be fully reported on the Invoice-and-Contract Abstract of the Supplier's Certificate required under § 201.52(a) (6).

(l) *Brokerage commission.* In connection with ocean freight services A.I.D. will finance a brokerage commission only if—

(1) Such commission does not exceed 2½ percent of the ocean freight charge;

(2) Such commission is payable to a firm organized under the laws of a state of the United States or to an individual who is a resident of the United States; and

(3) The names of all persons receiving such commission appear on the face of the charter party.

(m) *Address commissions.* An address commission to or for the benefit of a charterer shall be deemed a discount on the stated freight rate or freight charge which the supplier of transportation services shall deduct from the cost of transportation financed by A.I.D. If the supplier of the commodity is the charterer, he shall refund to A.I.D. any address commission received by him. If the supplier of the commodity is not the charterer, the borrower/grantee shall be responsible for making a refund to A.I.D. of any such commissions received by the charterer.

§ 201.66 Side payments.

Any payment which an importer makes to a supplier, whether or not indicated on the supplier's invoice and whether or not financed by A.I.D., in connection with an A.I.D.-financed transaction shall be disclosed by the supplier on the Supplier's Certificate and shall be considered as part of the actual purchase price in applying the rules of this Subpart G.

§ 201.67 Maximum freight charges.

(a) *Ocean freight rates*—(1) *Similar shipments.* "Similar shipments" means shipments which are similar with respect to type of commodity, commodity rate classification, quantity, vessel flag category, choice of ports, and other pertinent factors. In determining whether shipments are similar, no effect shall be given to the identity of the shipper or to the circumstance that the shipment is or is not financed by the Government of the United States.

(2) *Maximum charter rates.* (i) A.I.D. will not finance ocean freight under any charter which has not been submitted to and received prior approval by AID/W. A.I.D. will not approve a charter if the freight rate exceeds

(*a*) The rate prevailing for similar shipments;

(*b*) The lowest rate charged by the carrier for similar shipments on the same voyage; or

(*c*) The maximum rate determined by the Maritime Administration in connection with the Cargo Preference Act (46 U.S.C. 1241).

(ii) In determining the rate prevailing for similar shipments, recognized sources of charter market rate information will be consulted and, if necessary, will be supplemented by other information which contributes to a realistic determination of the prevailing charter rate.

(3) *Effect of A.I.D. approval of a charter.* A.I.D. prior approval of a charter shall be confirmed by A.I.D. in writing and shall then be final except in cases where the freight rate exceeds the lowest rate charged by the supplier for similar shipments on the same voyage or where A.I.D.'s prior approval is based on false or misleading representations made to A.I.D. by the charterer or ocean carrier.

(4) *Maximum liner rates.* A.I.D. will not finance ocean freight for a cargo liner shipment at a rate which exceeds

(i) The conference contract rate or the conference noncontract rate, whichever is lower;

(ii) The rate named in any other applicable tariff or other rate listing on file at the Federal Maritime Commission; or

(iii) The lowest rate charged by the carrier for similar shipments on the same voyage.

(5) *Despatch.* (i) The borrower/grantee, or the supplier with respect to despatch earned by the supplier, shall be responsible for refunding to A.I.D. all despatch earned.

(*a*) At the port of unloading on c.i.f. or c. & f. shipments, or

(*b*) At the port of loading or unloading on f.o.b. or f.a.s. shipments, to the extent that despatch exceeds demurrage incurred on the same voyage.

(ii) Refunds of despatch, supported by the vessel's signed lay time statement(s), must be transmitted to the Controller, A.I.D., Washington, D.C. 20523, within 90 days after date of discharge of the cargo on which the despatch was earned.

(b) *Air freight rates.* A.I.D. will not finance air freight which exceeds the applicable rate on file at the Civil Aeronautics Board, Washington, D.C.

§ 201.68 Maximum prices for commodity-related services.

The price for an A.I.D.-financed commodity-related service other than ocean or air transportation shall not exceed (a) the prevailing price, if any, for the same or similar services; or (b) the price paid to the supplier under similar circumstances by other customers.

§ 201.69 Commodity price subject to escalation.

If a purchase contract contains a price escalation clause, A.I.D. will finance

(a) The purchase price of the commodity before operation of the price es-

calation clause if at the time of purchase such price does not exceed the applicable price limitations contained in this subpart; and

(b) That portion of the commodity price attributable to the operation of the price escalation clause if such clause

(1) Is applied to a base price which qualifies for A.I.D.-financing under paragraph (a) of this § 201.69.

(2) Uses a formula based upon variations in a cost factor which is reasonably related to the price of the commodity subject to escalation and is readily determinable;

(3) Provides for downward as well as upward adjustment of the price; and

(4) Accords with recognized trade practice.

Subpart H—Rights and Responsibilities of Banks

§ 201.70 Purpose.

This subpart sets forth the rights and responsibilities of banks with regard to reimbursement under a letter of commitment or a special letter of credit opened pursuant to an A.I.D. request. Banks will not be held responsible for the requirements of Subparts B, C, D, E (excluding § 201.44(a)(1)), and Subpart G except insofar as provisions of these subparts are included in this Subpart H or in a letter of commitment or a request for the opening of a special letter of credit issued by A.I.D. to a bank.

§ 201.71 Terms of letters of credit.

(a) *Letters of credit under letters of commitment.* Any letter of credit issued, confirmed or advised under an A.I.D. letter of commitment and any agreement relating to such letter of credit or to instructions for payment issued by an approved applicant may not be inconsistent with or contrary to the terms of the letter of commitment. In particular, the description of commodities or services in any such letter of credit or agreement may not be inconsistent with the description and A.I.D. commodity code set forth in the letter of commitment. Any such letter of credit or agreement may be modified or extended at any time in such manner and to such extent as is acceptable to the approved applicant and the bank: *Provided*, That such modification or extension may not be inconsistent with or contrary to the terms of the letter of commitment. In the case of any inconsistency or conflict between the terms and conditions of the letter of commitment and the instructions of the approved applicant, the terms and conditions of the letter of commitment shall control.

(b) *Special letters of credit.* Any special letter of credit or subsidiary letter of credit issued thereunder at the instruction of the beneficiary of such special letter of credit and any agreement relating to such special letter of credit or subsidiary letter of credit or to instructions for payment issued by the beneficiary, or any party designated by him, must not be inconsistent with or contrary to the terms of the A.I.D. request for the opening of a special letter of credit. In the case of any inconsistency or conflict between the terms and conditions of such request and instructions of the beneficiary, or any party designated by him, the terms and conditions of such request shall control.

§ 201.72 Making payments.

(a) *Collection of documents.* The bank shall be responsible for obtaining the documents specified in Subpart F and in the letter of commitment or the request for the opening of a special letter of credit when making payment under a letter of credit or pursuant to instructions of an approved applicant.

(b) *Examination of documents other than Supplier's Certificates.* The bank shall examine the documents (other than the Supplier's Certificate, the Certificate Concerning Commissions, and the Certificate and Agreement Regarding Concerted Pricing) to be submitted to A.I.D. in accordance with good commercial practice to determine whether such documents comply with the requirements of subparagraphs (1) through (7) of this paragraph (b) in the following particulars, and no other.

(1) *Shipment.* The documents submitted as evidence of the shipment of commodities under § 201.52(a)(4) shall be dated within the shipping period, if any, specified in the letter of commitment or the request for the opening of a special letter of credit.

(2) *Source of commodities.* The documents submitted in connection with the claim for reimbursement on commodities may not indicate that the source of the commodities is inconsistent with the A.I.D. geographic code designation contained in the letter of commitment or the request for the opening of a special letter of credit.

(3) *Destination.* The documents submitted shall indicate that the destination of the commodities, by shipment, transshipment, or reshipment, is the cooperating country named in the letter of commitment or the request for the opening of a special letter of credit.

(4) *Description.* The documents shall describe and identify the commodities or services in a manner which, according to good commercial practice, is not inconsistent with the description contained in the letter of credit or payment instructions issued under a letter of commitment or a request for the opening of a special letter of credit. The bank shall not be required to determine whether the supplier's invoice meets the detailed requirements of § 201.52(a)(2)(i) or whether the carrier statement of charges is indicated on the bill of lading.

(5) *Discounts and purchasing agent's commissions.* If the documents disclose that the invoice price includes either discounts or commissions payable to purchasing agents, the bank shall not make payment of such discounts and commissions. In the absence of such information, however, the bank shall not be required to make independent inquiry as to whether the invoice price includes such items.

(6) *Certifications.* Each supplier's invoice presented for payment shall contain such other certifications as may be required in the letter of commitment or the request for the opening of a special letter of credit. The bank shall accept only certifications which, to the best of its knowledge and belief, have been signed by hand.

(7) *Other requirements.* The documents submitted shall contain such other information as required by the letter of commitment or the request for the opening of a special letter of credit except that the bank shall have responsibility in this regard only to the extent specifically indicated in the letter of commitment or such request.

(c) *Acceptance of certificates.* A bank shall not accept for submission to A.I.D. the original of the Supplier's Certificate, the Certificate Concerning Commissions, or the Certificate and Agreement Regarding Concerted Pricing unless, to the best knowledge and belief of the bank, each such original has been signed by hand.

§ 201.73 Limitations on the responsibilities of banks.

The following general limitations on the responsibilities of banks issuing, advising, or confirming letters of credit and making payments under letters of credit or otherwise, shall apply.

(a) *Sufficiency and completeness of documents.* Any document, including the Supplier's Certificate, the Certificate Concerning Commissions, and the Certificate and Agreement Regarding Concerted Pricing, submitted by a bank to A.I.D. in support of a claim for reimbursement, shall be sufficient if it purports to be the sort required to be delivered and if it has been accepted by the bank in the ordinary course of business in good faith. Except as may be required in discharge of its responsibilities under § 201.72 (b) and (c), the bank's right of reimbursement shall not be affected by the fact that any document required to be submitted by it is incomplete or may indicate noncompliance with any provision of this part.

(b) *Reimbursement right notwithstanding certain deficiencies.* A bank's right to reimbursement from A.I.D. for payments which the bank has made will not be affected by the fact that—

(1) The Certificate and Agreement Regarding Concerted Pricing, the Certificate Concerning Commissions, or the Invoice-and-Contract Abstract in the Supplier's Certificate may be incomplete, or may indicate noncompliance with any provision of this Part 201, the letter of commitment, a request for the opening of a special letter of credit, or any other implementing document, or may be inconsistent with other documents required for reimbursement; or

(2) In conjunction with the submission by a supplier of a Certificate and Agreement Regarding Concerted Pricing, the bank has failed to secure from a supplier who is not also the producer of the commodities a producer's invoice and a Certificate and Agreement Regard-

ing Concerted Pricing executed by the producer of the commodities.

(c) *Nonresponsibility of bank for truth or accuracy of statements or certifications.* The bank shall not be responsible for the truth or accuracy of any information or statement contained in any Supplier's Certificate or any other document or certification to be submitted by it to A.I.D., notwithstanding any knowledge or information in the actual or constructive possession of the bank to the contrary. The bank shall not be obligated to look beyond the documents, including any certification endorsed thereon, to be submitted by it or to make any independent investigation as to the truth or accuracy of any information or statement contained therein.

(d) *Protection of bank making payment.* Acceptance by the bank of any document in the ordinary course of business in good faith as being a genuine and valid document and sufficient in the premises, and the delivery thereof to A.I.D., shall constitute full compliance by the bank with any provision of this part, the letter of commitment or the request for the opening of a special letter of credit requiring delivery of a document of the sort that the document actually so delivered purports to be. The bank shall be entitled to receive and retain reimbursement of the amount of all payments made by it against documents so accepted, notwithstanding that such payments may be made in connection with a purchase in excess of the price calculated in accordance with the applicable provisions of Subpart G.

(e) *Payment to third persons.* The bank's right of reimbursement shall not be affected by the fact that payment is made to the approved applicant or the beneficiary of a special letter of credit or at the request of the approved applicant or such beneficiary to a person other than the supplier under the contract to which such payment relates, if the bank has complied with all other requirements of the letter of commitment or the request for the opening of a special letter of credit and has satisfied itself in good faith that the person to whom it makes payment has, in turn, made payment to the supplier.

(f) *Bank procedures with regard to certain suppliers.* In the event a bank receives written advice from A.I.D. concerning special conditions which are applicable to transactions of particular suppliers, such bank will use reasonable care to maintain procedures designed to ensure that accommodations thereafter furnished by it with respect to such suppliers by means of the issuance, confirmation, advising or transfer of letters of credit, or the making of payments not under letters of credit shall reflect such special conditions. While banks are expected to comply with the foregoing obligation, a bank which has used reasonable care to establish and maintain such procedures will not be responsible for any inadvertent furnishing of any such accommodation not containing applicable special conditions or the making of payment thereunder. For the purpose of ascertaining whether the supplier is a person or organization subject to an A.I.D. advice concerning special conditions applicable to its transactions under this paragraph, a bank, in making payment under a letter of credit or otherwise, may consider as supplier the person or organization issuing the invoice.

(g) *Provision of implementing documents.* A bank shall not be responsible for compliance with any provision of an implementing document other than a letter of commitment or a request for the opening of a special letter of credit.

§ 201.74 Additional documents for A.I.D.

In addition to the documents required for reimbursement a bank shall retain in its files for a period of at least 5 years and shall make available to A.I.D. promptly upon request a copy of any of the following documents which may pertain to an A.I.D.-financed transaction:

(a) Each letter of credit issued, confirmed, or advised by it, together with any extension or modification thereof;

(b) Payment instructions received from the approved applicant;

(c) Each application and agreement relating to such letter of credit or instructions for payment, together with any extension or modification thereof;

(d) A detailed advice of the interest, commissions, expenses, or other items charged by it in connection with each such letter of credit or payment instructions.

§ 201.75 Termination or modification.

If A.I.D. directs that the delivery of commodities be terminated, orders that title to commodities be vested in it, or modifies any implementing document concerning the disposition of documents, A.I.D. shall give written notice thereof to the banks holding applicable letters of commitment or requests for the opening of special letters of credit and shall instruct each bank with regard to the disposition of documents. Each such bank shall be relieved of any liability whatsoever to the approved applicant for anything done or omitted to be done under instruction of A.I.D. Notwithstanding the foregoing, a bank shall comply with the instructions of A.I.D. only to the extent that it may do so without impairing or affecting any irrevocable obligation to any person or organization except an approved applicant, and in the event the bank shall incur any costs, expenses, or liabilities, including any liability to the approved applicant, it shall be repaid and reimbursed by A.I.D. in respect thereof.

Subpart I—Rights and Remedies of A.I.D., Waiver Authority, and Transitory Provisions

§ 201.80 Purpose.

This subpart sets forth certain A.I.D. rights and remedies against borrower/grantees and suppliers, and prescribes certain general provisions relating to the waiver by A.I.D. of this Part 201, and the continuation in effect of certain prior issuances.

§ 201.81 Rights of A.I.D. against borrower/grantees.

If any transaction financed hereunder violates the requirements of this Part 201 or any U.S. statute or any rule or regulation of A.I.D. promulgated under any such statute, A.I.D. may require the borrower/grantee to refund the amounts A.I.D. determines are attributable to such violation and may exercise any right of acceleration or termination contained in the implementing document. The borrower/grantee shall be deemed to have agreed to make such refund or accelerated payment promptly upon request by A.I.D. and shall be deemed to have consented to any modification of the implementing document determined by A.I.D. to be necessary to reflect any such refund or acceleration.

§ 201.82 Rights of A.I.D. against suppliers.

Without limiting the responsibility of the borrower/grantee or other parties, A.I.D. may require an appropriate refund to it by a supplier under any transaction which violates the requirements of this Part 201, whenever in A.I.D.'s opinion the failure of the supplier to comply with the rules and other requirements of this part has contributed to such violation.

§ 201.83 No waiver of alternative rights or remedies by A.I.D.

No right reserved to A.I.D. in this subpart to seek a refund from a borrower/grantee, and no exercise of such right, whether or not successful, shall in any way limit or affect, under the doctrine of the election of remedies or otherwise, A.I.D.'s rights against a supplier under this Subpart I or under the laws of the United States, or of any other country or political subdivision thereof, nor shall any right or remedy herein reserved to A.I.D. against a supplier in any way derogate from or otherwise limit any other rights or remedies which may accrue to A.I.D. under such laws.

§ 201.84 Limitation on period for making refund requests.

A.I.D. will endeavor, but shall not be bound, to make any requests for refunds from a borrower/grantee within five years from the date of the last disbursement of A.I.D. funds for the transaction to which such request relates.

§ 201.85 Waiver and amendment authority.

A.I.D. may waive, withdraw, or amend at any time any or all of the provisions of this Part 201

§ 201.86 Continuation in effect of certain prior issuances.

(a) The following documents, if issued or executed by A.I.D. or any predecessor agency or corporation prior to November 1, 1964, will continue in effect subject to all the terms and conditions of such documents and, to the extent applicable, all the terms and conditions of this Part 201 as in effect on the date of the is-

suance of such documents: Project agreements, procurement authorizations and project implementation orders, U.S. Government agency purchase requisitions, loan agreements and implementation letters, letters of commitment and letters of notification to banks, requests for the opening of a special letter of credit and letters of commitment to suppliers. Authorizations, bank contracts, letters of guaranty to banks or suppliers issued by A.I.D. or any predecessor agency or corporation prior to the effective date of this part will continue in effect in accordance with their terms. Amendments to any of the above documents may continue to be made in accordance with the procedures in effect prior to November 1, 1964.

(b) Whenever a Supplier's Certificate A.I.D. Form 280 is required to be submitted under the provisions of this Part 201 as in effect prior to November 1, 1964, a Supplier's Certificate A.I.D. Form 281 or 282 completed and executed in accordance with the provisions of § 201.52 (a)(6), (b), and (c) may, at the election of the supplier, be submitted in lieu of such Supplier's Certificate A.I.D. Form 280, and, if such Supplier's Certificate A.I.D. Form 281 or 282 is submitted, the supplier executing the same shall be bound by the provisions thereof and by the provisions of this Part 201 as in effect at the time of his execution of such Supplier's Certificate.

(c) Whenever a Supplier's Certificate AID Form 281 is required to be submitted under the provisions of this Part 201 as in effect prior to January 1, 1967, a Supplier's Certificate AID Form 282 completed and executed in accordance with the provisions of § 201.52(a)(6), (b), and (c) may, at the election of the supplier, be submitted in lieu of such Supplier's Certificate AID Form 281 and, if such Supplier's Certificate AID Form 282 is submitted, the supplier executing the same shall be bound by the provisions thereof.

Effective date. The foregoing republished version of Part 201 shall become effective on June 1, 1967.

WILLIAM S. GAUD,
Administrator.

MAY 19, 1967.

APPENDIX A—SUPPLIER'S CERTIFICATE AND AGREEMENT WITH THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(AID 282(1-1-67))

The supplier hereby acknowledges notice that the sum indicated on the accompanying invoice as claimed to be due and owing under the terms of the contract described on the reverse hereof (hereafter referred to as "said contract") is to be paid, in whole or in part, out of funds made available by the United States under the Foreign Assistance Act of 1961, as amended, and that such payment is subject to Regulation 1 of the Agency for International Development (AID), as in effect on the date hereof (22 CFR Part 201). In consideration of the receipt of such sum, the supplier agrees with and certifies to AID as follows:

1. The undersigned is the supplier of the commodities or commodity-related services indicated in the Invoice-and-Contract Abstract on the reverse hereof, is entitled under said contract to the payment of the sum claimed, and is executing this Certificate and Agreement for the purpose of obtaining such payment from funds made available by the United States as described above.

2. The supplier will, upon the request of AID, promptly make refund to AID of any amount by which the purchase price exceeds the maximum price permitted under the provisions of subpart G of AID Regulation 1 other than § 201.62(a).

3. The supplier will, upon the request of AID, promptly make appropriate refund to AID in the event of—

(a) His nonperformance, in whole or in part, under said contract, or

(b) Any breach by him of any of his undertakings in this Certificate and Agreement, or

(c) Any false certification or representation made by him in this Certificate and Agreement or in the Invoice-and-Contract Abstract on the reverse hereof in regard to the transaction indicated thereon.

4. The supplier will promptly pay to AID (Office of the Comptroller, AID, Washington, D.C. 20523) and adjustment refunds, credits, or allowances payable to or for the account of the importer arising out of the terms of the said contract or the customs of the trade.

5. On the basis of information from such sources as are available to the supplier and to the best of his information and belief, any commodity supplied under said contract meets the requirements of § 201.11(b) of AID Regulation 1 as to source, country where mined, grown, or produced, and limitation on components.

6. The supplier or his agent has not compensated any person to obtain said contract except to the extent, if any, indicated on the reverse hereof.

7. The supplier or his agent has not given or received and will not give or receive side payments, "kickbacks", or any other payment or benefit whatever in connection with said transaction or any series of transactions of which said transaction is a part, other than those payments or benefits referred to in paragraphs 1 and 4 and indicated on the reverse hereof. Any commissions paid or to be paid in connection with said transaction are shown on the reverse hereof in blocks 28 and 29.

8. If the supplier is the producer, manufacturer or processor of the commodity, said contract is not a cost-plus-percentage-of-cost contract.

9. On the basis of information from such sources as are available to the supplier and to the best of his information and belief, the purchase price is not higher than the maximum price permitted under each of the requirements of subpart G of AID Regulation 1, relating to maximum prices other than § 201.62(a).

10. The amount shown on the reverse hereof in block 9 is net of all credits, allowances, and discounts granted and payments made, by the supplier or his agent to or for the account of the importer, including all discounts and payments for quantity purchases and prompt payment customarily allowed other customers under similar circumstances.

11. The supplier will for a period of not less than five (5) years after the date hereof maintain all business records and other documents which bear on his compliance with any of the undertakings and certifications herein and will at any time requested by AID make such records and documents available to AID for examination.

12. The supplier has complied with the provisions contained and referred to in subpart D of AID Regulation 1. If the supplier has been informed by AID of a requirement for submitting to AID for prior review proposed sales to be financed through funds made available by AID, the supplier has made such submission, has been notified by AID of the results of such review and has complied with all conditions and requirements specified in such notification.

13. The supplier has filled in the applicable portions of the Invoice-and-Contract Abstract on the reverse hereof, certifies to the correctness of the information shown therein, and will upon the request of AID promptly furnish to AID such additional information in such form as AID may request concerning the purchase price, the cost to the supplier of the commodities and/or commodity-related services involved, or any other facts, data, or business records relating to the supplier's compliance with his undertakings and certifications in this Supplier's Certificate and Agreement.

14. The agreement incorporated herein shall be deemed to be a contract made under the laws of the District of Columbia, U.S.A., and shall be governed by and construed in accordance with such laws.

NOTES: (a) Any amendments of, or additions to, the printed provisions of this Supplier's Certificate and Agreement are improper and will not be considered a part hereof. (b) False statements herein are punishable by U.S. law. (c) The word "Copy" must be written after signature on all signed copies other than the original.

Signature of official authorized to sign for (check one): Commodity supplier ☐; carrier ☐; insurer ☐; date _____.

INSTRUCTIONS

This form must be completed in the English language only and all amounts of money are to be shown in U.S. dollars.

General—Execution of Form. This form is designed for use with the Standard Export format. An original and two copies of this form, completed by the following, as appropriate, must accompany each invoice for which payment is requested: (a) Commodity-executed by the supplier of the commodity covering the cost of the commodity, including the cost of any commodity-related service paid by the supplier for his own or the buyer's account; (b) Transportation—executed by each carrier who is separately paid for ocean and air freight to be financed by AID; (c) Insurance—executed by the insurer, insurance broker, or underwriter for the cost of marine insurance to be financed by AID when such cost exceeds $50. The original must be signed by an authorized official of the supplier, who shall indicate his title thereon. Unless otherwise specified below, all numbered blocks MUST be appropriately completed or the letters "NA" (not applicable) entered.

Obtaining Forms. The forms (as well as copies of AID Regulation 1 referred to in this form) may be obtained in limited quantities from banks holding AID letters of commitment, field offices of the Department of Commerce, or the Distribution Branch, Agency for International Development, Washington, D.C. 20523. Forms may be reproduced provided the reproduction is identical in content, size, color, and format.

Invoice and Contract Abstract—Block 1: Enter the commodity supplier's name and address.

Block 2: Enter the importer's name and address. Caution: On other documents in the Standard Export format, such as the Bill of Lading, the corresponding block may call for the name and address of the party to whom the carrier is to give notice of arrival. When such party is not the importer, be sure to enter the importer's name and address instead. *Block 3:* Enter name of vessel. *Block 4:* Enter flag of registry. *Block 5:* Enter port shown on Bill of Lading. *Block 6:* Insert the written description of each commodity, preceded by its appropriate U.S. Department of Commerce Schedule B num-

ber or numbers. On shipments not from the United States, these numbers should be inserted if known. For multi-item invoices, insert the descriptive words commonly employed within the trade and the appropriate Schedule B number(s). *Block 7:* Show the Bill of Lading measurement. *Block 8:* Show the Bill of Lading weight. *Block 9:* The amount shown is the net amount for which the supplier seeks payment. It must not include any credit, discount, commissions, or allowance to or for the account of the importer or his agent. Commissions paid or to be paid in connection with the transaction covered by this form to agents of supplier which are included in the amount shown in block 9 must be detailed in blocks 28 through 30.

Block 10: Show the country of source as defined in § 201.01 of AID Regulation 1. *Block 11:* Insert the AID 3- or 4-digit commodity code numbers, if known.

Block 12: Insert AID implementing document number furnished in the letter of credit or importer's instructions. *Blocks 13 and 14:* When an import license is furnished by the importer, insert the number in block 14; otherwise insert in block 13 the letter of credit number assigned by the opening bank in the importing country, if applicable.

Block 15: Insert the invoice date. *Block 16:* Show the shipping terms, i.e., if a commodity supplier, show "FOB (or FAS) at _____" or "CIF (or C&F) to _____"; if a supplier of ocean transportation, show "Collect" or "Prepaid".

Blocks 17 through 19: Insert the commodity invoice data or insurance rate, as applicable. If there is insufficient room, as in the case of multiple-item invoices, the information may be furnished (a) on an attached listing, (b) in block 21, or (c) by means of an additional copy of the invoice attached to this form. In any of these instances, appropriate reference should be made in blocks 17 through 19 as to the method by which the information is furnished, e.g., "See attached listing". *Block 20:* Enter the date of the contract. *Block 21:* Use to explain any differences between shipping terms, quantity, and unit price as stated in the contract and as invoiced. May also be used to furnish explanation of, or additional information in connection with, any entries on the form. *Block 22:* Enter the total contract amount.

Transportation Information—Block 23: Check appropriate vessel types. *Block 24:* Enter as per tariff the appropriate freight rate, other freight charges, and total dollar amount of freight charges after discount. *Block 25:* Enter the Bill of Lading number. *Block 26:* Enter the Bill of Lading date.

Insurance Information—Block 27: Self-explanatory.

Information as to Commissions, Credits, Allowances, Similar Payments, and Side Payments—Blocks 28 through 30. Enter in these blocks pertinent information with reference to (a) all payments, credits, commissions, and similar allowances paid or to be paid by the supplier to or for the benefit of his agent, the importer, or the importer's agent as required by § 201.65(h) of AID Regulation 1, and (b) any side payments, not shown on the invoice, made or to be made by the importer to the supplier, in connection with the transaction, as required by § 201.66 of AID Regulation 1. In block 30 indicate whether or not the amount is included in the invoice amount reported in block 9 by entering the amount of each payment opposite the related entry in the appropriate column "Included in Invoice" or "Not Included in Invoice". If there is insufficient room to furnish the information required in blocks 28 through 30, the blocks may be noted "Continued" or "See attached listing" and the required information shown in block 21 or furnished on a listing attached to the form. If no commissions, credits, allowances, similar payments, and side payments are involved, insert "None" in block 28. Contracts need not be submitted to AID unless specifically requested. In the case of ocean freight, however, charter parties, if any, are to be included in the reimbursement documents.

INVOICE-AND-CONTRACT ABSTRACT

1. Commodity supplier's name and address: _____
2. Importer's name and address: _____
3. Vessel: _____
4. Flag: _____
5. Port of exit: _____

COMMODITY INFORMATION

6. Schedule B number and description of commodity: _____
7. Measurement: _____
8. Gross weight: _____
9. Invoice amount after discount: _____
10. Source (country): _____
11. AID commodity code: _____
12. AID number: _____
13. Opening bank ltr. cr. number: _____
14. Import license number: _____
15. Invoice date: _____
16. Shipping terms: _____
17. Quantity: _____
18. Unit: _____
19. Unit price: _____
20. Contract date: _____
21. Specify here items and amounts that will account for any differences between contract and invoice prices: _____
22. Total contract amount: _____

TRANSPORTATION INFORMATION

23. Vessel type: ☐ Bulk ☐ Berth ☐ Tanker ☐ _____
24. Freight rate: _____ Other: _____ Total _____
25. B/L number: _____
26. B/L date: _____

INSURANCE INFORMATION

27. Insurance premium on this shipment (if over $50): _____

INFORMATION AS TO COMMISSIONS, CREDITS, ALLOWANCES, SIMILAR PAYMENTS, AND SIDE PAYMENTS

28. Name of recipients: _____
29. Addresses: _____
30. Amount paid or to be paid: Included in invoice: _____ Not included in invoice: _____

If certification on other side is made by carrier or insurer, type or print name and address of company:

Carrier: _____
Insurer: _____

Type or print name and title of official authorized to sign on the other side: _____

Place executed (city, State, country): _____

_____

APPENDIX B—INSTRUCTIONS FOR NOTICE OF PROPOSED PROCUREMENT

In general, the minimum notification requirements specified in subparagraphs (2) and (3) of § 201.24(a) of A.I.D. Regulation 1 must be observed by the importer in all A.I.D.-financed procurement other than by formal competitive bids. Exceptions from these requirements are set forth in § 201.24 (b) "Exemption for small value procurement" and § 201.24(c) "Waiver provisions" of the regulation.

These minimum notification requirements are as follows:

The importer must submit to the Office of Small Business (OSB), A.I.D., a notice of proposed procurement. Until forty-five (45) days after its expected arrival there, the importer or his agent may not accept any offer or place any order, or agree to accept any offer or to place any order. The OSB may require a waiting period longer than forty-five (45) days or, upon application of the importer, authorize a shorter period. Except when submission is by cablegram, three copies are to be submitted by registered mail to the OSB.

Cablegram: OSBAID, Washington, D.C., USA

Mail: Office of Small Business, Agency for International Development, Washington, D.C. 20523, U.S.A.

The information contained in the notice shall be in the English language, and specifications shall be in terms of U.S. standards. If the notice as submitted does not comply with all the specified minimum notification requirements, it may be returned by OSB to the importer for revision and resubmission. In such cases, the revised copies must be submitted anew in accordance with the applicable requirements.

The notice of proposed procurement shall be submitted in the format set forth below. Guidance as to the information required in the individual paragraphs of the notice is contained in the notes listed following the format.

(FORMAT)

NOTICE OF PROPOSED PROCUREMENT

A. Country _____ (See Note A)
B. Authority _____ (See Note B)
C. Subauthority _____ (See Note C)
D. Source _____ (See Note D)
E. End of waiting period _____ (See Note E)
F. Buyer _____ (See Note F)
G. Commodity _____ (See Note G)
H. Value _____ (See Note H)
I. Basis _____ (See Note I)
J. Cablegram _____ (See Note J)
K. Delivery _____ (See Note K)
L. Other _____ (See Note L)

NOTE A. Designate the importing country (e.g., A. Country: India).

NOTE B. Identify, if known, the implementing document which authorizes the use of A.I.D. funds for the proposed procurement (e.g., B. Authority; 518–B–432).

NOTE C. Indicate, if applicable, the subauthorization (SA), and/or Import License (IL) numbers (e.g., C. Subauthority: SA 1324/IL 4321).

NOTE D. Indicate the eligible source (area in which procurement may be made) as designated in the implementing document. List both the name description and the number for the A.I.D. Geographic Code (e.g., D. Source: United States, 000).

NOTE E. Indicate the calendar date by which quotations or offers must reach the importer to assure their consideration. This date must be established as being at least forty-five (45) calendar days after expected receipt of notice in AID/W (Office of Small Business) (e.g., E. End of waiting period: Aug. 16, 1964).

NOTE F. Indicate the name and complete address of the importer. This will be the person or organization who for this transaction is the purchaser. Telephone number may also be included if contact by such means is acceptable (e.g., F. Buyer: XYZ Import Company, Ltd., 14 Front Street, Bombay, India, Tel. Bombay 373781).

NOTE G. Fully describe the commodities and/or services (excluding ocean transportation and marine insurance) for which quotations or offers are desired. Specifications shall be in terms of U.S. standards and shall indicate sizes, quantities, etc. Electrical equipment shall include the power characteristics required. Data shall be in such sufficient detail as to provide an adequate basis on which suppliers can submit realistic offers. Omission of U.S. standards as herein prescribed will make the entire notice unacceptable.

NOTE H. Indicate the full dollar amount of the Import License, except when the notice covers only part of the commodities included in the License. In such cases, show on any one notice only the approximate dollar value of the commodities included. The dollar value will not be published in the Small Business Circular except in those instances where the importer does not indicate a specific quantity, but instead, desires to purchase the greatest quantity for a given sum (e.g., H. Cost: $250,000).

NOTE I. Indicate basis on which quotations or offers are to be submitted: c.i.f. or c. & f. Port of Entry; f.a.s. or f.o.b. Port of Exit; etc. (e.g., I Basis: c.i.f. Bombay).

NOTE J. Indicate whether or not cablegram quotations will be accepted. If acceptable, show Importer's cable address (e.g., J. Cablegram: Acceptable, CMMP, Bombay).

NOTE K. Indicate the date by which shipment from source country is required or desired, and the destination port (e.g., K. Delivery: Bombay, Nov. 14, 1964).

NOTE L. List any special shipping or packing instructions or other conditions and information which are applicable and not included in preceding paragraphs.

APPENDIX C—CERTIFICATE AND AGREEMENT WITH THE AGENCY FOR INTERNATIONAL DEVELOPMENT CONCERNING COMMISSION AND SERVICE PAYMENTS ASSOCIATED WITH COMMODITY SALES FINANCED WITH FOREIGN ASSISTANCE FUNDS (A.I.D. FORM 283)

Limitations on A.I.D. Financing: Paragraphs (b), (c), and (d) of § 201.65 of A.I.D. Regulation 1 (22 C.F.R. § 201.65) provide as follows:

(b) *Commission to sales agents.* Unless otherwise authorized by A.I.D., a commission paid or payable by a supplier to or for the benefit of a sales agent in connection with any sale subject to this Part 201 shall be eligible for A.I.D. financing only if—

(1) The sales agent performed no part of the services relating to the commission outside the United States, and the sales agent maintains a regular place of business in the United States; or

(2) The sales agent whose services relate to the commission is a U.S. firm, and any officer, employee, partner or association member of the sales agent who has performed outside the United States any part of the services relating to the commission is both a citizen and resident of the United States.

(c) *Commission to commission employees.* Unless otherwise authorized by A.I.D., a commission paid or payable by a supplier to or for the benefit of a commission employee in connection with any sale subject to this Part 201 shall be eligible for A.I.D. financing only if—

(1) The commission employee performed no part of the services relating to the commission outside the United States; or

(2) The commission employee whose services relate to the commission is both a citizen and resident of the United States.

(d) *Service payments.* Unless otherwise authorized by A.I.D., a service payment in connection with any sale subject to this Part 201 will not be eligible for A.I.D. financing if any portion thereof has been paid or is payable by the supplier to or for the benefit of a local service organization.

Instructions: As a condition for receiving payment from Foreign Assistance Funds, the supplier is required to check one or more of the certifications which appear as separate blocks on the reverse of this form and which apply to his transaction. The supplier shall indicate on line 4 the letter of the certification(s) to which he subscribes. If the supplier checks the block for Certifications A, H, or I, he may check no other certification. A supplier who executes Certification H will also thereby request the opening bank to pay a commission or to make a service payment in local currency in accordance with the procedure described in paragraph (e) of § 201.65 of A.I.D. Regulation 1. By executing Certification I, a supplier to Vietnam will also thereby request the opening bank to pay a commission or to make a service payment in local currency in accordance with the procedure described in paragraph (f) of § 201.65 of A.I.D. Regulation 1. As appropriate, the supplier may check one or more of Certifications B, C, D, E, F, or G.

On line 1 below the supplier shall insert the serial or other number which he has assigned to the invoice which he submits to his bank as the basis for receiving payment. On line 2 the supplier shall insert the A.I.D. identification number of the implementing document.

1. Invoice No. _____.
2. A.I.D. No. _____.

CERTIFICATIONS TO A.I.D. AND REQUEST TO OPENING BANK

NO COMMISSION OR SERVICE PAYMENTS

Certification A: ☐ The undersigned certifies on behalf of the supplier that in connection with the sale described on the accompanying Invoice-and-Contract Abstract no commission and no service payment has been paid or is payable either in dollars or in local currency.

DOLLAR COMMISSION TO A SALES AGENT

The undersigned certifies on behalf of the supplier that a dollar commission has been paid or is payable in the amount indicated on the accompanying A.I.D. Invoice-and-Contract Abstract to a sales agent; and—

Certification B: ☐ That no part of the services relating to the commission were performed by the sales agent outside the United States; and that the sales agent maintains a regular place of business in the United States; or—

Certification C: ☐ That the sales agent whose services relate to the commission is a U.S. firm; and that any officer, employee, partner, or association member of such U.S. firm who has performed outside the United States any part of the services relating to the commission is both a citizen and resident of the United States.

DOLLAR COMMISSION TO A COMMISSION EMPLOYEE

The undersigned certifies on behalf of the supplier that a dollar commission has been paid or is payable in the amount indicated on the accompanying A.I.D. Invoice-and-Contract. Abstract to a commission employee; and—

Certification D: ☐ That no part of the services relating to the commission were performed by the commission employee outside the United States: or—

Certification E: ☐ That the commission employee who has performed outside the United States any part of the services relating to the commission is both a citizen and resident of the United States.

DOLLAR SERVICE PAYMENTS

Certification F: ☐ The undersigned certifies on behalf of the supplier that a service payment has been paid or is payable in dollars in the amount indicated on the accompanying A.I.D. Invoice-and-Contract Abstract and that such amount has neither been paid nor is payable to a local service organization.

LOCAL CURRENCY COMMISSION OR SERVICE PAYMENT BY IMPORTER

Certification G: ☐ The undersigned certifies on behalf of the supplier that a commission or service payment has been paid or is payable by the importer in local currency for account of the supplier directly to the sales agent, commission employee, or local service organization in the amount indicated on the accompanying A.I.D. Invoice-and-Contract Abstract and that the amount of the commission or service payment, expressed in dollars, has been subtracted from the invoice amount for which the supplier is claiming A.I.D. financing.

LOCAL CURRENCY COMMISSION OR SERVICE PAYMENT BY OPENING BANK

Certification H: ☐ The undersigned certifies on behalf of the supplier that a commission or service payment is payable in local currency in the amount indicated on the accompanying A.I.D. Invoice-and-Contract Abstract; that the amount of the commission or service payment, expressed in dollars, has been subtracted from the invoice amount for which the supplier is claiming A.I.D. financing; and that the supplier will make no commission or service payment in any other manner in connection with the transaction described on the accompanying A.I.D. Invoice-and-Contract Abstract.

Request to opening bank: The opening bank, in accordance with the procedure outlined in paragraph (e) of § 201.65 of A.I.D. Regulation 1 and in instructions issued by the central banking authority of the government of the cooperating country, is requested by the undersigned to pay on behalf of the supplier, on the basis of the information provided on line 3 of this form and on the supplier's invoice, a local currency equivalent (based upon the official exchange rate) of the amount indicated in dollars to the sales agent, commission employee, or local service organization.

3. Commission and Service Payment Information:

a. Name of:

_____sales agent_____.

_____commission employee_____.

_____local service organization_____.

b. Address of sales agent, commission employee, or local service organization_____.

c. Gross invoice amount_____.

d. Commission or service payment (expressed in dollars) payable by opening bank in local currency_____.

e. Net invoice amount to be paid to supplier with A.I.D. dollars (line c minus line d) _____.

Certification I (for suppliers to Vietnam only): ☐ The undersigned certifies on behalf of the supplier that a commission or service payment is payable to the sales agent, commission employee, or local service organization whose name and address appear on line 3 of this form; that to discharge his obligation the supplier has secured a bank draft payable to the opening bank on behalf of the sales agent, commission employee, or local service organization and has placed such bank draft along with a signed, executed copy of this form in a sealed envelope marked on the outside with the name of the opening bank; and that the supplier, without the prior approval of A.I.D., will make no commission or service payment in any other manner in connection with the transaction described on the accompanying A.I.D. Invoice-and-Contract Abstract.

Request to opening bank: By executing this Certification I the undersigned, acting

on behalf of the supplier, hereby requests the opening bank, in accordance with the procedure outlined in paragraph (f) of § 201.65 of A.I.D. Regulation 1 and in regulations issued by the National Bank of Vietnam, to convert the dollar amount covered by the attached bank draft into a local currency equivalent (based upon the official exchange rate) and to pay on behalf of the supplier the resulting sum to the sales agent, commission employee, or local service organization on the basis of the information provided on line 3 of this form.

4. The undersigned has checked block letter(s) _____ and has thereby subscribed to the contents of the certification(s) set forth therein as a condition for receiving payment from funds authorized under the Foreign Assistance Act of 1961, as amended, for the sale described on the accompanying Invoice-and-Contract Abstract. The undersigned represents that, except as certified in the block(s) which he has checked on this form, no commission or service payment either in dollars or in local currency has been paid or is payable to a sales agent, commission employee or local service organization in connection with the sale described on the accompanying Invoice-and-Contract Abstract. The undersigned acknowledges that the supplier will, upon request of the Administrator of A.I.D., promptly refund to A.I.D. in dollars any sum which the supplier has paid over in violation of any certification which he has made on this form. The supplier also acknowledges that false certification may bring about the application of penalties provided by Title 18 and Title 31 of the United States Code.

_____
(Signature)

_____
(Name of supplier (name of firm))

_____
(Position in firm)

_____
(Date)

Definitions: As used on this form, "commission" means any payment or allowance by a supplier to any person for the contribution which that person has made to securing the sale for the supplier or which that person makes to securing on a continuing basis similar sales for the supplier; "commission employee" means any employee or officer of the supplier who has contributed to securing the sale and who is paid a salary which is directly or indirectly calculated as, or related to, a percentage of the amount of the sale; "Invoice-and-Contract Abstract" means the reverse side of A.I.D. Form 282 (which appears as Appendix A to A.I.D. Regulation 1, 22 C.F.R. Part 201) or A.I.D. Form 18–24; "local currency" means the currency of the cooperating country; "local service organization" means any person who in the cooperating country performs services in connection with the A.I.D.-financed commodities; "opening bank" means the bank which has opened the letter of credit in the cooperating country in favor of the supplier; "regular place of business" means a permanent business establishment such as an office, sales outlet, or other fixed place of business, but does not include a mere postal address or box number or any casual or temporary use of facilities for the sole or principal purpose of rendering a commission eligible for A.I.D. financing; "resident of the United States" means any natural person who maintains a permanent household in the United States, who pays or who is subject to the income tax requirements, if any, of the State in which he maintains his household; and who is physically present for at least 60 days of the year in the United States; "sales agent" means any person who is neither the importer nor a commission employee and who has contributed to securing the sale or to securing similar sales on a continuing basis for the supplier; "service payment" means with respect to services performed in connection with the A.I.D.-financed commodities any payment or allowance by the supplier to any person, whether or not a sales agent, but not including a commission, payment or allowance for incidental or delivery services, or a salary payment to any officer or employee of the supplier; "State" means the District of Columbia, Puerto Rico, or any State, territory or possession of the United States; "U.S. firm" means (1) a corporation which has been organized under the laws of any State of the United States, which maintains a regular place of business in the United States, and which is at least 51 percent beneficially owned by citizens of the United States or U.S. firms or both; or (2) a sole proprietorship in which the sole proprietor is both a citizen and resident of the United States; or (3) a partnership or association in which the majority of partners or association members are both citizens and residents of the United States.

Appendix D—Certificate and Agreement Regarding Concerted Pricing

(A.I.D. Form 285)

In consideration of the receipt of funds made available by the United States under the Foreign Assistance Act of 1961, as amended, in payment, in whole or in part, of the sum indicated on the accompanying invoice as claimed to be due and owing, the undersigned, acting on behalf of the firm whose name appears on line 6 below (the supplier or the producer of the commodities) and authorized to bind such firm, agrees with and certifies to A.I.D. as follows:

(1) The firm whose name appears on line 6 below—

a. Is the A.I.D.-financed supplier, but is not the producer of the goods described by the attached invoice which the supplier has executed.

b. Is the A.I.D.-financed supplier and is also the producer of the goods described by the attached invoice which the supplier has executed.

c. Is not the A.I.D.-financed supplier, but is the producer of the goods described by the attached invoice which the producer has executed.

[Check the appropriate box.]

(2) The price and quantity terms of the sale described by the attached invoice have been arrived at independently by the firm on whose behalf this Certificate is executed, without consultation or agreement concerning such price or quantity with any other bidder, offeror, competitor, or any member of an Export Trade Association (an Association within the meaning of 15 U.S.C. §§ 61–65), and without reliance upon any price established or recommended by any such Association.

(3) If the undersigned has checked box (1)(a) of this Certificate, he has also appended an invoice executed by the producer of the commodities described in the supplier's invoice and a Certificate and Agreement Regarding Concerted Pricing (A.I.D. Form 285) executed by the producer of such commodities.

(4) Invoice No_____

(5) A.I.D. No_____

(6) Name of firm_____

(7) Name of undersigned and position in firm _____

_____

(8) Signature _____

(9) Date _____

Instructions: "Firm" means the supplier or producer on whose behalf this Certificate and Agreement Regarding Concerted Pricing is executed. The supplier of the commodity shall execute this Certificate in every case in which he is required to do so as a condition for receiving payment. If the supplier indicates in box (1)(a) that he is not also the producer of the commodities (through manufacture, processing, mining, growth, or assembly), he shall attach to his invoice the invoice of the producer (covering the same commodities described in the supplier's invoice) and an additional Certificate and Agreement Regarding Concerted Pricing (A.I.D. Form 285) executed by the producer of the commodities. On line 4, the supplier or the producer shall insert the serial number or other number which he has assigned to his invoice. On line 5 the supplier or the producer shall insert the A.I.D. implementation number which identifies the transaction.

[F.R. Doc. 67–5778; Filed, May 24, 1967; 8:45 a.m.]

FEDERAL REGISTER

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Agriculture Department
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Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Employment Security Bureau
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
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THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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FEDERAL REGISTER

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(Codification Guide)

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Title 3—THE PRESIDENT

Executive Order 11354

AMENDING EXECUTIVE ORDER NO. 11030 OF JUNE 19, 1962, WITH RESPECT TO THE PREPARATION OF PRESIDENTIAL PROCLAMATIONS

Under and by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. Section 1 of Executive Order No. 11030 [1] of June 19, 1962, relating to the preparation of Executive orders and proclamations (1 CFR 7.1), is hereby amended by adding at the end thereof the following:

"(g) Proclamations issued by the President shall conclude with the following-described recitation—

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, in the year of our Lord _____, and of the Independence of the United States of America the _____."

SEC. 2. Section 3(a) of Executive Order No. 11030 (1 CFR 7.3(a)), is hereby amended to read as follows:

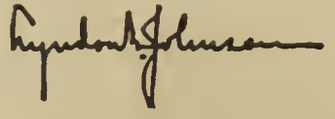
"(a) If the order or proclamation is signed by the President, the original and two copies shall be forwarded to the Director of the Office of the Federal Register for publication in the FEDERAL REGISTER."

SEC. 3. Item 1. of Executive Order No. 10347 [2] of April 18, 1952, entitled "Providing for the Affixing of the Seal of the United States to Certain Presidential Documents," is hereby amended to read as follows:

"1. Proclamations by the President of treaties, conventions, protocols, or other international agreements."

SEC. 4. The provisions of Executive Order No. 3577 of November 8, 1921, shall not apply to proclamations, except proclamations of treaties, conventions, protocols, or other international agreements.

SEC. 5. This order shall be effective July 1, 1967.



THE WHITE HOUSE,
May 23, 1967.

[F.R. Doc. 67-5945; Filed, May 24, 1967; 3:20 p.m.]

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[1] 3 CFR, 1959–1963 Comp., p. 610; 27 F.R. 5847.
[2] 3 CFR, 1949–1953 Comp., p. 870; 17 F.R. 3521.

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Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

PART 7—PREPARATION, PRESENTATION, FILING, AND PUBLICATION OF EXECUTIVE ORDERS AND PROCLAMATIONS

Miscellaneous Amendments

CROSS REFERENCE: For amendments to Part 7 of Title 1, see Title 3, Executive Order 11354, *supra*.

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective January 27, 1966, as amended March 19, 1966, April 23, 1966, June 9, 1966, July 15, 1966, August 25, 1966, October 13, 1966, January 27, 1967, March 1, 1967, and April 15, 1967 (31 F.R. 1052, 4722, 6247, 8113, 9593, 11213, 13203, 32 F.R. 969, 3383, 6019), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding to and deleting from the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted travel time.

* * * * *

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Edmonds, Wash. (served from Seattle, Wash.).

Add: Randolph AFB, San Antonio, Tex. (served from San Antonio, Tex.).

* * * * *

THREE HOURS

Add: Fort Lewis, Wash. (served from Seattle, Wash.).

* * * * *

FOUR HOURS

Add: Port Townsend, Wash. (served from Seattle, Wash.).

* * * * *

FIVE HOURS

Delete: Point Townsend, Wash. (served from Seattle, Wash.).

* * * * *

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561)

This amendment shall become effective May 26, 1967.

Done at Hyattsville, Md., this 22d day of May 1967.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 67-5873; Filed, May 25, 1967; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Cherry Reg. 6]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Washington Cherry Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of cherries, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 1, 1967. A reasonable determination as to the supply of, and the demand for, cherries must await the development of the crop and adequate information thereon was not available to the Washington Cherry Marketing Committee until May 9, 1967; recommendation as to the need for, and the extent of, regulation of shipments of such cherries was made at the meeting of said committee on May 9, 1967, after consideration of all available information relative to the supply and demand conditions for such cherries, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this regulation were not available until May 10, 1967; shipments of the current crop of such cherries will begin on or about June 12, 1967, and this regulation should be applicable, insofar as practicable, to all shipments of such cherries in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 923.306 Cherry Regulation 6.

(a) *Order.* (1) During the period June 1, 1967, through May 31, 1968, no handler shall, except as provided in subparagraph (2) of this paragraph, handle any lot of cherries unless such cherries meet each of the following applicable requirements:

(i) *Minimum grade.* U.S. No. 1: *Provided,* That the contents of individual packages in a lot are not limited as to the percentage of defects but the average of the defects of the entire lot shall be within the tolerances specified for such grade.

(ii) *Minimum size.* At least 95 percent, by count, shall measure not less than $^{48}/_{64}$ inch in diameter.

(iii) *Faced packs and any packs of 20 pounds, net weight, or larger.* At least 90 percent, by count, shall measure not less than $^{54}/_{64}$ inch in diameter.

(iv) *Containers.* The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15⅛ by 10½ by 4 inches shall be not less than 20 pounds; and no container of cherries shall contain less than 12 pounds, net weight, of cherries.

(2) Exceptions: Notwithstanding any other provisions of this section, any in-

dividual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 923.41 (Assessments), and of § 923.55 (Inspection and Certification):

(i) The shipment consists of cherries sold at the orchard for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(b) *Definitions.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order;

(2) "U.S. No. 1" and "diameter" shall have the same meaning as when used in the U.S. Standards for Sweet Cherries (§§ 51.2646–51.2657 of this title); and

(3) "Faced pack" means that the cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 23, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-5907; Filed, May 25, 1967; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reseal Loan Regs., 1965 and Subsequent Storage Periods (1967–68 Supp.)]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Reseal Loan Program (1967–68 Storage Period Supplement)

The regulations issued by CCC and published in 30 F.R. 2852, and any amendments and supplements thereto, are hereby supplemented for the 1967–68 storage period as follows:

Sec.
1421.3518 Reseal loan programs authorized.
1421.3519 Area of availability.
1421.2520 Storage payment rates.
1421.3521 Additional storage and quality requirements.
1421.3522 Authorized storage period.
1421.3523 Warehouse receipt requirements.
1421.3524 Settlement.
1421.3525 Adjusting storage payments for prior storage periods.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.3518 Reseal loan programs authorized.

A reseal loan program is authorized for the following crops of specific commodities held in farm storage.

1964, 1965, and 1966 crop corn.
1964, 1965, and 1966 crop wheat.
1965 and 1966 crop barley.
1964, 1965, and 1966 crop grain sorghum.
1965 and 1966 crop oats.
1966 crop soybeans.

§ 1421.3519 Area of availability.

Area and scope. The reseal loan program for the specified crops of the designated commodities will be available to producers in all such of the areas in which price support was made available with respect to the designated crops of the commodities as the ASC State Committees, after considering the generally prevailing weather, the general condition of the crop, and other factors affecting safe storage throughout the area, determine that the commodity can be safely stored on farms therein for the 1967–68 storage period and that such reseal loans will, therefore, be advantageous to producers and CCC; except that in any area designated by the ASC State Committee as an angomoious moth area, a producer may obtain a reseal loan with respect to eligible corn only if the ASC State Committee determines that (a) the producer's corn is shelled and (b) the producer has satisfactory storage facilities and equipment to care properly for the corn while under reseal. Producers having commodities under loan will be timely notified of the ASC committees determination.

§ 1421.3520 Storage payment rates.

(a) *1967–68 storage period.* Storage payments for the 1967–68 storage period will be computed as provided in § 1421.3488 using the following rates:

Crop	Unit	Rate per month	Rate per year
1966 corn, wheat, barley, and soybeans (bushel)	100	$1.095	$13.14
1966 grain sorghum (hundredweight)	100	1.96	23.52
1966 oats (bushel)	100	.821	9.855
1965, 1964 corn and wheat, and 1965 barley (bushel)	100	1.004	12.045
1965 oats (bushel)	100	.73	8.76
1965, 1964 grain sorghum (hundredweight)	100	1.797	21.56

(b) *1966–67 storage period.* Storage rates for adjustments under § 1421.3488 for the 1966–67 storage period are:

Crop	Unit	Rate per year
1965 corn, wheat and barley (bushel)	100	$13.14
1965 grain sorghum (hundredweight)	100	23.52
1965 oats (bushel)	100	9.855
1964 corn and wheat (bushel)	100	12.045
1964 grain sorghum (hundredweight)	100	21.56

(c) *1965–66 storage period.* Storage rates for adjustments under § 1421.3488 for the 1965–66 storage period are:

Crop	Unit	Rate per year
1964 corn and wheat (bushel)	100	$13.14
1964 grain sorghum (hundredweight)	100	23.52

§ 1421.3521 Additional storage and quality requirements.

The commodity must be merchantable, must not contain substances poisonous to man or animal and must meet the requirements of § 1421.3486. In addition to the requirements for approved storage of § 1421.3487, 1964 crop hard wheat on which a sedimentation or protein premium or discount has been applied must be stored identity-preserved.

§ 1421.3522 Authorized storage period.

The 1967–68 reseal storage period shall begin on the date following the 1967 maturity date for the loan on a commodity and shall end on the anniversary of such date during the 1968 calendar year.

§ 1421.3523 Warehouse receipt requirements.

The following sections of the price support regulations pertaining to warehouse receipt requirements on deliveries of commodities to CCC shall apply:

1964 crop corn, § 1421.2327 (29 F.R. 12004).
1964 crop wheat, § 1421.2128 (29 F.R. 8049).
1964 crop grain sorghum, § 1421.2527 (29 F.R. 7591).
1965 crop corn, § 1421.2347 (30 F.R. 10836).
1965 crop wheat, § 1421.2148 (30 F.R. 7475).
1965 crop grain sorghum, § 1421.2547 (30 F.R. 7991).
1965 crop barley, § 1421.2247 (30 F.R. 7811).
1965 crop oats, § 1421.2645 (30 F.R. 3195).
1966 crop corn, § 1421.2367 (31 F.R. 10464).
1966 crop wheat, § 1421.2167 (31 F.R. 9414).
1966 crop grain sorghum, § 1421.2567 (31 F.R. 8000).
1966 crop barley, § 1421.2267 (31 F.R. 7964).
1966 crop oats, § 1421.2656 (31 F.R. 4581).
1966 crop soybeans, § 1421.2956 (31 F.R. 6013).

§ 1421.3524 Settlement.

(a) *Support rate.* Settlement for commodities delivered to CCC shall be on the basis of the support rates, premiums and discounts in effect for the program year in which the original loan was made. The following sections, as amended, of the commodity regulations shall apply:

(1) *For corn.* 1964 crop, § 1421.2332 (29 F.R. 12004). 1965 crop, § 1421.2352 (30 F.R. 14361). 1966 crop, § 1421.2381 (31 F.R. 14307).

(2) *For wheat.* 1964 crop, § 1421.2133 (29 F.R. 8049). 1965 crop, § 1421.2153 (30 F.R. 7475, 11207, and 12118). 1966 crop, § 1421.2179 (31 F.R. 9594).

(3) *For grain sorghum.* 1964 crop, § 1421.2531 (30 F.R. 7591). 1965 crop, § 1421.2551 (30 F.R., 10940). 1966 crop, § 1421.2579 (31 F.R. 9847).

(4) *For barley.* 1965 crop, § 1421.2251 (30 F.R. 10936). 1966 crop, § 1421.2279 (31 F.R. 9842).

(5) *For oats.* 1965 crop, § 1421.2649 (30 F.R. 3195). 1966 crop, § 1421.2665 (31 F.R. 9337).

(6) *For soybeans.* 1966 crop, § 1421.2968 (31 F.R. 12051).

When a commodity delivered is of a grade and quality for which no discount has been established in the applicable commodity regulations, the discounts established for such grades and qualities shall be based on the market discounts for such factors at the time the commodity is delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at the ASC County Office approximately one month prior to the beginning of the delivery period.

(b) *Special provisions for hard wheat.* Notwithstanding the provisions of § 1421.3521, if a producer inadvertently commingles hard wheat of the 1964 crop, on which a premium for sedimentation value and protein content has been paid with wheat of the same or other crop years, a sample of such wheat shall be taken on delivery and tested for sedimentation value and protein content. The sedimentation value and protein content to be used to determine premiums and discounts on settlement shall be the lower of the sedimentation value and protein content determined at the time of disbursement of the loan and the time of delivery. If the commingled wheat is of different crops, the quantity delivered shall be prorated among such crops on the basis of the quantity of wheat of each crop placed under the original loan and the premiums or discounts applicable to each crop shall be applied to the wheat prorated to such crop.

(c) *Shelling requirement for corn.* Corn delivered to CCC in satisfaction of a reseal loan must be shelled and the cost of shelling shall be for the account of the producer.

§ 1421.3525 Adjusting storage payments for prior storage periods.

Upon settlement or redemption of a reseal loan, storage payments made for prior storage periods will be adjusted according to the quantity determined to have been in the structure (herein called "sealed structure") in which the commodity covered by the reseal loan was stored at the time such loan was made. When such quantity exceeds the quantity on which payments were made, the producer shall be given credit for the additional quantity for all prior storage periods. When such quantity is less than the quantity on which payments were made, the producer shall refund the overpayment to CCC. Adjustments shall be based on the rates set forth in § 1421.3520 (b) and (c). For adjustment purposes, the quantity shall be: (a) In the case of deliveries in settlement of a reseal loan, the eligible quantity delivered from the sealed structure; (b) in the case of redemptions, the quantity determined by measurements, except that if the county committee has acceptable evidence of the actual quantity determinedly removed from the sealed structure, such quantity shall be used; (c) in the case of losses assumed by CCC, the quantity determined by measurement.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 19, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-5905; Filed, May 25, 1967; 8:50 a.m.]

[Amdt. 8]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

ELIGIBLE COMMODITY AND POOLING

The regulations issued by the Commodity Credit Corporation, published in 30 F.R. 6907, 9260, 9877, 14915, 31 F.R. 10514, 12514, 32 F.R. 3688, and 7123 which contain eligibility requirements for cooperative marketing associations to obtain price support, are hereby amended as set forth below.

Section 1425.13 is amended to provide that if the association has obtained price support from CCC on any part of an eligible commodity included in a pool, all of the commodity which is included in such pool must have been produced by an eligible producer on a farm on which the production of such commodity is eligible for price support under the applicable price support regulations except that a part of the commodity may have failed to meet price support eligibility requirements for grade or quality, or in the case of cotton, because of bale weight or being repacked, and all of the commodity included in such pool must have been delivered to the association for marketing for the benefit of a producer-member or a member-association. Section 1425.13 is amended to read as follows:

§ 1425.13 Eligible commodity and pooling.

The association may obtain price support only on the quantity of the eligible commodity received from its eligible members which remains undisposed of in its inventory at the time such commodity is offered as security for a loan or is offered for purchase. The association may establish separate pools for quantities of a commodity acquired from its members. If the association has obtained price support from CCC on any quantity of the commodity included in a pool, all of the commodity included in such pool must (a) have been produced by eligible producers on farms on which the production of such commodity is eligible for price support under the applicable price support regulations (b) meet eligibility requirements for price support under such regulations except that a part of the commodity may have failed to meet price support eligibility requirements for grade or quality or, in the case of cotton, because of bale weight or being repacked, and (c) have been delivered to the association for marketing for the benefit of producer-members or member associations in behalf of their producer-members. Allocations of costs and expenses among separate pools shall be made in accordance with sound accounting principles and practices. Any losses incurred by the association in marketing a commodity not included in a pool on which price support is obtained from CCC, shall not be assessed against the proceeds of marketing of a pool on which price support was obtained. CCC may approve an exception to the foregoing requirements upon written request by the association if the Executive Vice President, CCC determines that the approval of such request will result in equitable treatment of producers and is in accord with the purposes of the price support program.

(Sec. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 103, 401, 63 Stat. 1051 as amended; secs. 301, 401, 63 Stat. 1053, secs. 203, 301, 401, 63 Stat. 1054, sec. 302, 72 Stat. 988, 15 U.S.C. 714 b and c, 7 U.S.C. 1421, 1444, 1446d, 1447)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 19, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-5874; Filed, May 25, 1967; 8:48 a.m.]

PART 1427—COTTON

Subpart—1967-Crop Supplement to Cotton Loan Program Regulations

SCHEDULE OF BASE LOAN RATES FOR ELIGIBLE 1967-CROP UPLAND COTTON BY WAREHOUSE LOCATION

Correction

In F.R. Doc. 67-5422, appearing at page 7386 of the issue for Thursday, May 18, 1967, the first entry in the figure column under Texas should read "20.20" instead of "2.020".

SUBCHAPTER C—EXPORT PROGRAMS

[Announcement PS-GR-4; Rev. 1, Amdt. 4]

PART 1486—FLAXSEED AND LINSEED OIL

Subpart—Flaxseed and Linseed Oil Export Program Terms and Conditions

MISCELLANEOUS AMENDMENTS

This subpart issued by the Commodity Credit Corporation governing the Flaxseed and Linseed Oil Export Program (PS-GR-4, Rev. 1), 31 F.R. 2954, as amended, 31 F.R. 7735, 11310, 11453, is further amended as follows to permit purchasers of flaxseed and linseed oil from CCC for export to make payment for such flaxseed and linseed oil in cash, certified check or cashier's check, or by requesting CCC to draw a sight draft through a named bank, in addition to making payment by the surrender of outstanding Export Commodity Certificates:

1. The undesignated center heading "Redemption of Export Commodity Cer-

tificates in Flaxseed or Linseed Oil" preceding § 1486.120 is amended to read "CCC Sales of Flaxseed or Linseed Oil for Export."

2. The heading and the first sentence of § 1486.120 are amended to read as follows:

§ 1486.120 Offer to purchase flaxseed or linseed oil.

Offers to purchase CCC flaxseed or linseed oil available for export sale may be submitted by letter, telegram, or orally to, in the case of flaxseed, the Kansas City ASCS Commodity Office, or in the case of linseed oil, the Minneapolis ASCS Commodity Office. * * *

3. Section 1486.123 is amended to read as follows:

§ 1486.123 Payment terms and financial arrangements.

(a) The amount due CCC for flaxseed or linseed oil purchased under this subpart shall be paid by the purchaser to the appropriate ASCS Commodity Office in one (or a combination) of the following ways:

(1) By surrender of certificate(s). If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest dates of issuance shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC or, at the request of the purchaser, by a payment to him in cash. The date of issuance shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of issuance shown on the balance certificate will be the latest date of issuance shown on a certificate applied to the purchase. The value of the balance certificate will be determined by deducting from the value of certificates surrendered to CCC, the purchase price of the flaxseed or linseed oil. A purchaser who wishes to be paid in cash for the excess value of the certificates shall so inform the appropriate ASCS Commodity Office in writing.

(2) By payment in cash, certified check, or cashier's check.

(3) By requesting CCC to draw a sight draft through a named bank with warehouse receipts attached, or by requesting that CCC surrender the warehouse receipts to him in a simultaneous exchange for an acceptable remittance delivered at the ASCS Commodity Office.

(b) Payment for the flaxseed or linseed oil shall be made (1) on purchases which provide for delivery within 5 days following the date of the sale, prior to delivery of the flaxseed or linseed oil by CCC, and (2) on all other purchases, not less than 5 days prior to delivery of the flaxseed or linseed oil by CCC, but in no event later than 30 days following the date of sale, unless CCC consents in writing to a different period. If the purchaser fails to make such payment by the final time for payment specified in this paragraph, CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

(Secs. 4 and 5, 62 Stat. 1070 and 1072, as amended, 15 U.S.C. 714b and 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 201(a), 70 Stat. 198, 7 U.S.C. 1851)

Effective date. This amendment shall become effective at 3:31 p.m., e.d.t., following the time the amendment is filed with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 23, 1967.

RAYMOND A. IOANES,
Vice President, Commodity Credit Corporation, Administrator, Foreign Agricultural Service.

[F.R. Doc. 67-5906; Filed, May 25, 1967; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

PART 202—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE PACKERS AND STOCKYARDS ACT

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Miscellaneous Amendments

Pursuant to the order of the Secretary of Agriculture dated May 8, 1967 (32 F.R. 7186), establishing the Packers and Stockyards Administration and transferring to this new agency all the functions of the Packers and Stockyards Division of the Consumer and Marketing Service, including administration of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), and pursuant to section 407(a) of the Packers and Stockyards Act (7 U.S.C. 228(a)), Parts 201, 202, and 203 of Chapter II, Title 9 of the Code of Federal Regulations, and the heading of said chapter, are hereby amended in the following respects:

1. The heading of Chapter II of Title 9 is amended to read as set forth above.

2. Section 201.2 of Part 201 is amended,

a. By deleting therefrom paragraphs (d), (e), (f), (g), and (h);

b. By substituting new paragraphs (d) and (e) reading as follows:

(d) "Administration" means the Packers and Stockyards Administration of the Department.

(e) "Administrator" means the Administrator of the Administration or any person authorized to act in his stead.

c. By relettering paragraphs (i) through (o), inclusive, as (f) through (l); and

d. By changing the word "Division" in relettered paragraph (f) to read "Administration."

3. Part 201 is further amended by changing the word "Director" to read "Administrator" wherever the former word occurs in the following sections or paragraphs of sections:

201.7	201.30(e)	201.50(c)
201.10(a)	201.30(f)	201.51
201.10(b)	201.32	201.72
201.13	201.33 and	201.73
201.14	heading	201.74
201.16	thereof.	201.78(b)
201.22	201.34	201.93
201.23	201.36	201.97
201.25	201.38	
201.30(a)	201.50(a)	

4. Parts 201 and 202 are amended by changing the word "Division" to read "Administration" wherever the former word occurs in the following sections, or paragraphs or subparagraphs of sections:

201.33(b)	201.72-1(f)	202.11(g)
201.34	201.73-1	202.16(a)
201.72-1(a)	201.78-1(a)	202.40
(2)	201.78-1(g)	202.48(g)
201.72-1(b)	201.97	202.52(a)
201.72-1(c)		
(2)		

5. Part 201 is further amended by deleting the words "Consumer and Marketing Service" from § 201.34 thereof.

6. Part 201 is further amended by deleting the word "Deputy" from the following sections:

201.52	201.86	201.91

7. Section 202.2 of Part 202 is amended

a. By deleting therefrom paragraphs (d), (e), and (r); and

b. By substituting new paragraphs (d) and (e) reading as follows:

(d) The term "Administration" means the Packers and Stockyards Administration of the Department.

(e) The term "Administrator" means the Administrator of the Administration or any officer or employee of the Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

8. Part 203 is amended by changing the phrases "Agricultural Marketing Service", "Agricultural Marketing Service Division", "Packers and Stockyards Division of the Agricultural Marketing Service", "Packers and Stockyards Division", "Packers and Stockyards Division, Agricultural Marketing Service", "Packers and Stockyards Division, Consumer and Marketing Service", "Packers and Stockyards Division of the Consumer and Marketing Service", and "Consumer and Marketing Service", to read "Packers and Stockyards Administration" wherever

the former phrases occur in the following sections, or paragraphs or subdivisions of sections:

203.1(a)	203.6(a)	203.7(c)
203.1(d)	203.6(b)	203.8(b)
203.3(b)	203.6(c)	203.8(h)
203.3(c)	203.6(d)	203.8(i)
203.4(a)	203.7(a)	203.8(j)
203.4(b)	203.7(b)(2)	203.9(e)
203.4(c)	(iii)	
203.5		

9. Part 203 is further amended by changing the word "Director" to "Administrator" wherever the former word appears in paragraph (c) of § 203.4.

10. Part 203 is further amended by changing the word "Division" to "Administration" where the former word appears at the end of subdivision (iii) of subparagraph (2) of paragraph (b) of § 203.7.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228)

These amendments are of an organizational nature. They merely reflect the establishment of a new agency to administer the Packers and Stockyards Act, and make no substantive changes. Therefore, it is found under the administrative procedure provisions in 5 U.S.C. 553 that notice and other public procedure regarding these amendments are unnecessary, and good cause is found for making the amendments effective in less than 30 days after publication thereof in the FEDERAL REGISTER.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of May 1967.

GLENN G. BIERMAN,
Acting Administrator, Packers and Stockyards Administration.

[F.R. Doc. 67-5909; Filed, May 25, 1967; 8:50 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF U.S. EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Housing for Agricultural Workers

In the March 16, 1967 issue of the FEDERAL REGISTER (32 F.R. 4123), there was published a proposal to amend paragraph (d) of 20 CFR 602.9.

Interested persons were given 15 days in which to file statements of data, views, or argument in regard to the proposal. After consideration of all such relevant matter as was presented regarding the proposed changes, I have decided to and hereby adopt them without change to read as set forth below.

Accordingly, effective July 1, 1967, § 602.9(d) shall read as follows:

§ 602.9 Interstate recruitment of agricultural workers.

No order for recruitment of domestic agricultural workers shall be placed into interstate clearance unless:

* * * * *

(d) The State agency has ascertained that housing and facilities:

(1) Are available;

(2) Are hygienic and adequate to the climatic conditions of the area of employment;

(3) Are reasonably calculated to accommodate the agricultural workers sought; and

(4) (i) Will not endanger the lives, health, or safety of workers. In making such determinations the State agency must ascertain that the housing and facilities conform to the standards prescribed by the President's Committee on Migratory Labor (copies of these standards are available at all offices of the U.S. Employment Service), and applicable State, county, and local housing and sanitary requirements.

(ii) If an employer can show that he is taking adequate steps to come into compliance with the standards prescribed by the President's Committee on Migratory Labor, a waiver until a date not later than December 31, 1967, may be issued by the State agency. After December 31, 1967, such waivers may be issued by the regional office of the Bureau of Employment Security, if the employer demonstrates that extenuating circumstances require more time.

* * * * *

(48 Stat. 117, as amended; 29 U.S.C. 40k)

Signed at Washington, D.C., this 19th day of May 1967.

ROBERT C. GOODWIN,
Administrator.

[F.R. Doc. 67-5854; Filed, May 25, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Definitions and Interpretations

With reference to "Statement for Implementation of Report on No Residue and Zero Tolerance" published in the FEDERAL REGISTER April 13, 1966 (31 F.R. 5723), the Food and Drug Administration has been asked whether exemptions from the requirement of a tolerance are needed for continued clearance of the fumigants methyl bromide, ethylene dibromide, and propargyl bromide. Present tolerances are limited to the inorganic bromide residues in those instances in which it was established that no residues of the organic bromide compounds remain on the ready-to-eat food from the treated raw agricultural commodity. It is concluded that additional tolerances for such negligible residues of the above-named fumigants are unnecessary to protect the public health and that Part 120 should be amended to clarify the status of these chemicals.

Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408, 701(a), 52 Stat. 1055, 68 Stat. 511; 21 U.S.C. 346a, 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), § 120.3 is amended by redesignating the text of paragraph (c) as (c)(1) and by adding thereto a new subparagraph (2), as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(c) (1) * * *

(2) Where tolerances are established in terms of inorganic bromide residues only from use of organic bromide fumigants on raw agricultural commodities, such tolerances are sufficient to protest the public health and no additional concurrent tolerances for the organic pesticide chemicals from such use are necessary. This conclusion is based on evidence of the dissipation of the organic pesticide or its conversion to inorganic bromide residues in the food when ready to eat.

* * * * *

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order since it is nonrestrictive and interpretative in nature and merely clarifies existing regulations.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Secs. 408, 701(a), 52 Stat. 1055, 68 Stat. 511; 21 U.S.C. 346a, 371(a))

Dated: May 18, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-5875; Filed, May 25, 1967; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Advertising for Portable Oxygen Administrator

§ 15.126 Proposed advertising for portable oxygen administrator.

(a) The Commission rendered an advisory opinion as to the legality of certain proposed advertising for a portable

oxygen administrator designed for individual use.

(b) The advertising would represent that there are many emergencies that call for an immediate supply of oxygen, such as sudden heart attacks, coronary occlusions, respiratory defections, gas and smoke poisoning, drowning, electric shock, asthmatic seizures, and more. Providing oxygen the instant it is needed can, according to the advertising, make the difference between prolonging life and losing it or between complete and partial recovery. When needed, oxygen must be supplied within 5 to 8 minutes to prevent brain damage. Until recently, if an emergency oxygen deficiency occurred, one had to wait for professional medical assistance and there was no way of knowing how long that would take. Now one can have a low cost portable administrator so simple to operate that any one can administer it, even to themselves. While the literature would caution in some places that all heart and respiratory conditions are not alike and thus the need for oxygen may vary widely in its application so that your doctor will have to be your guide, it would also add that the advertiser knows of no emergency situation where oxygen can do harm and it may save a life under many circumstances.

(c) The opinion pointed out that the matter presented a difficult problem to treat under the advisory opinion procedure, for the Commission has not conducted its own tests of this particular unit and hence is not in a position to comment upon every question raised by the advertising. Hence, its opinion has to be based upon such general medical knowledge as is available and be directed at the main themes of this advertising rather than at specific details.

(d) Based upon what is known of the capabilities of similar devices, the Commission advised that it could not place its stamp of approval upon advertising which holds this device out to the general public as suitable for use and capable of saving lives under all conditions specified without its having been recommended for use by a doctor familiar with the patient and without the individual for whom it has been prescribed, or his family, having been given instructions for its use. This is particularly true when it is considered that in some cases of asthma and emphysema there is a danger in the administration of oxygen without a doctor's prescription and instruction because an over supply in these conditions can actually cause the patient to stop breathing.

(e) The opinion further added that aside from the question of danger in this specific situation of use and the general fire hazard when oxygen is improperly used or stored, the scientific evidence available indicates that without a positive-pressure apparatus, this device will accomplish little more than will mouth-to-mouth resuscitation in situations where emergency oxygen is indicated. In fact, the emergency resuscitator attachment appears to require mouth-to-mouth techniques in conjunction with the device and the evidence indicates this would only increase the oxygen a patient would receive by an insignificant amount. Positive pressure, which can only be administered by trained personnel without grave danger to the patient, is indicated for use when a patient is not breathing. If the patient is breathing he will usually inhale sufficient oxygen from the air by himself until medical help can be obtained.

(f) The fault of this advertising, as the Commission views it, is that while beneficial results can be achieved by the skilled administration of the proper amounts of oxygen when that treatment is indicated, it is deceptive to hold out to the unskilled person that he can by himself properly diagnose the patient's condition and administer oxygen in the required amounts and in the proper manner through use of this device so as to achieve the results claimed in the advertising.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: May 25, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-5788; Filed, May 25, 1967; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Description of Raised Printing as Embossing

§ 15.127 **Description of raised printing as embossing.**

(a) The Commission was requested to render an advisory opinion concerning the use of the terms "embossing" and "embossed" to describe raised printing or printing by the verkotype process.

(b) The process used would consist of printing the copy with a printing or lithographic press, placing it on a conveyor to send it through a verkotype machine that sprinkles powdered rosin on the wet ink and carries the copy under gas heaters which would fuse the rosin and ink, thereby creating a raised surface.

(c) The Commission advised that since embossing is generally understood to involve the distension of paper with the use of a die, the description of raised printing, including products of the verkotype printing process, as embossing would be inappropriate.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: May 25, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-5787; Filed, May 25, 1967; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 50—Public Contracts, Department of Labor

PART 50–201—GENERAL REGULATIONS

PART 50–203—RULES OF PRACTICE

PART 50–204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

PART 50–205—ENFORCEMENT OF SAFETY AND HEALTH STANDARDS BY STATE OFFICERS AND EMPLOYEES

Assignment of Safety and Health Responsibility to Bureau of Labor Standards

Pursuant to authority contained in the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.) and 5 U.S.C. 556(e), 41 CFR Parts 50–201, 50–203, 50–204, and 50–205 are amended as set forth below, effective 30 days after this document is published in the FEDERAL REGISTER.

As these amendments relate only to rules of agency procedure, the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) which require notice of proposed rulemaking and opportunity for public participation are not applicable. I do not believe such procedure will serve a useful purpose here.

1. The heading of Chapter 50 of Title 41 is amended to read as set forth above.

2. Paragraph (b) of § 50–201.601 is amended to read as follows:

§ 50–201.601 **Requests for exceptions and exemptions.**

* * * * *

(b) All requests for exceptions or exemptions which relate solely to safety and health standards shall be transmitted to the Bureau of Labor Standards, Department of Labor. All other requests for exceptions or exemptions shall be transmitted to the Public Contracts Division of the Department of Labor.

3. Section 50–203.1 is revised to read as follows:

§ 50–203.1 **Reports of breach or violation.**

(a) Any employer, employee, labor or trade organization or other interested person or organization may report a breach or violation, or apparent breach or violation of the Walsh-Healey Public Contracts Act of June 30, 1936 (49 Stat. 2036, as amended; 41 U.S.C. 35–45), or of any of the rules or regulations prescribed thereunder.

(b) A report of breach or violation relating solely to safety and health requirements may be in writing and addressed to the Regional Director of a Bureau of Labor Standards' Regional Office, U.S. Department of Labor or to the

Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212. The Regional Offices and their geographical jurisdictions are as set forth below:

1. North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, New Jersey, and Puerto Rico).

2. Delaware River Area Region, 5011 U.S. Post Office and Courthouse Building, Ninth and Market Streets, Philadelphia, Pa. 19106 (Philadelphia, Pa., Delaware (maritime only)).

3. Middle Atlantic Region, Calvert Building, Room G-18, Fayette and St. Paul Streets, Baltimore, Md. 21202 (Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia).

4. South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee).

5. Great Lake Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin).

6. Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

7. Western Gulf Region, 1416 Commerce Street, Room 1001, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

8. Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and Guam).

(c) Any other report of breach or violation may be in writing and addressed to the Regional Director of a Wage and Hour and Public Contracts Divisions' Regional Office, U.S. Department of Labor or to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Strcet and Constitution Avenue NW., Washington, D.C. 20212. The Regional Offices and their geographical jurisdictions are as set forth below:

1. Atlanta Office, 1371 Peachtree Street NE., Atlanta, Ga. 30309 (Florida, Georgia, North Carolina, South Carolina).

2. Birmingham Office, 1931 Ninth Avenue South, Birmingham, Ala. 35205 (Alabama, Arkansas, Louisiana, Mississippi).

3. Boston Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont).

4. Chambersburg Office, Wolf Avenue and Commerce Street, Chambersburg, Pa. 17201 (Delaware, District of Columbia, Maryland, Pennsylvania).

5. Chicago Office, U.S. Courthouse and Federal Office Building, 7th Floor, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Minnesota, Wisconsin, Michigan, Ohio).

6. Dallas Office, 340 Mayflower Building, 411 North Akard Street, Dallas, Tex. 75201 (New Mexico, Oklahoma, Texas).

7. Kansas City Office, 200 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming).

8. Nashville Office, U.S. Courthouse Building, 801 Broad Street, Nashville, Tenn. 37203 (Kentucky, Tennessee, Virginia, West Virginia).

9. New York Office, 911 U.S. Parcel Post Building, 341 Ninth Avenue, New York, N.Y. 10001 (New Jersey, New York).

10. Puerto Rico Office, 7th Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Stop 17, Post Office Box 13344, Santurce, P.R. 00908 (Puerto Rico).

11. San Francisco Office, Room 10431, 450 Golden Gate Avenue, Box 36018, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington).

(d) In the event that a Regional Director of the Wage and Hour and Public Contracts Divisions is notified of a breach or violation which also involves safety and health standards, such Director shall notify the appropriate Regional Director of the Bureau of Labor Standards who shall with respect to the safety and health violation take action commensurate with his responsibilities pertaining to safety and health standards.

(e) The report should contain the following:

(1) The full name and address of the person or organization reporting the breach or violation.

(2) The full name and address of the person against whom the report is made, hereinafter referred to as the "respondent".

(3) A clear and concise statement of the facts constituting the alleged breach or violation of any of the provisions of the Walsh-Healey Public Contracts Act, or of any of the rules or regulations prescribed thereunder.

4. Paragraph (b) of § 50-203.6 is revised to read as follows:

§ 50-203.6 Witnesses and subpoenas.

* * * * *

(b) The Trial Examiner (or the Administrator or Director holding the hearing as provided in § 50-203.8(m)) shall upon application by any party, and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence under oath, including books, records, correspondence, or documents. Applications for the issuance of subpoenas duces tecum shall specify the books, records, correspondence, or other documents sought.

* * * * *

5. Paragraph (m) of § 50-203.8 is revised to read as follows:

§ 50-203.8 Hearings.

* * * * *

(m) The Secretary of Labor may, in his discretion, direct that in lieu of the procedure set forth in paragraph (a) of this section, the hearing on formal complaint shall be held in the first instance before the Administrator, or Director, in which event the Administrator or Director as the case may be, shall issue an order embodying his decision.

6. Paragraphs (a), (d), (e), (f), (g), and (h), of § 50-203.11 are revised to read as follows:

§ 50-203.11 Review.

(a) Within twenty (20) days after service of the decision of the Trial Examiner any interested party to the proceeding may file with the Chief Trial Examiner an original and four copies of a petition for review of the decision. The petition shall set out separately and particularly each error assigned. The request for review and the record will then be certified to the Administrator or Director. The Director shall review all cases in which the only substantive violation charged concerns the safety and health provisions of the Walsh-Healey Public Contracts Act (including regulations prescribed thereunder). In addition, the Director shall review all safety or health issues which appear in other cases. All other issues shall be submitted to the Administrator for review.

* * * * *

(d) No matter properly subject to objection before the Trial Examiner will be considered by the Administrator, or Director, unless it shall have been raised before the Trial Examiner or unless there were reasonable grounds for failure so to do; nor will any matter be considered by the Administrator, or Director, unless included in the assignment of errors. In the discretion of the Administrator, or Director, whichever has reviewing authority in the matter, review may be denied if the petition and brief in support thereof fail to show adequate cause for such review.

(e) The order denying review, or the decision of the Administrator, or Director, whichever is entered, will be made a part of the record, and a copy of such order or decision will be served upon the parties who were served with a copy of the Trial Examiner's decision.

(f) If the respondent is found to have violated the Act, the Administrator, or Director, in his decision shall make recommendations to the Secretary of Labor as to whether respondent shall be relieved from the application of the ineligible-list provisions of section 3 of the Walsh-Healey Contracts Act (sec. 4, 49 Stat. 2039; 41 U.S.C. 37).

(g) Application for relief from the ineligible-list provisions of section 3 shall be filed by the respondent with the Secretary of Labor within 20 days from the date of service of the Trial Examiner's decision, the Administrator's decision, or the Director's decision, as the case may be.

(h) Notice of the determination of the Secretary on the application of the ineligible-list provisions of section 3 of the Walsh-Healey Public Contracts Act (sec. 3, 49 Stat. 2037; 41 U.S.C. 37) shall be served upon the parties who were served with a copy of the Trial Examiner's decision, the Administrator's decision, or the Director's decision, as the case may be.

7. Paragraph (c) of § 50-203.13 is revised to read as follows:

§ 50-203.13 Requests for exceptions and exemptions.

* * * * *

(c) All request for exceptions or exemptions which relate solely to safety and health standards shall be transmitted to the Bureau of Labor Standards, Department of Labor. All other request for exceptions or exemptions shall be transmitted to the Public Contracts Division of the Department of Labor.

8. Section 50–203.14 is revised to read as follows:

§ 50–203.14 Decisions concerning exceptions and exemptions.

Decisions concerning exceptions and exemptions shall be in writing and approved by the Secretary of Labor or officer prescribed by him, originals being filed in the Department of Labor, and certified copies shall be transferred to the department or agency originating the request and to the Comptroller General. All such decisions shall be promulgated to all contracting agencies by the Public Contracts Division of the Department of Labor, or in case of safety and health, by the Bureau of Labor Standards of the Department of Labor.

9. Section 50–204.315 is revised to read as follows:

§ 50–204.315 Notification of incidents.

(a) *Immediate notification.* Each employer shall immediately notify the Regional Director of the appropriate Bureau of Labor Standards' Regional Office, U.S. Department of Labor for employees not protected by AEC by means of 10 CFR Part 20, or the requirements of the laws and regulations of States named in § 50–204.320(c), by telephone or telegraph of any incident involving radiation which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 25 rems or more of radiation; exposure of the skin of the whole body of any individual of 150 rems or more of radiation; or exposure of the feet, ankles, hands, or forearms of any individual to 375 rems or more of radiation; or

(2) A loss of 1 working week or more of the operation of any facilities affected; or

(3) Damage to property in excess of $100,000.

(b) *Twenty-four hour notification.* Each employer shall within 24 hours notify the Regional Director of the appropriate Bureau of Labor Standards' Regional Office, U.S. Department of Labor, for employees not protected by AEC by means of 10 CFR Part 20 or the requirements of the laws and applicable regulations of States named in § 50–204.320(c), by telephone or telegraph of any incident involving radiation which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 5 rems or more of radiation; exposure of the skin of the whole body of any individual to 30 rems or more of radiation; or exposure of the feet, ankles, hands, or forearms to 75 rems or more of radiation; or

(2) A loss of 1 day or more of the operation of any facilities affected; or

(3) Damage to property in excess of $1,000.

10. Section 50–204.316 is revised to read as follows:

§ 50–204.316 Reports of overexposure and excessive levels and concentrations.

(a) In addition to any notification required by § 50–204.315 each employer shall make a report in writing within 30 days to the Regional Director of the appropriate Bureau of Labor Standards' Regional Office, U.S. Department of Labor, for employees not protected by AEC by means of 10 CFR Part 20 or the requirements of the laws and regulations of States named in § 50–204.320(c), of each exposure of an individual to radiation or concentrations of radioactive material in excess of any applicable limit in this part. Each report required under this paragraph shall describe the extent of exposure of persons to radiation or to radioactive material; levels of radiation and concentrations of radioactive material involved, the cause of the exposure, levels of concentrations; and corrective steps taken or planned to assure against a recurrence.

(b) In any case where an employer is required pursuant to the provisions of this section to report to the Bureau of Labor Standards, U.S. Department of Labor any exposure of an individual to radiation or to concentrations of radioactive material, the employer shall also notify such individual of the nature and extent of exposure. Such notice shall be in writing and shall contain the following statement:

This report is furnished to you under the provisions of 41 CFR Part 50–204, U.S. Department of Labor, Bureau of Labor Standards. You should preserve this report for future reference.

11. Section 50–204.319 is revised to read as follows:

§ 50–204.319 Application for variations.

(a) In accordance with the policy expressed in the Federal Radiation Council's memorandum concerning radiation protection guidance for Federal agencies (25 F.R. 4402), the Director, Bureau of Labor Standards, may from time to time grant permission to employers to vary from the limitations contained in §§ 50–204.306 and 50–204.307 when the extent of variation is clearly specified and it is demonstrated to his satisfaction that (1) such variation is necessary to obtain a beneficial use of radiation or atomic energy, (2) such benefit is of sufficient value to warrant the variation, (3) employees will not be exposed to an undue hazard, and (4) appropriate action will be taken to protect the health and safety of such employees.

(b) Applications for such variations should be filed with the Director, Bureau of Labor Standards, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210.

12. Paragraph (d) of § 50–205.2 is revised to read as follows:

§ 50–205.2 Definitions.

* * * * *

(d) "Director" means the Director, Bureau of Labor Standards or his duly authorized representative.

13. Section 50–205.7 is revised to read as follows:

§ 50–205.7 Manual of instructions.

The Director shall provide the State agency with a manual of instructions which shall be used in the making of inspections.

14. Section 50–205.9 is revised to read as follows:

§ 50–205.9 Inspections by the Department of Labor.

The Director may conduct such inspections as he may find appropriate to assure compliance with the safety and health provisions of the Act or whenever he may find that a safety and health inspection should be carried out along with investigation under other provisions of the Act or the Fair Labor Standards Act of 1938. Whenever an inspection by the Director discloses apparent violations of State safety and health requirements, the Director shall report such disclosures to the State agency.

(41 U.S.C. 35, 38, 40; 5 U.S.C. 556)

Signed at Washington, D.C., this 22d day of May 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67–5856; Filed, May 25, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 67–SO–17; Amdt. 39–423]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 382 and 382B Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of engine mount truss assemblies for cracks and replacement as necessary on Lockheed Model 382 and 382B airplanes was published in the FEDERAL REGISTER, dated February 18, 1967.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

LOCKHEED. Applies to Model 382 and 382B Airplanes.

Compliance required as indicated.

Lockheed Military C–130 series airplanes have experienced a number of stress corrosion cracks in the aft vertical flange of the

engine mount truss assemblies. To detect cracking of identical engine mount truss assemblies, P/N's 360013–1, 360014–1, 360015–1, 360016–1, 360017–1, and 360018–1 on Model 382 and 382B series airplanes, accomplish the following:

(a) For airplanes with 2,350 or more hours' total time in service on the effective date of this AD comply with paragraph (c) within the next 50 hours' time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection.

(b) For airplanes with less than 2,350 hours' total time in service on the effective date of this AD comply with paragraph (c) before the accumulation of 2,400 hours' total time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection.

(c) Inspect all eight affected engine mount truss assemblies in accordance with the tooling and inspection instructions given in Lockheed-Georgia Service Bulletin 82–153 dated December 1, 1966, sections 1f and 2a through 2e, respectively, or later FAA approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

(1) Cracked parts shall be replaced with new parts having the same part number, or with the applicable updated part listed in section 2g of Lockheed-Georgia Service Bulletin 82–153 dated December 1, 1966, or later FAA approved revision. Replacement truss assembles shall be installed according to the replacement instructions given in sections 2h through 2aa in the above service bulletin, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(2) Replacement of cracked trusses shall be accomplished before further flight, except that one flight may be made for the purpose of obtaining the necessary replacements in accordance with the provisions of FAR 21.197.

(d) When a particular truss assembly is replaced with the applicable updated part specified in section 2g of Lockheed-Georgia Service Bulletin 82–153 dated December 1, 1966, or later FAA approved revision, the repetitive inspection of that truss as required by this AD may be discontinued.

Lockheed-Georgia Service Bulletin 82–153, dated December 1, 1966, covers this same subject.

This amendment becomes effective June 25, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in East Point, Ga., on May 16, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67–5857; Filed, May 25, 1967; 8:46 a.m.]

SUBCHAPTER D—AIRMEN

[Docket No. 7201; Amdts. 61–34, 121–28]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

SUBCHAPTER G—CARRIER AND COMMERCIAL OPERATORS' CERTIFICATIONS AND OPERATIONS

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Flight Maneuvers; Changes to Engine Out Landing Requirements

The purpose of this amendment to Parts 61 and 121 of the Federal Aviation Regulations is to provide, on a temporary basis, for alternatives to the two engine out landing maneuvers in turbojet powered airplanes required for (1) airline transport pilot certificate and type rating flight tests and (2) proficiency checks and recurrent training for each pilot in command of a Part 121 certificate holder.

Recently a number of persons have questioned the efficacy of simulated two engine out landing maneuvers in turbojet powered airplanes. This maneuver is required in flight checks for applicants for airline transport pilot certificates and associated type ratings, and as a part of flight training and proficiency checks for air carrier pilots. The FAA has discussed these questions with representatives of industry and pilot associations and as a result of these meetings recommendations were made for changes to the required maneuvers. Due to the nature of the subjects involved, a joint FAA/industry study group is being convened to carefully consider all the related technical and safety factors before the FAA takes final action on these recommendations.

In the interim, it has been decided to make temporary changes in the regulations to provide alternatives to these maneuvers. These temporary changes, which will be effective until December 1, 1967, will help to alleviate public concern until a complete expert reevaluation of the maneuvers can be accomplished. It will also allow the study group to proceed at a deliberate pace without being pressured by a concern over the possibility of an adverse effect on safety during the period of the study.

Except for initial training under Part 121, substitutions may be made for the landing with simulated failure of 50 percent of the available powerplants as required by the appendices to Parts 61 and 121. Under Part 61, in the case of a four-engine turbojet powered airplane, an actual landing with a simulated failure of the most critical powerplant is acceptable provided the applicant has a certification that he satisfactorily performed a two-engine out landing in preparation for the flight test. Under Part 121, in the case of a four-engine turbojet powered airplane, the pilot must, in addition to performing a landing with a simulated failure of the most critical powerplant, perform the two-engine out maneuver in a simulator or at altitude. In the case of a three-engine turbojet powered airplane, under both Parts 61 and 121 the maneuver previously required a landing with simulated failure of two engines. This amendment will authorize performance of this maneuver under a procedure approved by the Administrator that provides the same practical effect without reducing two engines to idle power.

These amendments, which are relaxatory in nature, provide an alternative method of compliance. In addition, representatives of industry and pilot associations have been informed of and are in agreement with them. Therefore, in order to best serve the purposes set forth above, I find that notice and public procedure is impractical and unnecessary and that good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Parts 61 and 121 are amended as follows, effective immediately:

1. Appendix A, Item V(d) of Part 61 is amended to read as follows:

V. *Landings and Approaches to Landings.*

* * * * *

(d) Maneuvering to a landing with simulated failure of 50 percent of the available powerplants. The simulated loss of power must be on one side of the airplane (center and one outboard engine on three-engine airplanes). However, until December 1, 1967, in turbojet powered airplanes, the following may be substituted for this requirement:

(1) In the case of a four-engine airplane, maneuvering to a landing with a simulated failure of the most critical powerplant if a certificated flight instructor or a flight instructor in a training program approved under Part 121 of this chapter has certified that he has observed the applicant satisfactorily perform, in preparation for the flight test, a landing in that type airplane with simulated failure of 50 percent of the available powerplants.

(2) In the case of a three-engine airplane maneuvering to a landing using an approved procedure that approximates the loss of two powerplants.

* * * * *

2. Appendix F, Item V(d) of Part 121 is amended to read as follows:

V. *Landings and Approaches to Landings.*

* * * * *

(d) Maneuvering to a landing with simulated failure of 50 percent of the available powerplants. The simulated loss of power must be on one side of the airplane (center and one outboard engine on three-engine airplanes). In the case of a proficiency check for other than a pilot in command the simulated loss of power may be only the most critical powerplant. However, until December 1, 1967, in turbojet powered airplanes, the following may be substituted for this requirement in recurrent training and in pilot in command proficiency checks:

(1) In the case of a four-engine turbojet powered airplane maneuvering to a landing with simulated failure of the most critical powerplant and performance, either in an approved simulator or in flight at altitude, of the maneuver with simulated failure of 50 percent of the available powerplants.

(2) In the case of a three-engine airplane maneuvering to a landing using an approved procedure that approximates the loss of two powerplants.

* * * * *

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; (49 U.S.C. 1354(a), 1421, 1422)

Issued in Washington, D.C., on May 19, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67–5862; Filed, May 25, 1967; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67–AL–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the effective hours of the Minchumina, Alaska, control zone.

The hours of operation of the Minchumina Flight Service Station are being reduced from 16 to 8 hours per day and from a daily operation to 5 days a week, Monday through Friday. Air/ground communications will continue to be available outside the newly established operating hours of the Minchumina Flight Service Station through a remote control communications outlet serviced by the McGrath, Alaska, Flight Service Station. Additionally, airway weather observations will continue to be provided 7 days a week. However, the hourly and special observations needed for the designation of the control zone will be available only from 0745 to 1545 hours, local time, daily. Therefore, the control zone hours of designation are redescribed to coincide with the weather reporting service.

Since this amendment imposes no additional burden on any person, notice and public procedure requirements of the Administrative Procedure Act are unnecessary and the amendment may be effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071), the Minchumina, Alaska, control zone is amended by deleting "from 0545 to 2145 hours, local time, daily." and substituting therefore, "from 0745 to 1545 hours, local time, daily."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on May 12, 1967.

GEORGE M. GARY,
Director, Alaskan Region.

[F.R. Doc. 67-5858; Filed, May 25, 1967; 8:46 a.m.]

[Airspace Docket No. 67-AL-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the effective hours of the Farewell, Alaska, control zone.

The hours of operation of the Farewell Flight Service Station are being reduced from 16 to 8 hours per day and from a daily operation to 5 days a week, Monday through Friday. Air/ground communications will continue to be available outside the newly established operating hours of the Farewell Flight Service Station through a remote control communications outlet serviced by the McGrath, Alaska, Flight Service Station. Additionally, airway weather observations will continue to be provided 7 days a week. However, the hourly and special observations needed for the designation of the control zone will be available only from 0745 to 1545 hours, local time, daily. Therefore, the control zone hours of designation are redescribed to coincide with the weather reporting service.

Since this amendment imposes no additional burden on any person, notice and public procedure requirements of the Administrative Procedure Act are unnecessary and the amendment may be effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 22, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071), the Farewell, Alaska, control zone is amended by deleting "from 0545 to 2145 hours, local time, daily," and substituting therefore, "from 0745 to 1545 hours, local time, daily."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on May 12, 1967.

GEORGE M. GRAY,
Director, Alaskan Region.

[F.R. Doc. 67-5859; Filed, May 25, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WE-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone Description

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the description of the Burbank, Calif., control zone. This action is necessary to reflect the name change of the Burbank-Lockheed Air Terminal to Hollywood-Burbank Airport.

In § 71.171 (32 F.R. 2080 as amended by 32 F.R. 6554) the Burbank, Calif., control zone is amended by deleting "* * * Lockheed Air Terminal, Calif.," and substituting "* * * Hollywood-Burbank Airport, Calif. * * *." therefor.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on May 17, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67-5860; Filed, May 25, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On February 6, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2898) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Daytona Beach, Fla., transition area.

On April 14, 1967, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 5997) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Daytona Beach, Fla., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., July 20, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071), the Daytona Beach, Fla., control zone is amended to read:

DAYTONA BEACH, FLA.

Within a 5-mile radius of the Daytona Beach Municipal Airport (latitude 20°11'05" N., longitude 81°03'20" W.); within a 3-mile radius of the Ormond Beach Municipal Airport (latitude 29°18'00" N., longitude 81°06'49" W.); within 2 miles each side of the Daytona Beach VORTAC 156° radial, extending from the 3-mile radius zone to the 5-mile radius zone; within 2 miles each side of the Daytona Beach VORTAC 256° radial, extending from the 3-mile radius zone to 8 miles west of the VORTAC; and within 2 miles each side of the 065° bearing from the Daytona Beach LOM, extending from the 5-mile radius zone to the LOM.

In § 71.181 (32 F.R. 2148) the Daytona Beach, Fla., 700-foot transition area is amended to read:

DAYTONA BEACH, FLA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Daytona Beach Municipal Airport (latitude 29°11'05" N., longitude 81°03'20" W.); within 8 miles northwest and 5 miles southeast of the Daytona ILS localizer southwest course, extending from the 8-mile radius area to 12 miles southwest of the LOM; within 2 miles each side of the 236° bearing from the Daytona Beach LOM, extending from the LOM to the intersection of the Daytona Beach VORTAC 219° radial and the Orlando, Fla., VORTAC 354° radial; and within a 5-mile radius of the Ormond Beach Municipal Airport (latitude 29°18'00" N., longitude 81°06'49" W.); excluding the airspace outside of the continental limits of the United States.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on May 18, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-5861; Filed, May 25, 1967; 8:46 a.m.]

[Airspace Docket No. 66-EA-

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

Correction

In F.R. Doc. 67-5401 appearing in the issue for Tuesday, May 16, 1967, at page 7250 make the following change: In line 8 of amendatory paragraph 1, "VOTAC" should read "VORTAC".

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8167; Amdt. 537]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELED, EFFECTIVE 17 JUNE 1967.							
City, Augusta; State, Maine; Airport name, Augusta State; Elev., 357'; Fac. Class., BH; Ident., AUG; Procedure No. NDB (ADF) Runway 8, Amdt. Orig.; Eff. date, 27 May 67							
Augusta VOR	CCM RBn	Direct	2300	T-dn#	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn			
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 171°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing CCM RBn, climb straight ahead on 171° bearing from CCM RBn to 1500' then right-climbing turn to 2300' direct CCM RBn. Hold N of CCM RBn, 171° Inbnd, 1-minute right turns.
NOTE: Approach from a holding pattern not authorized. Procedure turn required.
CAUTION: 597' antenna, 1.3 miles W of airport, 545' terrain, 0.9 mile SSE of airport.
#Runway 17 departures: Climb on magnetic heading 150° to 1000' before proceeding southwestbound.
MSA within 25 miles of facility: 000°–180°—2300'; 180°–270°—2100'; 270°–360°—3000'.

City, Augusta; State, Maine; Airport name, Augusta State; Elev., 357'; Fac. Class., MHW; Ident., CCM; Procedure No. NDB (ADF) Runway 17, Amdt. Orig.; Eff. date, 17 June 67

New Hampton Int	Charles City RBn	Direct	2700	T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-1½	600-1½	600-2
				S-dn-12	600-1	600-1	600-1
				A-dn	NA	NA	NA

Procedure turn N side of crs, 308° Outbnd, 128° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 1730'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of the CCY RBn, make left-climbing turn to 2600' on the 308° bearing from the CCY RBn within 10 miles.
NOTE: Use Mason City altimeter setting.
CAUTION: Runways 4/22 and 17/35 unlighted.
MSA within 25 miles of facility: 000°–090°—2300'; 090°–270°—2500'; 270°–360°—3800'.

City, Charles City; State, Iowa; Airport name, Charles City Municipal; Elev., 1130'; Fac. Class., MHW; Ident., CCY; Procedure No. NDB (ADF) Runway 12, Amdt. 1; Eff. date, 17 June 67; Sup. Amdt. No. ADF1, Orig.; Dated, 9 Dec. 65

Hamlin Int	IIT LOM	Direct	2700	T-dn	300-1	300-1	200-½
Wayne Int	IIT LOM	Direct	2600	C-dn	500-1	500-1	500-1½
Crown City Int	IIT LOM	Direct	2600	S-dn-11	500-1	500-1	500-1
ECB VOR	Naples Int	Direct	2600	A-dn	800-2	800-2	800-2
YRK VOR	Naples Int	Direct	2600				
Naples Int	IIT LOM (final)	Direct	2200				

Procedure turn S side of crs, 294° Outbnd, 114° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 114°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing IIT LOM, climb to 2700' on SE crs of ILS to Shoals BCM. Hold SE 1-minute right turns, 294° Inbnd. Alternate missed approach: Make a right-climbing turn to 2600' on crs 294°, return to IIT LOM. Hold NW, 1-minute right turns, 114° Inbnd.
MSA within 25 miles of facility: 000°–090°—3100'; 090°–180°—2500'; 180°–270°—2400'; 270°–360°—2500'.

City, Huntington; State, W. Va.; Airport name, Tri-State (Walker-Long Field); Elev., 828'; Fac. Class., LOM; Ident., IIT; Procedure No. NDB (ADF) Runway 11, Amdt. 5; Eff. date, 17 June 67; Sup. Amdt. No. ADF 1, Amdt. 4; Dated, 12 June 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
London (LOZ) VOR	SME RBn	Direct	3100	T-dn	300-1	300-1	NA
Intersection V-493 and V-310	SME RBn	Direct	3200	C-dn	1000-1	1000-1	NA
Intersection V-493 and V-140N	SME RBn	Direct	3100	S-dn-4	1000-1	1000-1	NA
				A-dn	NA	NA	NA

Radar available (Indianapolis center).
Procedure turn S side of crs, 220° Outbnd, 040° Inbnd, 3100′ within 10 miles.
Minimum altitude over facility on final approach crs 1927′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing SME RBn, make right-climbing turn to 3100′; return to SME RBn. Hold SW, 1-minute right turns, 040° Inbnd.
NOTE: No weather available. Obtain London, Ky., altimeter setting.
MSA within 25 miles of facility: 000°-270°—2800′; 270°-360°—2600′.

City, Somerset; State, Ky.; Airport name, Somerset-Pulaski County; Elev., 927′; Fac. Class., MHW; Ident., SME; Procedure No. NDB (ADF) Runway 4, Amdt. 1; Eff. date, 17 June 67; Sup. Amdt. No. NDB (ADF) Runway 4, Orig.; Dated, 4 Mar. 67

GEG VOR	GE LOM	Direct	4900	T-dn%	500-1	500-1	500-1
				C-dn	1000-1	1000-1	1000-1½
				A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn S side of crs, 245° Outbnd, 065° Inbnd, 4000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3500′.
Crs and distance, facility to airport, 065°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing GE LOM, turn left, return to GE LOM climbing to 4000′.
%Takeoffs all runways: Climb visually over airport to 2400′, thence direct GEG VOR; cross GEG VOR for direction of flight northeastbound V2N, 3900′; eastbound V2, 4200′; southeastbound V2S, 4700′.
MSA within 25 miles of the facility: 000°-090°—7100′; 090°-180°—6300′; 180°-270°—4100′; 270°-360°—5100′.

City, Spokane; State, Wash.; Airport name, Felts Field; Elev., 1953′; Fac. Class., LOM; Ident., GE; Procedure No. NDB (ADF)-1, Amdt. 1; Eff. date, 17 June 67; Sup. Amdt. No. ADF 1, Orig.; Dated, 19 Sept. 64

Shell Rock Int	LOM (final)	Direct	2300	T-dn	300-1	300-1	200-½
New Hartford Int	LOM	Direct	2500	C-dn	500-1	500-1	500-1½
Waverly Int	LOM	Direct	2500	S-dn-12	400-1	400-1	400-1
ALO VOR	LOM	Direct	2500	A-dn	800-2	800-2	800-2
Reinbeck Int	LOM	Direct	2500				

Procedure turn W side of crs, 302° Outbnd, 122° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 122°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing AL LOM, climb to 2500′ on 122° bearing from LOM within 10 miles, or when directed by ATC, climb to 2500′ on ALO VOR, R 093° within 10 miles.
MSA within 25 miles of facility: 000°-090°—2500′; 090°-180°—3100′; 180°-360°—2400′.

City, Waterloo; State, Iowa; Airport name, Waterloo Municipal; Elev., 870′; Fac. Class., LOM; Ident., AL; Procedure No. NDB (ADF) Runway 12, Amdt. 9; Eff. date, 17 June 67; Sup. Amdt. No. NDB (ADF) Runway 12, Amdt. 8; Dated, 11 Feb. 67

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
New Gloucester RBn	Augusta VOR	Direct	2300	T-dn#	300-1	300-1	200-½
				C-dn	800-1	800-1	800-1½
				S-dn			
				A-dn	800-2	800-2	800-2
				VOR ADF minimums:			
				C-dn	500-1	500-1	500-1½
				S-dn-17°	500-1	500-1	500-1
				DME minimums:			
				C-dn	500-1	500-1	500-1½
				S-dn-17°	400-1	400-1	400-1

Procedure turn W side of crs, 345° Outbnd, 165° Inbnd, 2300′ within 10 miles.
Minimum altitude over Bog Int or 3.7-mile DME Fix, 1200′.
Facility on airport. Breakoff point to runway, 171°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over AUG VOR, climb on R 165° to 2000′, then left turn direct AUG VOR. Hold SE of AUG VOR on R 141°, 1-minute left turns, 321° Inbnd.
NOTE: Approach from a holding pattern not authorized, procedure turn required.
CAUTION: 597′ antenna, 1.3 miles W of airport; 545′ terrain and trees, 0.9 mile of airport.
*Reduction not authorized.
#Runway 17 departures climb on magnetic heading 150° to 1000′ before proceeding southwestbound.
MSA within 25 miles of facility: 000°-180°—2300′; 180°-270°—2100′; 270°-360°—3000′.

City, Augusta; State, Maine; Airport name, Augusta State; Elev., 357′; Fac. Class., L-BVORTAC; Ident., AUG.; Procedure No. VOR Runway 17, Amdt. 6; Eff. date, 17 June 67; Sup. Amdt. No. TerVOR-17, Amdt. 5; Dated 3, Dec. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Mount Holly Int	MGY VOR	Direct	2700	T-dn	300-1	300-1	200-½
Dayton VOR	MGY VOR	Via DAY VOR R 163°.	3000	C-dn	700-1	700-1	700-1½
				A-dn	NA	NA	NA
Camden Int	MGY VOR	Direct	2700				
Mount Holly Int	5-mile Radar Fix on R 146°	Via CVG, R 055 and MGY R 146°.	2700				
5-mile Radar Fix on R 146°	MGY VOR (final)	Direct	1700				

Radar available.
Procedure turn E side of crs, 146° Outbnd, 326° Inbnd, 2700′ within 10 miles.
Minimum altitude over 5-mile Radar Fix on R 146° on final, 1800′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MGY VOR, make right-climbing turn to 2700′; return to MGY VOR, hold SE on R 146° MGY VOR, 1-minute right turns, 326° Inbnd.
NOTE: Use Dayton approach control altimeter setting.
MSA within 25 miles of facility: 045°–135°—2500′; 135°–225°—2600′; 225°–315°—2400′; 315°–045°—3100′.

City, Dayton; State, Ohio; Airport name, Montgomery County; Elev., 960′; Fac. Class., T-VORW; Ident., MGY; Procedure No. VOR-1, Amdt. 6; Eff. date, 17 June 67; Sup. Amdt. No. Ter VOR R-146, Amdt. 5; Dated, 16 July 66

DAY VOR	MGY VOR	Via DAY VOR, R 163°.	3000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
Camden Int	MGY VOR	Direct	2700	S-dn-20	500-1	500-1	500-1
Mount Holly Int	MGY VOR	Direct	2700	A-dn	NA	NA	NA
4-Mile Radar Fix on R 028°	MGY VOR (final)	Direct	1500				

Radar available.
Procedure turn E side of crs, 028° Outbnd, 208° Inbnd, 2700′ within 10 miles.
Minimum altitude over 4-mile Radar Fix on R 028° on final approach crs, 2000′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MGY VOR, make left turn, climb to 3000′ on R 136° to Mount Holly Int. Hold SW, 1-minute left turns, 055° Inbnd.
NOTE: Use Dayton approach control altimeter setting.
MSA within 25 miles of facility: 045°–135°—2500′; 135°–225°—2600′; 225°–315°—2400′; 315°–045°—3100′.

City, Dayton; State, Ohio; Airport name, Montgomery County; Elev., 960′; Fac. Class., T-VORW; Ident., MGY; Procedure No. VOR Runway 20, Amdt. 2; Eff. date, 17 June 67; Sup. Amdt. No. Ter VOR-20, Amdt. 1; Dated, 11 June 66

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-20	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 012° Outbnd, 192° Inbnd, 8500′ within 10 miles.
Minimum altitude over facility on final approach crs, 7266′.
Facility on airport. Breakoff point to runway, 202°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LVS VOR, climb to 10,000′ on LVS R 215° within 20 miles.
MSA within 25 miles of facility: 000°–090°—9500′; 090°–180°—9100′; 180°–270°—11500′; 270°–360°—13600′.

City, Las Vegas; State, N. Mex.; Airport name, Las Vegas Municipal; Elev., 6866′; Fac. Class., H-BVORTAC; Ident., LVS; Procedure No. VOR Runway 20, Amdt. Orig.; Eff. date, 17 June 67

Taylor VHF Int	PNE VOR (final)	064°—7.3 miles	720	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-6#	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar required.
Procedure turn not authorized.
Facility on airport.
Crs and distance breakoff point to runway, 058°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of PNE VOR, climb on R 064° to 1500′ within 5 miles. Then make left-climbing turn to 2400′. Proceed direct PNE VOR. Hold SW 1-minute right turns, Inbnd crs, 064°.
#Reduction for lighting aids not authorized.
MSA within 25 miles of facility: 000°–090°—1800′; 090°–180°—1600′; 180°–270°—2400′; 270°–360°—2400′.

City, Philadelphia; State, Pa.; Airport name, North Philadelphia; Elev., 120′; Fac. Class., T-BVOR; Ident., PNE; Procedure No. VOR Runway 6, Amdt. 2; Eff. date, 17 June 67; Sup. Amdt. No. Ter VOR-6, Amdt. 1; Dated, 27 May 65

Lee VHF Int	VLD VOR	Direct	1900	T-dn#	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-35#	400-1	400-1	NA
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 006°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing VLD VOR, turn left, climb to 1900′ on R 346° within 20 miles of the VLD VOR.
NOTES: (1) No lights on Runway 12–30. Advance notice required for operation of runway lights after 2200 hours. (2) Night landing not authorized on Runways 9, 12, 30. Night takeoff not authorized on Runways 12, 27, 30.
#Reduction not authorized.
MSA within 25 miles of facility: 000°–360°—1600′.

City, Valdosta; State, Ga.; Airport name, Valdosta Municipal; Elev., 204′; Fac. Class., L-BVOR; Ident., VLD; Procedure No. VOR Runway 35, Amdt. 16; Eff. date, 17 June 67; Sup. Amdt. No. VOR-1, Amdt. 15; Dated, 19 Nov. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 302°, ALO VOR clockwise	R 072°, ALO VOR	Via 9-mile DME Arc.	2500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
R 140°, ALO VOR counterclockwise	R 072°, ALO VOR	Via 9-mile DME Arc.	2500	S-dn-24	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
9-mile DME Fix, R 072°	3-mile DME Fix, R 072° (final)	Direct	1370	DME Minimums:			
				S-dn-24	400-1	400-1	400-1

Procedure turn N side of crs, 072° Outbnd, 252° Inbnd, 2400' within 10 miles.
Minimum altitude over 3-mile DME Fix on final approach crs, 1370'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ALO VOR, climb to 2500' on R 235° within 10 miles.
MSA within 25 miles of facility: 090°-180°—4000'; 180°-090°—2500'.

City, Waterloo; State, Iowa; Airport name, Waterloo Municipal; Elev., 870'; Fac. Class., L-BVORTAC; Ident., ALO; Procedure No. VOR Runway 24, Amdt. 6; Eff. date, 17 June 67; Sup. Amdt. No. TerVOR-24, Amdt. 5; Dated, 19 Mar. 66

R 090°, ALO VOR clockwise	R 194°, ALO VOR	Via 9-mile DME Arc.	2500	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
R 302°, ALO VOR counterclockwise	R 194°, ALO VOR	Via 9-mile DME Arc.	2500	S-dn-36	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
9-miles DME Fix, R 194°	2.5-miles DME Fix, R 194° (final)	Direct	1470	DME Minimums:			
				C-dn	500-1	500-1	500-1½
				S-dn-36	500-1	500-1	500-1

Procedure turn E side of crs, 194° Outbnd, 014° Inbnd, 2300' within 10 miles.
Minimum altitude over 2.5-mile DME Fix on final approach crs, 1470'.
Facility on Airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ALO VOR, climb to 2500' on R 347° within 10 miles.
MSA within 25 miles of facility: 090°-180°—4000'; 180°-090°—2500'.

City, Waterloo; State, Iowa; Airport name, Waterloo Municipal; Elev., 870'; Fac. Class., L-BVORTAC; Ident., ALO; Procedure No. VOR Runway 36, Amdt. 7; Eff. date, 17 June 67; Sup. Amdt. No. TerVOR-36, Amdt. 6; Dated, 19 Mar. 66

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
15-mile DME Fix, R 069° AUG VORTAC	5-mile DME Fix, R 069° AUG VORTAC (final).	Direct	2000	T-dn#	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn	800-2	800-2	800-2
				A-dn			

Procedure turn not authorized.
Minimum altitude over 5-mile DME Fix, R 069° on final approach crs, 2000'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over AUG VOR, make left-climbing turn to 2000' direct AUG VOR. Hold SE of AUG VOR, 1-minute left turns, 321° Inbnd.
CAUTION: 597' antenna, 1.3 miles W of airport; 545' terrain and trees, 0.9 mile S of airport.
#Runway 17 departures climb on magnetic heading 150° to 1000' before proceeding southwestbound.
MSA within 25 miles of facility: 000°-180°—2300'; 180°-270°—2100'; 270°-360°—3000'.

City, Augusta; State, Maine; Airport name, Augusta State; Elev., 357'; Fac. Class., L-BVORTAC; Ident., AUG.; Procedure No. VOR/DME-1, Amdt. 1; Eff. date, 17 June 67; Sup. Amdt. No. VOR/DME-1, Orig.; Dated, 3 Dec. 66

11-mile DME Fix, R 232° AUG VORTAC	5-mile DME Fix, R 232° AUG VORTAC (final).	Direct	2000	T-dn#	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn	800-2	800-2	800-2
				A-dn			

Procedure turn not authorized.
Minimum altitude over 5-mile DME Fix, R 232° on final approach crs, 2000'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over AUG VOR, make left-climbing turn to 2000', direct AUG VOR. Hold SE of AUG VOR, 1-minute left turns, 321° Inbnd.
CAUTION: 597' antenna, 1.3 miles W of airport; 545' terrain and trees, 0.9 mile S of airport.
#Runway 17 departures climb on magnetic heading 150° to 1000' before proceeding southwestbound.
MSA within 25 miles of facility: 000°-180°—2300'; 180°-270°—2100'; 270°-360°—3000'.

City, Augusta; State, Maine; Airport name, Augusta State; Elev., 357'; Fac. Class., L-BVORTAC; Ident., AUG; Procedure No. VOR/DME-2, Amdt. 1; Eff. date, 17 June 67; Sup. Amdt. No. VOR/DME-2, Orig.; Dated, 3 Dec. 66

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
New Gloucester RBn	11-mile DME Fix, R 247° AUG VORTAC.	Direct	2300	T-dn#	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
11-mile DME Fix, R 247° AUG VORTAC	5-mile DME Fix, R 247° AUG VORTAC (final).	Direct	2000	S-dn			
				A-dn	800–2	800–2	800–2

Procedure turn not authorized.
Minimum altitude over 5-mile DME Fix, R 247° on final approach crs, 2000'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over AUG VOR, make left-climbing turn to 2000' direct AUG VOR. Hold SE of AUG VOR, 1-minute left turns, 321° Inbnd.
CAUTION: 597' antenna, 1.3 miles W of airport; 545' terrain and trees, 0.9 mile S of airport.
#Runway 17 departures climb on magnetic heading 150° to 1000' before proceeding southwestbound.
MSA within 25 miles of facility: 000°–180°—2300'; 180°–270°—2100'; 270°–360°—3000'.

City, Augusta; State, Maine; Airport name, Augusta State; Elev., 357'; Fac. Class., L-BVORTAC; Ident., AUG; Procedure No. VOR/DME-3, Amdt. 1; Eff. date, 17 June 67; Sup. Amdt. No. VOR/DME-3, Orig.; Dated, 3 Dec. 66

ALO VORTAC	4-mile DME Fix, R 114°	Direct	3100	T-dn	300–1	300–1	200–½
R 090°, ALO VOR clockwise	R 114°, ALO VOR	Via 10-mile DME Arc.	3100	C-dn	500–1	500–1	500–1½
				S-dn-30$	400–1	400–1	400–1
R 235°, ALO VOR counterclockwise	R 114°, ALO VOR	Via 10-mile DME Arc.	3100	A-dn	800–2	800–2	800–2
10-mile DME Fix, R 114°	4-mile DME Fix, R 114° (final)	Direct	2000				

Procedure turn E side of crs, 114° Outbnd, 294° Inbnd, 3100' between 4- and 14-mile DME Fix, R 114°.
Minimum altitude over 4-mile DME Fix, R 114° on final approach crs, 2000'.
Crs and distance, 4-mile DME Fix, R 114° to airport, 294°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 0.6-mile DME Fix, R 114°, climb to 3500' on R 302° to Shell Rock Int and hold NW 122° Inbnd with left turns.
NOTE: Final approach from holding pattern at 4-mile DME Fix, R 114° not authorized. Procedure turn required.
$400–¾ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 090°–180°—4000'; 180°–090°—2500'.

City, Waterloo; State, Iowa; Airport name, Waterloo Municipal; Elev., 870'; Fac. Class., L-BVORTAC; Ident., ALO; Procedure No. VOR/DME Runway 30, Amdt. 4; Eff. date, 17 June 67; Sup. Amdt. No. VOR/DME No. 1, Amdt. 3; Dated, 19 Mar. 66

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Hamlin Int	HT LOM	Direct	2700	T-dn	300–1	300–1	200–½
Wayne Int	HT LOM	Direct	2600	C-dn	500–1	500–1	500–1½
Crown City Int	HT LOM	Direct	2600	S-dn-11#	400–1	400–1	400–1
ECB VOR	Naples Int	Direct	2600	A-dn	800–2	800–2	800–2
YRK VOR	Naples Int	Direct	2600				
Naples Int	HT LOM (final)	Direct	2200				

Procedure turn S side of crs, 294° Outbnd, 114° Inbnd, 2600' within 10 miles.
Minimum altitude over LOM on final approach crs, 2200'.
Crs and distance, LOM to airport, 114°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing HT LOM, climb to 2700' on SE crs of ILS to Shoals BCM. Hold SE 1-minute right turns, 294° Inbnd. Alternate missed approach: Make a right-climbing turn to 2600' on crs, 294°, return to HT LOM. Hold NW, 1-minute right turns, 114° Inbnd.
NOTES: 1. No glide slope. 2. ILS unusable from MM Inbnd.
#400–¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojets.
#400–½ authorized, with operative ALS, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—3100'; 090°–180°—2500'; 180°–270°—2400'; 270°–360°—2500'.

City, Huntington; State, W. Va.; Airport name, Tri-State (Walker-Long Field); Elev., 828'; Fac. Class., ILS; Ident., I-HTS; Procedure No. LOC Runway 11, Amdt. 7; Eff. date, 17 June 67; Sup. Amdt. No. ILS Runway 11, Amdt. 6; Dated, 25 Feb. 67

HT LOM	Shoals (back crs marker)	Direct	2700	T-dn	300–1	300–1	200–½
HNN VORTAC	Hamlin Int	Via HNN R 204°	3000	C-dn	500–1	500–1	500–1½
Hamlin Int	Shoals (back crs marker) (final)	Direct	1800	S-dn-29¢	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 114° Outbnd, 294° Inbnd, 2700' within 10 miles of Shoals BCM.
Minimum altitude over Shoals BCM on final approach crs, 1800'.
Crs and distance, Shoals BCM to airport, 294°—3.4 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing Shoals BCM, climb to 2600' on crs, 294° to the HTS LOM. Hold NW, 1-minute right turns, 114° Inbnd.
CAUTION: Tower 1260', 3.5 miles E of approach end of Runway 29.
¢400–¾ authorized with operative high-intensity runway lights except for 4-engine turbojets.
MSA within 25 miles of Shoals BCM: 000°–090°—3100'; 090°–180°—3100'; 180°–270°—2500'; 270°–360°—2400'.

City, Huntington; State, W. Va.; Airport name, Tri-State (Walker-Long Field); Elev., 828'; Fac. Class., ILS; Ident., I-HTS; Procedure No. LOC (BC) Runway 29, Amdt. 3; Eff. date, 17 June 67; Sup. Amdt. No. ILS-29 (back crs), Amdt. 2; Dated, 7 Jan. 67

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Shell Rock Int	LOM (final)	Direct	2300	T-dn¢	300–1	300–1	200–½
New Hartford Int	LOM	Direct	2500	C-dn	500–1	500–1	500–1½
Waverly Int	LOM	Direct	2500	S-dn-12*#	200–½	200–½	200–½
ALO VOR	LOM	Direct	2500	A-dn	600–2	600–2	600–2
Reinheck Int	LOM	Direct	2500				
R 209°, ALO VOR clockwise	R 303°, ALO VOR	Via 11-mile DME Arc.	2500				
R 347°, ALO VOR counterclockwise	R 303°, ALO VOR	Via 11-mile DME Arc.	2500				
11-mile DME Fix, R 303° ALO VOR	OM (final)	Via ALO LOC	2300				

Procedure turn W side of crs, 302° Outbnd, 122° Inhnd, 2500′ within 10 miles.
Minimum altitude at glide slope Interception Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at OM, 2239′—4.5 miles; at MM, 1060′—0.5 mile.
If visual contact not estahlished upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 2500′ on SE crs of ILS within 10 miles or, when directed hy ATC, climh to 2500′ on the ALO VOR, R 093° within 10 miles.
*400–¾ required when glide slope not utilized and 400–½ authorized with operative ALS, except for 4-engine turbojets.
¢RVR 2400′ authorized Runway 12.
#RVR 2400′. Descent helow 1070′ not authorized unless approach lights are visible.
MSA within 25 miles of LOM: 000°–090°—2500′; 090°–180°—3100′; 180°–360°—2400′.

City, Waterloo; State, Iowa; Airport name, Waterloo Municipal; Elev., 870′; Fac. Class., ILS; Ident., I-ALO; Procedure No. ILS Runway 12, Amdt. 9; Eff. date, 17 June 67; Sup. Amdt. No. ILS Runway 12, Amdt. 8; Dated, 11 Feb. 67

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall he in accordance witb tbe following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized hy the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum aititude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must he established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is estahlished on final approach at or hefore descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall he executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visihility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
248°	180°	0–20 miles	***2000	Surveillance approach			
180°	248°	0–15 miles	***2000	T-dn*%	300–1	300–1	200–½
180°	248°	15–20 miles	***2300	C-dn-14 L and R, 32 L and R, 27, 22.**	400–1	500–1	500–1½
				C-dn-4	600–2	600–2	600–2
				S-dn-14 L and R, 32 L and R, 27, 22.**$	400–1	400–1	400–1
				S-dn-4	600–2	600–2	600–2
				A-dn	800–2	800–2	800–2
				Precision approach			
				T-dn*%	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-14R, 27, 32L.#	200–½	200–½	200–½
				S-dn-22, 14L, 32R, 4.****	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

All bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not estahlished upon descent to authorized landing minimums or if landing not accomplished: Runway 4—Climb straight ahead to 3500′ and proceed to Evanston Int via ORD VOR, R 075°, or when directed by ATC, climh stralght ahead to 2500′ and proceed to OBK VOR via R 170°. Runway 27—Climb to 3500′ on a crs of 268° and proceed to DPA VOR via R 068°, or when directed by ATC, climb to 3500′ on ORD VOR, R 271° and proceed to Elgin Int via ORD VOR, R 271°. Runway 22—Climh to 3500′ on a crs of 220° and proceed to DPA VOR via R 073°, or when directed hy ATC, make left-climbing turn to 3500′ and proceed to Evanston Int via ORD VOR R 075°. Runway 14R—Turn right to heading 155°, climh to 1500′, then make right-climbing turn to 3500′ and proceed to DPA VOR via R 085, or when directed by ATC, turn right to heading 155°, climh to 1500′, make climbing right turn to 3500′ and proceed to Elgin Int via ORD VOR, R 271°. Runway 32R—Turn right to 335° heading, climb to 1500′, then make right-climhing turn to 3500′ and proceed to Evanston Int via ORD, R 075°. Runway 32L—Turn left to 300° heading, climh to 1500′, then make climbing left turn to 3500′ and proceed direct to DPA VOR. Runway 14L—Turn left to heading of 120° and climh to 1500′, make left-climbing turn to 3500′ and proceed to Evanston Int via ORD, R 075°.
CAUTION: 1460′ tower, 5.5 miles W, 1413′ tower, 4.9 miles W.
*Takeoffs on Runway 27 when weather is helow 2000–3 will intercept ORD VOR, R 250° and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD VOR, R 306° and climb to 2000′ hefore proceeding westbound.
**On ASR approach to Runway 22, do not descend below 1200′ until radar advises passing 3-mile Radar Fix from end of runway.
#RVR 2400′ Runways 14R, 32L, and 27. Descent below 867′ not authorized unless approach lights are visible.
%RVR 2400′ authorized Runways 14R, 32L/32R, and 27.
$Runways 27, 14L, 14R, and 32L—400–½ authorized with operative ALS or SALS, except for 4-engine turbojets. Runways 14 R and L, 32 R and L, and 27—400–¾ authorized with operative HIRL except for 4-engine turbojets.
***Radar control will provide 1000′ vertical clearance within a 3-mile radius of towers, 1187′ 15 miles NW, 1460′, 5.5 miles W, 1413′, 4.9 miles W, 1508′, 7.2 miles SW, 1185′, 4.8 miles SW, 1120′, 3.5 miles SW, 1504′, 14.2 miles SE, 1260′, 10 miles SSW, 1080′, 14.3 miles SSW, 1125′, 8 miles SW, and 1549′, 13.9 miles SE.
****Runway 14L—300–½ authorized with operative SALS, except for 4-engine turbojets.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class. and Ident., O'Hare Radar; Procedure No. 1, Amdt. 14; Eff. date, 17 June 67; Sup. Amdt. No. 1, Amdt. 13; Dated, 24 Dec. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on May 10, 1967.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-5535; Filed, May 25, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular No. 2227]

PART 2220—GRANTS

Subpart 2226—Desert Land Act

DITCHES

The purpose of this amendment is to show that the term "ditches" means any suitable means to conduct water to and on the lands.

The Department of the Interior adheres to the policy of affording the public an opportunity to participate in the rule making process. However, since the proposal does not impose any additional requirements upon a desert land entryman, this amendment is adopted without public participation and will become effective upon publication in the FEDERAL REGISTER.

In § 2226.1-5, paragraphs (e) and (f) are amended to read as follows:

§ 2226.1-5 Final proof.

* * * * *

(e) *Showing as to irrigation system.* The final proof must show specifically the source and volume of the water supply and how it was acquired and how it is maintained. The number, length, and carrying capacity of all ditches, canals, conduits, and other means to conduct water to and on each of the legal subdivisions must also be shown. The claimant and the witnesses must each state in full all that has been done in the matter of reclamation and improvements of the land, and must answer fully, of their own personal knowledge, all of the questions contained in the final-proof blanks. They must state plainly whether at any time they saw the land effectually irrigated, and the different dates on which they saw it irrigated should be specifically stated.

(f) *Showing as to lands irrigated and reclaimed.* While it is not required that all of the land shall have been actually irrigated at the time final proof is made, it is necessary that the one-eighth portion which is required to be cultivated shall also have been irrigated in a manner calculated to produce profitable results, considering the character of the land, the climate, and the kind of crops being grown. (Alonzo B. Cole, 38 L.D. 420.) The cultivation and irrigation of the one-eighth portion of the entire area entered may be had in a body on one legal subdivision or may be distributed over several subdivisions. The final proof must clearly show that all of the permanent main and lateral ditches, canals, conduits, and other means to conduct water necessary for the irrigation of all the irrigable land in the entry have been constructed so that water can be actually applied to the land as soon as it is ready for cultivation. If pumping be relied upon as the means of irrigation, the plant installed for that purpose must be of sufficient capacity to render available enough water for all the irrigable land. If there are any high points or any portions of the land which for any reason it is not practicable to irrigate, the nature, extent, and situation of such areas in each legal subdivision must be fully stated. If less than one-eighth of a smallest legal subdivision is practically susceptible of irrigation from claimant's source of water supply and no portion thereof is used as a necessary part of his irrigation scheme, such subdivision must be relinquished. (43 L.D. 269.)

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

MAY 19, 1967.

[F.R. Doc. 67-5853; Filed, May 25, 1967; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Hunting Seasons for Puerto Rico and Virgin Islands; Correction

F.R. Doc. 67-5643, published on page 7497 in the issue dated Saturday, May 20, 1967 is corrected by changing the date "July 15" to "July 1" for the open season dates on dove and pigeons in Puerto Rico.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

MAY 23, 1967.

[F.R. Doc. 67-5899; Filed, May 25, 1967; 8:49 a.m.]

PART 10—MIGRATORY BIRDS

Hunting Methods and Transportation

On page 6196 of the FEDERAL REGISTER of April 20, 1967, there was published a notice of proposed rule making to amend Part 10, Title 50, Code of Federal Regulations, commonly known as the "basic regulations."

Section 10.3(b) (4) and (7) are revised to conform with § 10.3(a) (1) and (3) as published in the notice of proposed rule making on April 20, 1967.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendments. All comments received were favorable.

The proposed amendments are hereby adopted as follows:

§ 10.3 Hunting methods.

* * * * *

(a) *Permitted methods.* * * *

(1) By the aid of dogs, artificial decoys, with longbow and arrow, or with shotgun (not larger than No. 10 gauge and incapable of holding more than three shells) fired from the shoulder, and by means of falconry; and with the aid and use of bird calls, except recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds.

* * * * *

(3) From floating craft (except a sinkbox) including those with motor attached and any sailboat when beached, resting at anchor, or fastened within or tied immediately alongside of any type of fixed hunting blind: *Provided,* That only on the Great Lakes, including their interconnecting waterways, waterfowl, coots, and gallinules may be taken from a boat with motor attached when (i) the motor has been completely shut off, and (ii) the forward progress of the boat due to the automotive power has ceased: *Provided further,* That rails (but not including coots or gallinules) may be taken in all flyways from a boat with motor attached when (iii) the source of power has been completely shut off; (iv) the forward progress of the boat due to the automotive power has ceased; and (v) the boat is immobile or is being propelled by paddle, oars, or pole.

* * * * *

(b) * * *

(4) From or by means of any boat or other craft having a motor attached or any sailboat except as permitted in paragraph (a) (3) of this section.

* * * * *

(7) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds.

* * * * *

(c) *Exceptions.* The provisions of this section shall not be construed to apply to the taking of migratory birds as permitted by § 10.5; nor to alter the terms of any permit or other authorization issued pursuant to Part 16 of this subchapter.

§ 10.6 Transportation within a State, between States, or to foreign countries.

* * * * *

(b) One fully feathered wing must remain attached to all migratory game birds except doves at all times while being transported by any means whatsoever from the place where taken until they have arrived at the personal abode of the possessor or a commercial preservation facility, whichever occurs first. One fully feathered wing must remain attached to each migratory game bird, including doves, while being transported by any means whatsoever from the United States and/or any of its possessions to any foreign country.

* * * * *

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

MAY 23, 1967.

[F.R. Doc. 67-5900; Filed May 25, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 911, 915]

[Docket Nos. AO–267–A3, AO–254–A4]

LIMES AND AVOCADOS GROWN IN FLORIDA

Handling

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing order, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Conference Room, Subtropical Experiment Station, Waldin Drive, Homestead, Fla., at 9:30 a.m., local time, June 20, 1967, with respect to proposed further amendments of the respective marketing agreements and orders (7 CFR Parts 911 and 915), regulating the handling of limes and avocados grown in Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following further amendments of the amended marketing agreements and orders were proposed by the administrative committees, the administrative agencies established pursuant to the marketing agreements and orders.

1. Add to § 911.27 and to § 915.27 a final sentence to read as follows: "In the event both a member and his alternate are unable to attend a committee meeting, the chairman may designate any alternate who is present and who is not serving for any member to serve in such absent member's place and stead: *Provided*, That grower alternate members may serve only for grower members and handler alternate members may serve only for handler members."

2. Amend § 911.41 and § 915.41 by deleting the proviso in paragraph (b).

3. Amend § 911.42 and § 915.42 to read as follows:

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal year unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve, consisting of all or any portion of such excess funds, in an amount not to exceed approximately 2 fiscal year's operational expenses. Upon approval by the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to the applicable provisions of this part.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds will be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

4. Amend § 911.45 and § 915.45 to read as follows:

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of fruit covered by this part. Such projects may include any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of this part.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of fruit covered by this part in relation to market requirements;

(2) The supply situation among competing areas and commodities;

(3) The ability of the committee to supplement any brand promotion of handlers; and

(4) The need for marketing research with respect to any marketing development activity.

(c) If the committee should conclude that a program of marketing research or development should be undertaken or continued pursuant to this section in any fiscal year, it shall submit the following for the approval of the Secretary:

(1) Its recommendation as to funds to be obtained pursuant to the applicable provisions of this part and the rate of assessment required to obtain such funds;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

5. Redesignate subparagraphs (3) and (4) of § 911.52(a) and § 915.51(a) as subparagraphs (5) and (6), respectively, and insert new subparagraphs (3) and (4) reading as follows:

(3) Limit the shipment of the total quantity of fruit covered by this part by prohibiting the handling thereof: *Provided*, That (i) there shall be not more than five periods of such prohibition during any fiscal year; (ii) no such prohibition shall be effective for more than 7 consecutive days; and (iii) there shall be no less than 7 consecutive days between the termination of any such period of prohibition and the beginning of the next such period.

(4) Whenever the handling of fruit covered by this part is regulated pursuant to subparagraph (3) of this paragraph, no handler shall handle any such fruit which was prepared for market or loaded during the effective period of such regulation. However, during any such period, no such regulation shall be deemed to limit the right of any person to contract to sell fruit covered by this part.

6. Add the following proviso to § 911.56 (d) and to § 915.55(d): "*Provided*, That any such minimum quantities exemption shall be limited to growers who do not come within the proviso in the definition, in this part, of the term 'grower'; and the exemption shall apply only to the fruit from such trees."

7. Add a new section, to Parts 911 and 915, as follows:

The committee may, with the approval of the Secretary, establish such rules, regulations, and safeguards as it may deem necessary to assure that culls, i.e., fruit which fail to meet the standards established under this part, are handled

only as authorized in accordance with the applicable provisions of this part governing fruit not subject to regulation. Such safeguards may include, but are not limited to, a requirement that, except to the extent that culls are handled in accordance with such applicable provisions, culls may not be handled unless prior thereto and under supervision of the committee the culls were mechanically mutilated or otherwise rendered unfit for distribution in fresh markets.

8. The Fruit and Vegetable Division, Consumer and Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreements and orders as may be necessary to make the entire provisions thereof conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from M. F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, Post Office Box 9, Lakeland, Fla. 33802.

Dated: May 22, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-5908; Filed, May 25, 1967; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circular 570, 1966 Rev., Supp. No. 21]

BENEFICIAL FIRE AND CASUALTY INSURANCE CO.

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Beneficial Fire and Casualty Insurance Co., Los Angeles, Calif., under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), to qualify as an acceptable surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States, is hereby terminated.

The Treasury has been advised that Beneficial Fire and Casualty Co. changed its name to the J. C. Penney Insurance Co. and does not intend to apply for a Certificate of Authority under that name.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by the Beneficial Fire and Casualty Insurance Co.

Dated: May 22, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67–5884; Filed, May 25, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

COLORADO

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Colorado natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Cheyenne. Kiowa.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67–5910; Filed, May 25, 1967; 8:50 a.m.]

NEW JERSEY

Extension of Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of New Jersey natural disasters have caused a continuing need for agricultural credit to peach and blueberry growers not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

New Jersey	*Original designation*
Atlantic	31 F.R. 8082
Gloucester	31 F.R. 8082

Pursuant to the authority set forth above, emergency loans will not be made to peach and blueberry growers in the above-named counties after June 30, 1968, except to those who apply and previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67–5911; Filed, May 25, 1967; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0579) has been filed by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94801, proposing that § 120.205 *Paraquat; tolerances for residues* be amended to provide for tolerances for paraquat (1,1'-dimethyl-4,4'-bipyridinium) residues derived from the application of the dichloride salt (calculated as the cation) in or on cottonseed and potatoes at 0.5 part per million.

The analytical method proposed in the petition for determining residues of the paraquat is that the sample is refluxed with sulfuric acid to free the paraquat cation and, after cleanup and reduction with sodium dithionite, the paraquat is determined spectrophotometrically.

Dated: May 18, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–5876; Filed, May 25, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

JOSEPH M. HENDRIE

Certification

Pursuant to section 205, Title 18 U.S.C. (P.L. 87–849, 76 Stat. 1124), I certify that the national interest requires that Dr. Joseph M. Hendrie, an employee of the Brookhaven National Laboratory (a Government-owned laboratory operated for the Atomic Energy Commission by Associated Universities, Inc.) and a member of the Atomic Energy Commission's Advisory Committee on Reactor Safeguards (ACRS), be permitted to act as agent for the laboratory in the performance of work under the contract (including amendments and extensions thereof) between Associated Universities, Inc., and the Atomic Energy Commission for the operation of the Brookhaven National Laboratory: *Provided, however,* That this exemption from sections 203 and 205 of Title 18 U.S.C. shall not permit Dr. Hendrie to act as agent for the laboratory in dealing with the Commission's Regulatory Staff or the ACRS in any particular matter involving the laboratory (1) in which he has at any time participated personally and substantially as a member of the ACRS, or (2) which is pending before the ACRS.

This certification is directed to be published in the FEDERAL REGISTER.

Dated: May 19, 1967.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 67–5836; Filed, May 25, 1967; 8:45 a.m.]

WILLIAM R. STRATTON

Certification

Pursuant to section 205, Title 18 U.S.C. (P.L. 87–849, 76 Stat. 1124), I certify that the national interest requires that Dr. William R. Stratton, an employee of the

Los Alamos Scientific Laboratory (a Government-owned laboratory operated for the Atomic Energy Commission by the University of California) and a member of the Atomic Energy Commission's Advisory Committee on Reactor Safeguards (ACRS), be permitted to act as agent for the laboratory in the performance of work under the contract (including amendments and extensions thereof) between the university and the Atomic Energy Commission for the operation of the Los Alamos Scientific Laboratory: *Provided, however,* That this exemption from sections 203 and 205 of Title 18 U.S.C. shall not permit Dr. Stratton to act as agent for the laboratory in dealing with the Commission's Regulatory Staff or the ACRS in any particular matter involving the laboratory (1) in which he has at any time participated personally and substantially as a member of the ACRS, or (2) which is pending before the ACRS.

This certification is directed to be published in the FEDERAL REGISTER.

Dated: May 19, 1967.

R. E. HOLLINGSWORTH,
General Manager.

[F.R. Doc. 67-5837; Filed, May 25, 1967; 8:45 a.m.]

[Docket No. 50-289]

METROPOLITAN EDISON CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Metropolitan Edison Co., Post Office Box 542, Reading, Pa. 19603, has filed an application, dated May 1, 1967, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, for authorization to construct and operate a pressurized water nuclear power reactor at its site on Three Mile Island, an island in the Susquehanna River, in Londonderry Township, Dauphin County, Pa., approximately 10 miles southeast of Harrisburg, Pa.

The proposed nuclear powerplant, designated by the applicant as the Three Mile Island Nuclear Station, Unit 1, is designed for initial operation at 2,452 megawatts thermal with a net electrical output of 845 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 17th day of May 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-5838; Filed, May 25, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18549]

AIR NEW ZEALAND, LTD.

Notice of Prehearing Conference

Application for amendment of its foreign air carrier permit to engage in foreign air transportation with respect to persons, property, and mail over the following route: "Between a point or points in New Zealand, the intermediate points the Cook Islands and the Society Islands and the terminal point Los Angeles (California)."

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on May 31, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., May 22, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-5886; Filed, May 25, 1967; 8:48 a.m.]

[Docket No. 18579; Order E-25173]

DALLAS/FORT WORTH-PHOENIX NONSTOP CASE

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of May 1967.

The Board has determined to investigate the service needs of various markets in the same geographic area covered by the Southern Tier Competitive Nonstop Investigation, Docket 18257.[1] Among these is Dallas/Fort Worth-Phoenix and we have decided, for the reasons set forth hereinafter, to institute an investigation to be called the Dallas/Fort Worth-Phoenix Nonstop Case to determine the need for competitive nonstop service in this market.

The Dallas/Fort Worth-Phoenix market is served by one carrier, American Airlines, Inc., and in 1966 generated about 200 local and connecting passengers a day.[2] Because all flights are part of long-haul services, it would appear that additional flow traffic moves on flights operating between these cities. The present investigation will determine whether local passengers in the Dallas/Fort Worth-Phoenix market are being provided with an adequate volume of capacity in the light of the long-haul traffic moving on existing flights, and whether competitive authorizations are required in order to provide passengers in the local market with schedules specifically designed for the convenience of local traffic.

In order to assure that the proceeding is focused on the needs of the local market, and that any awards will primarily benefit the local market, we will impose the following pretrial restrictions: (1) That any authority granted in this proceeding shall be in the form of a separate segment; and (2) that single-plane service beyond Dallas/Fort Worth shall not be permitted.

Interested applicants are requested to file new applications in conformity with the scope of this proceeding within the time for filing hereinafter established.

Accordingly, it is ordered, That:

1. An investigation designated the Dallas/Fort Worth-Phoenix Nonstop Case, be and it hereby is instituted in Docket 18579 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment, or modification of carrier authorizations so as to authorize competitive nonstop service in the Dallas/Fort Worth-Phoenix market;

2. In the event a carrier is awarded certificate authority in the market at issue and such carrier is not presently authorized to provide service in the market, the new authority will be granted in the form of a separate segment to the carrier's existing certificate;

3. The issues of this proceeding shall be subject to the pretrial restriction that flights may not be operated as single-plane services beyond Dallas/Fort Worth under any new authority awarded herein;

4. Motions to consolidate, applications, motions, or petitions seeking modification or reconsideration of this order and petitions for leave to intervene, be filed no later than 20 days after the date of service of this order and that answers to such pleadings be filed no later than 10 days thereafter;

5. This proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated; and

6. A copy of this order be served upon all carriers authorized to serve Dallas and Fort Worth, Tex., and Phoenix, Ariz., as well as upon such cities.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-5887; Filed, May 25, 1967; 8:48 a.m.]

[Docket No. 15356 etc.]

NORTHEAST-BAHAMAS SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument on the above-entitled case is assigned for June 20, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecti-

[1] See Order E-24847, adopted Mar. 10, 1967, particularly page 3, footnote 3.

[2] Estimated from traffic compiled in Competition Among Domestic Air Carriers, first two quarters of 1966, annualized.

cut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 22, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-5888; Filed, May 25, 1967; 8:49 a.m.]

[Docket No. 15374]

REOPENED AEROVIAS SUD AMERICANA CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 13, 1967, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before June 7, 1967: (1) Proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., May 22, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-5889; Filed, May 25, 1967; 8:49 a.m.]

[Docket No. 16222 etc.]

SERVICE MAIL RATES FOR HELICOPTER OPERATORS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 26, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on December 2, 1966, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 22, 1967.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 67-5890; Filed, May 25, 1967; 8:49 a.m.]

[Docket No. 18394]

AIR INDIA

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 2, 1967, at 10 a.m., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 27, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 23, 1967.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 67-5947; Filed, May 25, 1967; 8:51 a.m.]

CIVIL SERVICE COMMISSION

NURSES, GALVESTON, TEX.

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum rates and rate ranges for positions of Nurse, GS-610-4, 5, 6, and 7, and Public Health Nurse, GS-615-4, 5, 6, and 7. The revised rate ranges are:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$5,416	$5,576	$5,736	$5,896	$6,056	$6,216	$6,376	$6,536	$6,696	$6,856
GS-5	5,859	6,035	6,211	6,387	6,563	6,739	6,915	7,091	7,267	7,443
GS-6	6,263	6,461	6,659	6,857	7,055	7,253	7,451	7,649	7,847	8,045
GS-7	6,664	6,877	7,090	7,303	7,516	7,729	7,942	8,155	8,368	8,581

[1] Corresponding statutory rates: GS-4—Fifth; GS-5—Fourth; GS-6—Third; GS-7—Second.

Geographic coverage is Galveston, Tex.

The effective date will be the first day of the first pay period beginning on or after May 21, 1967.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-5879; Filed, May 25, 1967; 8:48 a.m.]

CONTRACT SPECIALIST, AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective April 14, 1967, that there is a manpower shortage for the single position of Contract Specialist, GS-1102-12, Agency for International Development, Washington, D.C. This finding will terminate when the position is filled.

An appointee to this position may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-5880; Filed, May 25, 1967; 8:48 a.m.]

BUSINESS RELOCATION OFFICER, DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

Notice of Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective May 11, 1967, that there is a manpower shortage for the single position of Business Relocation Officer, GS-1101-12, District of Columbia Redevelopment Land Agency, Washington, D.C. This finding will terminate when the position is filled.

An appointee to this position may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-5881; Filed, May 25, 1967; 8:48 a.m.]

EDUCATION SPECIALIST, BUREAU OF INDIAN AFFAIRS

Notice of Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found,

effective May 17, 1967, that there is a manpower shortage for positions of Education Specialist (all options) GS–1710–12/15, Bureau of Indian Affairs, Department of Interior, Washington, D.C.

Appointees to these positions may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–5882; Filed, May 25, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17378; FCC 67M–833]

CABLE VISION, INC.

Order Regarding Procedural Dates

In re petition by Cable Vision, Inc., Lewiston and Auburn, Maine, Docket No. 17378, File No. CATV 100–20; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Portland-Poland Spring television market.

At a prehearing conference held today it was agreed by all parties that the following calendar of events shall govern the future course of this proceeding:

June 19, 1967—On or before this date Cable Vision will exchange with the other parties that part of its direct presentation which it intends to tender into evidence in written form;

July 14, 1967—On or before this date other parties will advise Cable Vision of those witnesses they desire to have present at hearing and available for cross-examination;

July 24—Hearing—Continued from June 19, 1967.

So Ordered.

Issued: May 18, 1967.

Released: May 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5892; Filed, May 25, 1967; 8:48 a.m.]

[Docket Nos. 17444, 17445; FCC 67–597]

J. W. FURR AND JAMES W. EATHERTON

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of J. W. Furr (WMBC), Macon, Miss., Docket No. 17444, File No. BP–16794; Has: 1400 kc, 250 w, 1 kw–LS, U, Class IV, Requests: 1400 kc, 250 w, U, Columbus, Miss.; James W. Eatherton, Macon, Miss., Docket No. 17445, File No. BP–17085; Requests: 1400 kc, 250 w, U, Class IV; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned applications; (b) a petition[1] by Furr directed against the Eatherton application; and (c) pleadings in opposition and reply thereto.

2. In the aforementioned petition, Furr states that, since his proposal to move WMBC is an application for modification of license rather than an application for a new station, it is not subject to attack by competing applicants. For the reasons stated below, the Commission disagrees.

3. The license for Station WMBC was last renewed on February 26, 1965, for a term ending June 1, 1967. Beginning on May 15, 1965, the Commission granted a series of requests by the station to remain silent. On June 8, 1965, Furr filed his application to move WMBC approximately 30 miles to Columbus.[2] This application was accepted for filing on December 9, 1965, as of the date of tender, June 8, 1965. It was assigned a "cut-off" date of January 20, 1966. The Eatherton application for Macon was tendered for filing on January 18, 1966, and, by virtue of prohibited overlap of contours as defined in § 73.37(a) of the Commission's rules, is mutually exclusive with the Furr application for Columbus.[3]

4. On March 27, 1967, J. W. Furr tendered an application for the renewal of license of Station WMBC, Macon. However, on March 1, 1967, when this renewal application was due under the rules, the question of acceptability of the Eatherton application for Macon became moot, because the law is clear that at renewal time competing applications must be entertained.[4] However, we believe that it is equally clear that Furr's argument that the Eatherton application could not be filed as against his application to change station location from Macon to Columbus is without merit. Furr, immediately after accepting renewal of his license for Macon and then ceasing operation of WMBC, filed an application proposing to move that station, the community's only radio station, to another community 30 miles away. At the same time, he opposed the Eatherton application on the technical ground that since he held a license for a radio station in Macon on the frequency, a competing application could not be entertained by the Commission. Furr is arguing, in effect, that so long as he retains a license for a radio station in Macon, he can file an application to change station location without opening himself to competing applications. We disagree. When a licensee attempts to move his station from one community to another, he opens the door to competing applications, either for the new community or the old, and we will accept competing applications for either, or, for that matter, for a third community. To hold otherwise would be to ignore the mandate of section 307(b) of the Act to effect a fair, efficient, and equitable allocation of frequencies throughout the country. This must always be our primary concern, and when that concern conflicts with the technicalities of our rules, our rules must, of course, yield.

5. We wish to point out that our acceptance of the Eatherton application and its designation for hearing under section 307(b) with the Furr application for Columbus in no way modifies the terms of Furr's existing license, since he retains the right to operate WMBC in Macon for the remainder of his license period.[5]

6. Examination of the financial portion of the applications discloses that both applicants have failed to establish their financial qualifications. Ordinarily, the Commission would point out in detail the various deficiencies that exist and frame the issue with specific references to those deficiencies. However, in this particular instance the financial showings are so poor that it will be necessary for both applicants to completely revise section III of the application. For that reason we will phrase the financial issue in general terms and grant leave to the parties to amend their applications after designation.

7. Except as indicated by the issues specified below, the applicants are qualified to construct, own, and operate as proposed. However, since the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of James W. Eatherton and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WMBC and the availability of other primary service to such areas and populations.

3. To determine whether James W. Eatherton is financially qualified.

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[1] Entitled "Petition To Return The Application of James W. Eatherton For Macon, Miss., As Not Acceptable For Filing Or In The Alternative To Designate Immediately The Application For Hearing Along With The Application of Station WMBC (BP–16794)".

[2] Columbus, population 24,771, has one television and two AM stations. Macon, population 2,432, has one AM station.

[3] The Eatherton application was also technically in violation of § 1.516(c) of the rules, which provides that "an application for construction permit for a new broadcast station, the facilities for which are specified in an outstanding construction permit, will not be accepted for filing." However, as will be seen hereinafter, this rule is not applicable in the circumstances of this case.

[4] United Broadcasting Co., Inc., 5 RR 2d 687.

[5] Furr's tendered application for renewal of license has been returned as substantially incomplete. On June 1, 1967, Furr's license for WMBC will expire by its own terms.

4. To determine whether J. W. Furr is financially qualified.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That the petition by J. W. Furr is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That, in the event of a grant of the application of J. W. Furr, the construction permit shall contain the following condition:

Permittee shall assume responsibility for the elimination of interference due to external cross-modulation and for the installation and adjustment of filter circuits or other equipment in the antenna systems of the proposed operation and of Station WACR or any other station which may be necessary, to prevent adverse effects due to internal cross-modulation and reradiation. In addition, field observations shall be made to determine whether spurious emissions exist, and any objectionable interference problems resulting therefrom shall be eliminated.

It is further ordered, That, in the event of a grant of either of these applications, the construction permit shall contain the following condition:

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 17, 1967.

Released: May 23, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-5893; Filed, May 25, 1967; 8:49 a.m.]

[6] Commissioners Bartley and Loevinger absent.

[Docket Nos. 17431, 17432; FCC 67M-835]

INDUSTRIAL COMMUNICATIONS SYSTEMS, INC.

Order Scheduling Hearing

In re applications of Industrial Communications Systems, Inc., for a construction permit to establish a new station in the domestic public point-to-point microwave radio service at Los Angeles, Calif., Docket No. 17431, File No. 5444-C1-P-66; for a construction permit to establish a new station in the domestic public point-to-point microwave radio service at Santiago Peak, Calif., Docket No. 17432, File No. 5445-C1-P-66.

It is ordered, That Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 10, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 13, 1967, commencing at 9 a.m.; *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 16, 1967.

Released: May 23, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-5894; Filed, May 25, 1967; 8:49 a.m.]

[Docket Nos. 17178-17180; FCC 67M-836]

LAWRENCE COUNTY BROADCASTING CORP. ET AL.

Order Continuing Hearing

In re applications of Lawrence County Broadcasting Corp., New Castle, Pa., Docket No. 17178, File No. BP-16602; Brownsville Radio Inc., Brownsville, Pa., Docket No. 17179, File No. BP-16648; Shawnee Broadcasting Co., Aliquippa, Pa., Docket No. 17180, File No. BP-16880; for construction permits.

The Hearing Examiner having under consideration the "Broadcast Bureau's Petition for Continuance of Hearing" filed on May 15, 1967, requesting that the hearing presently scheduled for June 27, 1967 (the petition inadvertently alludes to June 26, 1967) be continued to July 6, 1967;

It appearing, that counsel for all parties have consented to a grant of this petition and to waiver of the Commission's rules to permit immediate consideration thereof; and

It further appearing, that good cause has been shown for a grant of the requested relief;

It is ordered, That the aforesaid petition for continuance, be, and the same is, hereby granted, and that the hearing presently scheduled for June 27, 1967, be continued to July 6, 1967, at 10 a.m.

Issued: May 18, 1967.

Released: May 23, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-5895; Filed, May 25, 1967; 8:49 a.m.]

[Docket Nos. 17454, 17455; FCC 67-607]

NEW YORK UNIVERSITY AND FAIRLEIGH DICKINSON UNIVERSITY

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of New York University, New York, N.Y., Docket No. 17454, File No. BPED-742; Requests: 89.1 mc, No. 206; 8.3 kw(H); 7.7 kw(V); 220 ft.; Fairleigh Dickinson University, Teaneck, N.J., Docket No. 17455, File No. BPED-751; Requests: 89.1 mc, No. 206; 550 w(H); 550 w(V); 500 ft.; for construction permits.

1. The Commission has before it for consideration (a) the above captioned and described applications; (b) "Petition for Reconsideration of Staff Action and Acceptance of Application, Nunc Pro Tunc, together with Waiver of the Rules or Acceptance of Minor Corrective Amendment" filed by Fairleigh Dickinson University ("FDU"); (c) "Petition for Reconsideration" of acceptance of FDU's application filed by New York University ("NYU"); (d) FDU's "Opposition to Petition for Reconsideration"; (e) FDU's "Petition for Reconsideration" of acceptance of NYU's application; (f) NYU's "Opposition to Petition for Reconsideration"; and (g) FDU's "Reply to Opposition to Petition for Reconsideration."

2. On May 2, 1966, the Commission released its memorandum opinion and order (3 FCC 2d 579, 7 RR 2d 273 (1966)) approving the agreement between NYU and the United Nations, which, subject to certain conditions, would permit NYU to utilize Channel 206, which in the New York area is reserved by Note 1 to § 73.501 (a) of the Commission's rules for use by the United Nations. In so doing, the Commission accepted the NYU application for filing subject to the submission of an amendment eliminating any 1 mv/m interference with other FM stations. In addition, the Commission held that the channel should be made available to other applicants on the same basis,[1] and specified that the NYU amendment and other applications would have to be received by June 16, 1966.

3. FDU's petition for reconsideration requested acceptance nunc pro tunc of its application which had been tendered on June 16, 1966, and returned as unacceptable for filing on June 24, 1966,

[1] As indicated in the second further ordering clause below, if either application is granted it will be subject to conditions specified in the original agreement between NYU and the United Nations.

because of 1 mv/m interference which would have been received. FDU's position was that the Commission should either waive the rule barring the interference or accept its corrective amendment. By delegated authority, the resubmitted application as amended was accepted for filing on July 22, 1966. NYU then sought reconsideration of this action arguing that FDU did not tender an acceptable application before expiration of the cutoff period and that this late-filed application should not have been accepted. Simultaneously, FDU's opposed NYU's petition and filed its own petition for reconsideration attacking acceptance of the amended NYU application. Subsequent opposition and reply pleadings were filed by NYU and FDU, respectively.

4. Although the sequence of events is somewhat complex, the issues which are presented are not. Simply stated, NYU argued that the timely filed version of FDU's application was in conflict with the Commission's rules and was not accompanied by a request for waiver as required by section 1.566 of our rules. Thus, FDU's application, which was not brought into conformity with our rules until after the cutoff period ran, should not have been accepted. FDU's response contended that NYU's amended application also was defective in that it was not properly signed, and as a result it too failed to meet the cutoff date. Nevertheless FDU supported the Commission's action accepting both applications as the wisest course under the circumstances. It was FDU's point, however, that if its application must be returned, NYU's must suffer a like fate.

5. Although the pleadings also contain considerable discussion regarding the relative importance of the deficiencies in the two applications, we need not dispose of these arguments, for as both parties apparently acknowledge, we are free to waive the cutoff date and accept the applications. In both cases, the applications were not acceptable for filing when the cutoff period expired; one application violated the specific noninterference requirement specified in our rules and public notice, and the other was not properly signed. Both applications are now in proper form and we have concluded that the public interest would best be served by reaffirming our earlier acceptance of the applications to permit their prompt designation for hearing.

6. Since no determination has yet been reached on whether the antenna proposed by NYU would constitute a menace to air navigation, an issue regarding this matter is required.

7. The respective proposals are for different communities. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

8. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, as of the opinion that the applications must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by NYU would constitute a menace to air navigation.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

It is further ordered, That in the event either application is granted it shall be subject to the following conditions:

If the United Nations desires to utilize the facilities on a part-time basis, such use, based on good faith negotiations, shall be set forth in a written agreement submitted to the Commission for prior approval. Control over program content shall remain with the University.

If the United Nations desires to operate the station, it shall give 1 years notice to the University which shall, subject to prior Commission approval, assign all its interest in such operation. Compensation for the equipment machinery and materials assigned shall be on the basis of cost less depreciation with disputes settled by majority vote of individually selected appraisers and an independent appraiser chosen by them.

Any dispute between the parties not resolved by negotiations shall be referred to arbitration in accordance with the rules of the American Arbitration Association then obtaining.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 of the rules.

Adopted: May 17, 1967.

Released: May 23, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5896; Filed, May 25, 1967; 8:49 a.m.]

[Docket No. 17457; FCC 67M-844]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

Order Scheduling Hearing

In the matter of TELPAK Tariff Sharing Provisions of American Telephone and Telegraph Co. and the Western Union Telegraph Co., Docket No. 17457.

It is ordered, That David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 26, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 13, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 22, 1967.

Released: May 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5897; Filed, May 25, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Agreement No. FAA-2]

ARNCAM SHIPPING CO., INC., ET AL

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the agreement, including a request for a hearing, if desired, may be submitted to the Secretary, Federal

[2] Commissioners Bartley and Loevinger absent and Commissioner Cox abstaining from voting.

Maritime Commission, Washington, D.C. 20573, within 15 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to Gerald H. Ullman, Esq., 120 Broadway, New York, N.Y. 10005, counsel for the parties to the agreement.

The agreement establishes a conference of licensed independent ocean freight forwarders known as the Intermodal Container Conference which is formed to provide its members a means by which they may cooperatively engage in the business of consolidating, unitizing, and transporting shipments in export and import commerce. The conference will conduct activities related to the foregoing purposes, such as, but not limited to, carriage of goods by surface, ocean, and air, warehousing, packing, ocean freight forwarding, chartering, a break-bulk operation, and freight consolidation.

The conference may purchase, lease, operate, or otherwise use facilities and properties as may be deemed necessary or appropriate to accomplish the purposes set forth herein and shall form a corporation or such other business entities in accordance with law as may be required for the aforesaid purposes.

The agreement also provides for the election of officers and describes the duties thereof, and prescribes meeting and voting requirements.

The agreement further provides that (1) membership in the conference is restricted to ocean freight forwarders who maintain an office in the port of New York (which area is defined to include operations within a radius of 50 miles of Columbus Circle in the city of New York), (2) any member may withdraw on 60 days' notice, (3) no member shall be expelled except for reasonable cause, the reasons for which shall be furnished the Commission, and (4) the agreement shall not become effective until approved by the Commission.

PARTIES

1. Arncam Shipping Co., Inc.
2. Milton Snedeker Corp.
3. Fabius & Co., Inc.
4. Austin Bardwin & Co., Inc.
5. R. J. Saunders & Co., Inc.
6. Trans World Shipping Corp.
7. Argus Shipping Co., Inc.
8. Penson & Co.
9. Bemo Shipping Co.
10. Maron Shipping Agency, Inc.
11. Lunham & Reeve, Inc.
12. Albert E. Bowen, Inc.
13. C. H. Powell Co., Inc.
14. Taub, Hummel & Schnall, Inc.
15. Competent Shipping Corp.
16. Unsworth & Co., Inc.
17. J. D. Smith Interocean Inc.
18. Foreign Shipping Service Co., Inc.
19. Pitt & Scott Corp.
20. Triangle Forwarding Corp.
21. Hensel, Bruckmann & Lorbacher, Inc.
22. F. N. S. Corp.
23. Export-Import Services, Inc.
24. Hirshback & Smith Inc.
25. Karl Schroff & Associates, Inc.
26. A. J. DeMay & Co., Inc.
27. Leading Export Service Corp.
28. Daniel F. Young, Inc.
29. R. N. Forwarding Co., Inc.
30. Phoenix Shipping Co., Inc.
31. Gaynar Shipping Corp.
32. C. S. Greene & Co., Inc.
33. Markaud Thaker.
34. H. Stone & Co.
35. Almac Shipping Co., Inc.
36. Barr Shipping Co., Inc.
37. Sobel Shipping Co.
38. Globe Shipping Co., Inc.
39. Amerford International Corp.
40. Dunnington & Arnold, Inc.
41. Luigi Serra, Inc.
42. United States Forwarding Corp.
43. Gerhard & Hey Co., Inc.
44. Hudson Shipping Co., Inc.
45. United Forwarders Service, Inc.
46. Reliance Overseas Corp.
47. American Union Transport Forwarding, Inc.
48. Pace Shipping Co., Inc.
49. New Era Shipping Co., Inc.
50. Mohegan International Corp.
51. Orbit Shipping Corp.
52. Caldwell & Co., Inc.
53. Sperton Overseas Shipping Corp.
54. Fort Forwarding Inc.

Dated: May 23, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5898; Filed, May 25, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-330]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

MAY 17, 1967.

Take notice that on May 8, 1967, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1126, Shreveport, La. 71102, filed in Docket No. CP67-330 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the acquisition by purchase of certain other natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to acquire by purchase from Mississippi River Transmission Corp. (Mississippi) the following natural gas facilities:

(1) 16.62 miles of 6-inch lateral pipeline designated as Mississippi's A-23 Stuttgart Lateral,

(2) 6.72 miles of 3-inch lateral pipeline designated as Mississippi's A-34 England Lateral,

(3) 8 feet of 3-inch stub lateral pipeline designated as Mississippi's A-147 Humnoke Lateral, and

(4) 20 feet of 3-inch stub lateral pipeline designated as Mississippi's A-161 Coy Lateral.

Applicant also seeks authorization for the construction and operation of approximately 0.10 mile of 4-inch pipeline to interconnect the above-mentioned England and Stuttgart laterals.

Applicant states that the facilities proposed to be acquired are presently used by Mississippi solely for the sale and delivery of natural gas to Applicant. Applicant proposes to connect the facilities to its own transmission system and supply its own natural gas requirements previously served through these lines by Mississippi.

Applicant estimates the total cost of the proposed construction at approximately $1,200 and the cost of the lateral lines proposed to be acquired by purchase from Mississippi, including those abovementioned, at $95,473. Applicant proposes to cover the cost of the proposed facilities from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 12, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5842; Filed, May 25, 1967; 8:45 a.m.]

[Docket No. CP67-334]

COLORADO INTERSTATE GAS CO.

Notice of Application

MAY 18, 1967.

Take notice that on May 8, 1967, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP67-334 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate additional compression facilities at its Mocane Station in Beaver County, Okla., consisting of one 1,440 horsepower compressor unit. Applicant states that this facility will complete its planned expansion program for the 1967-68 heating season.

Applicant estimates the total cost of the proposed facilities at approximately

$633,600, said cost to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 16, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5844; Filed, May 25, 1967; 8:45 a.m.]

[Project No. 2643]

PACIFIC POWER & LIGHT CO.

Notice of Application for License for Constructed Project

MAY 19, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Power & Light Co. (correspondence to: E. Robert de Luccia, Senior Vice President, Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204) for constructed Project No. 2643, known as the Bend Hydroelectric Project, located on the Deschutes River, in the city of Bend, Deschutes County, Oreg.

The existing Bend Hydroelectric Project consists of: (1) A timber crib spillway dam 250 feet long and 14 feet high extending across the main channel of the Deschutes River; (2) a 150-foot long concrete gravity wing wall which connects the spillway dam to the powerhouse; (3) a 1-mile long reservoir with a surface area of approximately 40 acres at elevation 3,591.5 feet (U.S.C. & G.S. datum); (4) a powerhouse, located in the secondary channel of the river, containing three turbines, operating under 15 feet of head, connected to three generators with a combined installed capacity of 1,100 kw; and (5) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 5, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5845; Filed, May 25, 1967; 8:45 a.m.]

[Project No. 2157]

PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY AND CITY OF EVERETT, WASH.

Order Providing for Hearing and Continued Water Releases

MAY 19, 1967.

Upon the Commission's own motion, we are ordering that a hearing be held on questions affecting the operation of the project works and water releases from Culmback Dam, one part of a three-dam project licensed as Project No. 2157. Project No. 2157 was authorized for construction in two stages, the first of which has been completed and provides only for the water supply of the city of Everett. Article 28 of the license calls for commencement of construction of the second stage, the power phase, 6 years from the date of issuance of the license.

In directing this hearing upon the Commission's own motion and the issues specified, the Commission intends that there be consideration of issues raised in the joint pctition and complaint for emergency hearing filed by the Washington State Departments of Fisheries and Gamc on May 15, 1967, and any responses thereto. To facilitate that consideration, this order provides a 10-day period within which joint licensees may respond to the petition and complaint.

Subject to further Commission order in the light of any responses filed herein, the specific issues to be heard shall be as follows: Whether the Commission should prescribe additional rules and regulations governing project operations during the period of repair or maintenance of the Culmback Dam and other project works, water releases during that period or future periods of project operation, repair or maintenance, the amounts of any such rcleases and the manner of completing project repairs or maintenance? Subsidiary questions may include inter alia whether:

(1) Inspection of the tunnel shows repairs are necessary to the Culmback Dam tunnel this year.

(2) Water releases should be required if immediate repairs are necessary.

(3) If immediate repairs are not necessary what provisions, if any, shall be made for future water releases during periods of inspection and rcpair.

Information available to the Commission indicates that licensee city of Everett proposes to undertake project inspection operations (Culmback Dam) on or about June 1, 1967, in preparation for later project repairs or maintenance. It is anticipated that the results of that inspection and any recommendations will be presented by licensee at the hearing hereinafter provided.

The Commission further finds:

(1) It is necessary and appropriate for the purposes of the Federal Power Act, the Commission's regulations thereunder and the license for Project No. 2157, that a hearing be ordered as hereinafter provided.

(2) The period of public notice given in this matter is reasonable and good cause exists for a 10-day period within which answers to the joint petition and complaint may be filed.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(g), 9, 10, 308, and 309 thereof, and pursuant to the terms and conditions of Articles 28 and 31 of the license for Project No. 2157, a public hearing shall be held in Seattle, Wash., commencing 10 a.m., P.d.t., June 5, 1967, at a location to be fixed by notice of the Secretary.

(B) Within 10 days from the issuance of this order answers to the joint petition and complaint of the Washington State Departments of Fisheries and Game may be filed with the Commission in accordance with the requirements of § 1.15–1.17 of the Commission's rules of practice and procedure.

(C) Pending further order of the Commission licensees shall continue present releases of water at Culmback Dam subject however to the termination thereof during a period not exceeding 8 hours to facilitate inspection of the Culmback Dam on or about June 1, 1967.

(D) Notices of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37) on or before May 29, 1967. Petitioners may participate in the hearing subject to Commission action on their petitions to intervene.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5846; Filed, May 25, 1967; 8:45 a.m.]

[Docket No. CP67-336]

SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 18, 1967.

Take notice that on May 12, 1967, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-336 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon a field sale of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon its field sale of natural gas to Tensas Gas Gathering Corp. (Tensas) from the Locust Ridge Field, Tensas Parish, La., due to depletion of reserves. Applicant states that the sale was made from gas produced from Applicant's interest in Locust Ridge Field, pursuant to a contract between Applicant and Tensas dated January 15, 1958.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 16, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5847; Filed, May 25, 1967; 8:46 a.m.]

[Docket No. CP64-91]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

MAY 19, 1967.

Take notice that on May 15, 1967, Transwestern Pipeline Co. (Petitioner), First City National Bank Building, Houston, Tex. 77002, filed in Docket No. CP64-91 a petition to amend the order issued by the Commission July 26, 1966, by changing the number and type of compressor facilities authorized and by extending the time within which these facilities must be placed into operation, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In the above-mentioned order, Petitioner was authorized, in part, to install two 1,700 horsepower compressor units in its P-3 Compressor Station in Gray County, Tex. Petitioner has not yet needed or installed these units and now finds that it will be to its advantage, both in terms of overall system flexibility and economy to install and operate four 1,000 horsepower compressor units instead. Petitioner has already installed one such unit at Station P-3 for use in a temporary sale which has now terminated. Petitioner also has another such unit at its Station 9-A which can be relocated at a minimum of expense to Station P-3. Petitioner now seeks authorization to install and operate two more such units, together with necessary facilities, piping, and connections, in Station P-3 and to relocate the unit now in Station 9-A to Station P-3.

The compression facilities authorized in the above-mentioned order were to have been placed in operation within 1 year from the date of the order and Petioner hereby requests that the Commission extend the time limit for placing the above-mentioned facilities in operation until 4 months from the date of issuance of the authorization requested herein.

Petitioner estimates the total cost of the proposed facilities at approximately $629,300, said cost to be financed from funds made available from company operations and short term loans and may be refinanced at a later date. The above-estimated cost is a substantial saving over the estimated cost of the originally authorized facilities, said cost estimated at approximately $1,340,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 19, 1967.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5849; Filed, May 25, 1967; 8:46 a.m.]

[Docket No. CP67-335]

UNION GAS SYSTEM, INC., AND CITIES SERVICE GAS CO.

Notice of Application

MAY 18, 1967.

Take notice that on May 12, 1967, Union Gas System, Inc. (Applicant), Post Office Box 347, Independence, Kans. 67301, filed in Docket No. CP67-335 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution by Applicant in the Gardner Lake Area, Johnson County, Kans., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct a natural gas distribution system to provide natural gas utility service for the Gardner Lake Area, Johnson County, Kans. Applicant proposes to construct a lateral pipeline from the proposed distribution system to a point of interconnection with Respondent's transmission line which passes near the northwest end of Gardner Lake.

Applicant estimates the third year peak day and peak annual natural gas requirements at 407 Mcf and 25,630 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $68,283, said cost to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426 in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 16, 1967.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5850; Filed, May 25, 1967; 8:46 a.m.]

[Docket No. CS66-129]

CONNALLY OIL CO., INC., ET AL.

Order Granting Relief

MAY 18, 1967.

Connally Oil Co. (Connally) has requested reinstatement of the rate schedules and related rates set forth in the appendix involving sales in the Permian area. Prior to issuance of the small producer certificate the rates proposed to be reinstated, which exceed the applicable area base rate ceiling determined in Opinion Nos. 468 and 468-A,[1] were in effect subject to refund or were initial rates. Connally requests relief in conformity with the Commission order issued February 6, 1967, in Rodman and Late et al., Docket Nos. CS66-48 et al.

For the reasons set forth in the Rodman order, we will permit Connally to reinstate effective as of August 11, 1966, the effective date of its small producer certificate, the rates set forth in the appendix. The reinstated rates which exceed the applicable Permian ceiling, however, will be subject to rejection, as of the date of reinstatement, in the event the Permian court stay is dissolved or the moratorium provisions in Opinion Nos. 468 and 468-A are upheld ultimately upon judicial review. The collection of the reinstated rates which exceed the applicable Permian ceiling is also subject to the refund provisions of paragraph (D) of Opinion No. 468 as well as the refund provisions of any applicable suspension proceeding.

The Commission orders:

(A) Connally's rate schedules and the related rates set forth in the appendix are reinstated as of August 11, 1966.

(B) The rates reinstated by paragraph (A) are subject to rejection as of the effective date of reinstatement, in the event the Permian court stay is dissolved or the moratorium provisions in Opinion Nos. 468 and 468-A are upheld ultimately upon judicial review. The collection of such rates is also subject to the refund provisions of paragraph (D) of Opinion No. 468 as well as the refund provisions of any applicable suspension proceeding.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

APPENDIX

Docket No.	Applicant	Reinstated FPC gas rate schedule	Rates to be reinstated (cents/Mcf at 14.65 p.s.i.a.)	Applicable area base rate	Rate proceeding docket(s) not terminated
CS66-129	Connally Oil Co.	[2] 1	17.2295	14.5	RI60-104.
CS66-129	do	[2] 2	17.2295	14.5	RI60-104.
CS66-129	do	[3] 3	[*] 14.5	14.5	
CS66-129	do	[3] 4	[1] 16.0	14.5	
CS66-129	do	[4] 5	[1] 16.0	14.5	

[*] Connally was authorized under its small producer certificate to collect the applicable area base rate of 14.5 cents per Mcf or its contract rate, whichever was lower, effective as of the date of issuance of such certificate. Prior to the issuance of that certificate, Connally's effective rate was 10 cents per Mcf.

[1] Initial Rate.

[2] Designated as J. E. Connally, doing business as Connally Oil Co. (Operator) et al.

[3] Designated as J. E. Connally (Operator) et al.

[4] Designated as J. E. Connally, doing business as Connally Oil Co.

[F.R. Doc. 67-5851; Filed, May 25, 1967; 8:46 a.m.]

[Docket Nos. G-2947 etc.]

AMERICAN PETROFINA COMPANY OF TEXAS ET AL.

Findings and Order; Correction

MAY 11, 1967.

American Petrofina Company of Texas et al. (successor to Graridge Corp. et al.), Docket Nos. G-2947, etc.; American Petrofina Company of Texas (Operator), et al., Docket No. RI65-250.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, substituting respondent, redesignating proceedings, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued September 8, 1966, and published in the FEDERAL REGISTER September 20, 1966 (F.R. Doc. 66-10116, 31 F.R. 12456), in the chart, at the bottom of page 12457, delete footnote "[3]" after Docket No. RI65-250.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5841; Filed, May 25, 1967; 8:45 a.m.]

[Docket Nos. G-2661 etc.]

BURLINGTON BANK & TRUST CO. ET AL.

Findings and Order; Correction

MAY 11, 1967.

Burlington Bank & Trust Co., Trustee (successor to H. E. Trovillo), et al., Docket Nos. G-2661 etc.; Standard Oil Company of Texas, a division of Chevron Oil Co. and John E. Huff, Docket No. RI65-329.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, accepting agreement and undertaking for filing, accepting trust agreement for filing, and accepting related rate schedules and supplements for filing, issued August 4, 1966, and published in the FEDERAL REGISTER August 13, 1966 (F.R. Doc. 66-8712, 31 F.R. 10856), in paragraph 6 delete footnote "[3]" after Docket No. RI65-329.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5843; Filed, May 25, 1967; 8:45 a.m.]

[Docket No. RI65-35]

SOUTHERN NEW MEXICO OIL CORP. AND TREBOL DRILLING CO.

Order Accepting Offer of Settlement; Correction

MAY 4, 1967.

In the order accepting offer of settlement, requiring refunds, terminating proceeding in part, naming substitute respondent, and accepting surety bond, issued April 25, 1967, and published in the FEDERAL REGISTER May 2, 1967 (F.R. Doc. 67-4827, 32 F.R. 6748), in paragraphs 2, 4, and ordering paragraph (B) change "14.45339 cents" to read "14.459337 cents".

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5848; Filed, May 25, 1967; 8:46 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order No. 73]

NEW YORK CITY

Reduction and Modification of Foreign Trade Zone Boundary

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the city of New York, Grantee of Foreign-Trade Zone No. 1 at Stapleton, Staten Island, N.Y., filed an application dated March 20, 1967, for permission to withdraw 19,400 square feet from the upland area of the zone, and relocate approximately 800 linear feet of the fence thereon;

Whereas, due to development of a large containership facility north of the foreign-trade zone, it is necessary to improve and widen the access road to both the zone and the containership facility.

Now, therefore, the Foreign-Trade Zones Board, after consideration, approves the request from the city of New York, Grantee of Foreign-Trade Zone No. 1, for permission to reduce the size of the upland zone area and relocate the fence thereon. Accordingly, the boundary of Foreign-Trade Zone No. 1 is reestablished in conformity with revised Exhibit No. 10, on file with the Foreign-Trade Zones Board.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary in connection with the issuance of this order. Its application is restricted to one Foreign-Trade Zone and is of a nature that it imposes no burden on the parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. this 19th day of May 1967.

[SEAL] A. B. TROWBRIDGE,
Acting Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

RICHARD H. LAKE,
Executive Secretary, Foreign-Trade Zones Board.

[F.R. Doc. 67-5839; Filed, May 25, 1967; 8:45 a.m.]

FEDERAL TRADE COMMISSION

GRADING AND GRADEMARKING OF SOFTWOOD LUMBER

Extension of Time for Comments

Public hearings were held on March 13-15, 1967, before the full Commission to inquire into the grading and grademarking of softwood lumber. Notices of the hearings were published in the FEDERAL REGISTER issued November 22, 1966, 31 F.R. 14800, and December 16, 1966, 31 F.R. 16171.

Notice is hereby given that the Commission has extended the closing date for submission of written views concerning the subject matter of those hearings until a date to be established by further order of the Commission.

Issued: May 25, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-5912; Filed, May 25, 1967; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. E–8]

SECRETARY OF DEFENSE

Delegation of Authority Regarding Federal Catalog System

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to develop and maintain the Federal Catalog System.

2. *Delegation.* a. Pursuant to the authority vested in me by sections 205(d) and 206(a) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 390, as amended (40 U.S.C. 486(d) and 487(a)), there is hereby delegated to the Secretary of Defense, with power to redelegate, as appropriate, the authority to develop and maintain the Federal Catalog System in accordance with the objectives and provisions of 40 U.S.C. 487, and in accordance with 10 U.S.C. 2451–2456. This Federal Catalog System shall continue to provide for the identification and classification of personal property under the control of Federal agencies and other related management data required and suitable for interdepartment supply activities and Government-industry supply relationships.

b. This authority shall be exercised in accordance with the policies, procedures, and controls established by the Department of Defense and the General Services Administration.

3. *Effect on other issuances.* Delegation of Authority No. 36 dated July 19, 1950, is superseded.

4. *Effective date.* This delegation of authority shall be effective immediately.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

MAY 19, 1967.

[F.R. Doc. 67–5852; Filed, May 25, 1967; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry and Withdrawal From Warehouse for Consumption

MAY 23, 1967.

On March 21, 1967, after discussions with the Government of Malaysia, the U.S. Government requested the Government of Malaysia to restrain for the 12-month period beginning March 21, 1967, its exports to the United States of cotton textiles and cotton textile products in Categories 15, 50, and 51, produced or manufactured in Malaysia. In furtherance of the objectives of, and under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) relating to nonparticipants, the U.S. Government is establishing restraints in accordance with that request. These restraints do not apply to cotton textiles and cotton textile products produced or manufactured in Malaysia and exported to the United States prior to March 21, 1967.

There is published below a letter of May 19, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 15, 50, and 51, produced or manufactured in Malaysia which may be entered or withdrawn from warehouse for consumption in the United States for the designated 12-month period be limited to designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230,
May 19, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective May 21, 1967, and for the 12-month period beginning March 21, 1967, and extending through March 20, 1968, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 15, 50, and 51, produced or manufactured in Malaysia, in excess of the following designated levels of restraint:

Category		12-month level of restraint [1]
15	square yards	345,000
50	dozen	5,000
51	do	8,800

[1] These levels have not been adjusted to reflect entries made on or after Mar. 21, 1967.

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 15, 50, and 51, produced or manufactured in Malaysia and which have been exported to the United States prior to March 21, 1967, shall not be subject to this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67–5877; Filed, May 25, 1967; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry and Withdrawal From Warehouse for Consumption

Correction

In F.R. Doc. 67–5242, appearing at page 7145 of the issue for Thursday, May 11, 1967, the date on the letter from the Acting Secretary of Commerce to the Commissioner of Customs should read "May 3, 1967" instead of "May 8, 1967".

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 22, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 23, 1967, through June 1, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67–5863; Filed, May 25, 1967; 8:47 a.m.]

[File No. 1–1686]

LINCOLN PRINTING CO.

Order Suspending Trading

MAY 22, 1967.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co.,

being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 23, 1967, through June 1, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-5864; Filed, May 25, 1967; 8:47 a.m.]

[70-4487]

METROPOLITAN EDISON CO. AND READING ELECTRIC LIGHT AND POWER CO.

Notice of Proposed Acquisition by Subsidiary Public-Utility Company of Utility Assets of Affiliate Company

MAY 22, 1967.

Notice is hereby given that Metropolitan Edison Co. ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berk County, Pa., an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, and Reading Electric Light and Power Co. ("Reading"), Reading, Pa., an affiliate of Met-Ed, have filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a), 10, 12(d), 12(f), 12(g), and 27(a) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint declaration, which is summarized below, for a complete statement of the proposed transactions.

The joint declaration requests approval at this time of the acquisition by Met-Ed and the sale by Reading on December 31, 1992, of legal title to the entire property and franchises of Reading for a cash consideration of $302,341.82. Reading, which was organized as a Pennsylvania public-utility company, presently has outstanding 27,500 shares of voting capital stock. Of such stock, 2,299 shares, representing 8.36 percent, is owned by Met-Ed, and the balance is held by 121 other stockholders, most of whom are individuals. Reading entered into an agreement with Met-Ed's predecessor company, Metropolitan Electric Co. ("Metropolitan"), on April 12, 1894, under which (a) all of Reading's properties and franchises were leased by Reading to Metropolitan for a term of 99 years from and including January 1, 1894, and (b) Metropolitan is obligated on the last day of the 99-year term, December 31, 1992, to purchase the property and franchises of Reading for a cash consideration of $300,000 (plus the sum of $2,341.82 covering certain material on hand at the date of the agreement). It is stated that said agreement vested in Metropolitan and its successor full equitable title to all of Reading's properties and franchises.

The filing states that when Met-Ed issued its first mortgage bonds, 1995 series, maturing July 1, 1995 (Holding Company Act Release No. 15272) a question was raised whether permanent improvements, extensions, and additions to the Reading properties are "property additions" as defined in Met-Ed's indenture of mortgage, dated November 1, 1944, since the maturity date of such bonds extends beyond the term of the Reading lease. Met-Ed seeks Commission approval of its acquisition of legal title to Reading's properties and franchises pursuant to the agreement between Reading and Met-Ed's predecessor.

The acquisition by Met-Ed and the transfer by Reading of all of the property and franchises of Reading, to become effective on December 31, 1992, have been approved by the Pennsylvania Public Utility Commission. It is stated that no other State commission has jurisdiction over the proposed transactions and that, should this Commission approve the proposed transactions, no other Federal commission will have jurisdiction.

Met-Ed has agreed to bear the expenses of Reading in connection with the proceedings before this Commission and the Pennsylvania Public Utility Commission. The expenses to be incurred by Met-Ed are estimated at $10,000, including $1,000 for Reading's counsel and $8,000 for Met-Ed's counsel.

Notice is further given that any interested person may, not later than June 14, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-5865; Filed, May 25, 1967; 8:47 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

MAY 22, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 23, 1967, through June 1, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-5866; Filed, May 25, 1967; 8:47 a.m.]

[811-704]

PALLAS COR.

Notice of Application for Order Declaring That Company Ceased To Be Investment Company

MAY 22, 1967.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") by Pallas Corp. ("applicant"), 63 Wall Street, New York, N.Y., a New York corporation and an open-end, nondiversified investment company registered under the Act, for an order of the Commission declaring that it has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

Applicant states that on December 7, 1966, it transferred all its assets (except cash retained to pay expenses of the transfer) to Istel Fund, Inc. ("Istel"), pursuant to the agreement and plan of reorganization and liquidation approved by applicant's shareholders at a special

meeting held on November 30, 1966. In exchange for such assets applicant received 1,157,653 shares of Istel's common stock, the number of shares having been computed on the basis of the relative adjusted net asset values of the respective companies. Applicant distributed the Istel shares so received to its shareholders on January 16, 1967. On December 7, 1966, applicant had outstanding 291,753 shares of common stock, which were held of record by 24 shareholders. As of March 7, 1967, all 24 shareholders had surrendered their certificates of applicant's stock for the Istel stock received upon the transfer of applicant's assets.

Applicant further represents that it ceased activities as an investment company on December 7, 1966, and since that date that it has engaged only in such activity as has been necessary to preserve its assets prior to distribution, to adjust and wind up its business and affairs, to pay its remaining debts and obligations and to distribute its assets in complete liquidation.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 9, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67-5867; Filed, May 25, 1967; 8:47 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

MAY 22, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period May 23, 1967, through June 1, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67-5868; Filed, May 25, 1967; 8:47 a.m.]

[File No. 1-4407]

SPORTS ARENAS, INC.

Order Suspending Trading

MAY 22, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value of Sports Arenas, Inc., and the 6 percent convertible debentures being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 23, 1967, through June 1, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67-5869; Filed, May 25, 1967; 8:47 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

MAY 22, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 23, 1967, through June 1, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67-5870; Filed, May 25, 1967; 8:47 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

MAY 22, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 23, 1967, through June 1, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67-5871; Filed, May 25, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 23, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41030—*Corn and grain sorghums to points in Arkansas, also Memphis, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B-8981), for interested rail carriers. Rates on corn (not popcorn), corn products, grain sorghums, and grain sorghums products, in carloads, from points in Kansas and Missouri, also Superior, Wis., to points in Arkansas, also Memphis, Tenn.

Grounds for relief—Carrier competition.

Tariff—Supplement 115 to Southwestern Freight Bureau, agent, tariff I.C.C. 4494.

FSA No. 41031—*Class and commodity rates from and to Conshel, N.C.* Filed by O. W. South, Jr., agent (No. A5032), for interested rail carriers. Rates on property moving on class and commodity rates, between Conshel, N.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5901; Filed, May 25, 1967; 8:49 a.m.]

[Notice 392]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 23, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 44053 (Sub-No. 4 TA), filed May 19, 1967. Applicant: BONDED WAREHOUSE CO., 1324 East Lancaster, Post Office Box 1657, Fort Worth, Tex. 76101. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Texas, and (2) between points in Texas, on the one hand, and, on the other, points in Arkansas, Mississippi, Florida, and Georgia, for 180 days. Supporting shippers: Sinclair Oil & Gas Co., Sinclair Oil Building, Tulsa, Okla.; Sherwin-Williams Co., 437 North Central Expressway, Dallas, Tex. 75201; Container Corp. of America, 500 East North Avenue, Carol Stream, Ill.; and 3M Company, 2501 Hudson Road, St. Paul, Minn. 55119. Send protests to: Billy R. Reid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27 Federal Building, 819 Taylor Street; Fort Worth, Tex. 76102.

No. MC 87720 (Sub-No. 65 TA), filed May 19, 1967. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Star Route A, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Office furniture*, crated and uncrated, for the account of Globe-Wernicke Co., from Nashville, Tenn., to points in Pennsylvania, Illinois, Indiana, and Michigan, for 180 days. Supporting shipper: The Globe-Wernicke Co., division of Shelle-Globe Corp., Cincinnati, Ohio 45225. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 108207 (Sub-No. 222 TA), filed May 19, 1967. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives cement*, from Los Angeles, Calif., to Wichita, Kans., Hurst and Benbrook, Tex., for 150 days. Supporting shipper: Minnesota Mining & Manufacturing Co., 2501 Hudson Road, St. Paul, Minn. 55119. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 109881 (Sub-No. 9 TA), filed May 19, 1967. Applicant: STERNS TRANSPORT, INC., Post Office Box 397, Bradley Beach, N.J. 07720. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in the Jersey City, N.J., terminal area, on the one hand, and, on the other, points in Monmouth County west of U.S. Highway 9, and points in Ocean County, N.J.; restricted to shipments having a prior or subsequent movement beyond New Jersey by connecting line; for 180 days. Supporting shippers: Washington Forge, Inc., Englishtown, N.J. 07726; Thermex Metallurgical, Inc., Lakehurst, N.J. 08733; Holmes Transportation, Inc., 550 Cochituate Road, Framingham, Mass.; H. Clay Glover Co., Inc., 9 Robbins Street, Toms River, N.J.; HME Motor Express Co., Inc., 2122 Tonnelle Avenue, North Bergen, N.J. 07047. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 111785 (Sub-No. 28 TA), filed May 19, 1967. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, wood shavings, wood chips, and refuse wood*, in bulk, from Cowen (Webster County), Richwood (Nicholas County), Slatyfork (Pocahontas County) (Railroad Name Laurel Bank), Dailey and Elkins (both in Randolph County), W. Va., to Covington (Alleghany County), Va., for 180 days. Supporting shipper: West Virginia Pulp and Paper Co., 230 Park Avenue, New York, N.Y. 10017. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 114290 (Sub-No. 31 TA), filed May 19, 1967. Applicant EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, Oreg. 97202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Kennewick, Wash., to points in Arizona; for 180 days. Supporting shipper: The Welch Grape Juice Co., Inc., Westfield, N.Y. 14787. Send protests to: S. F. Martin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg.

No. MC 114457 (Sub-No. 68 TA), filed May 19, 1967. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Foods, La Porte, Ind., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; for 180 days. Supporting shipper: American Home Foods, 685 Third Avenue, New York, N.Y. 10017. Send protests to: A. E. Rathert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 115180 (Sub-No. 41 TA), filed May 19, 1967. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies used or useful in the installation of swimming pools*, from the plantsite, warehouses, and facilities of Major Pool Equipment Corp., at South Kearny, N.J., and Delawanna, N.J., to points in that part of the United States on and east of a line beginning at the junction of the international boundary line between the United States and Canada and the western boundary

of Koochiching County, Minn., and extending south along the western boundaries of Koochiching and Itasca Counties, Minn., to the junction of the Mississippi River, thence south along the Mississippi River to the junction of the Ohio River, thence north of the Ohio and Potomac Rivers to the Atlantic Ocean; for 150 days. Supporting shipper: Major Pool Equipment Corp., Lincoln Highway and Hackensack Avenue, South Kearny, N.J. 07032. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y.

No. MC 115826 (Sub-No. 175 TA), filed May 19, 1967. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, 1960 31st Street, Denver, Colo. 80217. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Colo., to Seattle; Tacoma, Yakima, and Spokane, Wash.; Portland, Oreg.; Butte and Helena, Mont.; and Boise and Idaho Falls, Idaho; including points in the commercial zones of points named; for 150 days. Supporting shipper: Litvak Meat Co., Inc., 5900 York Street, Denver, Colo. 80216. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 127587 (Sub-No. 3 TA), filed May 19, 1967. Applicant: MEXICANA REEFER SERVICES, LTD., 880 Malkin Avenue, Post Office Box 2733, Vancouver, British Columbia, Canada. Applicant's representative: Jos. O. Earp, Freight Tariff Bureau, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruits, berries, and vegetables, fresh or frozen; frozen foods and food products, including juices, pies, dinners, and french fried potatoes; fish, fresh or frozen*, when transported in the same vehicle at the same time as nonexempt commodities, in mechanically refrigerated vehicles, from points in California, Oregon, and Washington, to ports of entry on the international boundary line between the United States and Canada, at or near Blaine and Sumas, Wash.; restricted to traffic destined to points in British Columbia and Alberta Provinces, Canada; for 180 days. Supporting shipper: York Farms, Ltd., Sardis, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 128519 (Sub-No. 1 TA), filed May 19, 1967. Applicant: TRAN-WAY TRANSPORTATION CO., doing business as A-AMERICAN AUTO DELIVERY, a corporation, 4309 North 16th Street, Phoenix, Ariz. 85016. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, Ariz. 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles and trucks*, in secondary movements, in driveaway service, between Phoenix, Ariz., including points in the Phoenix commercial zone, as defined by the Commission, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shippers: First National Bank, 411 North Central Avenue, Phoenix, Ariz. 85004; and The Guaranty Bank, Post Office Box 2908, Phoenix, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 128879 (Sub-No. 3 TA), filed May 19, 1967. Applicant: C–B TRUCK LINES, INC., 1034 Humble Place, El Paso, Tex. 79915. Applicant's representative: Randall R. Sain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, in size shapes that require special equipment, from the plantsite of Border Steel Rolling Mills near Anthony, Tex., to points in Arizona, Colorado, New Mexico, and Texas; and *scrap metal*, in bulk, on return; for 180 days. Supporting shipper: Melvin J. Tucker, Sales Manager, Border Steel Mills, Inc., Post Office Box 71, El Paso, Tex. Send protests to: Harold M. Gregory, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 129090 TA, filed May 19, 1967. Applicant: REPUBLIC PORTSMOUTH STORAGE CORPORATION, 915 Duke Street, Portsmouth, Va. 23704. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between Portsmouth, Norfolk, Newport News, Hampton, Virginia Beach, Williamsburg, and Chesapeake, Va.; and (2) between points in Nansemond, Isle of Wight, York, James City, Surry, Southampton, Northampton, Sussex, Accomack, Charles City, New Kent, Gloucester, Mathews, Middlesex, King William, King and Queen, Essex, Richmond, Northumberland, and Lancaster Counties, Va.; and Gates, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties, N.C.; restricted to shipments having a prior or subsequent movement beyond said points, in containers; for 180 days. Supporting shipper: Interstate System, 134 Grandville Avenue SW., Grand Rapids, Mich. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations 10–502 Federal Building, Richmond, Va.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–5902; Filed, May 25, 1967; 8:50 a.m.]

[Notice 1524]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 23, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69568. By order of May 19, 1967, the Transfer Board, approved the transfer to Grand Island Cartage Co., a corporation, Broken Bow, Nebr., of a portion of the certificate of registration No. MC–59059 (Sub-No. 4), issued December 16, 1963, to James A. Tuma, doing business as United Freight Lines of Grand Island, Grand Island, Nebr., and acquired by transferor herein, Arrow Freight Lines, Inc., pursuant to approval and consummation in No. MC–FC–68180. The portion of the rights transferred evidences a right to engage in interstate or foreign commerce within the State of Nebraska. The previous order entered herein on April 24, 1967, denying the application was due to an administrative error. That order has been vacated and set aside. Donald E. Leonard, Box 2028, Lincoln, Nebr. 68501, attorney for applicants.

No. MC–FC–69606. By order of May 22, 1967, the Transfer Board approved the transfer to Ajax Transport, Inc., Houston, Tex., of the operating rights in certificate No. MC–637, issued April 28, 1960, to Merle F. Harrington and Claude M. Harrington, a partnership, doing business as J. J. Harrington Sons, Borger, Tex., authorizing the transportation, over irregular routes, of machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in described portions of Texas and New Mexico and points in Arkansas, Colorado, Kansas, Oklahoma, Utah, and Wyoming, and commodities, other than those described above, the transportation of which requires the use of special equipment, and related machinery, equipment,

and supplies, between points in a described portion of Texas and points in Oklahoma and Colorado. Joe G. Fender, 802 Houston First Savings Building, Houston, Tex., attorney for applicants.

No. MC-FC-69640. By order of May 19, 1967, the Transfer Board approved the transfer to Kenneth E. Davis, Gregory, S. Dak., of the operating rights in certificate No. MC-105966 issued June 13, 1946, to S. K. McCanse, and acquired by transferor, Loren R. Siewert, pursuant to approval and consummation in No. MC-FC-67793, authorizing the transportation of: Livestock, over irregular routes, between points and places in South Dakota, on and east of South Dakota Highway 73, west of the Missouri River, and south of the White River, on the one hand, and, on the other, points and places in Iowa and Nebraska. Farm machinery and implements and parts therefor, binder, twine, building materials, livestock, poultry feeds, seeds, fencing, lubricating oils, and greases in containers, over irregular routes, from Sioux City, Iowa, and points and places in Nebraska, to Gregory, S. Dak., and to points and places in South Dakota within 30 miles of Gregory except those within incorporated cities, towns, or villages, and except those lying on or east of a line drawn north and south through Burke, S. Dak., with no transportation for compensation on return except as otherwise authorized. Don A. Bierle, 322 Walnut Street, Yankton, S. Dak. 57078, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-5903; Filed, May 25, 1967; 8:50 a.m.]

[Notice 1524-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 24, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. F.D. 24580. By order of May 23, 1967, the Transfer Board approved the transfer to Edwin A. Beers and William G. Minnis, a partnership, doing business as Beers & Minnis, Sacramento, Calif., of amended certificate in No. W-318, issued February 11, 1948, to The River Lines, Inc., San Francisco, Calif., authorizing the transportation of: Commodities generally, by self-propelled vessels and by non-self-propelled vessels with the use of separate towing vessels, between points on the San Francisco, San Pablo, and Suisan Bays, the Sacramento River, and on the San Joaquin River below and including Stockton, Calif., and their tributaries. John B. Lowry, 601 California Street, San Francisco, Calif. 94108, attorney for applicants.

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-5954; Filed, May 25, 1967; 8:51 a.m.]

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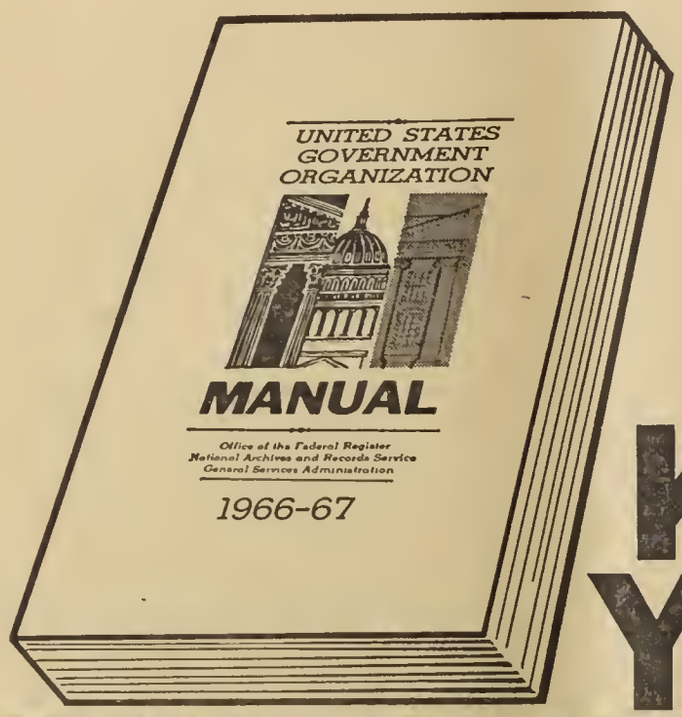
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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 204]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.504 Valencia Orange Regulation 204.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 25, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 28, 1967, through June 3, 1967, are hereby fixed as follows:

(i) District 1: 280,000 cartons;

(ii) District 2: 345,000 cartons;

(iii) District 3: 175,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–6067; Filed, May 26, 1967; 11:14 a.m.]

[Lemon Reg. 269]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.569 Lemon Regulation 269.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 23, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 28, 1967, through June 3, 1967, are hereby fixed as follows:

(i) District 1: 350 cartons;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–6039; Filed, May 26, 1967; 8:49 a.m.]

[Plum Reg. 2]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Mar-

keting Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 24, 1967.

§ 917.390 Plum Regulation 2.

(a) *Order.* (1) During the period May 28, 1967, through October 31, 1967, no handler shall ship any lot of packages or containers of any variety of plums unless such plums grade at least U.S. No. 1.

(2) When used herein, "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Grades of Fresh Plums and Prunes (§§ 51.1520–1538 of this title) and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-6068, Filed, May 26, 1967; 11:31 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 13]

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Order Amending Order

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act.

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area. The provisions of the said order are known to handlers. An emergency final decision of the Assistant Secretary containing all amendment provisions of this order was issued May 18, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in the method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C. 553(d) (1966))

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1013.44(c), subparagraphs (1) and (3)(iv) are revised to read as follows:

§ 1013.44 Transfers.

* * * * *

(c) * * *

(1) The transferring or diverting handler claims classification in Class II, Class III, or Class IV in his report submitted to the market administrator pursuant to § 1013.30;

* * * * *

(3) * * *

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class IV milk to the extent available, then as Class III milk, and any remainder as Class II milk; and

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: June 1, 1967.

Signed at Washington, D.C., on May 23, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-5933; Filed, May 26, 1967; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Paragraph (c) of § 212.1 is amended to read as follows:

§ 212.1 **Documentary requirements for nonimmigrants.**

* * * * *

(c) *Mexican nationals.* A visa and a passport are not required of a Mexican national who is a military or civilian official or employee of the Mexican national, state, or municipal government, or a member of the family of any such official or employee; or is in possession of a border crossing card on Form I–186 and is applying for admission as a temporary visitor for business or pleasure from contiguous territory; or is entering solely for the purpose of applying for a Mexican passport or other official Mexican document at a Mexican consular office on the United States side of the border. A visa is not required of a Mexican national who is in possession of a border crossing card and is applying for admission to the United States as a temporary visitor for business or pleasure from other than contiguous territory. A visa is not required of a Mexican national who is a crewman employed on an aircraft belonging to a Mexican company authorized to engage in commercial transportation into the United States.

* * * * *

§ 212.6 [Amended]

2. Paragraph (a) *Use* of § 212.6 *Nonresident alien border crossing cards* is amended by adding the following sentence at the end thereof: "When applying for admission from a country other than Mexico or Canada, or from Canada if he has been in a country other than the United States or Canada since leaving Mexico, the rightful holder of a valid Form I–186 seeking entry as a visitor for business or pleasure must, in addition, present a valid passport and, if admitted, he shall be issued Form I–94."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective upon publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) as to notice of proposed rule making is unnecessary in this instance because the rule prescribed by the order confers benefits on persons affected thereby.

Dated: May 22, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67–5951; Filed, May 26, 1967; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Coverage; Employees

Section 550.701(b) is amended by adding subparagraph (4) to exclude from the severance pay regulations any employee assured by statute of continued employment without loss of pay and with continued Federal retirement and life insurance coverage when his Government agency is tranferred to or merged with a non-Federal organization. Effective on publication in the FEDERAL REGISTER a new subparagraph (4) is added to paragraph (b) of § 550.701 as set out below.

§ 550.701 **Coverage.**

* * * * *

(b) *Employees.* * * *

(4) This subpart does not apply to an employee who is offered an opportunity to transfer with his department or part thereof when it is transferred to or merged with a non-Federal organization, when the statute effecting the transfer or merger includes provisions to assure that (i) the salary level of an employee who transfers will not be reduced, (ii) an employee who transfers will be regarded as continuing in the employ of the United States for the purposes of subchapter III of chapter 83 and chapter 87 of title 5, United States Code, and (iii) the receiving organization will deposit currently in the Civil Service Retirement and Disability Fund provided for in section 8348 of title 5, United States Code, the employee deductions and agency contributions required by subchapter III of chapter 83 of title 5, and in the Employees' Goup Life Insurance Fund provided for in section 8714 of title 5, United States Code, the employee deductions and agency contributions required by chapter 87 of title 5, United Staes Code.

(Sec. 9, P.L. 89–301; 79 Stat. 1118; E.O. 11257, 30 F.R. 14353, 3 CFR, 1965 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–6036; Filed, May 26, 1967; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 25 (Rev. 3)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946–16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, 13005, 14095, 14850, 14851, and 31 F.R. 2815, 4954, 4954–4955, 9720, 10114, 13532, and 32 F.R. 2769, 6620, by amending §§ 107.11 and 107.902, and adding a new § 107.904.

Information and effective date. On April 18, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6101), with respect to the incorporation of a new § 107.904, *Exemption from civil penalties,* and the revision of § 107.11, *Scope of part,* and § 107.902, *Enforcement actions.* These amendments to the SBIC Regulation were necessitated by the Small Business Investment Act Amendments of 1966, 80 Stat. 1359, Public Law 89–779, approved on November 6, 1966 ("the 1966 Amendments"), which considerably expanded SBA's authority to initiate enforcement actions.

Comments received with respect to the April 18, 1967 proposal have been carefully considered. The Administration has determined to adopt the formal amendment, set forth below, as being in furtherance of the best interests of the SBIC program. The amendment incorporates the text of the April 18, 1967 proposal.

The information set forth in §§ 107.11 and 107.902 has been brought up to date to reflect various changes made by the 1966 Amendments. New § 107.904 implements section 315(b) of the Act, added by the 1966 Amendments, by providing Licensees an opportunity to file applications to obtain administrative exemptions from the Civil penalties prescribed by section 315(a) of the Act. Section 315(a) of the Act authorizes the recovery of civil penalties not exceeding $100 per day against any Licensee which fails to file any regular or special report required by SBA regulation or written directive of the Administrator. Section 315(b) states that SBA may, by regulation, provide Licensees an opportunity to obtain an administrative exemption from the civil penalties where SBA finds such action not inconsistent with the public interest or the protection of SBA.

In view of the determination made by the Administration that it is necessary in the public interest that the revised provisions of §§ 107.11 and 107.902 and of new § 107.904 shall be promptly

applied to the SBIC program, the present amendment shall be effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are amended hereby as follows:

1. By amending paragraph (a) of § 107.11 to read as follows:

§ 107.11 Scope of part.

(a) *The Act.* The Small Business Investment Act of 1958 became law August 21, 1958. Such Act has been amended by the Small Business Investment Act Amendments of 1960, which became effective June 11, 1960, the Small Business Investment Act Amendments of 1961, which became effective October 3, 1961, the Small Business Investment Act Amendments of 1963, which became effective February 28, 1964, section 316 of the Housing and Urban Development Act of 1965, which became effective August 10, 1965, and the Small Business Investment Act Amendments of 1966, which became effective November 6, 1966.

* * * * *

2. By amending § 107.902 to read as follows:

§ 107.902 Enforcement actions.

(a) In accordance with the rules of practice (Part 109 of this chapter), SBA may institute adjudicative proceedings for (1) the revocation or suspension of the license of a Licensee for false statements knowingly made or willful and repeated violations, under section 309(a) of the Act; (2) the entry of cease and desist orders against a Licensee or other person for completed or incipient violations, under section 309(b) of the Act; and (3) the entry of an order under section 313 of the Act removing from office a director or officer of a Licensee for willfully and knowingly committing a substantial violation or substantial breach of fiduciary duty which involves personal dishonesty (the respondent also being subject to suspension from office in order to protect the Licensee or the interests of SBA, pending completion of formal removal proceedings). By service of written notice under section 313(e) of the Act, SBA may also suspend from office a director or officer of a Licensee who is charged with a felony involving dishonesty or breach of trust in any indictment, information, or complaint authorized by a U.S. attorney, such suspension from office to remain in effect pending the final disposition of the criminal charges involved.

(b) SBA may bring a civil action under section 308(d) of the Act for a judicial determination of Licensee's violations as a basis for SBA's revocation of its license.

(c) A civil action may be instituted by SBA under section 315(a) of the Act for the recovery of civil penalties based on Licensee's failure to file reports required by any regulation or written directive of the Administrator. SBA may institute a civil action under section 311 of the Act for injunctive relief against a Licensee or other person which has engaged or is about to engage in acts or practices constituting violations and, wherever appropriate, for the appointment of a receiver to administer the Licensee's assets under the direction and pursuant to the exclusive jurisdiction of the court. SBA may also bring a civil action under section 311 or administrative proceedings against a director, officer, or other principal of a Licensee who is ineligible to serve for the reasons stated in section 314(c) of the Act.

3. By adding a new § 107.904, which shall read as follows:

§ 107.904 Exemption from civil penalties.

(a) Where it is impracticable for a Licensee to submit any report required by any regulation or written directive of the Administrator within the time-limit prescribed therefor, the president or chief executive officer of such Licensee may, prior to the required filing date, present a written application to the Administration which (1) identifies such reports; (2) certifies to the occurrence of extraordinary events which, according to such certification, make the submission of the report on the prescribed form, on or before the required filing date, impracticable due to no fault on the part of the Licensee; and (3) is accompanied by written evidence in support thereof. Such application shall be submitted as promptly as possible after the occurrence of such events. SBA in its discretion may exempt the Licensee, in whole or in part, from the civil penalty provisions of section 315(a) of the Act otherwise applicable, for such length of time and upon such conditions as SBA determines reasonable in the circumstances.

(b) For the purpose of this section, the term, "impracticable", refers to the existence of conditions which would make it physically impossible or otherwise unreasonable for a prudent businessman to prepare and file the required report on time. Such conditions include death or serious illness of Licensee's key personnel, or unavoidable loss or destruction of books, records, or other data by fire, theft, or similar hazards beyond Licensee's control.

Dated: May 20, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-5929; Filed, May 26, 1967; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 203—HEAT

Revision

Under the provisions of 15 U.S.C. 275 (a) and 277, the test fee schedules of the National Bureau of Standards, Department of Commerce, pertaining to Part 203—Heat are revised to increase the fees for services. The fees have been revised to assure full recovery of the cost of providing calibration services.

This revision, effective upon publication in the FEDERAL REGISTER, supersedes in its entirety Part 203, Title 15, Code of Federal Regulations previously issued.

Part 203 is revised to read as follows:

TEMPERATURE

Sec.
203.101 Laboratory thermometers.
203.102 Thermocouples, thermocouple materials and pyrometer indicators.
203.103 Resistance thermometers.

RADIATION THERMOMETRY

203.105 Optical pyrometers and ribbon filament lamps.

CRYOGENIC PHYSICS

203.301 Capsule-type germanium resistance thermometer.

AUTHORITY: The provisions of this Part 203 issued under sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.

TEMPERATURE

§ 203.101 Laboratory thermometers.

Only thermometers identified uniquely by serial number will be accepted for test.

Item	Description	Fee
203.101a	Thermometers, testing at points from 0 to 100° C. inclusive, or from 32 to 212° F. inclusive, for each point tested	$16.00
203.101b	Thermometers, testing at points from 101 to 300° C. inclusive, or from 213 to 600° F. inclusive, for each point tested	27.00
203.101c	Thermometers, testing at points from 301 to 500° C. inclusive, or from 601 to 950° F. inclusive, for each point tested	45.00
203.101d	Thermometers, testing at points from −1 to −110° C. inclusive, or from 31 to −166° F. inclusive, for each point tested	47.00
203.101e	Thermometers, testing in liquid air, oxygen, or liquid nitrogen (−183° to −196° C.), for each point tested	74.00
203.101f	Calorimeter thermometers	100.00
203.101g	Beckmann thermometers, with 5° or 6° scale, testing at 0.5° intervals by comparison with precision standards	110.00
203.101h	When instruments submitted are found to be unsuitable for test or unreliable a charge will be made to cover the cost of the work done. Minimum fee	2.00
203.101i	Preliminary examination for foreign material in the mercury column and bulb and for a separated mercury column will be made as required. Separated mercury column will be reunited provided this can be accomplished readily. Maximum fee	4.00
203.101z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 203.102 Thermocouples, thermocouple materials and pyrometer indicators.

(a) Only the bare wires are required in order to perform the thermocouple calibrations in this schedule. It is preferable not to send insulating and protecting tubes, as the rate of breakage of these in shipment is high. If the thermocouple is furnished mounted (as in a protection-tube assembly) a charge of $5 will be made for dismantling the mounting, and the various parts will be returned to the sender without reassembling them.

(b) Thermocouple length requirements listed below are exclusive of lead wire. Lead wire need not be sent with thermocouples.

(c) All thermocouple calibration data furnished in reports will be on the basis

of a reference junction temperature of 0° C., or 32° F.

(d) The calibration or test of an article will not be undertaken if, in our opinion, the article will not yield the specified accuracy, or if it possesses such unusual characteristics as to prevent the carrying out of the calibration or test at a reasonable cost. Only unused base-metal thermocouples and thermocouple materials will be accepted for test.

Item	Description	Fee
203.102a	High-temperature thermocouples and thermocouple materials. Minimum length 24 in. Corresponding values of emf and temperature at 4 to 15 points in the range 0 to 1450° C. (32° to 2650° F.)	$115.00
	The uncertainties in the values of temperature corresponding to the values of emf reported for platinum vs. platinum-rhodium thermocouples are estimated not to exceed 0.5 degree in the range 0 to 1100° C. and increase to not more than 2 degrees at 1450° C. Results for platinum vs. platinum-10 percent rhodium thermocouples are given at 1 degree intervals over the entire rauge 0 to 1450° C.	
	The uncertainties in the values of temperature corresponding to the values of emf reported for base-metal thermocouples are estimated not to exceed 1 degree Celsius. Base-metal thermocouples are not tested above 1100° C. (2000° F.).	
	Thermocouple materials are tested against platinum thermoelectric standards maintained by the Bureau.	
203.102b	High-temperature thermocouples and thermocouple materials. Calibration as per item 203.102a at less than four points, per point	34.00
203.102c	Platinum versus platinum-10 percent rhodium thermocouples. The thermocouple shall be at least 36 in. long and made of wire not less than 0.014 in. in diameter. Emf of a thermocouple at any of the following temperatures, per point	100.00
	1063° C. (gold point), 960.8° C. (silver point), 630.5° C., 419.5° C. (zinc point). Calibration uncertainty estimated not to exceed 2 μV (about 0.2 degree Celsius).	
203.102d	Platinum versus platinum-10 percent rhodium thermocouples. The thermocouple shall be at least 36 in. long and made of wire not less than 0.014 in. in diameter. Primary calibration at all of the temperatures listed in item 203.102c plus a table of corresponding values of emf and temperature at 1 degree intervals in the range 0 to 1450° C.	370.00
	Uncertainty in emf reported for the fixed point temperatures is estimated not to exceed 2μ V. Uncertainties in values given in the tables are estimated not to exceed 0.3 degree Celsius in the range 0 to 1100° C., and increase to not more than 2 degrees at 1450° C.	
	If the submitted thermocouple meets the requirements of the International Practical Temperature Scale for Standard thermocouples (see the International Practical Temperature Scale of 1948 by H. F. Stimson, J. Res. NBS 65A, 139, 1961), a quadratic equation fitted at 1063, 960.8, and 630.5° C. will also be furnished.	
203.102e	High-temperature thermocouples and thermocouple materials. Interpolated corresponding values of emf and temperature as per item 203.102a, per point	3.00
203.102f	Base-metal thermocouples. Minimum length 36 in. Corresponding values of emf and temperature with an uncertainty of 0.1° C. in the range 0 to −110° C., per point	45.00
	Minimum calibration per thermocouple, two points.	
203.102g	Base-metal thermocouples. Minimum length 36 in. Corresponding values of emf and temperature with an uncertainty of about 0.1° in the range 0 to 300° C. and with an uncertainty of about 0.2° above 300° C., per point	$38.00
	Minimum calibration per thermocouple, two points.	
203.102h	Base-metal thermocouples. Minimum length 36 in. Corresponding values of emf and temperature with an uncertainty of about 0.1° in the range −183° to −196° C., per point	65.00
	Minimum calibration per thermocouple, two points.	
203.102i	Pyrometer indicators. Calibration of single scale or meter of single dial of potentiometer (reference junction compensator counting as a dial)	54.00
203.102j	Pyrometer indicators. Calibration of each additional dial of a multidial instrument (reference junction compensator counting as a dial) or of each additional range of each dial or scale of a multirange instrument	20.00
	Calibration of a thermocouple and pyrometer indicator as a unit will be charged for as if the thermocouple and indicator were separately calibrated.	
203.102z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 203.103 Resistance thermometers.

Resistance thermometers will normally be tested only if they may reasonably be expected to meet requirements as a standard on the International Practical Temperature Scale. In general, this requires a four-lead resistor of very pure platinum hermetically sealed in a protecting tube.

Item	Description	Fee
203.103a	Standard platinum resistance thermometers—calibration at the ice, steam and sulfur points. Table will be furnished with entries at 1-degree intervals	$225.00
203.103b	Standard platinum resistance thermometers—calibration under 203.103a and at the oxygen point. Table will be furnished with entries at 1-degree intervals	300.00
203.103c	Calorimetric type platinum resistance thermometers—calibration at the ice and steam points and at approximately 50° C. Table will be furnished with entries at 1-degree intervals	225.00
203.103d	Capsule-type platinum resistance thermometers—comparison calibration over the range from 12° to 90° K. Results will be in the form of a table with entries at 0.1-degree intervals. Additional tables are not available unless requested at the time of test. See item 203.103f.	590.00
203.103e	Determination of the average temperature coefficient of electrical resistance over the interval 0 to 100° C. Minimum length, 16 in. Samples must have a resistance of at least 0.1 ohm per foot at the ice point	95.00
203.103f	Each additional table expressing the results of test under items 203.103 a, b, or e	40.00
	Additional tables under item 203.103d are not available unless requested at the time of test.	
203.103g	Item 203.103f if requested at the same time as the test of the thermometer under item 203.103 a, b, e, or d	34.00
203.103h	Capsule-type platinum resistance thermometers—mounting this type of thermometer for test under item 203.103 a or b. Not applicable to item 203.103d	15.00
203.103y	When instruments submitted are found to be unsuitable for test or unreliable, a charge will be made to cover the cost of the work done.	
203.103z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

Radiation Thermometry

§ 203.105 Optical pyrometers and ribbon filament lamps.

(a) Optical pyrometers and ribbon filament lamps submitted for calibration should be accompanied by an order requesting the test and specifying the fee schedule item number. If desired, the calibration points may be specified. A bill will be rendered at the completion of the work.

(b) The calibration of an article will not be undertaken if it possesses such unusual characteristics as to prevent the carrying out of the calibration at a reasonable cost. If, in the course of a calibration, the device is found to behave abnormally, work may be discontinued and a fee covering the cost of the work performed will be charged.

Item	Description	Fee
203.105a	Optical pyrometers: Calibration of one range between 800° and 2400° C or the first range, between 800° and 2400° C, of a calibration involving more than one range; 4 to 12 values	$250.00
203.105b	Optical pyrometers: Calibration of ranges in addition to item 203.105a up to 4200° C, 4 to 12 values in each range, per range	165.00
203.105c	Optical pyrometers: Three or fewer values, 800° to 2400° C	130.00
203.105d	Ribbon filament lamps: Values of brightness temperature (at wavelength of 0.65μ) versus direct current at 6 to 16 points in the range, 800° to 2300° C	225.00
203.105e	Ribbon filament lamps: Values of brightness temperature (at wavelength of 0.65μ) versus direct current at five or fewer points in the range, 800° to 2300° C	120.00
203.105f	Additional interpolated values as per items 203.105a and 203.105b, per point	3.00
203.105z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

Cryogenic Physics

§ 203.301 Capsule-type germanium resistance thermometer.

Item	Description	Fee
203.301a	Capsule-type germanium resistance thermometer, calibrated between 2° K. and 20° K. at intervals of approximately 1°	$1,000

Dated: May 16, 1967.

A. V. Astin,
Director.

[F.R. Doc. 67-5936; Filed, May 26, 1967; 8:47 a.m.]

PART 206—MECHANICS

Revision

Under the provisions of 15 U.S.C. 275 (a) and 277, the test fee schedules of the National Bureau of Standards, Department of Commerce, pertaining to Part 206–Mechanics are revised to increase the fees for most services. The fees have been revised to assure full recovery of the cost of providing calibration services.

This revision, effective upon publication in the FEDERAL REGISTER, supersedes in its entirety Part 206, Title 15, Code of Federal Regulations previously issued.

Part 206 is revised to read as follows:

SOUND

Sec.

206.011 Acoustic measurements.

ENGINEERING MECHANICS

206.041 Hardness tests.
206.042 Calibration of load cells with remote-reading electrical indicators.
206.043 Special mechanical tests of devices, materials and structures.
206.044 Calibration of proving rings.
206.045 Calibration of elastic force measuring devices.

MECHANICAL MEASUREMENTS

PRESSURE MEASUREMENTS

206.211 Pressure measurements.

VACUUM MEASUREMENTS

206.221 Vacuum measurements.

VIBRATION MEASUREMENTS

206.231 Vibration pickups.

HUMIDITY MEASUREMENTS

206.241 Humidity instruments.

FLUID MECHANICS

FLUID METERS

206.311 Fluid meters, including gas-measuring instruments.

AERODYNAMICS

206.331 Aerodynamical measurements.

AUTHORITY: The provisions of this Part 206 issued under sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277; interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.

SOUND

§ 206.011 Acoustic measurements.

Item	Description	Fee
206.011a	Pressure calibration of Western Electric Co. Type 640AA condenser microphone or equivalent from 50 to 10,000 Hz at discrete frequencies. Response given in terms of open-circuit voltage per unit sound pressure applied to the microphone	$280.00
206.011b	Pressure calibration of Western Electric Co. Type 640AA condenser microphone or equivalent from 50 to 20,000 Hz at discrete frequencies. Response given in terms of open-circuit voltage per unit sound pressure applied to the microphone	445.00
206.011c	Free-field calibration of microphone satisfying the requirements of the Type-L laboratory microphone specified in American Standards Association Standard Z24.8–1949; 50 to 15,000 Hz at discrete frequencies; plane of diaphragm either perpendicular or parallel to the direction of sound propagation. Response given in terms of open-circuit voltage per unit free-field sound pressure	$465.00
206.011d	Calibration of earphones; applied voltage response as prescribed in the American Standards Association Specification Z24.9–1949, at not more than 20 frequencies between 100 and 10,000 Hz	485.00
206.011e	Calibration of pure tone audiometers for screening purposes at nine fixed frequencies	1,240.00
206.011f	Artificial ear at audiometric frequencies	640.00
206.011g	Sound absorption coefficient, obtained by reverberation room method, using 72 ft.² of material at frequencies of 125, 250, 500, 1,000, 2,000, and 4,000 Hz. In case of tests on acoustical plasters or paintability tests, any construction work or painting done by the Bureau is charged to the sponsor in addition to the fee given above.	480.00
206.011h	Sound absorption coefficient by impedance tube method at 500 Hz in the laboratory on acoustical tiles	125.00
206.011i	Sound transmission loss, wall panel, 71 in. x 88 in. at frequencies of 125, 175, 250, 350, 500, 700, 1,000, 1,500, 2,000, 3,000, and 4,000 Hz. The construction of the wall panel is the responsibility of the sponsor of the test.	480.00
206.011j	Sound transmission loss, floor panel, 71 in. x 88 in. at frequencies of 125, 175, 250, 350, 500, 700, 1,000, 1,500, 2,000, 3,000, and 4,000 Hz plus impact sound transmission. The construction of the floor panel is the responsibility of the sponsor of the test.	650.00
206.011z	For special tests not covered by the above schedule, fees will be charged dependent on the nature of the test.	

ENGINEERING MECHANICS

§ 206.041 Hardness tests.

Item	Description	Fee
206.041a	Determination of Brinell number of a block to be used for calibration purposes, 3 separate indentations on each specimen	$73.00

§ 206.042 Calibration of load cells with remote reading electrical indicators.

(a) Individual load cells or load cell systems must be accompanied by readout or indicating equipment and all associated cables and fixtures.

(b) For the fee quoted, calibration will be made on one machine with up to 10 incremental loads applied consecutively without return to zero load. For each load in excess of 10, an additional fee equal to one-tenth of the applicable fee will be charged. For any device requiring the use of more than one machine, a charge will be made covering the cost of the additional work involved.

(c) When devices submitted are found to be unsuitable for test or unreliable, the test may be discontinued and a charge will be made to cover the cost of the work done.

Item	Description	Fee
	Capacity not exceeding 10,000 pounds:	
206.042a	Compression	$205.00
206.042b	Tension	225.00
206.042c	Tension and compression	270.00
	Capacity exceeding 10,000 pounds but not exceeding 112,000 pounds:	
206.042d	Compression	230.00
206.042e	Tension	240.00
206.042f	Tension and compression	325.00
	Capacity exceeding 112,000 pounds but not exceeding 300,000 pounds:	
206.042g	Compression	425.00
206.042h	Tension	460.00
206.042i	Tension and compression	670.00
	Capacity exceeding 300,000 pounds but not exceeding 1,000,000 pounds:	
206.042j	Compression	590.00
206.042k	Tension	640.00
206.042l	Tension and compression	940.00
206.042z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 206.043 Special mechanical tests of devices, materials and structures.

(a) These fees apply to all mechanical tests of devices, materials and structures performed in the Mechanics Division not covered by other fee schedules.

(b) The charge for special mechanical tests is made on the basis of the hours of service furnished by members of the staff.

(c) The time shall be computed as the number of official working hours from the time the members of the staff leave the National Bureau of Standards until they return to it plus any overtime spent on the tests.

(d) Where tests require travel outside the limits of 30 miles from the Bureau, transportation and subsistence charges will be added to the service charge.

Item	Description	Fee
206.043a	Service of a member of the staff of grade GS–9, or any higher grade, per hour	$20.00
206.043b	Service of a member of the staff of grades below GS–9, per hour	11.00

§ 206.044 Calibration of proving rings.

(a) These fees apply to calibration or recalibration of proving rings suitable for use as laboratory or transfer standards in accordance with sections I, II, III, and IV of the Appendix of NBS Circular 454.[1]

(b) For the fee quoted, calibration will be made on one machine with up to 10 independent loads for compression or tension applied. Fees for complete calibrations apply to rings submitted for initial calibration. For each load in excess of 10, an additional fee equal to one-tenth of the applicable fee for complete calibration or recalibration is charged. For any device requiring the use of two or more machines, a charge will be made covering the cost of the additional work involved.

[1] NBS Circular 454, Proving Rings for Calibrating Testing Machines. In NBS Handbook 77, Precision Measurement and Calibration, Vol. II, Heat and Mechanics, p. 573.

(c) When devices submitted are found to be unsuitable for test or unreliable, a test may be discontinued and a charge will be made to cover the cost of the work done.

Item	Description	Fee
	Complete calibration of proving rings, capacity not exceeding 10,000 pounds:	
206.044a	Compression	$280.00
206.044b	Tension and compression	445.00
	Recalibration of proving rings, capacity not exceeding 10,000 pounds:	
206.044c	Compression	205.00
206.044d	Tension and compression	280.00
	Complete calibration of proving rings, capacity exceeding 10,000 pounds but not exceeding 112,000 pounds:	
206.044e	Compression	400.00
206.044f	Tension and compression	650.00
	Recalibration of proving rings, capacity exceeding 10,000 pounds but not exceeding 112,000 pounds:	
206.044g	Compression	290.00
206.044h	Tension and compression	455.00
	Complete calibration of proving rings, capacity exceeding 112,000 pounds but not exceeding 300,000 pounds:	
206.044i	Compression	880.00
206.044j	Tension and compression	1,425.00
	Recalibration of proving rings, capacity exceeding 112,000 pounds but not exceeding 300,000 pounds:	
206.044k	Compression	530.00
206.044l	Tension and compression	1,026.00
	Complete calibration of proving rings, capacity exceeding 300,000 pounds but not exceeding 1,000,000 pounds:	
206.044m	Compression	1,175.00
206.044n	Tension and compression	1,925.00
	Recalibration of proving rings, capacity exceeding 300,000 pounds but not exceeding 1,000,000 pounds:	
206.044o	Compression	760.00
206.044p	Tension and compression	1,175.00
206.044z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 206.045 Calibration of elastic force measuring devices.

(a) These fees apply to calibration of elastic force measuring devices suitable for use as laboratory or transfer standards.

(b) Before a device is accepted for calibration under this schedule it will be inspected for damage, wear, and operability. Loading surfaces, tension adaptors, and pulling rods must be complete and suitable for use with NBS equipment. The device must be uniquely and permanently marked with the manufacturer's serial number and rated capacity.

(c) For the fee quoted, calibration will be made on one machine with up to 10 different independent loads for compression or tension applied. Devices will be overloaded repeatedly to approximately 10 percent in excess of the manufacturer's rated capacity. A temperature coefficient must be supplied by the submitter of the device.

(d) For each load in excess of 10, an additional fee equal to one-tenth of the applicable fee is charged. For any device requiring the use of more than one machine, a charge will be made covering the cost of the additional work involved.

(e) When devices submitted are found to be unsuitable for test or unreliable, a test may be discontinued and a charge will be made to cover the cost of the work done.

Item	Description	Fee
	Capacity not exceeding 10,000 pounds:	
206.045a	Compression	$230.00
206.045b	Tension	245.00
206.045c	Tension and compression	330.00
	Capacity exceeding 10,000 pounds but not exceeding 112,000 pounds:	
206.045d	Compression	300.00
206.045e	Tension	330.00
206.045f	Tension and compression	455.00
	Capacity exceeding 112,000 pounds but not exceeding 300,000 pounds:	
206.045g	Compression	520.00
206.045h	Tension	560.00
206.045i	Tension and compression	930.00
	Capacity exceeding 300,000 pounds but not exceeding 1,000,000 pounds:	
206.045j	Compression	690.00
206.045k	Tension	790.00
206.045l	Tension and compression	1,200.00
206.045z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the tests.	

MECHANICAL MEASUREMENTS

PRESSURE MEASUREMENTS

§ 206.211 Pressure measurements.

Item	Description	Fee
206.211a	Deadweight piston gages other than controlled clearance gages (also called deadweight gage testers and pressure balances). Determination of effective area of the piston by comparison with a pressure standard, up to five test points at room temperature, 20 to 25 °C. Pressure fluid may be air, up to 600 psi, petroleum oil up to 60,000 psi, or synthetic lubricant (dioctyl sebacate) up to 120,000 psi. Determination of effective area requires previous weighing of piston assembly and the use of calibrated weights. If the Bureau has weights to fit, the gage may be calibrated using NBS weights. Fee usually does not exceed $1,000.00. Work to be charged at cost.	
206.211b	Controlled clearance piston gages. Determination of effective area, jacket pressure for zero clearance and variation of effective area with jacket pressure. Test is made on an assembly of piston, cylinder and jacket, not to be disassembled later. Determination of effective area requires previous weighing of piston assembly and the use of calibrated weights. If the Bureau has weights to fit, the gage may be calibrated using NBS weights. Inquiry should be made as to the parts to be submitted. Fee usually does not exceed $1,000.00. Work to be charged at cost.	
206.211c	Barometers, Fortin or similar types, range 28 to 31 in. Hg, tube bore 0.5 in. or greater, calibration at room temperature (20 to 25 °C) and atmospheric pressure. Fee usually does not exceed $1,000.00. Work to be charged at cost.	
206.211d	Manometers, manually operated, with tube bore 0.5 in. or greater, in which both mercury surfaces are observed. Range to 100 in. Hg, calibration test at room temperature (20 to 25 °C) up to ten test points. Fee usually does not exceed $1,000. Work to be charged at cost.	
206.211e	Manometers, with tube bore 0.5 in. or greater, in which both mercury surfaces are observed, and of design which permits calibration in terms of length, temperature, etc. Calibration of scale and thermometer, performance verified by comparison with pressure standard. Fee usually does not exceed $1,000.00. Work to be charged at cost.	
206.211z	For special tests not covered by the above schedule. For example, calibration of pressure gages of high precision and stability. Work to be charged at cost.	

VACUUM MEASUREMENTS

§ 206.221 Vacuum measurements.

Item	Description	Fee
206.221a	Vacuum gages, in range 1 to 1,000 millitorr, of high stability such as diaphragm and quartz Bourdon tube types.* Test at room temperatures (20 to 25° C). Fees will be charged on basis of cost.	
206.221z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the tests.	

*McLeod gages are not accepted by NBS for calibration, because use of a McLeod gage as a reference instrument depends upon dimensional and volumetric measurements of the instrument made prior to assembly, and upon use of appropriate time-varying corrections, particularly capillary depression fluctuations, determined periodically during use. A calibration by comparison is thus considered to be of little value in use of this type of instrument as a reference standard.

VIBRATION MEASUREMENTS

§ 206.231 Vibration pickups.

(a) This applies to the calibration of displacement, velocity, and acceleration types of vibration pickups. A report of calibration is issued.

(b) Each piezoelectric acceleration pickup which is used with a cathode-follower or amplifier shall be accompanied by the cathode-follower or amplifier, the power supply if other than batteries, and the output and connecting cables.

(c) Each piezoelectric acceleration pickup whose output is read directly with a high-impedance meter can be but need not be accompanied by the meter, but shall be accompanied by the output cable and a suitable shielded connector.

(d) When instruments submitted are found to be unsuitable for test or unreliable, a charge will be made to cover the cost of the work done.

Item	Description	Fee
206.231a	Static calibration on a tilting support in the earth's gravitational field for accelerations up to 1 g, the acceleration of gravity, with an error not greater than 0.001 g. Calibration for 10 different applied accelerations	$145.00
206.231b	Static calibration on a centrifuge at four different applied accelerations up to 80 g for not more than two orientations with an estimated error not greater than 0.2 percent of the applied acceleration (eight calibration points). Acceleration will be determined at radii measured to designated reference points on the pickup case	200.00
	For additional tests or measurements required to determine location of seismic mass, fees will be charged to cover the cost of work done.	

Item	Description	Fee
206.231e	Dynamic calibration of velocity pickups weighing up to 2 lb in the frequency range from 10 to 2,000 Hz at double displacement amplitudes up to 0.4 in. or accelerations up to 10 g, whichever is less. The pickup is subjected to sinusoidal motion on an electrodynamic vibration standard previously calibrated by the reciprocity method. The estimated errors of the applied accelerations do not exceed 1 percent for frequencies up to 900 Hz and 2 percent above 900 Hz. The magnitude and phase angle of the calibration factor are determined at up to 10 frequencies. The magnitude of the calibration factor is determined for up to three accelerations at each frequency (up to 30 calibration points)	$580.00
	For each test frequency in excess of 10, an additional charge equal to one-tenth of the fee is made.	
206.231d	Dynamic calibration of acceleration and displacement pickups weighing up to 2 lb in the frequency range of 10 to 2,000 Hz at double displacement amplitudes up to 0.4 in. or accelerations up to 10 g, whichever is less. The pickup is subjected to sinusoidal motion on an electrodynamic vibration standard previously calibrated by the reciprocity method. The estimated errors of the applied accelerations do not exceed 1 percent for frequencies up to 900 Hz and 2 percent above 900 Hz. The magnitude and phase angle of the calibration factor are determined at up to 10 frequencies. The magnitude of the calibration factor is determined for up to three accelerations at each frequency (up to 30 calibration points)	580.00
	For each test frequency in excess of 10, an additional charge equal to one-tenth of the fee is made.	
206.231e	Dynamic calibration of piezoelectric acceleration pickups weighing up to 4 oz in the frequency range of 10 to 2,000 Hz at double displacement amplitudes up to 0.4 in. or accelerations up to 10 g, whichever is less or if requested, up to 20 g at two unspecified frequencies. The pickup is subjected to sinusoidal motion on an electrodynamic vibration standard previously calibrated by the reciprocity method. The estimated errors of the applied accelerations do not exceed 1 percent for frequencies up to 900 Hz and 2 percent above 900 Hz. The magnitude of the calibration factor is determined for up to three accelerations at up to 10 frequencies within a specified range (up to 30 calibration points)	445.00
	For each test frequency in excess of 10, an additional charge equal to one-tenth of the fee is made.	
206.231z	For special tests not covered by the above schedule, such as dynamic calibrations of pickups weighing more than 2 lb, calibrations of small lightweight piezoelectric ceramic pickups over an extended frequency range up to 20,000 Hz, or calibrations at higher accelerations, fees will be charged dependent on the nature of the test.	

HUMIDITY MEASUREMENTS

§ 206.241 Humidity instruments.

(a) Instruments of high accuracy and stability suitable for use as laboratory or plant standards are accepted for calibration.

(b) Instruments ordinarily are calibrated with air of known moisture content.

(c) Calibrations can be furnished in terms of dewpoint temperature, mixing ratio, volume ratio, and relative humidity.

(d) Acceptance for test is based on consultation or correspondence regarding the exact nature of the user's requirements. Requests for calibration should be accompanied with technical information on the type of instrument, manufacturer, operating range(s) and number of test points required. Instruments should not be forwarded to the National Bureau of Standards until all arrangements for test have been completed.

(e) When instruments submitted are found to be unsuitable for test or unreliable, a test may be discontinued and a charge will be made to cover the cost of the work done.

Item	Description	Fee
	Dewpoint hygrometers, automatic operation:	
206.241a	Calibration at six test points in the dewpoint temperature range of +25° to −15° C	$660.00
206.241b	Calibration at nine test points in the dewpoint temperature range of −15° to −70° C	1,375.00
	Dewpoint hygrometers, manual operation:	
206.241c	Calibration at six test points in the dewpoint temperature range of +25° to −15° C	725.00
206.241d	Calibration at nine test points in the dewpoint temperature range of −15° to −70° C	1,570.00
	Coulometric hygrometers:	
206.241e	Calibration at six test points in the range 30,000 to 1,000 ppm (by volume)	495.00
206.241f	Calibration at nine test points in the range 1,000 to 40 ppm (by volume)	970.00
206.241g	Calibration at six test points in the range 30 to 2 ppm (by volume)	915.00
	Pneumatic bridge hygrometers:	
206.241h	Calibration at five test points in mixing ratio range 14 to 0.4g the H_2O/kg dry air	1,265.00
	Electric hygrometers:	
206.241i	Calibration at test points from 24 to 98% relative humidity in the ambient temperature range from 30° to 15° C, for a set of approximately 12 test points per temperature. The number of test points will depend on the response time of the humidity sensor	350.00
206.241j	Calibration at test points from 10 to 24% relative humidity in the ambient temperature range from 30° to 15° C, for a set of approximately 5 test points per temperature. The number of test points will depend on the response time of the humidity sensor	165.00
206.241k	Calibration at test points from 24 to 98% relative humidity in the ambient temperature range from 15° to 0° C, for a set of approximately 9 test points per temperature. The number of test points will depend on the response time of the humidity sensor	375.00
206.241l	Calibration at test points from 10 to 24% relative humidity in the ambient temperature range from 15° to 0° C, for a set of approximately 5 test points per temperature. The number of test points will depend on the response time of the humidity sensor	200.00
206.241z	For special tests not covered by the above schedule, fees will be charged on a cost basis.	

FLUID MECHANICS

FLUID METERS

§ 206.311 Fluid meters, including gas-measuring instruments.

Item	Description	Fee
206.311a	Dry gas meters, rated capacity 600 ft³ hr or less—testing with prover in laboratory at two rates of flow and reporting	$90.00
206.311b	Displacement type meters for liquids which can be calibrated with water at rates of flow not exceeding 300 gpm—testing at one to five rates of flow and reporting	275.00
206.311c	Rate of flow meters, self-contained and direct reading; for gases, capacities not over 25 cfm; for liquids, capacities not over 300 gpm—calibration at not more than five rates of flow and reporting	420.00
206.311d	Orifices, flow nozzles, laminar flow meters, and similar differential head meters for use in pipes up to and including 2-in. pipe; calibration with water or air at a number of flow rates sufficient to develop a performance curve	650.00
206.311e	Additional fee for meter in pipes larger than those included in item 206.311d—for each 1-in. increment of size over 2 in	42.00
206.311f	Meters listed in item 206.311d, when two or more are used interchangeably in the same mounting—for each meter or orifice plate after the first	200.00
206.311g	Water current meters—rating of Price, Pigmy, and Hoff types at not over eight velocities, and reporting results in equation form only, or in graph form only	56.00
206.311h	Water current meters—rating of Hoff type at 10 or 11 velocities and reporting results in both graphical and equation forms, for each propeller	72.00
206.311i	Water current meters—Ekman type, for each propeller submitted therewith; rating at not over eight velocities and reporting results in both graphical and equation form	160.00
206.311j	Water current meters—all types, for each velocity in excess of the number covered by items 206.311g to 206.311i above	7.00
206.311k	Furnishing results of water current meter calibration in graphical form, or in equation form when requested subsequent to completion of test	15.00
206.311z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

AERODYNAMICS

§ 206.331 Aerodynamical measurements.

Item	Description	Fee
206.331a	Wind-speed indicators—calibration of cup, vane, and thermal type anemometers, pitot tubes, and venturi tubes at wind speeds with the range 2 to 90 mph or (optional) 10 to 170 mph	$170.00
206.331z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

Dated: May 16, 1967.

A. V. ASTIN,
Director.

[F.R. Doc. 67-5937; Filed, May 26, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 67-WE-9-AD; Amdt. 39-424]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive applicable to Boeing Model 707 and 720 Series airplanes which would require periodic inspection of the water and electrical galley supply boxes for moisture until permanent modifications could be accomplished within a period of time specified in the AD was published in the FEDERAL REGISTER on March 23, 1967.

Interested persons have been afforded an opportunity to participate in the making of the amendment. In general, the comments offered no objection to the AD as proposed. Some operators requested that alternate means for accomplishing the intent of the AD be incorporated into the AD as published. However, since the AD will provide an opportunity for these operators to seek approval of alternate means of compliance with the AD from the Chief, Aircraft Engineering Division, FAA, Western Region, it is preferable to publish the AD as proposed, and include only the specific modification recommended by the manufacturer in its service bulletin which has already been evaluated by the agency. Several operators objected to the 300-hour inspection interval on the grounds that it is too short and will not coincide with a scheduled check time. The 300-hour inspection time has been arrived at to provide minimum exposure to the probability of an inflight fire while still allowing a longer period of time for the operators to accomplish the permanent modification of the galley supply box. An extension of this time would, therefore, defeat the purpose of the AD and would not be in the public interest.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BOEING. Applies to Boeing Model 707 and 720 Series airplanes.

Compliance required as indicated.

To prevent fires in the water and electrical galley supply boxes due to water seepage, accomplish the following:

a. Within the next 300 hours' time in service after the effective date of this AD and thereafter, within periods not to exceed 300 hours' time in service from the last inspection, visually inspect each water and electrical galley supply box for water entrapment at the electrical connectors located therein.

b. If water is found trapped at an electrical connector, water traps, including but not limited to tubing, clamps, bushings, or boots, must be removed or modified in accordance with a method approved by an FAA Air Carrier Maintenance Inspector.

c. Within the next 3,000 hours' time in service after the effective date of this AD, unless already accomplished, modify the water and electrical galley supply box in accordance with the "Accomplishment Instructions" of Boeing Service Bulletin 2428 or FAA-approved revision, or in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

d. The inspections required by paragraph (a) may be discontinued when the modification required by paragraph (c) is accomplished.

e. Upon request of the operator, an FAA Air Carrier Maintenance Inspector, subject to prior approval of the Regional Director, FAA, Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on May 16, 1967.

LEE E. WARREN,
Acting Regional Director,
Western Region.

[F.R. Doc. 67-5935; Filed, May 26, 1967; 8:46 a.m.]

[Airspace Docket No. 67-EA-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wurtsboro, N.Y., transition area. The purpose of the amendment is to recognize the change in the name of the Wurtsboro-Mamakating Airport to Wurtsboro-Sullivan County Airport.

Since the amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In view of the foregoing the amendment is hereby adopted effective 0001 e.s.t., June 22, 1967, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Wurtsboro, N.Y., transition area the name "Wurtsboro-Mamakating Airport" and insert in lieu thereof the words "Wurtsboro-Sullivan County Airport".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on April 27, 1967.

WAYNE HENDERSHOT,
Acting Director.

[F.R. Doc. 67-5930; Filed, May 26, 1967; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Trade Association Code of Ethics

§ 15.128 Trade association code of ethics.

(a) A group of producers of products sold by door-to-door salesmen employed by independent sales agencies has requested a Commission opinion with respect to the legality of a proposed code of ethics to govern the practices of the agencies and the salesmen. The opinion was rendered following the second submittal of the code, which had been substantially modified as a result of conferences with the Commission's staff pursuant to Commission direction.

(b) The modified code provides for the appointment of an Administrator who will be empowered to impose fines against any of the agencies if he finds that they have authorized, condoned or in any way supported deceptive practices by their sales and collection representatives. The maximum amount of fines has been limited to an amount which in the Commission's judgment will not operate anticompetitively or in a confiscatory manner but sufficient to constitute a deterrent.

(c) Further, in the modified code the agreement between signatory agencies not to employ a person found to be a willful violator by the Administrator in a sales capacity for a period not to exceed 1 year was eliminated. In its place it is now provided that the Administrator, upon finding that a person has willfully violated the code, shall recommend that he not be employed in a sales capacity for a period not to exceed 1 year. However, it is further provided that an agency shall use its own discretion in deciding whether to follow such recommendation of the Administrator.

(d) In order for a person to be found to be a willful violator it must be determined that on three separate occasions he violated the code with knowledge that his representations were in violation of the code. Moreover, if an agency repeatedly condones or authorizes violations of the code, it may be subject to expulsion from participation in the code.

(e) Finally, in order to insure greater participation in the administration of the code by the agencies than was the case in connection with the original submittal, the code now provides that the Administrator will be responsible to a Board of Directors composed of six agencies and one producer. Of the six agencies, at least two must not be affiliated with any producer. Also, the one producer must not be affiliated with any agency. Appeals from actions of the Administrator may be taken as a matter of right to a committee composed of representatives of at least three participating agencies, at

least one of which is not to be affiliated with a producer. A new committee is to be appointed each month and its members are to be rotated from among signatory agencies.

(f) The Commission advised that it had given this matter very careful consideration in view of the magnitude of the problems which confront the industry and the obvious sincerity of the industry in attempting to devise ways to cope with those problems. Even taking all these factors into consideration, however, the Commission was unable to give its approval to those sections of code which apply to the salesmen as those sections are now written. While the code now provides that the action to be taken with respect to the salesmen found to be in violation would be on the basis of a recommendation by the Administrator rather than by agreement among the signatory agencies, the Commission believes the probable result of that recommendation would be to substantially interfere with those individuals' right of employment and their right to have their fate decided by their individual employers uninfluenced by virtually mandatory recommendations from the Administrator.

(g) However, the Commission advised that it did not believe that this would call for outright rejection of the code, since it believed the code could be amended so as to achieve the legitimate objectives of the industry without running afoul of the antitrust laws. Thus the Commission stated it was prepared to advise the industry that it could see no objection to the maintaining by the Administrator of a public record of the names and circumstances respecting a finding of a willful violation. If this modification was agreeable to the industry, so that a provision to that effect could be inserted in the code in place of the present section applying to salesmen, the Commission would have no further objection on that score.

(h) The Commission was further of the opinion, now that greater participation of the agencies had been assured, that it was possible to apply the code as now written to the producers and agencies in such a manner as not to do violence to the antitrust laws, particularly if the element of coercion could be truly eliminated insofar as the agencies were concerned when they were arriving at their decision as to whether to join or whether to remain under the code after having joined. The Commission made it clear, however, that this conclusion was a tentative one since there was little recorded experience upon which to predicate such a judgment. Therefore, the opinion was based on the understanding that there will be no coercion of any agency to subscribe to the plan, no coercion of any agency to remain in it after it has subscribed and no retaliation of any kind against any agency which does not choose to join or which subsequently elects to leave after having joined.

(i) The industry was also advised that the Commission approval extended in the opinion was given for a three year period, following which the industry should resubmit its request, and, in the meantime, the Administrator must submit reports to the Commission of each complaint which was received, considered or investigated and of each action taken. Further, the opinion was rendered with instructions to the staff of the Commission to initiate periodic inquiries after the plant had been put into effect to determine and report to the Commission as to how it is actually working.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: May 26, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-5938; Filed, May 26, 1967; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950 _____)

Subpart J—Procedures, Payment of Benefits, and Representation of Parties

MISCELLANEOUS AMENDMENTS

On December 3, 1966, notice of proposed rule making regarding amendments to Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) relating to representation of parties to actions before the Administration and the setting of fees for services performed was published in the FEDERAL REGISTER (31 F.R. 15198). Interested persons were given 30 days in which to submit data, views, or comments pertaining to the proposed amendments to the regulations.

After consideration of all such relevant matter as was presented by interested persons, the amendments to the regulations as so proposed are hereby adopted, subject to the following changes:

1. Paragraph (a) of § 404.974 is revised by adding at the end thereof a sentence.

2. Subparagraph (5) of paragraph (b) of § 404.976 is revised.

3. The last sentence of § 404.977a is revised.

Effective date. These amendments to the regulations shall be effective on the date of publication in the FEDERAL REGISTER.

Dated: May 10, 1967.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: May 22, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.906 is amended by adding after the words "Subpart J," in the introductory paragraph, the phrase "but which may receive administrative review"; and is further amended by adding after paragraph (e) a new paragraph (f).

§ 404.906 Administrative actions which are not initial determinations.

Administrative actions which shall not be considered initial determinations under any provision of the regulations in this Subpart J, but which may receive administrative review, include, but are not limited to, the following:

* * * * *

(f) The authorization approving or regulating the amount of the fee that may be charged or received by a representative for services before the Administration (see § 404.975).

2. Section 404.971 is amended to read:

§ 404.971 Representation of party—appointment of representative.

A party in an action leading to an initial or reconsidered determination, hearing, or review, as provided in §§ 404.905 to 404.963, inclusive, may appoint as his representative in any such proceeding only an individual who is qualified under § 404.972 to act as a representative. Where the individual appointed by a party to represent him is not an attorney, written notice of the appointment must be given, signed by the party appointing the representative, and accepted by the representative appointed. The notice of appointment shall be filed at an office of the Administration, with a hearing examiner, or with the Appeals Council of the Administration, as the case may be. Where the representative appointed is an attorney, in the absence of information to the contrary, his representation that he has such authority shall be accepted as evidence of the attorney's authority to represent a party.

3. Section 404.972 is amended to read as follows:

§ 404.972 Qualifications of representative.

(a) *Attorney.* Any attorney in good standing who (1) is admitted to practice before a court of a State, Territory, District or insular possession or before the Supreme Court of the United States or an inferior Federal court, (2) has not been disqualified or suspended from acting as a representative in proceedings before the Social Security Administration, and (3) is not, pursuant to any provision of law, otherwise prohibited from acting as a representative, may be appointed as a representative in accordance with § 404.971.

(b) *Person other than attorney.* Any person (other than an attorney described in paragraph (a) of this section) who (1) is of good character, in good repute, and has the necessary qualifications to enable him to render valuable assistance

to an individual in connection with his claim, (2) has not been disqualified or suspended from acting as a representative in proceedings before the Social Security Administration, and (3) is not, pursuant to any provision of law, otherwise prohibited from acting as a representative, may be appointed as a representative in accordance with § 404.971.

4. Section 404.973 is amended to read as follows:

§ 404.973 Authority of representative.

A representative, appointed and qualified as provided in §§ 404.971 and 404.972, may make or give, on behalf of the party he represents, any request or notice relative to any proceeding before the Social Security Administration under titles II and XVIII of the Act, including reconsideration, hearing and review, except that such representative may not execute an application for benefits, or the establishment of a period of disability, or a lump sum, or for entitlement to hospital insurance benefits or for enrollment for supplementary medical insurance benefits, unless he is a person designated in § 404.603 as authorized to execute an application for benefits, or the establishment of a period of disability, or a lump sum, or for entitlement to hospital insurance benefits, or for enrollment for supplementary medical insurance benefits. A representative shall be entitled to present or elicit evidence and allegations as to facts and law in any proceeding affecting the party he represents and to obtain information with respect to the claim of such party to the same extent as such party. Notice to any party of any administrative action, determination, or decision, or request to any party for the production of evidence may be sent to the representative of such party, and such notice or request shall have the same force and effect as if it had been sent to the party represented. (For fees to representatives for services performed before the Administration for an individual, see § 404.975.)

5. Section 404.974 is amended to read as follows:

§ 404.974 Proceedings before a State or Federal court.

(a) *Representation of claimant in court proceeding.* Any service rendered by any representative in any proceeding before any State or Federal court shall not be considered services in any proceeding before the Social Security Administration for purposes of §§ 404.973 and 404.975. However, if the representative has also rendered services in connection with the claim in any proceeding before the Administration, as defined in § 404.977a, he must specify what, if any, amount of the fee he desires to charge is for services performed before the Administration, and, if he charges any fee for such services, he must file the petition and furnish all of the information required by § 404.976(a).

(b) *Attorney fee allowed by a Federal court.* In any case where a Federal court in any proceeding under titles II and XVIII of the Act renders a judgment favorable to a claimant who was represented before the court by an attorney, and the court, pursuant to section 206(b) of the Act, allows to the attorney as part of its judgment a fee not in excess of 25 percent of the total of past-due benefits to which the claimant is entitled by reason of the judgment, the Administration may certify the amount of such fee for payment to such attorney out of, and not in addition to, the amount of the past-due benefits payable to the claimant. No other fee may be certified for direct payment to such attorney for such representation.

(c) *Past-due benefits defined.* The term "past-due benefits" as used in paragraph (b) of this section means the total accumulated amount of benefits to which the claimant is entitled by reason of the court's judgment up to the date that judgment directs payment of benefits.

6. Section 404.975 is amended to read as follows:

§ 404.975 Fee for services performed for an individual before the Social Security Administration.

(a) *General.* A fee for services performed for an individual before the Social Security Administration in any proceeding under titles II or XVIII of the Act may be charged and received only as provided in paragraph (b) of this section.

(b) *Charging and receiving fee.* An individual who desires to charge or receive a fee for services rendered for an individual in any proceeding under titles II or XVIII of the Act before the Administration (see § 404.977a), and who is qualified under § 404.972, must file a written petition therefor in accordance with § 404.976(a). The amount of the fee he may charge or receive, if any, shall be determined on the basis of the factors described in § 404.976(b) by an authorized official of the appropriate component of the Administration, where the services were concluded by an initial or reconsidered determination, or by the Bureau of Hearings and Appeals where there is a decision or action by a hearing examiner or the Appeals Council of the Social Security Administration, as the case may be. Every such fee which is charged or received must be approved as provided in this section and no fee shall be charged or received which is in excess of the amount so approved. This rule shall be applicable whether the fee is charged to or received from a party to the proceeding or someone else.

7. Section 404.976 is amended to read as follows:

§ 404.976 Petition for approval of fee.

(a) *Filing of petition.* In accordance with § 404.975, to obtain approval of a fee for services performed before the Social Security Administration in any proceeding under the Act, a representative, upon completion of the proceedings in which he rendered services, must file at an office of the Social Security Administration a written petition which shall contain the following information:

(1) The dates his services began and ended;

(2) An itemization of services rendered by him in a proceeding under the Act, with the amount of time spent in hours, or parts thereof, on each type of service;

(3) The amount of the fee he desires to charge for services performed;

(4) The amount of fee requested or charged for services rendered in the same matter before any State or Federal court;

(5) The amount and itemization of expenses incurred for which reimbursement has been made or is expected;

(6) The special qualifications which enabled him to render valuable services to the claimant (this requirement does not apply where the representative is an attorney); and

(7) A statement showing that a copy of the petition was sent to the person represented.

(b) *Factors considered in evaluating a petition for fee.* In evaluating a request for approval of a fee, the purpose of the social security program—to provide a measure of economic security for the beneficiaries thereof—will be considered, together with the following factors:

(1) The services performed (including type of service);

(2) The complexity of the case;

(3) The level of skill and competence required in rendition of the services;

(4) The amount of time spent on the case;

(5) The results achieved. (While consideration is always to be given to the amount of benefits, if any, which are payable in a case, the amount of fee will not be based on the amount of such benefits alone but on a consideration of all of the factors listed in this section. The benefits payable in a given claim are governed by specific statutory provisions and by the occurrence of termination, deduction, or nonpayment events specified in the law, factors which are unrelated to efforts of the representative. In addition, the amount of accrued benefits payable in a given claim is affected by the length of time that has elapsed since the claimant became entitled to benefits.);

(6) The level of administrative review to which the claim was carried within the Social Security Administration and the level of such review at which the representative entered the proceedings; and

(7) The amount of the fee requested for services rendered, excluding the amount of any expenses incurred, but including any amount previously authorized or requested.

8. Section 404.977 is amended to read as follows:

§ 404.977 Payment of fee.

The Social Security Administration assumes no responsibility for the payment of any fee which a representative has been authorized to charge in accord-

ance with § 404.975, and shall not deduct any such fee from the benefits payable under the Act to any beneficiary, except as provided in § 404.974(b). The representative, however, shall be sent a copy of the determination made by the Administration.

9. Section 404.977a is amended to read as follows:

§ 404.977a Services rendered for an individual in a proceeding before the Administration under titles II or XVIII of the Act.

Services rendered for an individual in a proceeding before the Administration under titles II or XVIII of the Act consist of services performed for an individual in connection with any claim before the Secretary of Health, Education, and Welfare under titles II or XVIII of the Act, including any services in connection with any asserted right calling for an initial or reconsidered determination by the Administration, and a decision or action by a hearing examiner or by the Appeals Council of the Bureau of Hearings and Appeals of the Administration, whether such determination, decision, or action is rendered before or after remand of a claim by a court. Such services include, but are not limited to, services in connection with an application for benefits or a lump sum; an application for hospital insurance protection or enrollment in the supplementary medical insurance plan; the establishment or continuance of a period of disability; a request for modification of the amount of benefits or lump sum; the reinstatement of benefits; proof of support; a request for the revision of an earnings record; and services in connection with the preparation of proof of earnings.

10. Paragraphs (a), (b), and (c) of § 404.978 are amended to read as follows:

§ 404.978 Rules governing the representation and advising of claimants and parties.

No attorney or other person shall:

(a) With intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten by word, circular, letter, or advertisement, either oral or written, any claimant or prospective claimant or beneficiary with respect to benefits, including hospital and supplementary medical insurance benefits, lump sums, periods of disability, establishment or maintenance of earnings records, or any other initial or continued right under the Act; or

(b) Knowingly charge or collect, or make any agreement to charge or collect, directly or indirectly, any fee in connection with any claim except under the circumstances prescribed in § 404.975, or knowingly charge, demand, receive, or collect for services rendered before a Federal court in connection with a claim under titles II and XVIII of the Act, any amount in excess of that allowed by the court as described in § 404.974(b); or

(c) Knowingly make or participate in the making or presentation of any false statement, representation, or claim as to the amount of wages or self-employment income earned by, or derived by, or paid to, an individual, or the period of such earnings, or the time of payment, or as to any material fact affecting the right of any person to benefits under titles II and XVIII of the Act, or as to the amount of any benefit or lump sum, or to a period of disability; or

* * * * *

§ 404.979 [Amended]

11. Section 404.979 is amended by changing the reference in the first sentence from "§ 404.977" to "§ 404.975."

§ 404.981 [Amended]

12. Section 404.981 is amended by changing the reference in the sixth sentence from "§ 404.977" to "§ 404.975," and by changing the reference in the seventh sentence from "§§ 404.973–404.977" to "§§ 404.973 to 404.975."

(Secs. 205, 206, 1102, 1872, Social Security Act, 53 Stat. 1368, as amended, 53 Stat. 1372, as amended, 49 Stat. 647, as amended; 79 Stat. 1281; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 406, 1302)

[F.R. Doc. 67-5943; Filed, May 26, 1967; 8:47 a.m.]

[Regs. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950_____)

Subpart K—Employment—Wages—Self-Employment — Self-Employment Income

MISCELLANEOUS AMENDMENTS

The following amendments to Subpart K of Regulations No. 4 (20 CFR 404.1001 et seq.) update, reorganize, and expand the sections relating to employment. They reflect the current substantive policies and procedures that have been and are being applied by the Social Security Administration in implementing the employment provisions of the Social Security Act as amended to date. They also make certain clarifying, technical, and editorial changes.

Subpart K of Regulations No. 4 (20 CFR 404.1001 et seq.), as amended, are further amended as follows:

1. Sections 404.1002 through 404.1025 are amended and a new § 404.1005a is added following § 404.1005; a new § 404.1014a is added following § 404.1014; a new § 404.1024a is added following § 404.1024; and new §§ 404.1025a and 404.1025b are added following § 404.1025. As so amended and redesignated, together with the new sections, §§ 404.1002 through 404.1025b read as follows:

§ 404.1002 Employment prior to 1951.

Services performed after 1936 and prior to 1951 constitute employment if such services were employment under the law applicable to the period in which they were performed. Whether services performed after 1936 and prior to 1940 constitute employment within the meaning of the regulations in this Part 404 is determined in accordance with the applicable provisions of law and of Regulations 2 (20 CFR, 1938 ed., Part 402). Whether services performed after 1939 and prior to 1951 constitute employment within the meaning of the regulations in this Part 404 is determined in accordance with the applicable provisions of law and Part 403 of this chapter.

§ 404.1003 Employment after 1950.

(a) *In general.* This section and §§ 404.1004 to 404.1005a, inclusive (relating to who are employees and employers), § 404.1006 (relating to excepted services in general), § 404.1007 (relating to included and excluded services), and §§ 404.1008 to 404.1025b, inclusive (relating to certain classes of excepted services), apply only with respect to services performed after 1950.

(b) *Services performed within the United States.* Services performed after 1950 within the United States (for definition of United States, see § 404.2(c)(6)) by an employee for his employer, unless specifically excepted by section 210(a) of the Act (see §§ 404.1006 to 404.1025b inclusive), constitute employment within the meaning of the Act. The place where the contract of service is entered into is immaterial. The citizenship or residence of the employee or of the employer also is immaterial except to the extent provided in any specific exception from employment. Thus, the employee and the employer may be citizens and residents of a foreign country and the contract of service may be entered into in a foreign country, and yet, if the employee under such contract performs services within the United States, there may be, to that extent, employment.

(c) *Services performed outside the United States*—(1) *In general.* Except as provided in subparagraphs (2) and (3) of this paragraph, services performed outside the United States do not constitute employment within the meaning of the Act.

(2) *On or in connection with an American vessel or American aircraft.* (i) Services performed by an employee for an employer "on or in connection with" an American vessel or American aircraft outside the United States constitute employment, if:

(*a*) The employee is employed "on and in connection with" such vessel or aircraft when outside the United States; and

(*b*) The services are performed under a contract of service between the employee and the employer, which is entered into within the United States; or during the performance of the contract under which the services are performed and while the employee is employed on the vessel or aircraft it touches at a port within the United States; and

(c) The services are not excepted under section 210(a) of the Act (see §§ 404.1006 to 404.1025b, particularly § 404.1023 relating to fishing prior to 1955).

(ii) An employee performs services "on and in connection with" the vessel or aircraft if he performs services on such

vessel or aircraft which are also in connection with the vessel or aircraft. Services performed on the vessel by employees as officers or members of the crew, or as employees of concessionaires of the vessel, for example, are performed under such circumstances since such services are also connected with the vessel. Similarly, services performed on the aircraft by employees as officers or members of the crew of the aircraft are performed "on and in connection with" such aircraft. Services may be performed on the vessel or aircraft, however, which have no connection with it, as in the case of services performed by an employee while on the vessel or aircraft merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on a vessel are not "in connection with" the vessel.

(iii) If services are performed by an employee "on and in connection with" an American vessel or American aircraft when outside the United States and the conditions in subdivision (i) (*b*) and (c) of this subparagraph are met, then the services of that employee performed "on or in connection with" the vessel or aircraft constitute employment. The expression "on or in connection with" refers not only to services performed on the vessel or aircraft but also to services connected with the vessel or aircraft which are not actually performed on it (for example, shore services performed as officers or members of the crew or as employees of concessionaires, of the vessel).

(iv) Services performed by a member of the crew or other employee whose contract of service is not entered into within the United States, and during the performance of which and while the employee is employed on the vessel or aircraft it does not touch at a port within the United States, do not constitute employment under this subparagraph, notwithstanding that services performed by other members of the crew or other employees on or in connection with the vessel or aircraft may constitute employment.

(v) A vessel includes every description of watercraft, or other contrivance, used as a means of transportation on water. The term "American vessel" means any vessel which is documented (that is, registered, enrolled, or licensed) or numbered in conformity with the laws of the United States. It also includes any vessel which is neither documented nor numbered under the laws of the United States, nor documented under the laws of any foreign country, if the crew of such vessel is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State (for definition of State, see § 404.2(c)(5)). As used in this part, a citizen of the United States includes a citizen of the Virgin Islands, Puerto Rico, and effective January 1, 1961, a citizen of Guam, or American Samoa.

(vi) An aircraft includes every description of craft, or other contrivance, used as a means of transportation through the air. The term "American aircraft" means any aircraft registered under the laws of the United States.

(vii) In the case of an aircraft, the term "port" means an airport. An airport means an area on land or water used regularly by aircraft for receiving or discharging passengers or cargo.

(viii) With respect to services performed outside the United States on or in connection with an American vessel or American aircraft, the citizenship or residence of the employee is immaterial, and the citizenship or residence of the employer is material only in case it has a bearing in determining whether a vessel is an American vessel.

(3) *By a citizen of the United States as an employee of an American employer.* (i) Services performed after 1950 outside the United States by a citizen of the United States as an employee of an American employer constitute employment provided the services are not specifically excepted under section 210 (a) of the Act (see §§ 404.1006 to 404.1025b of this part).

(ii) The term "citizen of the United States" includes a citizen of the Virgin Islands, Puerto Rico, and, effective January 1, 1961, a citizen of Guam, or American Samoa.

(iii) The term "American employer" means any employer which is:

(*a*) The United States or any instrumentality thereof,

(*b*) A State or any political subdivision thereof, or any instrumentality of any one or more of the foregoing,

(c) An individual who is a esident of the United States,

(*d*) A partnership, if two-thirds or more of the partners are residents of the United States,

(*e*) A trust, if all of the trustees are residents of the United States, or

(*f*) A corporation organized under the laws of the United States or of any State (for definition of State, see § 404.2(c)(5)).

(4) *By a citizen of the United States as an employee for a foreign subsidiary of a domestic corporation.* For provisions relating to certain services performed outside the United States by citizens of the United States in the employ of a foreign subsidiary of a domestic corporation, see § 31.3121(1) and Part 36 of Title 26 of the Code of Federal Regulations.

§ 404.1004 Who are employees.

(a) *In general.* (1) The statutory definition of the term "employee" applicable with respect to services performed after 1950 contains three separate and independent tests for determining who are employees. Paragraphs (b), (c), and (d) of this section relate to the respective tests. Paragraph (b) of this section relates to the test for determining whether an officer of a corporation is an employee of such corporation. Paragraph (c) of this section relates to the tests for determining whether an individual is an employee under the usual common-law rules. Paragraph (d) of this section relates to the test for determining which individuals in certain occupational groups who are not employees under the usual common-law rules are included as employees. If an individual is an employee under any one of the tests, he is to be considered an employee for purposes of the regulations in this part, whether or not he is an employee under any other of the tests.

(2) If the relationship of employer and employee exists, the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. Thus, if such relationship exists, it is of no consequence that the employee is designated as a partner, coadventurer, agent, independent contractor, or the like.

(3) All classes or grades of employees are included within the relationship of employer and employee. Thus, superintendents, managers, and other superior employees are employees.

(4) Although an individual may be an employee under this section, his services may be of such a nature, or performed under such circumstances, as not to constitute employment within the meaning of the Act (see § 404.1003).

(b) *Corporation officers.* Generally, an officer of a corporation is an employee of the corporation. However, an officer of a corporation who as such does not perform any services or performs only minor services and who neither receives nor is entitled to receive, directly or indirectly, any remuneration is not considered to be an employee of the corporation. A director of a corporation in his capacity as such is not an employee of the corporation.

(c) *Common-law employees.* (1) Every individual is an employee if under the usual common-law rules the relationship between him and the person for whom he performs services is the legal relationship of employer and employee.

(2) Generally, such relationship exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which that result is accomplished; that is, an employee is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer. Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not as to such services an employee under the usual common-law rules. Individuals such as physicians,

lawyers, dentists, veterinarians, construction contractors, public stenographers, and auctioneers, engaged in the pursuit of an independent trade, business, or profession, in which they offer their services to the public, are independent contractors and not employees. (As to whether a crew leader is or is not an employee of the person to whom he furnishes other individuals to perform agricultural labor, see § 404.1005a.)

(3) Whether the relationship of employer and employee exists under the usual common-law rules will in doubtful cases be determined upon an examination of the particular facts of each case.

(d) *Special classes of employees.* (1) In addition to individuals who are employees under paragraph (b) or (c) of this section, other individuals are employees if they perform services for remuneration under certain prescribed circumstances in the following occupational groups:

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services for his principal;

(ii) As a full-time life insurance salesman;

(iii) As a home worker performing work, according to specifications furnished by the person for whom the services are performed, on materials or goods furnished by such person which are required to be returned to such person or a person designated by him, and (for periods prior to 1955) if the performance of such services is subject to licensing requirements under the laws of the State in which such services are performed;

(iv) As a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

(2) In order for an individual to be an employee under this paragraph, the individual must perform services in an occupation falling within one of the enumerated groups. If the individual does not perform services in one of the designated occupational groups, he is not an employee under this paragraph. An individual who is not an employee under this paragraph may nevertheless be an employee under paragraph (b) or (c) of this section. The language used to designate the respective occupational groups relate to fields of endeavor in which particular designations are not necessarily in universal use with respect to the same service. The designations are addressed to the actual services without regard to any technical or colloquial labels which may be attached to such services. Thus, a determination as to whether services fall within one of the designated occupational groups depends upon the facts of the particular situation.

(3) The factual situations set forth below are illustrative of some of the individuals falling within each of the above enumerated occupational groups. The illustrative factual situations are as follows:

(i) *Agent-driver or commission-driver.* This occupational group includes agent-drivers or commission-drivers who are engaged in distributing meat or meat products, vegetables or vegetable products, fruit or fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services for their principals. An agent-driver or commission-driver includes an individual who operates his own truck or the truck of the person for whom he performs services, serves customers designated by such person as well as those solicited on his own, and whose compensation is a commission on his sales or the difference between the price he charges his customers and the price he pays to such person for the products or service.

(ii) *Full-time life insurance salesman.* An individual whose entire or principal business activity is devoted to the solicitation of life insurance or annuity contracts, or both, primarily for one life insurance company is a full-time life insurance salesman. Such a salesman ordinarily uses the office space provided by the company or its general agent, and stenographic assistance, telephone facilities, forms, rate books, and advertising materials are usually made available to him without cost. An individual who is engaged in the general insurance business under a contract or contracts of service which do not contemplate that the individual's principal business activity will be the solicitation of life insurance or annuity contracts, or both, for one company, or any individual who devotes only part time to the solicitation of life insurance contracts, including annuity contracts, and is principally engaged in other remunerative activities, is not a full-time life insurance salesman.

(iii) *Home workers.* This occupational group includes a worker who performs services off the premises of the person for whom the services are performed, according to specifications furnished by such person, on materials or goods furnished by such person which are required to be returned to such person or a person designated by him. (For periods subsequent to 1950 and prior to 1955, a worker who performs such services would be included in this occupational group only if the performance of such services was subject to licensing requirements under the laws of the State (for definition of State, see § 404.2(c)(5)) in which such services were performed. The requirement that the performance of services by a home worker be subject to licensing laws in the State in which the services are performed was met by such State requiring either a home-work license on the part of the person for whom the services were performed or a home-work certificate on the part of the individual who performed the services.) For provisions relating to remuneration which constitutes wages in the case of a home worker, see § 404.1027(o).

(iv) *Traveling or city salesman.* This occupational group includes a city or traveling salesman who is engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for side-line sales activities on behalf of some other person or persons) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments, for merchandise for resale or supplies for use in their business operations. An agent-driver or commission-driver is not within this occupational group. City or traveling salesmen who sell to retailers or to the others specified, operate off the premises of their principals, and are generally compensated on a commission basis, are within this occupational group. Such salesmen are generally not controlled as to the details of their services or the means by which they cover their territories, but in the ordinary case they are expected to call on regular customers with a fair degree of regularity. In order for a city or traveling salesman to be included within this occupational group, his entire or principal business activity must be devoted to the solicitation of orders for one principal. Thus, the multiple-line salesman generally will not be within this occupational group. However, if the salesman solicits orders primarily for one principal, he is not excluded from this occupational group solely because of side-line sales activities on behalf of one or more other persons. In such a case, the salesman is within this occupational group only with respect to the services performed for the person for whom he primarily solicits orders and not with respect to the services performed for such other persons. The following examples illustrate the application of the foregoing provisions:

Example 1. Salesman A's principal business activity is the solicitation of orders from retail pharmacies on behalf of the X Wholesale Drug Company. A also occasionally solicits orders for drugs on behalf of the Y and Z Companies. A is within this occupational group with respect to his services for the X Company but not with respect to his services for either the Y Company or the Z Company.

Example 2. Salesman B's principal business activity is the solicitation of orders from retail hardware stores on behalf of the R Tool Company and the S Cooking Utensil Company. B regularly solicits orders on behalf of both companies. B is not within this occupational group with respect to the services performed for either the R Company or the S Company.

Example 3. Salesman C's principal business activity is the house-to-house solicitation of orders on behalf of the T Brush Company. C occasionally solicits such orders from retail stores and restaurants. C is not within this occupational group.

(4) The fact that an individual falls within one of the enumerated occupational groups, however, does not make such individual an employee under this paragraph unless:

(i) The contract of service contemplates that substantially all the services

to which the contract relates in the particular designated occupation are to be performed personally by such individual,

(ii) Such individual has no substantial investment in the facilities used in connection with the performance of such services (other than in facilities for transportation), and

(iii) Such services are part of a continuing relationship with the person for whom the services are performed and are not in the nature of a single transaction.

(5) The term "contract of service," as used in this paragraph, means an arrangement, formal or informal, under which the particular services are performed. The requirement that the contract of service shall contemplate that substantially all the services to which the contract relates in the particular designated occupation are to be performed personally by the individual means that it is not contemplated that any material part of the services to which the contract relates in such occupation will be delegated to any other person by the individual who undertakes under the contract to perform such services.

(6) The facilities to which reference is made in this paragraph include equipment and premises available for the work or enterprise as distinguished from education, training, and experience, but do not include such tools, instruments, equipment, or clothing, as are commonly or frequently provided by employees. An investment in an automobile by an individual which is used primarily for his own transportation in connection with the performance of services for another person has no significance under this paragraph, since such investment is comparable to outlays for transportation by an individual performing similar services who does not own an automobile. Moreover, the investment in facilities for the transportation of goods or commodities to which the services relate is to be excluded in determining the investment in a particular case. If an individual has a substantial investment in facilities of the requisite character, he is not an employee within the meaning of this paragraph, since a substantial investment of the requisite character standing alone is sufficient to exclude the individual from the employee concept under this paragraph.

(7) If the services are not performed as part of a continuing relationship with the person for whom the services are performed, but are in the nature of a single transaction, the individual performing such services is not an employee of such person within the meaning of this paragraph. The fact that the services are not performed on consecutive workdays does not indicate that the services are not performed as part of a continuing relationship.

§ 404.1005 Who are employers.

(a) Every person is an employer if he employs one or more employees. Neither the number of employees employed nor the period during which any such employee is employed is material for the purpose of determining whether the person for whom the services are performed is an employer.

(b) An employer may be an individual, a corporation, a partnership, a trust, an estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture, or other unincorporated organization, group, or entity. A trust or estate, rather than the fiduciary acting for or on behalf of the trust or estate, is generally the employer.

(c) Although a person may be an employer under this section, services performed in his employ may be of such a nature, or performed under such circumstances, as not to constitute employment within the meaning of the Act (see § 404.1003).

§ 404.1005a Status of "crew leader."

(a) *Definition.* The term "crew leader" means an individual who furnishes individuals to perform agricultural labor after 1956 for another person, if such individual pays (either on his own behalf or on behalf of such other person) the individuals so furnished by him, and if such individual has not entered into a written agreement with such other person whereby such individual has been designated as an employee of such other person.

(b) *Crew leader as employer.* A crew leader as defined in paragraph (a) of this section is deemed to be the employer of the individuals furnished by him to perform agricultural labor after 1956 for such other person. Such crew leader is himself deemed not to be an employee of such other person with respect to performance of service either in furnishing such individuals or as a member of the crew.

(c) *Applicability of common-law rules.* Where an individual furnishes other individuals to perform agricultural labor for another person, and the individual does not pay the other individuals or there is a written agreement with such other person designating the individual as an employee of such other person, the individual is not a crew leader within the meaning of this section. Whether he is an employee of such other person, and who is the employer of the individuals furnished by him, will be determined by application of the common-law rules (see § 404.1004(c)).

(d) *Before 1957.* For periods before 1957 the common-law rules (see § 404.1004(c)) are applied in determining whether an individual who furnishes other individuals to perform agricultural labor for another person is the employer of the individuals so furnished, or whether he and the individuals he furnished are employees of such other person.

§ 404.1006 Excepted services in general.

(a) Services performed by an employee for an employer do not constitute employment if they are specifically excepted from employment under any of the numbered paragraphs of section 210(a) of the Act. Services so excepted do not constitute employment even though they are performed within the United States, or are performed outside the United States on or in connection with an American vessel or American aircraft, or are performed outside the United States by a citizen of the United States for an American employer.

(b) The exception attaches to the services performed by the employee and not to the employee as an individual; that is, the exception applies only to the services in an excepted class rendered by the employee.

Example. A is an individual who is employed part time by B to perform services which are specifically excepted from employment under one of the numbered paragraphs of section 210(a) of the Act. A is also employed by C part time to perform services which constitute employment. While A's services performed in the employ of B are excepted from employment, the exception does not embrace the services performed by A in the employ of C which constitute employment.

(c) This section and § 404.1007 (relating to included and excluded services), and §§ 404.1008 to 404.1025b, inclusive (relating to the several classes of excepted services), apply only with respect to services performed on or after January 1, 1951. (For provisions relating to the circumstances under which services which are excepted are nevertheless deemed to be employment, and services which are not excepted are nevertheless deemed not to be employment, see § 404.1007. For provisions relating to services performed prior to 1951, see § 404.1002.)

§ 404.1007 Included and excluded services.

(a) If a portion of the services performed by an employee for an employer during a pay period constitutes employment, and the remainder does not constitute employment, all the services performed by the employee for the employer during the period shall be treated alike, that is, either all as included or all as excluded. The time during which the employee performs services which under section 210(a) of the Act (as modified by sec. 205(o) of the Act) constitute employment, and the time during which he performs services which under such section do not constitute employment, within the pay period, determine whether all the services during the pay period shall be deemed to be included or excluded.

(b) If one-half or more of the employee's time in the employ of a particular person in a pay period is spent in performing services which constitute employment, then all the services of that employee for that person in that pay period shall be deemed to be employment.

(c) If less than one-half of the employee's time in the employ of a particular person in a pay period is spent in performing services which constitute employment, then none of the services of that employee for that person in that pay period shall be deemed to be employment.

(d) For purposes of this section, a "pay period" is the period (of not more than 31 consecutive calendar days) for which a payment of remuneration is ordinarily made to the employee by the

employer. Thus, if the periods for which payments of remuneration are made to the employee by the employer are of uniform duration, each such period constitutes a "pay period." If, however, the periods occasionally vary in duration, the "pay period" is the period for which a payment of remuneration is ordinarily made to the employee by the employer, even though that period does not coincide with the actual period for which a particular payment of remuneration is made. For example, if an employer ordinarily pays a particular employee for each calendar week at the end of the week, but the employee receives a payment in the middle of the week for the portion of the week already elapsed and receives the remainder at the end of the week, the "pay period" is still the calendar week; or if, instead, that employee is sent on a trip by such employer and receives at the end of the third week a single remuneration payment for 3 weeks' services, the "pay period" is still the calendar week.

(e) If there is only one period (and such period does not exceed 31 consecutive calendar days) for which a payment of remuneration is made to the employee by the employer, such period is deemed to be a "pay period" for the purposes of this section.

(f) The rules set forth in this section do not apply (1) with respect to any services performed by the employee for the employer if the periods for which such employer makes payments of remuneration to the employee vary to the extent that there is no period "for which a payment of remuneration is ordinarily made to the employee," or (2) with respect to any services performed by the employee for the employer if the period for which a payment of remuneration is ordinarily made to the employee by such employer exceeds 31 consecutive calendar days, or (3) with respect to any service performed by the employee for the employer during a pay period if any of such service is excepted by section 210(a)(9) of the Act (except as modified by sec. 205(o) of the Act) (see § 404.1017).

(g) If during any period for which a person makes a payment of remuneration to an employee only a portion of the employee's services constitutes employment but the rules prescribed in this section are not applicable, the remuneration for such portion of the services as constitutes employment is wages.

§ 404.1008 Agricultural labor.

(a) *In general.* This section relates to services performed by an employee for an employer which constitute "agricultural labor" as defined in section 210(f) of the Act. Paragraph (b) of this section relates to agricultural labor which was categorically excepted from employment under section 210(a)(1)(B) of the Act in effect prior to 1955. Paragraph (c) of this section relates to services performed prior to 1955 by foreign agricultural workers from Mexico. Paragraph (d) of this section relates to agricultural labor which is excepted from employment under section 210(a)(1)(A) of the Act in effect prior to 1955 unless performed under the conditions therein prescribed. Paragraph (e) of this section contains definitions relevant to agricultural labor. Paragraph (f) of this section relates to certain agricultural labor which is categorically excepted from employment under section 210(a)(1) of the Act in effect after 1954 and before 1959. Paragraph (g) of this section relates to service performed after 1954 by certain agricultural workers from Mexico and other foreign countries. Paragraph (h) of this section relates to service performed by sharefarmers. Paragraph (i) of this section relates to certain services performed before 1955 the remuneration for which is paid after 1954.

(b) *Services excepted under section 210(a)(1)(B) of the Act in effect prior to 1955.* (1) The following services were excepted from employment under section 210(a)(1)(B) of the Act in effect prior to 1955:

(i) Services performed in connection with the production or harvesting of crude gum (oleoresin) from a living tree or the processing of such crude gum into gum spirits of turpentine and gum resin, provided such processing is carried on by the original producer of such crude gum. (For provisions relating to exception of services performed after 1954 and before 1959, in connection with the production or harvesting of crude gum (oleoresin), see paragraph (f) of this section.) and

(ii) Services performed in connection with the ginning of cotton. (Beginning Jan. 1, 1955, services in connection with the ginning of cotton are not excepted from employment.)

(2) The amount of the remuneration paid for such services and the circumstances under which the services are performed are immaterial for the purposes of the exception under section 210(a)(1)(B) of the Act in effect prior to 1955.

(c) *Services excepted under section 210(a)(1)(C) of the Act in effect prior to 1955.* Services performed by foreign agricultural workers from the Republic of Mexico under contracts entered into in accordance with Title V of the Agricultural Act of 1949, as amended, were excepted from employment. Contracts entered into pursuant to the provisions of such title V may have provided for the performance only of services which constitute "agricultural employment." The term "agricultural employment" as used in the Agricultural Act included certain services which do not constitute "agricultural labor" as that term is defined in section 210(f) of the Act (see par paragraph (e) of this section). For purposes of Title V of the Agricultural Act of 1949, as amended, the term "agricultural employment" included services or activities included within the provisions of section (3)(f) of the Fair Labor Standards Act of 1938, as amended, or section 210(f) of the Act. Under section 507 of the Agricultural Act of 1949, as amended, and as in effect before October 3, 1961, the term "agricultural employment" included also horticultural employment, cotton ginning, compression and storing, crushing of oil seeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonable agricultural products. (For provisions relating to exception of services performed by foreign agricultural workers after 1954, see paragraph (g) of this section.)

(d) *Services excepted under section 210(a)(1)(A) of the Act in effect prior to 1955.* (1) As used in this paragraph, the term "agricultural labor" does not include services performed in connection with the ginning of cotton or in connection with the production or harvesting of those oleoresinous products described in paragraph (b) of this section or services of certain foreign agricultural workers described in paragraph (c) of this section.

(2) Agricultural labor performed by an employee for an employer in a calendar quarter is excepted from employment under section 210(a)(1)(A) of the Act in effect prior to 1955 unless:

(i) The cash remuneration paid for agricultural labor performed for the employer by the employee in the calendar quarter is $50 or more; and

(ii) Such employee is regularly employed in the calendar quarter by such employer to perform such agricultural labor. Unless the tests set forth in both subdivisions (i) and (ii) of this subparagraph are met, the services are excepted from employment under section 210(a)(1)(A).

(3) The test relating to cash remuneration of $50 or more is based on the remuneration earned during a calendar quarter rather than on remuneration paid in a calendar quarter. However, for purposes of determining whether the test is met, it is also required that the remuneration be paid, although it is immaterial when the remuneration is paid. Furthermore, in determining whether $50 or more has been paid for agricultural labor performed in a calendar quarter, only cash remuneration for agricultural labor shall be taken into account. (Since services performed in connection with the ginning of cotton or in connection with the production or harvesting of those oleoresinous products described in paragraph (b) of this section and services of certain foreign agricultural workers described in paragraph (c) of this section do not constitute agricultural labor for the purposes of this paragraph, any remuneration paid for such service is disregarded in determining whether the cash remuneration test is met.) The term "cash remuneration" includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as lodging, food, clothing, farm products, or other goods or commodities, is disregarded in determining whether the cash remuneration test is met. For provisions relating to the exclusion from wages of remuneration paid in any medium other than cash for agricultural labor, see § 404.1027(m)(2).

(4) For the purpose of this paragraph, an individual is deemed to be regularly employed by an employer during a calendar quarter (including the first quarter of 1951) if:

(i) Such individual performs agricultural labor for such employer on a full-time basis on at least 60 days (whether or

not consecutive) during such calendar quarter; and

(ii) The calendar quarter was immediately preceded by a qualifying quarter.

An individual shall also be deemed to be regularly employed by an employer during a calendar quarter if such individual was regularly employed (upon application of subdivisions (i) and (ii) of this subparagraph) by such employer during the preceding calendar quarter.

(5) A qualifying quarter is (i) any calendar quarter during all of which the individual was continuously employed by the employer, or (ii) any subsequent calendar quarter during which such individual performs agricultural labor for such employer on a full-time basis on at least 60 days during such quarter if, after the last calendar quarter during which such individual was continuously employed by such employer, such individual performs agricultural labor for such employer on a full-time basis on at least 60 days during each intervening calendar quarter. A calendar quarter prior to the last calendar quarter of 1950 may not be a qualifying quarter.

(6) The requirement that an employee be continuously employed by an employer during all of a calendar quarter is met by the existence of the employer-employee relationship throughout an entire calendar quarter, whether or not the employee does any work for the employer during the calendar quarter. Moreover, a calendar quarter in which the employee is continuously employed by the employer is a qualifying quarter, irrespective of whether the employee is employed to perform agricultural labor. For example, the calendar quarter in which the employee is continuously employed by the employer to perform services in a grocery store or any business conducted by the employer is a qualifying quarter.

(7) In order to satisfy the requirement of the performance of agricultural labor on a full-time basis on at least 60 days during a calendar quarter, the arrangement under which an employee performs agricultural labor for an employer must contemplate the performance of such labor on a full-time basis, and the employee must perform agricultural labor for the employer on at least 60 days during the calendar quarter. Thus, the requirement of the performance of agricultural labor on a full-time basis relates to the arrangement under which the employee is engaged to perform agricultural labor, whereas the requirement of the performance of agricultural labor on at least 60 days during a calendar quarter relates to the performance of agricultural labor by the employee on the required number of days during such calendar quarter.

(8) An arrangement for the performance of agricultural labor on a full-time basis means an arrangement under which an employee is engaged to perform agricultural labor for a single employer on the basis of a full workday. The term "full workday" as used in the preceding sentence has reference to the full workday prevailing in the particular locality for the type of agricultural occupation in which the employee is engaged. The fact that an employee who performs agricultural labor primarily for one employer also performs other services of an incidental character for such employer or any incidental services for some other person does not prevent such employee from being engaged on a full-time basis in the performance of agricultural labor for such employer.

Example. A, the operator of a dairy farm, employs B, a schoolboy, for 2 hours each morning before school and 2 hours each afternoon after school to assist him in the operation of the dairy farm. In addition, B works for A 10 hours each Saturday in the performance of the same type of work. The full workday in the particular locality for a dairy farm worker is a period of 8 hours. Each full calendar quarter B remains in the employ of A constitutes a qualifying quarter for the reason that B is continuously employed by A in each such quarter. Since under the arrangement B is engaged to perform agricultural labor for A on the basis of a full workday only on Saturdays, only the Saturdays constitute days on which B performs agricultural labor for A on a full-time basis. The other days of the week do not constitute days on which B performs agricultural labor for A on a full-time basis, since the arrangement contemplates the performance of agricultural labor on such days on less than a full workday.

(9) In determining whether an employee has performed agricultural labor on at least 60 days during a calendar quarter, there is counted as 1 day:

(i) Any day or portion thereof on which the employee actually performs such labor; and

(ii) Any day or portion thereof on which the employee does not perform agricultural labor but with respect to which cash remuneration is paid or payable to the employee for such labor, such as a day on which the employee is sick or on vacation. An employee who on a particular day reports for work and, at the direction of his employer, holds himself in readiness to perform agricultural labor is considered to be engaged in the actual performance of such labor on that day. For the purposes of this section, a day is a period of 24 hours commencing at midnight and ending at midnight.

(10) An individual who is regularly employed in a calendar quarter under the test set forth in subparagraph (4) (i) and (ii) of this paragraph is also considered to be regularly employed in the next succeeding calendar quarter, irrespective of whether he performs any service during such succeeding quarter. Thus, such individual continues to be regularly employed until the end of such succeeding calendar quarter, even though he does not perform agricultural labor on a full-time basis on 60 days during such quarter. If in such succeeding calendar quarter such individual does not perform agricultural labor on a full-time basis on at least 60 days, such individual must meet the test set forth in subparagraph (4) (i) and (ii) of this paragraph in order to qualify as regularly employed in any subsequent calendar quarter.

(11) For information about tests applicable in determining the status of cash remuneration paid after 1954 for agricultural labor, see § 404.1027(l).

(e) *Definitions*—(1) *In general.* (i) The term "agricultural labor" as defined in section 210(f) of the Act includes services of the character described in subparagraphs (2), (3), (4), (5), and (6) of this paragraph. In general, however, the term does not include services performed in connection with forestry, lumbering, or landscaping.

(ii) The term "farm" as used in the regulations in this part includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, orchards, and such greenhouses and other similar structures as are used primarily for the raising of agricultural or horticultural commodities. Greenhouses and other similar structures used primarily for other purposes (for example, display, storage, and fabrication of wreaths, corsages, and bouquets) do not constitute "farms."

(2) *Services described in section 210 (f) (1) of the Act.* (i) Services performed on a farm by an employee of any person in connection with any of the following activities constitute agricultural labor:

(*a*) The cultivation of the soil;

(*b*) The raising, shearing, feeding, caring for, training, or management of livestock, bees, poultry, fur-bearing animals, or wildlife; or

(c) The raising or harvesting of any other agricultural or horticultural commodity.

(ii) Services performed in connection with the production or harvesting of maple sap, the raising or harvesting of mushrooms, or the hatching of poultry constitute agricultural labor only if such services are performed on a farm. Thus, services performed in connection with the operation of a hatchery, if not operated as part of a poultry or other farm, do not constitute agricultural labor. Services performed in the processing (as distinguished from the gathering) of maple sap into maple syrup or maple sugar do not constitute agricultural labor, even though such services are performed on a farm.

(3) *Services described in section 210 (f) (2) of the Act.* (i) The following services performed by an employee in the employ of the owner or tenant or other operator of one or more farms constitute agricultural labor, provided the major part of such services is performed on a farm:

(*a*) Services performed in connection with the operation, management, conservation, improvement, or maintenance of any of such farms or its tools or equipment; or

(*b*) Services performed in salvaging timber, or clearing land of brush and other debris, left by a hurricane.

(ii) The services described in subdivision (i) (*a*) of this subparagraph may include, for example, services performed by carpenters, painters, mechanics, farm supervisors, irrigation engineers, bookkeepers, and other skilled or semiskilled workers, which contribute in any way to the conduct of the farm or farms, as such, operated by the person employing them, as distinguished from any other

enterprise in which such person may be engaged.

(iii) Since the services described in this subparagraph must be performed in the employ of the owner or tenant or other operator of the farm, the term "agricultural labor" does not include services performed by employees of a commercial painting concern, for example, which contracts with a farmer to renovate his farm properties.

(4) *Services described in section 210 (f) (3) of the Act.* Services performed by an employee in the employ of any person in connection with any of the following operations constitute agricultural labor without regard to the place where such services are performed:

(i) The ginning of cotton;

(ii) The operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying or storing water for farming purposes; or

(iii) The production or harvesting of crude gum (oleoresin) from a living tree or the processing of such crude gum into gum spirits of turpentine and gum resin, provided such processing is carried on by the original producer of such crude gum. (See paragraph (b) of this section for exception of such services from employment for periods prior to 1955 and paragraph (f) of this section for exceptions of such services from employment for periods after 1954 and before 1959.)

(5) *Services described in section 210 (f) (4) of the Act.* (i) Services performed by an employee in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of any agricultural or horticultural commodity constitute agricultural labor if:

(*a*) Such services are performed by the employee in the employ of an operator of a farm or in the employ of a group of operators of farms (other than a cooperative organization);

(*b*) Such services are performed with respect to the commodity in its unmanufactured state; and

(c) Such operator produced more than one-half of the commodity with respect to which such services are performed during the pay period, or such group of operators produced all of the commodity with respect to which such services are performed during the pay period.

(ii) The term "operator of a farm" as used in this subparagraph means an owner, tenant, or other person, in possession of a farm and engaged in the operation of such farm.

(iii) The services described in this subparagraph do not constitute agricultural labor if performed in the employ of a cooperative organization. The term "organization" includes corporations, joint-stock companies, and associations which are treated as corporations under the Internal Revenue Code. For the purposes of this subparagraph, any unincorporated group of operators shall be deemed a cooperative organization if the number of operators comprising such group is more than 20 at any time during the calendar quarter in which the services involved are performed.

(iv) Processing services which change the commodity from its raw or natural state do not constitute agricultural labor. For example, the extraction of juices from fruits or vegetables is a processing operation which changes the character of the fruits or vegetables from their raw or natural state and, therefore, does not constitute agricultural labor. On the other hand, services rendered in the cutting and drying of fruits or vegetables are processing operations which do not change the character of the fruits or vegetables and, therefore, constitute agricultural labor, if the other requisite conditions are met. Services performed with respect to a commodity after its character has been changed from its raw or natural state by a processing operation do not constitute agricultural labor.

(v) The term "commodity" refers to a single agricultural or horticultural product. For example, all apples are to be treated as a single commodity, while apples and peaches are to be treated as two separate commodities. The services with respect to each such commodity are to be considered separately in determining whether the condition set forth in subdivision (i)(c) of this subparagraph (5) has been satisfied. The portion of the commodity produced by an operator or group of operators with respect to which the services described in this subparagraph are performed by a particular employee shall be determined on the basis of the pay period in which such services were performed by such employee.

(vi) The services described in this subparagraph do not include services performed in connection with commercial canning or commercial freezing or in connection with any commodity after its delivery to a terminal market for distribution for consumption. Moreover, since the services described in this subparagraph must be rendered in the actual handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of the commodity, such services do not, for example, include services performed as stenographers, bookkeepers, clerks, and other office employees, even though such services may be in connection with such activities. However, to the extent that the services of such individuals are performed in the employ of the owner or tenant or other operator of a farm and are rendered in major part on a farm, they may be within the provisions of subparagraph (3) of this paragraph.

(6) *Services described in section 210 (f) (5) of the Act.* (i) Services not in the course of the employer's trade or business (see § 404.1010) and domestic services in a private home of the employer (see § 404.1027(j)) constitute agricultural labor if such services are performed on a farm operated for profit. The determination whether remuneration for such services performed after 1954 on a farm operated for profit constitutes wages is to be made under § 404.1027(m) rather than under § 404.1027(j). The determination whether such services performed before 1955 on a farm operated for profit constitutes employment is to be made under paragraph (d) of this section.

(ii) Generally, a farm is not operated for profit if it is occupied by the employer primarily for residential purposes, or is used primarily for the pleasure of the employer or his family such as for the entertainment of guests or as a hobby of the employer or his family.

(f) *Services performed after 1954 and before 1959 in connection with the production or harvesting of certain oleoresinous products.* Services performed after 1954 and before 1959 in connection with the production or harvesting of crude gum (oleoresin) from a living tree or the processing of such crude gum into gum spirits of turpentine and gum resin, provided such processing is carried on by the original producer of such crude gum, are excepted from employment. However, the services to which this paragraph relates constitute agricultural labor as defined in section 210(f) of the Act. Thus, any cash remuneration paid for such services, performed after 1954 and before 1959, to the extent that the services are deemed to constitute employment by reason of the rules relating to included and excluded services contained in section 210(b) of the Act (see § 404.1007), is taken into account in applying the test prescribed in § 404.1027(m) for determining whether cash remuneration paid for agricultural labor constitutes wages. Service as described in this paragraph performed after 1958 is not excepted from employment.

(g) *Services performed by certain foreign agricultural workers.* (1) Services performed after 1954 and before 1965 by foreign agricultural workers from the Republic of Mexico under contracts entered into in accordance with Title V of the Agricultural Act of 1949, as amended, are excepted from employment. Contracts entered into pursuant to the provisions of such Title V may provide for the performance only of services which constitute "agricultural employment." No workers were to be made available under this title after December 31, 1964. For definition of "agricultural employment," see paragraph (c) of this section.

(2) Services performed after 1954 by a foreign agricultural worker lawfully admitted to the United States from the Bahamas, Jamaica, or other British West Indies, on a temporary basis to perform agricultural labor are excepted from employment.

(3) Services performed after 1956 by foreign agricultural workers lawfully admitted to the United States from any foreign country or possession thereof, including the Republic of Mexico, on a temporary basis to perform agricultural labor are excepted from employment.

(h) *Services performed by "sharefarmers."* The term "employment" does not include services performed by an individual under an arrangement with the owner or tenant of land pursuant to which:

(1) Such individual undertakes to produce agricultural or horticultural commodities (including livestock, bees, poultry, and fur-bearing animals and wildlife) on such land; and

(2) The agricultural or horticultural commodities produced by such individual, or the proceeds therefrom, are to be divided between such individual and such owner or tenant; and

(3) The amount of such individual's share depends on the amount of the agricultural or horticultural commodities produced.

If the arrangement between the parties provides that the individual who undertakes to produce a crop or livestock is to be compensated at a specified rate of pay, or is to receive a fixed sum of money or a stipulated quantity of the commodities to be produced without regard to the amount actually produced, as distinguished from a proportionate share of the crop or livestock, or of the proceeds therefrom, the services performed by such individual in the production of such crop or livestock are not within the exception.

(i) *Certain services performed before 1955 the remuneration for which is paid after 1954.* (1) Services of the following character performed before 1955, for which remuneration is paid after 1954, constitute employment under section 210 (a) of the Act:

(i) Agricultural labor, as defined in section 210(f) of the Act (see par. (e) of this section), other than services of the character described in section 210(a) (1) (B) and (C) of the Act in effect prior to 1955 relating to services performed in connection with the production or harvesting of certain oleoresinous products and services performed by certain foreign agricultural workers, which, at the time performed, constituted employment under section 210(a) of the Act, or would have constituted employment except for the provisions of section 210(a) (1) of the Act in effect prior to 1955 and at the time the services were performed.

(ii) Services not in the course of the employer's trade or business (see § 404.1010) which at the time performed constituted employment under section 210 (a) of the Act as in effect before 1955, or would have constituted employment except for the provisions of section 210(a) (3) of the Act as in effect at the time the services were performed.

(2) Services performed before 1955 by foreign agricultural workers lawfully admitted to the United States from the Bahamas, Jamaica, or other British West Indies, on a temporary basis to perform agricultural labor, the remuneration for which is paid after 1954, do not constitute employment under section 210 of the Act, irrespective of whether they constituted employment under that section as in effect at the time the services were performed.

§ 404.1009 Domestic service performed by a student in a local college club, etc.

(a) Services of a household nature performed in or about the club rooms or house of a local college club, or in or about the club rooms or house of a local chapter of a college fraternity or sorority, by a student who is enrolled and regularly attending classes at a school, college, or university are excepted from employment. For the purposes of this exception, the statutory tests are the type of services performed by the employee, the character of the place where the services are performed, and the status of the employee as a student enrolled and regularly attending classes at a school, college, or university.

(b) In general, services of a household nature in or about the club rooms or house of a local college club or local chapter of a college fraternity or sorority include services rendered by cooks, waiters, butlers, maids, janitors, laundresses, furnacemen, handymen, gardeners, housekeepers, and housemothers.

(c) A local college club or local chapter of a college fraternity or sorority does not include an alumni club or chapter. If the club rooms or house of a local college club or local chapter of a college fraternity or sorority is used primarily for the purpose of supplying board or lodging to students or the public as a business enterprise, the services performed therein are not within the exception.

(d) The term "school, college, or university" within the meaning of this exception is to be taken in its commonly or generally accepted sense.

(e) Services of a household nature are not within the exception if performed in or about rooming or lodging houses, boarding houses, clubs (except local college clubs), hotels, hospitals, eleemosynary institutions, or commercial offices or establishments.

(f) For provisions relating to domestic service in a private home of the employer, see § 404.1027(j).

§ 404.1010 Services not in the course of employer's trade or business performed prior to 1955.

(a) Services not in the course of the employer's trade or business performed prior to 1955 (except as otherwise noted in this paragraph) by an employee for an employer in a calendar quarter are excepted from employment unless:

(1) The cash remuneration paid for such services performed by the employee for the employer in the calendar quarter is $50 or more; and

(2) Such employee is regularly employed in the calendar quarter by such employer to perform such services.

Unless the tests set forth in subparagraphs (1) and (2) of this paragraph are met the services are excepted from employment. However, services (whether performed after 1954 or before 1955) for which the remuneration is paid after 1954 are not excepted from employment because they are not performed in the course of the employer's trade or business.

(b) The term "services not in the course of the employer's trade or business" includes services that do not promote or advance the trade or business of the employer. Services performed for a corporation do not come within the exception.

(c) The test relating to cash remuneration of $50 or more is based on the remuneration earned during a calendar quarter rather than on remuneration paid in a calendar quarter. However, for purposes of determining whether the test is met, it is also required that the remuneration be paid, although it is immaterial when the remuneration is paid. Furthermore, in determining whether $50 or more has been paid for services not in the course of the employer's trade or business, only cash remuneration for such services shall be taken into account. The term "cash remuneration" includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as lodging, food, or other goods or commodities, is disregarded in determining whether the cash remuneration test is met.

(d) For the purposes of this exception, an individual is deemed to be regularly employed by an employer during a calendar quarter only if:

(1) Such individual performs services not in the course of the employer's trade or business for such employer for some portion of the day on at least 24 days (whether or not consecutive) during such calendar quarter; or

(2) Such individual was regularly employed (as determined under subparagraph (1) of this paragraph) by such employer in the performance of services not in the course of the employer's trade or business during the preceding calendar quarter (including the last calendar quarter of 1950).

(e) In determining whether an employee has performed services not in the course of the employer's trade or business on at least 24 days during a calendar quarter, there shall be counted as 1 day:

(1) Any day or portion thereof on which the employee actually performs such services; and

(2) Any day or portion thereof on which the employee does not perform services of the prescribed character but with respect to which cash remuneration is paid or payable to the employee for such services, such as a day on which the employee is sick or on vacation. An employee who on a particular day reports for work and, at the direction of his employer, holds himself in readiness to perform services not in the course of the employer's trade or business shall be considered to be engaged in the actual performance of such services on that day. For the purposes of this exception, a day is a period of 24 hours commencing at midnight and ending at midnight.

(f) Services not in the course of the employer's trade or business performed on a farm operated for profit, domestic service in a private home of the employer performed on a farm operated for profit, and domestic service in a private home of the employer performed other than on a farm operated for profit are not within the exception. For provisions

relating to services not in the course of the employer's trade or business performed on a farm operated for profit and domestic service in a private home of the employer performed on a farm operated for profit, see § 404.1008. For provisions relating to domestic service in a private home of the employer performed other than on a farm operated for profit, see § 404.1027(l).

(g) For provisions relating to the exclusion from wages of remuneration paid in any medium other than cash for services not in the course of the employer's trade or business, see § 404.1027(l).

(h) For provisions relating to the exclusion from wages of cash remuneration paid by an employer in any calendar quarter after 1954 to an employee for service not in the course of the employer's trade or business, see § 404.1027(i).

§ 404.1011 Family employment.

(a) Certain services are excepted from employment because of the existence of a family relationship between the employee and the individual employing him. The exceptions are as follows:

(1) Services performed by an individual in the employ of his or her spouse;

(2) (i) Services performed before 1961 by a father or mother in the employ of his or her son or daughter;

(ii) Services not in the course of the employer's trade or business, or domestic service in a private home of the employer, performed after 1960 by a father or mother in the employ of his or her son or daughter; and

(3) Services performed by a son or daughter under the age of 21 in the employ of his or her father or mother.

(b) Under paragraph (a) (1) and (2) (i) of this section, the exception is conditioned solely upon the family relationship between the employee and the individual employing him. Under paragraph (a) (2) (ii) of this section, in addition to the family relationship, there is a further requirement that the services, performed after 1960, shall be services not in the course of the employer's trade or business or shall be domestic service in a private home of the employer. The terms "services not in the course of the employer's trade or business" and "domestic service in a private home of the employer" have the same meaning as when used in § 404.1027(j), except that it is immaterial under paragraph (a) (2) (ii) of this section whether or not such services are performed on a farm operated for profit. Under paragraph (a) (3) of this section, in addition to the family relationship, there is a further requirement that the son or daughter shall be under the age of 21, and the exception continues only during the time that the son or daughter is under the age of 21.

(c) Services performed in the employ of a corporation are not within the exception. Services performed in the employ of a partnership are not within the exception unless the requisite family relationship exists between the employee and each of the partners comprising the partnership.

§ 404.1012 Services performed on or in connection with a non-American vessel or aircraft.

(a) Services performed within the United States by an employee for an employer "on or in connection with" a vessel not an American vessel, or "on or in connection with" an aircraft not an American aircraft, are excepted from employment if:

(1) The employee is employed by such employer "on and in connection with" such vessel or aircraft when outside the United States, and

(2) With respect to services performed subsequent to 1954:

(i) The employee is not a citizen of the United States, or

(ii) The employer is not an American employer.

(b) An employee performs services on and in connection with the vessel or aircraft if he performs services on such vessel or aircraft when outside the United States which are also in connection with the vessel or aircraft. Services performed on the vessel outside the United States by employees as officers or members of the crew, or by employees of concessionaires, of the vessel, for example, are performed under such circumstances, since such services are also connected with the vessel. Similarly, services performed on the aircraft outside the United States by employees as officers or members of the crew of the aircraft are performed on and in connection with such aircraft. Services may be performed on the vessel or aircraft, however, which have no connection with it as in the case of services performed by an employee while on the vessel or aircraft merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on a vessel are not in connection with the vessel.

(c) The expression "on or in connection with" refers not only to services performed on the vessel or aircraft but also to services connected with the vessel or aircraft which are not actually performed on it (for example, shore services performed as officers or members of the crew, or as employees of concessionaires, of the vessel).

(d) Services performed within the United States on or in connection with a non-American vessel or aircraft for an employer by an employee who is not a citizen of the United States are excepted from employment, irrespective of whether the employer is or is not an American employer, provided the employee also is employed by such employer on and in connection with the vessel or aircraft when outside the United States. Services performed within the United States on or in connection with a non-American vessel or aircraft by an employee for an employer who is not an American employer also are excepted from employment, irrespective of whether the employee is or is not a citizen of the United States, provided the employee also is employed by such employer on and in connection with the vessel or aircraft when outside the United States. Services performed within the United States after 1954 on or in connection with a non-American vessel or aircraft for an American employer by an employee who is a citizen of the United States are not excepted from employment under section 210(a) (4) of the Act, irrespective of whether the employee is employed by such employer on and in connection with the vessel or aircraft when outside the United States. Further, section 210(a) (4) of the Act does not except from employment services performed within the United States for an employer, whether or not an American employer, on or in connection with a non-American vessel or aircraft by an employee, whether or not a citizen of the United States, who is not also employed by such employer on and in connection with the vessel or aircraft when outside the United States.

(e) Services performed prior to 1955 outside the United States on or in connection with a vessel not an American vessel, or on or in connection with an aircraft not an American aircraft, by a citizen of the United States as an employee for an American employer were excepted from employment, if the employee was employed on and in connection with such vessel or aircraft when outside the United States. Services performed after 1954 outside the United States on or in connection with a vessel not an American vessel, or on or in connection with an aircraft not an American aircraft, by a citizen of the United States as an employee for an American employer are not excepted from employment under section 210(a) (4) of the Act, irrespective of whether the employee is employed on and in connection with such vessel or aircraft when outside the United States. Services performed outside the United States on or in connection with a vessel not an American vessel, or on or in connection with an aircraft not an American aircraft, either by an employee who is not a citizen of the United States or for an employer who is not an American employer, do not constitute employment in any event. (For provisions relating to services performed outside the United States which constitute employment, see § 404.1003(c).)

(f) Prior to 1955 the citizenship or residence of the employee and the place where the contract of employment is entered into were immaterial for purposes of this exception. After 1954, the citizenship of the employee is material for purposes of this exception. The citizenship or residence of the employer is material only for the purpose of determining whether the vessel is an American vessel. For definitions of "vessel," "American vessel," "aircraft," "American aircraft," "citizen of the United States," and "American employer," see § 404.1003(c).

§ 404.1013 Services in employ of United States or instrumentalities thereof.

(a) *In general.* This section relates to services performed in the employ of the U.S. Government or in the employ of an instrumentality of the United States. Particular services which are not

excepted from employment under one rule set forth in this section may nevertheless be excepted under another rule set forth in this section or under paragraph (d) of this section, relating to services in the employ of an instrumentality of the United States specifically exempted from the taxes imposed by section 1410 of the Internal Revenue Code of 1939 or section 3111 of the Internal Revenue Code of 1954. Moreover, services performed in the employ of the United States or of any instrumentality thereof which are not excepted from employment under paragraph (5) or (6) of section 210(a) of the Act (par. (6) or (7) of sec. 210(a) of the Act in effect prior to 1955) may nevertheless be excepted under some other paragraph of such section. For provisions relating to the computation of remuneration for service performed by an individual as a member of a uniformed service or for service performed by an individual as a volunteer or volunteer leader within the meaning of the Peace Corps Act, see § 404.1027(r).

(b) *Services covered under a retirement system.* Services performed in the employ of the United States or in the employ of any instrumentality thereof are excepted from employment if such services are covered under a law enacted by the Congress of the United States which specifically provides for the establishment of a retirement system for employees of the United States or of such instrumentality. Determinations as to whether services are covered by a retirement system of the requisite character are to be made as of the time such services are performed. Services of an employee who has an option to have his services covered under a retirement system are not covered under such retirement system unless and until he exercises such option. The test is whether particular services performed by an employee are covered by a retirement system of the requisite character rather than whether the position in which such services are performed is covered by such retirement system.

(c) *Special classes of services.* The following classes of services performed either in the employ of the United States or in the employ of any instrumentality thereof are excepted from employment:

(1) Prior to 1955 only:

(i) Services performed in the field service of the Post Office Department unless performed by an individual as an employee who is excluded by Executive order from the operation of the Civil Service Retirement Act (Act of May 29, 1930, as amended, 5 U.S.C. 691 et seq.) because he is serving under a temporary appointment pending final determination of eligibility for permanent or indefinite appointment;

(ii) Services performed in or under the Bureau of the Census of the Department of Commerce by temporary employees employed for the actual taking of any census (exclusive of clerical or other employees employed for work other than in the actual taking of the census);

(iii) Services performed by an individual as an employee who is excluded by Executive order from the operation of the Civil Service Retirement Act because of payment on a contract or fee basis;

(iv) Services performed by an individual as an employee receiving nominal compensation of $12 or less per annum;

(v) Services performed in a hospital, home, or other institution of the United States by a patient or inmate thereof;

(vi) Services performed by an individual as a consular agent appointed under the authority of section 551 of the Foreign Service Act of 1946 (22 U.S.C. 951);

(vii) Services performed by an individual as an employee who is employed under a Federal relief program to relieve him from unemployment; and

(viii) Services performed as a member of a State, county, or community committee under the Commodity Stabilization Service (formerly Production and Marketing Administration) or of any other board, council, committee, or other similar body, unless such board, council, committee, or other similar body is composed exclusively of individuals otherwise in the full-time employ of the United States.

(2) Both prior to 1955 and subsequent to 1954:

(i) Services performed as the President or Vice President of the United States or as a Member, Delegate, or Resident Commissioner, of or to the Congress of the United States;

(ii) Services performed in the legislative branch of the U.S. Government;

(iii) Services performed by student nurses, student dietitians, student physical therapists, or student occupational therapists, and services performed prior to 1966 by medical or dental interns and medical or dental residents-in-training, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by any department, agency, or instrumentality of the U.S. Government, or by certain other student employees described in section 2 of the Act of August 4, 1947 (5 U.S.C. 1052);

(iv) Services performed by an individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;

(v) Services performed by an individual to whom the Civil Service Retirement Act does not apply because he is, with respect to such services, subject to another retirement system, established either by a law of the United States or by the agency or instrumentality of the United States for which such services are performed. This exception is not applicable, however, to services performed after 1955 by an individual to whom the Civil Service Retirement Act does not apply because he is subject to the retirement system established by the Tennessee Valley Authority under the plan approved by the Secretary of Health, Education, and Welfare on December 28, 1956.

(vi) Services performed in a penal institution of the United States by an inmate thereof.

(d) *Services performed for instrumentality specifically exempted from employer tax.* Services performed in the employ of an instrumentality of the United States are excepted from employment if such instrumentality is exempt from the employer tax imposed by section 3111 of the Internal Revenue Code of 1954, or by the corresponding section of prior law (sec. 1410 of the Internal Revenue Code of 1939) by virtue of any other provision of law which specifically refers to such section 3111 or such section 1410 in granting exemption from the tax imposed by such section. This exception does not operate to exclude from employment services performed in the employ of an instrumentality of the United States unless and until the Congress grants to such instrumentality a specific exemption from the tax imposed by such section 3111 or such section 1410. Section 3112 of the Internal Revenue Code of 1954 and the corresponding provision of prior laws (sec. 1412 of the Internal Revenue Code of 1939) make ineffectual as to the employer tax imposed by such section 3111 and such section 1410, respectively, those provisions of law which grant to an instrumentality of the United States an exemption from taxation, unless such provisions grant a specific exemption from the tax imposed by such section 3111 or such section 1410 by an appropriate reference to one or both of such sections. Thus, the general exemptions from Federal taxation granted by various statutes to certain instrumentalities of the United States without specific reference to tax imposed by such section 3111 or such section 1410 are rendered inoperative insofar as such exemptions relate to the tax imposed by such section 3111 or such section 1410. For provisions relating to services performed for an instrumentality exempt on December 31, 1950, from the employer tax, see paragraph (e) of this section.

(e) *Services performed for an instrumentality not subject to employer tax on December 31, 1950.* Services performed in the employ of an instrumentality of the United States may be excepted from employment if the particular instrumentality was not subject on December 31, 1950, to the employer tax imposed by section 1410 of the Internal Revenue Code of 1939. If the particular instrumentality was not in existence on December 31, 1950, but is created thereafter under a law which was in effect on December 31, 1950, services performed in the employ of such instrumentality may be excepted from employment if the instrumentality, had it been in existence on December 31, 1950, would not have been subject on that date to the employer tax imposed by section 1410 of the Internal Revenue Code of 1939. It is immaterial, for the purposes of this exception, whether the exemption from the employer tax on December 31, 1950, resulted, or would have resulted, from a tax exemption as such in effect on December 31, 1950, or from the provisions of section 1426(b)(6) of the Internal Revenue Code of 1939 in effect on that date, relating to the exception from employment of services performed in the

employ of certain instrumentalities of the United States. The conditions under which such services are excepted are set out in subparagraphs (1) and (2) of this paragraph:

(1) If performed prior to 1955, such services were excepted unless they were performed:

(i) In the employ of a corporation which is wholly owned by the United States;

(ii) In the employ of a Federal land bank association (formerly national farm loan association), a production credit association, a Federal reserve bank, or Federal credit union;

(iii) In the employ of a State, county, or community committee under the Commodity Stabilization Service (formerly Production and Marketing Administration); or

(iv) By a civilian employee, not compensated from funds appropriated by the Congress, in the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Exchanges, Marine Corps Exchanges, or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense, at installations of the Department of Defense for the comfort, pleasure, contentment, and mental and physical improvement of personnel of such Department.

(2) If performed after 1954, such services are excepted if they are covered by a retirement system established by such instrumentality, and unless they are performed:

(i) In the employ of a corporation which is wholly owned by the United States;

(ii) In the employ of a Federal land bank association (formerly national farm loan association), a production credit association, a Federal Reserve bank, or a Federal Credit Union; and, after 1959, in the employ of a Federal land bank, a Federal intermediate credit bank and a bank for cooperatives;

(iii) In the employ of a State, county, or community committee under the Commodity Stabilization Service (formerly Production and Marketing Administration);

(iv) By a civilian employee, not compensated from funds appropriated by the Congress, in the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Exchange, Marine Corps Exchanges, or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense, at installations of the Department of Defense for the comfort, pleasure, contentment, and mental and physical improvement of personnel of such Department; or

(v) By a civilian employee, not compensated from funds appropriated by the Congress, in the Coast Guard Exchanges or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of the Treasury, at installations of the Coast Guard for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Coast Guard.

(3) Determinations as to whether services performed in the employ of an instrumentality referred to in subparagraph (1) or (2) of this paragraph are covered by a retirement system established by such instrumentality are to be made as of the time such services are performed. Services of an employee who has an option to have his services covered under a retirement system established by the instrumentality are not covered under such retirement system unless and until he exercises such option. The test is whether particular services performed by an employee are covered by a retirement system established by the instrumentality rather than whether the position in which such services are performed is covered by such retirement system.

(f) *Services performed by members of the uniformed services of the United States.* (1) Services performed before 1957 by a member of a uniformed service of the United States are excepted from employment. Services performed by an individual after 1956 as a member of a uniformed service of the United States on active duty are not excepted from employment unless:

(i) Such services are performed while the individual is on leave without pay; or

(ii) Such services are creditable under section 4 of the Railroad Retirement Act of 1937 (45 U.S.C. 228c–1).

(2) The term "active duty" means "active duty" and "active duty for training" as defined in section 102 of the Servicemen's and Veterans' Survivor Benefits Act (38 U.S.C. 101).

(3) The term "member of a uniformed service" means any person appointed, inducted, or enlisted in the Army, Navy, Air Force, Marine Corps, or Coast Guard, or in any regular or reserve component thereof as defined in section 102(3) of the Servicemen's and Veterans' Survivor Benefits Act (except a temporary member of the Coast Guard Reserve), and a commissioned officer of the Coast and Geodetic Survey or the regular or reserve corps of the Public Health Service, including:

(i) A retired member of any of the above services;

(ii) A member of the Fleet Reserve or Fleet Marine Corps Reserve;

(iii) A cadet at the U.S. Military Academy, U.S. Air Force Academy, U.S. Coast Guard Academy, and a midshipman at the U.S. Naval Academy;

(iv) A member of the Reserve Officers Training Corps, the Naval Reserve Officers Training Corps, or the Air Force Reserve Officers Training Corps, when ordered to annual training duty for 14 days or more and while performing authorized travel to and from that duty; and

(v) Any person selected for active military or naval training under the Universal Military Training and Service Act (50 U.S.C. App. sec. 451ff) or who has been provisionally accepted for active duty in the military or naval service, while in accordance with order or direction, en route to or from, or at, a place for final acceptance or entry upon such active duty.

(4) With respect to wages for services performed by an individual as a member of a uniformed service, see § 404.1027(q).

(g) *Service performed by Peace Corps volunteers.* Service performed by an individual as a volunteer or volunteer leader within the meaning of the Peace Corps Act (22 U.S.C. 2501ff) is not excepted from employment. With respect to wages for such service, see § 404.1027(r).

(h) *Service performed by Job Corps enrollees.* Service performed by an individual as an enrollee in the Job Corps established by the Economic Opportunity Act of 1964 (78 Stat. 508ff) is deemed to be service performed in the employ of the United States, and such enrollees are deemed to be employees of the United States.

(i) *Service performed by Volunteers in Service to America.* Service performed by individuals as Volunteers in Service to America under the Economic Opportunity Act of 1964 (78 Stat. 508ff.):

(1) During training, or

(2) On assignment pursuant to section 603(a)(2) of the Economic Opportunity Act, is deemed to be employment in the employ of the United States.

Whether service performed by an individual as a Volunteer in Service to America under the Economic Opportunity Act constitutes employment within the meaning of this subpart in any other situation, e.g., the volunteer is referred for service pursuant to section 603(a)(1) of the Economic Opportunity Act, is to be determined by reference to the other relevant provisions of this subpart.

§ 404.1014 States and their political subdivisions and instrumentalities.

(a) *In general.* Services other than services included under an agreement under section 218 of the Act (see Subpart M of this part), and other than covered transportation service as defined in section 210(k) of the Act (see paragraph (b) of this section), performed in the employ of any State, or of any political subdivision thereof, are excepted from employment. Services, other than services included under an agreement under section 218 of the Act and covered transportation service, performed in the employ of an instrumentality of one or more States or political subdivisions thereof are excepted from employment if the instrumentality is wholly owned by one or more of the foregoing. For the definition of "State," see § 404.2(c)(5), except that for purposes of an agreement under section 218 of the Act, the term "State" does not include the District of Columbia, American Samoa, or Guam. For provisions relating to employees in the employ of the governments of American Samoa and Guam, see § 404.1014a.

(b) *Covered transportation services—*(1) *Transportation systems acquired in whole or in part after 1936 and prior to 1951—*(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, all service performed after December 31, 1950, in the employ of a State or political subdivision thereof in connection with its operation of a public

transportation system constitutes covered transportation service if any part of the trasportation system was acquired from private ownership after 1936 and prior to 1951. For the purposes of this subdivision, it is immaterial whether any part of the transportation system was acquired prior to 1937 or after 1950, whether the employee was hired before, during, or after 1950, or whether the employee had been employed by the employer from whom the State or political subdivision acquired its transportation system or any part thereof.

(ii) *General retirement system protected by State constitution.* Except as provided in subdivision (iii) of this subparagraph, service performed after December 31, 1950, in the employ of a State or political subdivision in connection with its operation of a public transportation system acquired in whole or in part from private ownership after 1936 and prior to 1951 does not constitute covered transportation service, if substantially all service in connection with the operation of the transportation system was, on December 31, 1950, covered under a general retirement system providing benefits which are protected from diminution or impairment under the State constitution by reason of an express provision, dealing specifically with retirement systems established by the State or political subdivisions of the State, which forbids diminution or impairment.

(iii) *Addition to certain transportation systems by acquisition after 1950.* This subdivision is applicable only in case of an acquisition after 1950 from private ownership of an addition to an existing public transportation system which was acquired in whole or in part by a State or political subdivision thereof from private ownership after 1936 and prior to 1951 and then only in case service for such existing transportation system did not constitute covered transportation service by reason of the provisions of subdivision (ii) of this subparagraph. Service in connection with the operation of such transportation system (including any additions acquired after 1950) constitutes covered transportation service commencing with the first day of the third calendar quarter following the calendar quarter in which the addition to the existing transportation system was acquired, if such service is performed by an employee who became an employee of the State or political subdivision in connection with and at the time of its acquisition from private ownership of such addition and who prior to the acquisition of such addition rendered service in employment in connection with the operation of the addition so acquired by such State or political subdivision. However, service performed by such employee in connection with the operation of the transportation system does not constitute covered transportation service if, on the first day of the third calendar quarter following the calendar quarter in which the addition was acquired, such service is covered by a general retirement system which does not, with respect to such employee, contain special provisions applicable only to employees who became employees of the State or political subdivision in connection with and at the time of its acquisition of such addition.

(2) *Transportation systems in operation on December 31, 1950, no part of which was acquired after 1936 and prior to 1951*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, no service performed in the employ of a State or a political subdivision thereof in connection with its operation of a public transportation system constitutes covered transportation service if no part of such transportation system operated by the State or political subdivision on December 31, 1950, was acquired from private ownership after 1936 and prior to 1951.

(ii) *Additions acquired after 1950.* This subdivision is applicable only in case of an acquisition after 1950 from private ownership of an addition to an existing public transportation system which was operated by a State or political subdivision on December 31, 1950, but no part of which was acquired from private ownership after 1936 and prior to 1951. Service in connection with the operation of such transportation system (including any additions acquired after 1950) constitutes covered transportation service commencing with the first day of the third calendar quarter following the calendar quarter in which the addition to the existing transportation system was acquired, if such service is performed by an employee who became an employee of the State or political subdivision in connection with and at the time of its acquisition from private ownership of such addition and who prior to the acquisition of such addition rendered service in employment in connection with the operation of the addition so acquired by such State or political subdivision. However, service performed by such employee in connection with the operation of the transportation system does not constitute covered transportation service if, on the first day of the third calendar quarter following the calendar quarter in which the addition was acquired, such service is covered by a general retirement system which does not, with respect to such employee, contain special provisions applicable only to employees who became employees of the State or political subdivision in connection with and at the time of its acquisition of such addition.

(3) *Transportation systems acquired after 1950.* All service performed in the employ of a State or political subdivision thereof in connection with its operation of a public transportation system constitutes covered transportation service if the transportation system was not operated by the State or political subdivision prior to 1951 and, at the time of its first acquisition after 1950 from private ownership of any part of its transportation system, the State or political subdivision did not have a general retirement system covering substantially all service performed in connection with the operation of the transportation system.

(4) *Definitions.* For the purposes of this paragraph:

(i) The term "general retirement system" means any pension, annuity, retirement, or similar fund or system established by a State or by a political subdivision thereof for employees of the State, political subdivision, or both; but such term does not include such a fund or system which covers only service performed in positions connected with the operation of its public transportation system.

(ii) A transportation system or a part thereof is considered to have been acquired by a State or political subdivision from private ownership if prior to the acquisition service performed by employees in connection with the operation of the system or an acquired part thereof constituted employment under the Act or was covered by an agreement entered into between a State and the Secretary of Health, Education, and Welfare pursuant to section 218 of the Act, and some of such employees became employees of the State or political subdivision in connection with and at the time of such acquisition.

(iii) The term "political subdivision" includes an instrumentality of a State, of one or more political subdivisions of a State, or of a State and one or more of its political subdivisions.

(iv) The term "employment" includes service covered by an agreement entered into between a State and the Secretary of Health, Education, and Welfare pursuant to section 218 of the Act.

(c) *Employees of the District of Columbia.* Service performed after September 30, 1965, as an employee of the District of Columbia or a wholly owned instrumentality thereof constitutes service in employment unless:

(1) The service is covered by a retirement system established by a law of the United States;

(2) The service is performed in a hospital or penal institution by a patient or inmate thereof;

(3) The service is performed by a student nurse, student dietitian, student physical therapist, or student occupational therapist or other student employee (other than a medical or dental intern or medical or dental resident-in-training) assigned or attached to a hospital, clinic, or medical or dental laboratory operated by any department, agency, or instrumentality of the Federal Government or by the District of Columbia.

(4) The service is performed by an individual serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or other similar emergency; or

(5) The service is performed by an individual serving as a member of a board, committee, or council of the District of Columbia who is paid on a per diem, meeting, or other fee basis.

§ 404.1014a Services in the employ of the governments of American Samoa and Guam.

(a) *American Samoa.* Services in the employ of the government of American Samoa, its political subdivisions, or any

instrumentality of any one or more of the foregoing wholly owned thereby, performed by an officer or employee thereof (including a member of the legislature of such government or political subdivision) where excepted from employment prior to 1961. However, this exception is not applicable after 1960. An officer or employee of the government of American Samoa whose service as such is not covered by a retirement system established by a law of the United States is not regarded as an employee of the United States or any agency or instrumentality thereof for purposes of title II of the Act. The remuneration for such service by such an employee (including fees paid to a public officer) is deemed to have been paid by the government of American Samoa, or by a political subdivision thereof or an instrumentality of one or more of the foregoing, whichever is appropriate.

(b) *Guam.* Services in the employ of the government of Guam, its political subdivisions, or any instrumentality of any one or more of the foregoing wholly owned thereby, performed by an officer or employee thereof (including a member of the legislature of such government or political subdivision) are excepted from employment.

§ 404.1015 Ministers of churches and members of religious orders.

(a) *In general.* Services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order, are excepted from employment. For provisions relating to the election available to certain ministers and members of religious orders to have the Federal old-age, survivors, and disability insurance system established by Title II of the Social Security Act extended to certain services performed by them, see section 1402(e) of the Internal Revenue Code of 1954 (26 U.S.C. 1402(e)).

(b) *Service by a minister in the exercise of his ministry.* Except as provided in paragraph (c)(2) of this section, service performed by a minister in the exercise of his ministry includes the ministration of sacerdotal functions and the conduct of religious worship, and the control, conduct, and maintenance of religious organizations (including the religious boards, societies, and other integral agencies of such organizations), under the authority of a religious body constituting a church or church denomination. The following rules are applicable in determining whether services performed by a minister are performed in the exercise of his ministry:

(1) Whether service performed by a minister constitutes the conduct of religious worship or the ministration of sacerdotal functions depends on the tenets and practices of the particular religious body constituting his church or church denomination.

(2) Service performed by a minister in the control, conduct, and maintenance of a religious organization relates to directing, managing, or promoting the activities of such organization. Any religious organization is deemed to be under the authority of a religious body constituting a church or church denomination if it is organized and dedicated to carrying out the tenets and principles of a faith in accordance with either the requirements or sanctions governing the creation of institutions of the faith. The term "religious organization" has the same meaning and application as is given to the term for income tax purposes under the Internal Revenue Code of 1954.

(3) If a minister is performing service in the conduct of religious worship or the ministration of sacerdotal functions, such service is in the exercise of his ministry whether or not it is performed for a religious organization. This rule may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged to perform service as chaplain at a privately owned university. M devotes his entire time to performing his duties as chaplain which include the conduct of religious worship, offering spiritual counsel to the university students, and teaching a class in religion. M is performing service in the exercise of his ministry.

(4) If a minister is performing service for an organization which is operated as an integral agency of a religious organization under the authority of a religious body constituting a church or church denomination, all service performed by the minister in the conduct of religious worship, in the ministration of sacerdotal functions, or in the control, conduct, and maintenance of such organization is in the exercise of his ministry. This rule may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged by the N Religious Board to serve as director of one of its departments. He performs no other service. The N Religious Board is an integral agency of O, a religious organization operating under the authority of a religious body constituting a church denomination. M is performing service in the exercise of his ministry.

(5) If a minister, pursuant to an assignment or designation by a religious body constituting his church, performs service for an organization which is neither a religious organization nor operated as an integral agency of a religious organization, all service performed by him, even though such service may not involve the conduct of religious worship or the ministration of sacerdotal functions, is in the exercise of his ministry. This rule may be illustrated by the following example:

Example. M, a duly ordained minister, is assigned by X, the religious body constituting his church, to perform advisory service to Y company in connection with the publication of a book dealing with the history of M's church denomination. Y is neither a religious organization nor operated as an integral agency of a religious organization. M performs no other service for X or Y. M is performing service in the exercise of his ministry.

(6) If a minister is performing service for an organization which is neither a religious organization nor operated as an integral agency of a religious organization and the service is not performed pursuant to an assignment or designation by his ecclesiastical superiors, then only the service performed by him in the conduct of religious worship or the ministration of sacerdotal functions is in the exercise of his ministry. (See, however, paragraph (c)(2) of this section.) This rule may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged by N University to teach history and mathematics. He performs no other service for N although from time to time he performs marriages and conducts funerals for relatives and friends. N University is neither a religious organization nor operated as an integral agency of a religious organization. M is not performing the service for N pursuant to an assignment or designation by his ecclesiastical superiors. The service performed by M for N University is not in the exercise of his ministry. However, service performed by M in performing marriages and conducting funerals is in the exercise of his ministry.

(c) *Service by a minister not in the exercise of his ministry.* (1) Service performed by a duly ordained, commissioned, or licensed minister of a church which is not in the exercise of his ministry is not excepted from employment.

(2) Service performed by a duly ordained, commissioned, or licensed minister of a church as an employee of the United States, or a State, territory, or possession of the United States, or the District of Columbia, or a foreign government, or a political subdivision of any of the foregoing, is not in the exercise of his ministry, even though such service may involve the ministration of sacerdotal functions or the conduct of religous worship. Thus, for example, service performed by an individual as a chaplain in the Armed Forces of the United States is considered to be performed by a commissioned officer in his capacity as such, and not by a minister in the exercise of his ministry. Similarly, service performed by an employee of a State as a chaplain in a State prison is considered to be performed by a civil servant of the State and not by a minister in the exercise of his ministry.

(d) *Service in the exercise of duties required by a religious order.* Service performed by a member of a religious order in the exercise of duties required by such order includes all duties required of the member of the order. The nature or extent of such service is immaterial so long as it is a service which he is directed or required to perform by his ecclesiastical superiors.

§ 404.1016 Religious, charitable, educational, or certain other organizations exempt from income tax.

(a) *In general.* Services performed by an employee in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under section 501(a) of the Internal Revenue Code of 1954 (sec. 101(6) of the Internal Revenue Code of 1939) are excepted from employment. However, this exception does not apply to services performed

during the period for which a certificate (Form SS–15, Certificate Waiving Exemption from Taxes, or SS–15b, Certificate for Retroactive Coverage), filed pursuant to section 3121(k) of the Internal Revenue Code of 1954 or section 1426(l) of the Internal Revenue Code of 1939, is in effect if such services are performed by an employee (1) whose signature appears on Form SS–15b or on the list (Form SS–15a, List to Accompany Certificate on Form SS–15, or Form SS–15a Supplement, Amendment to List on Form SS–15a) filed by such organization under section 3121(k) of the Internal Revenue Code of 1954 (sec. 1426(l) of the Internal Revenue Code of 1939), (2) who became an employee of such organization after the calendar quarter in which the SS–15 was filed, or (3) became a member of a group of employees as described in section 3121(k)(1)(E) of the Internal Revenue Code of 1954 after the calendar quarter in which the SS–15 was filed with respect to such group. (See § 404.1015(b) (2) and (3) relating to services performed by a minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; § 404.1019 relating to services performed in the employ of an organization otherwise exempt from income tax under sec. 501(a) of the Internal Revenue Code of 1954 (sec. 101 of the Internal Revenue Code of 1939); § 404.1019 relating to services performed in the employ of a school, college, or university by certain students; and § 404.1022 relating to services performed by certain student nurses and hospital interns. See 26 CFR 31.3121(k)–1 relating to waiver of exemption from taxes with respect to certain services under sec. 3121(k) of the Internal Revenue Code of 1954.)

(b) *Crediting of certain remuneration paid by exempt organization; law in effect before July 30, 1965*—(1) *General.* Remuneration paid before July 1, 1960, to an individual for services performed after 1950, in the employ of an organization of the type described in paragraph (a) of this section which either had not filed a certificate described in that paragraph, or had filed such a certificate but the individual did not sign the list described in that paragraph, is nevertheless deemed to constitute remuneration for employment under Title II of the Social Security Act: *Provided,* The following conditions are met:

(i) The services are excepted from employment by section 210(a)(8)(B) of the Act (see paragraph (a) of this section);

(ii) The services would have constituted employment as defined in section 210 of the Act if the requirements therefor of section 3121(k)(1) of the Internal Revenue Code of 1954 (or corresponding provisions of prior law) were satisfied;

(iii) The organization paid before August 11, 1960, any amount, as taxes imposed by section 3101 and 3111 of the Internal Revenue Code of 1954 (or corresponding provisions of prior law), with respect to such remuneration paid by the organization to the individual for such services;

(iv) The individual or a fiduciary acting for such individual or his estate, or his survivor (that is, the individual's spouse, former wife divorced, child, or parent who survived such individual) filed a request prior to July 30, 1965, that such remuneration be deemed to constitute remuneration for employment for purposes of Title II of the Act (see paragraph (e) of this section);

(v) The organization had filed a certificate pursuant to section 3121(k)(1) of the Internal Revenue Code of 1954 (or corresponding provisions of prior law) on or before the date the request described in subdivision (iv) of this subparagraph is made, or the organization no longer has any individual in its employer for remuneration at the time such request is made;

(vi) If the individual was in the employ of the organization referred to in subdivision (v) of this subparagraph at any time during the 24-month period following the calendar quarter in which the certificate was filed, the organization paid an amount as taxes under sections 3101 and 3111 of the Internal Revenue Code of 1954 (or corresponding provisions of prior law) with respect to remuneration paid by the organization to the individual during some portion of such 24-month period;

(vii) If credit or refund of any portion of the amount referred to in subdivision (iii) of this subparagraph (other than a credit or refund which would be allowed if the services constituted employment for purposes of chapter 21 of the Internal Revenue Code of 1954) has been obtained, the amount credited or refunded (including any interest under sec. 6611) is repaid before January 1, 1963.

(2) *Services performed by employee after calendar quarter in which request filed.* Any individual whose remuneration is deemed to constitute remuneration for employment by virtue of the application of subparagraph (1) of this paragraph is, for purposes of clause (ii) and (iii) of section 210(a)(8)(B) of the Social Security Act and of clauses (ii) and (iii) of section 3121(b)(8)(B) of the Internal Revenue Code of 1954, deemed to have become an employee of such organization (or to have become a member of a group described in sec. 3121(k)(1)(E) of the Internal Revenue Code of 1954) on the first day of the calendar quarter following the quarter in which his request is filed if:

(i) He performed services as an employee of the organization on or after the date on which his request was filed, and

(ii) The SS–15 filed by the organization pursuant to section 3121(k)(1) of the Internal Revenue Code of 1954 (or corresponding provisions of prior law) is not effective with respect to services performed by such individual before the first day of the calendar quarter following the quarter in which his request is filed.

(c) *Crediting of certain remuneration paid by exempt organization; law in effect after July 29, 1965; individual not employed by organization when SS–15 filed.* Remuneration paid to an individual for services performed in the employ of an organization of the type described in paragraph (a) of this section during any quarter from the effective date of the organization's SS–15 or SS–15b through the last day of the quarter just before the quarter in which the SS–15 was filed is deemed remuneration for employment under title II of the Act if:

(1) The individual (or a fiduciary acting for him or his estate, or his surviving spouse, surviving divorced wife or mother, child, or parent) files with a Social Security Administration district office, a request that the remuneration be deemed to constitute remuneration for employment for purposes of Title II of the Social Security Act (see paragraph (e) of this section);

(2) The organization had filed an SS–15 on or before the date the request described in subparagraph (1) of this paragraph was filed;

(3) The SS–15 or SS-15b is effective for the period for which the request was filed;

(4) The individual performed services in the employ of the organization before the quarter in which the organization filed its SS–15 and received remuneration for such services;

(5) The individual was no longer employed by the organization when it filed its SS–15;

(6) The services are excepted from employment by section 210(a)(8)(B) of the Act (see paragraph (a) of this section);

(7) The services would have constituted employment as defined in section 210 of the Act if the individual had signed the organization's list of concurring employees (SS–15a or SS–15a supplement); or, if the organization filed an SS–15b, the services performed by the individual during the retroactive period covered by the SS–15b would have constituted employment as defined in section 210 of the Act if he had signed the SS–15b;

(8) The organization paid any amount as taxes imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954 (or corresponding provisions of prior law) with respect to such remuneration;

(9) A part of such taxes was paid on or before the due date of the tax return for the quarter just before the quarter in which the organization filed its SS–15; and

(10) If a refund or credit was obtained on any part of such taxes, the refund or credit (including any interest under section 6611 of such Code) is repaid on or before December 31, 1967, or, if later, before the first day of the third year after the year in which the organization filed its SS–15. (This requirement does not apply to a credit or refund which would be allowed if the services constituted employment for purposes of ch. 21 of the Internal Revenue Code of 1954.) The request will not be approved unless it contains a statement that the refund or credit has been repaid.

(d) *Crediting of certain remuneration paid by exempt organization; law in effect after July 29, 1965; individual employed by organization when SS–15 filed.*

Remuneration paid to an individual for services performed in the employ of an organization of the type described in paragraph (a) of this section during any quarter from the effective date of the organization's SS–15 or SS–15b through June 30, 1965, is deemed remuneration for employment under title II of the Act if:

(1) The individual (or a fiduciary acting for him or his estate, or his surviving spouse, surviving divorced wife or mother, child, or parent) files with a Social Security Administration district office, a request that the remuneration be deemed to constitute remuneration for employment for purposes of Title II of the Social Security Act (see paragraph (e) of this section);

(2) The organization had filed an SS–15 before July 30, 1965;

(3) The organization's SS–15 or SS–15b is effective for the period for which the request described in subparagraph (1) of this paragraph was filed;

(4) The individual performed services in the employ of the organization and was paid for such services before July 1, 1965;

(5) The individual was an employee of the organization when it filed its SS–15;

(6) The services are excepted from employment by section 210(a)(8)(B) of the Act (see paragraph (a) of this section);

(7) The services would have constituted employment as defined in section 210 of the Act if the individual had signed the organization's list of concurring employees (SS–15a or SS–15a supplement) filed in time to cover the period in which the services were performed, or, if the organization filed an SS–15b, the services performed by the individual during the retroactive period covered by the SS–15b would have constituted employment as defined in section 210 of the Act if he had signed the SS–15b;

(8) The individual's name appeared on an SS–15a supplement filed by the organization before July 30, 1965, or the individual filed a request as provided in paragraph (b)(1)(iv) of this section but the list or request was not effective for the services involved;

(9) The organization paid any amount as taxes imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954 (or corresponding provisions of prior law) with respect to such remuneration;

(10) A part of such taxes was paid on or before the due date of the tax return for the calendar quarter ending June 30, 1965; and

(11) If a refund or credit was obtained on any part of such taxes, the refund or credit (other than a credit or refund which would be allowed if the services constituted employment for purposes of ch. 21 of the Internal Revenue Code of 1954) (including any interest under sec. 6611 of such Code) is repaid on or before December 31, 1967. The request will not be approved unless it contains a statement that the refund or credit has been repaid.

(e) *Filing of request by individual.* Any request described in paragraphs (b)(1)(iv), (c)(1), or (d)(1) of this section shall be filed at the Social Security Administration district office which services the organization for which the employee's services were performed and shall be accompanied by the statement of the organization as provided in paragraph (f) of this section. While no particular form need be used in preparing the request, the request must be in writing, signed and dated by the employee, or by the fiduciary, or survivor, and shall include the following information:

(1) The name and address of the organization for which such services were performed;

(2) The name, address, and social security account number of the employee, and name and address of the individual filing the request if not the employee;

(3) The period covered by the request, and in the case of requests filed under paragraphs (c) or (d) of this section, a statement that the organization's SS–15 or SS–15b is effective for such period;

(4) A statement that the individual or the employee has not obtained a refund or credit and will not apply for a refund or credit (other than a refund or credit which would be allowable if the services had constituted employment) from the district director of internal revenue of any part of the employee tax under the Federal Insurance Contributions Act paid on the remuneration received by the employee from the organization during the period covered by the request or, if such refund or credit had been obtained, the amount of the refund or credit was duly repaid as provided in paragraphs (b), (c), or (d) of this section as is appropriate;

(5) A statement whether the employee was employed by the organization on the date it filed its SS–15; or in the case of requests filed under paragraph (b) of this section, a statement whether the employee was still employed by the organization and, if not, the date he discontinued his employment with the organization;

(6) A request that all remuneration received by the employee for services performed for the organization during the period covered by the request with respect to which employer and employee taxes were paid be deemed to constitute remuneration for employment to the extent authorized under this section; and

(7) With respect to requests filed under the law in effect prior to July 30, 1965, a statement that the employee understands that any services he may perform for the organization after the calendar quarter in which the request is filed for remuneration of $50 or more in a calendar quarter will be services in employment within the meaning of title II of the Act without regard to whether or not he concurred in the filing of the waiver certificate by the organization and that employer-employee taxes will apply to all wages received for such services. Where the request is filed by someone other than the employee, the request shall be accompanied by evidence showing such person's authority to make the request.

(f) *Supporting statement by organization.* The request of an employee described in paragraphs (b)(1)(iv), (c)(1), or (d)(1) of this section shall be accompanied by a statement of the organization for which the employee's services were performed incorporating the substance of each of the requirements listed in paragraphs (b), (c), or (d) of this section as is appropriate. The organization's statement, while not required to follow any particular form, shall show all employer identification numbers used by the organization, the date it filed a certificate with the district director of internal revenue pursuant to section 3121(k)(1) of the Internal Revenue Code of 1954 (or corresponding provisions of prior law), and if it had not filed such certificate the reason for not doing so. If a refund or credit had been obtained on any part of the employer and employee tax paid on remuneration received by the employee for services performed during the period covered by the request (other than a refund or credit which would be allowable if the services had constituted employment) the statement shall show whether such refund or credit has been repaid, the date of repayment and the district director of internal revenue to whom the repayment was made. The statement of the organization shall also show the district director of internal revenue with whom returns, pursuant to § 31.6011(a)–1 of Title 26 of the Code of Federal Regulations are filed. The statement must be signed by the president or a principal officer of the organization who shall certify that the statement is correct to the best of his knowledge and belief.

(g) *Filing of request forms prepared by organization.* An organization having individuals in its employ, including former employees, to whom this section applies may, if it so desires, prepare a form or forms for use by an individual or by individuals in making requests under this section. Any such form shall provide space for the signature of the individual or individuals and shall include the same information as described in paragraphs (b), (c), or (d) of this section as is appropriate. Any form used by more than one individual, and any form used by one individual which is signed and returned to the organization, shall be submitted by the organization, together with a statement containing the information described in paragraphs (b), (c), or (d) of this section as is appropriate to the Social Security Administration district office which services the organization. An individual is not required to use a form prepared by the organization in filing his request.

§ 404.1017 Railroad industry: employees and employee representatives under section 1532 of the Internal Revenue Code of 1939 and section 3231 of the Internal Revenue Code of 1954.

Except as otherwise set forth in Subpart O of this part, services performed by an individual as an "employee" or as an "employee representative," as those terms are defined in section 1532 of subchapter B of chapter 9 of the Internal

Revenue Code of 1939 and section 3231 of the Internal Revenue Code of 1954, are excepted from employment.

§ 404.1018 Organizations exempt from income tax; remuneration less than $50 for services in calendar quarter.

Services performed by an employee in a calendar quarter in the employ of an organization exempt from income tax under section 101 of the Internal Revenue Code of 1939, or under section 501 (a) (other than an organization described in section 401(a)) or section 521 of the Internal Revenue Code of 1954, are excepted from employment, if the remuneration for the services is less than $50. The test relating to remuneration of $50 is based on the remuneration earned during a calendar quarter rather than on the remuneration paid in a calendar quarter. The exception applies separately with respect to each organization for which the employee renders services in a calendar quarter. The type of services performed by the employee and the place where the services are performed are immaterial; the statutory tests are the character of the organization in the employ of which the services are performed and the amount of the remuneration for services performed by the employee in the calendar quarter.

Example 1. X is a local lodge of a fraternal organization and is exempt from income tax under section 501(a) of the Internal Revenue Code of 1954 as an organization of the character described in section 501(c)(8) of such Code. X has two paid employees, A, who serves exclusively as recording secretary for the lodge, and B, who performs services for the lodge as janitor of its clubhouse. For services performed during the first calendar quarter of 1955 (that is, Jan. 1, 1955, through Mar. 31, 1955, both dates inclusive) A earns a total of $30. For services performed during the same calendar quarter B earns $180. Since the remuneration for the services performed by A during such quarter is less than $50, all of such services are excepted from employment, and none of the remuneration for such services constitute wages. Since the remuneration for the services performed by B during such quarter, however, is not less than $50, none of such services are excepted from employment, and all of the remuneration for such services (that is, $180) constitutes wages, as and when paid.

Example 2. The facts are the same as in example (1), above, except that on April 1, 1955, A's salary is increased and, for services performed during the calendar quarter beginning on that date (that is, Apr. 1, 1955, through June 30, 1955, both dates inclusive) A earns a total of $60. Although all of the services performed by A during the first quarter were excepted from employment, none of A's services performed during the second quarter are excepted since the remuneration for such services is not less than $50. All of the remuneration for services performed during the second quarter (that is, $60) constitutes wages, as and when paid.

Example 3. The facts are the same as in example (1), above, except that A earns $120 for services performed during the year 1955, and such amount is paid to him in a lump sum at the end of the year. The services performed by A in any calendar quarter during the year are excepted if the portion of the $120 attributable to services performed in that quarter is less than $50. If, however, the portion of the $120 attributable to services performed in any calendar quarter during the year is not less than $50, the services during the quarter are not excepted, and that portion of the remuneration attributable to his services in that quarter constitutes wages.

(See § 404.1016, relating to services performed in the employ of religious, charitable, educational, and other organizations exempt from income tax; § 404.1015 relating to services performed by a minister of a church in the exercise of his ministry and by a member of a religious order in the exercise of duties required by such order; § 404.1019, relating to services performed in the employ of a school, college, or university by certain students; and § 404.1022, relating to services performed by certain student nurses and hospital interns.)

§ 404.1019 Students employed by school, colleges, or universities.

(a) The term "school, college, or university" within the meaning of this exception is to be taken in its commonly or generally accepted sense. It does not, however, include any school, college, or university that is an instrumentality, or an integral part of, a State or a political subdivision of a State. Services for such a school, college, or university constitute "employment" only if included under an agreement entered into between the Secretary and the State pursuant to section 218 of the Act.

(b) Services performed in the employ of a school, college, or university as defined in paragraph (a) of this section (whether or not such organization is exempt from income tax) are excepted from employment, if the services are performed by a student who is both enrolled in and regularly attending classes at such school, college, or university.

(c) For purposes of this exception, the amount of remuneration for services performed by the employee in the calendar quarter, the type of services performed by the employee, and the place where the services are performed are immaterial; the statutory tests are the character of the organization in the employ of which the services are performed, and the status of the employee as student enrolled and regularly attending classes at the school, college, or university in the employ of which he performs the services.

(d) The status of the employee as a student performing the services shall be determined on the basis of the relationship of such employee with the organization for which the services are performed. Thus, an employee who performs services in the employ of a school, college, or university as an incident to and for the purpose of pursuing a course of study at such school, college, or university has the status of a student in the performance of such services. (For provisions relating to domestic service performed by a student in a local college club, or local chapter of a college fraternity or sorority, see § 404.1009.)

§ 404.1020 Foreign governments.

(a) Services performed by an employee in the employ of a foreign government are excepted from employment irrespective of the citizenship or residence of the employee and irrespective of whether the foreign government grants an equivalent exemption with respect to similar services performed in the foreign country by citizens of the United States. (However, see paragraph (b) of this section relating to such service by a citizen of the United States.) The exception includes not only services performed by ambassadors, ministers, and other diplomatic officers and employees but also services performed as a consular or other officer or employee of a foreign government, or as a nondiplomatic representative thereof.

(b) Effective with taxable years ending on or after December 31, 1960, service performed in the United States by a citizen of the United States in the employ of a foreign government is treated as service in self-employment under the provisions of section 211 of the Act.

§ 404.1021 Wholly owned instrumentalities of a foreign government.

(a) Services performed by an employee in the employ of instrumentalities of a foreign government are excepted from employment irrespective of the citizenship or residence of the employee, if:

(1) The instrumentality is wholly owned by the foreign government;

(2) The services are of a character similar to those performed in foreign countries by employees of the U.S. Government or of an instrumentality thereof; and

(3) The Secretary of State certifies to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality and employees thereof exemption is claimed, grants an equivalent exemption with respect to services performed in the foreign country by employees of the U.S. Government and of instrumentalities thereof. (However, see paragraph (b) of this section relating to such service by a citizen of the United States.)

(b) Effective with taxable years ending on or after December 31, 1960, service performed in the United States by a citizen of the United States in the employ of instrumentalities of a foreign government which service is excepted from employment under the provisions of paragraph (a) of this section, is treated as service in self-employment under the provisions of section 211 of the Act.

§ 404.1022 Student nurses and hospital interns.

(a) Services performed as a student nurse in the employ of a hospital or a nurses' training school are excepted from employment, if the student nurse is enrolled and regularly attending classes in a nurses' training school, and such nurses' training school is chartered or approved pursuant to State law.

(b) Services performed before 1966 as an intern (as distinguished from a resident doctor or a resident-in-training) in the employ of a hospital are excepted from employment, if the intern has completed a 4 years' course in a medical

school chartered or approved pursuant to State law.

§ 404.1023 Fishing—prior to 1955.

(a) *In general.* Subject to the limitations prescribed in paragraphs (b) and (c) of this section, the services described in this paragraph, if performed before 1955, are excepted from employment; any of such services performed after 1954, however, are not excepted from employment. Services (except those referred to in paragraphs (b) and (c) of this section) performed by an individual in the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish (for example, oysters, clams, and mussels), crustacea (for example, lobsters, crabs, and shrimps), sponges, seaweeds, or other aquatic forms of animal and vegetable life are excepted from employment. The exception extends to services performed as an officer or member of the crew of a vessel while the vessel is engaged in any such activity whether or not the officer or member of the crew is himself so engaged. In the case of an individual who is engaged in any such activity in the employ of any person, services performed by such individual in the employ of such person as an ordinary incident to any such activity are also excepted from employment. Similarly, for example, the shore services of an officer or member of the crew of a vessel engaged in any such activity are excepted if such services are an ordinary incident to any such activity. Services performed as an ordinary incident to any such activity may include, for example, services performed in such cleaning, icing, and packing of fish as are necessary for the immediate preservation of the catch.

(b) *Salmon and halibut fishing.* Services performed prior to 1955 in connection with the catching or taking of salmon or halibut, for commercial purposes, are not within the exception. Thus, neither the services of an officer or member of the crew of a vessel (irrespective of its tonnage) which is engaged in the catching or taking of salmon or halibut for commercial purposes, nor the services of any other individual in connection with such activity, are within the exception.

(c) *Vessels of more than 10 net tons.* Services described in paragraph (a) of this section performed on or in connection with a vessel of more than 10 net tons are not within the exception. For purposes of the exception, the tonnage of the vessel shall be determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States.

§ 404.1024 Delivery and distribution of newspapers, shopping news, and magazines.

(a) *Services of individuals under age 18.* Services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution (as, for example, by a regional distributor) to any point for subsequent delivery or distribution, are excepted from employment. Thus, the services performed by an employee under the age of 18 in making house-to-house delivery or sale of newspapers or shopping news, including handbills and other similar type of advertising material, are excepted from employment. The services are excepted irrespective of the form or method of compensation. Incidental services by the employee who makes the house-to-house delivery, such as services in assembling newspapers, are considered to be within the exception. The exception continues only during the time that the employee is under the age of 18.

(b) *Service of individuals of any age.* Services performed by an employee in, and at the time of, the sale of newspapers or magazines to ultimate consumers under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, are excepted from employment. The services are excepted whether or not the employee is guaranteed a minimum amount of compensation for such services, or is entitled to be credited with the unsold newspapers or magazines turned back. Moreover, the services are excepted without regard to the age of the employee. Services performed other than at the time of sale to the ultimate consumer are not within the exception. Thus, the services of a regional distributor which are antecedent to but not immediately part of the sale to the ultimate consumer are not within the exception. However, incidental services by the employee who makes the sale to the ultimate consumer, such as services in assembling newspapers or in taking newspapers or magazines to the place of sale, are considered to be within the exception.

§ 404.1024a Service performed in Guam by a resident of the Philippines.

Service performed after 1960 by a resident of the Republic of the Philippines while in Guam on a temporary basis as a nonimmigrant alien admitted pursuant to section 101(a)(15)(h)(ii) of the Immigration and Nationality Act is excepted from employment, irrespective of the nature of his service or by whom he is employed.

§ 404.1025 International organizations.

(a) Services performed by an employee in the employ of an organization of the class specified in section 210(a)(15) of the Act as amended (sec. 210(a)(17) of the Act in effect prior to 1955) are excepted. (However, see paragraph (b) of this section relating to service for such an organization performed by a citizen of the United States.) For an organization to be within the statutory classification the following conditions must be met:

(1) It must be a public international organization in which the United States participates pursuant to treaty or authority of an act of Congress authorizing, or making an appropriation for, such participation;

(2) It must have been designated by executive order to be entitled to enjoy the privileges, exceptions, and immunities provided in the International Organizations Immunities Act;

(3) The designation must be in effect, and all conditions and limitations thereof must be met.

Such services will not be excepted if any of the foregoing conditions are not met, nor will they be excepted if such designation is withheld, or after such designation is withdrawn, by executive order from the employing organization.

(b) Effective with taxable years ending on or after December 31, 1960, service performed in the United States by a citizen of the United States in the employ of an international organization, which service is excepted from employment under the provisions of paragraph (a) of this section, is treated as engagement in a trade or business under the provisions of section 211 of the Act (see § 404.1070(d)(4)).

§ 404.1025a Communist organizations.

Service in the employ of any organization which is registered, or which is required to register under the Internal Security Act of 1950 as amended by a final order of the Subversive Activities Control Board, as a communist-action, communist-front, or communist-infiltrated organization, is excepted from employment if performed after June 30, 1956, and in a calendar quarter during any part of which the organization is so registered or the final order is in effect.

§ 404.1025b Nonresident aliens.

(a) *In general.* Service performed after December 31, 1961, by a nonresident alien, while he is temporarily in the United States as a nonimmigrant under subparagraph (F) (dealing with certain types of alien students, and their alien spouses and minor children) or (J) (dealing with certain types of participants in programs designated by the Secretary of State and their alien spouses and minor children) of section 101(a)(15) of the Immigration and Nationality Act as amended, is excepted from employment if it is performed to carry out a purpose for which the alien was admitted. For the purposes of this section, any alien temporarily in the United States as a nonimmigrant under either of such subparagraphs is deemed to be a nonresident alien; and any alien admitted to the United States as an exchange visitor under section 201 of the U.S. Information and Educational Exchange Act of 1948 is deemed to be a nonresident alien temporarily in the United States as a nonimmigrant under such subparagraph (J).

(b) *Spouses and children.* Service performed by a nonresident alien's alien spouse or minor child, who is also temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act as amended, is not excepted from employment by this section unless such spouse or child was himself (or herself) admitted for a purpose specified in such subparagraph (F)

or (J) and the service is performed to carry out such purpose.

2. *Effective date.* These amendments and additions shall become effective on the date of publication in the FEDERAL REGISTER.

(Secs. 205 and 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 405, 1302; sec. 210, 60 Stat. 979, as amended, 42 U.S.C. 410, and sec. 209, 49 Stat. 625, as amended, 42 U.S.C. 409)

Dated: May 1, 1967.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: May 23, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-5944; Filed, May 26, 1967; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Frozen Concentrate for Artificially Sweetened Lemonade; Identity Standard; Additional Permitted Artificial Sweeteners

In the matter of amending the standard of identity for frozen concentrate for artificially sweetened lemonade (21 CFR 27.103) by adding calcium saccharin to the list of permitted artificial sweetening ingredients:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of February 16, 1967 (32 F.R. 2953), based on a petition filed by Di Giorgio Corp., 350 Sansome Street, San Francisco, Calif. 94119.

In response to the notice, one comment was received from the National Dairy Products Corp., 260 Madison Avenue, New York, N.Y. 10016, supporting the proposal and suggesting that the standard be amended to permit the use of "any suitable approved artificial sweetener."

The information submitted by the petitioner, the comment received, and other pertinent information have been considered, and it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the standard to provide for the use of the artificial sweeteners (including calcium saccharin) listed in and complying with the food additive regulations (21 CFR Part 121).

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That § 27.103 be amended:

By revising paragraph (a) to read as follows and by deleting paragraph (b):

§ 27.103 Frozen concentrate for artificially sweetened lemonade; identity; label statement of optional ingredients.

(a) Frozen concentrate for artificially sweetened lemonade conforms to the definition and standard of identity prescribed for frozen concentrate for lemonade by § 27.101, except that in lieu of nutritive sweeteners it is sweetened with one or more of the artificial sweetening ingredients listed in and complying with the requirements of Part 121 of this chapter, and the soluble solids specifications prescribed in § 27.101(a) do not apply. When the product is diluted according to directions which shall appear on the label, the acidity of the artificially sweetened lemonade, calculated as anhydrous citric acid, shall be not less than 0.70 gram per 100 milliliters. It may contain one or more safe and suitable dispersing ingredients serving the function of distributing the lemon oil throughout the food. It may also contain one or more safe and suitable thickening ingredients. Such dispersing and thickening ingredients are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act.

(b) [Deleted]

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be submitted in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: May 19, 1967.

J. K. KIRK,
Associate Commissioner For Compliance.

[F.R. Doc. 67-5941; Filed, May 26, 1967; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYCARBONATE RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1913) filed by Monsanto Co., Post Office Box 1531, Springfield, Mass. 01101, and other relevant material, has concluded that the food additive regulations should be amended to provide for the manufacture of polycarbonate resins for food-contact use by the alternate method set below in § 121.2574(a)(2). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2574 is amended by revising paragraph (a) and the introduction to paragraph (b) to read as follows:

§ 121.2574 Polycarbonate resins.

* * * * *

(a) Polycarbonate resins are polyesters produced by:

(1) The condensation of 4,4'-isopropylidenediphenol and carbonyl chloride to which may have been added certain optional adjuvant substances required in the production of the resins; or by

(2) The reaction of molten 4,4'-isopropylidenediphenol with molten diphenyl carbonate in the presence of the disodium salt of 4,4'-isopropylidenediphenol.

(b) The optional adjuvant substances required in the production of resins produced by the method described in paragraph (a)(1) of this section may include substances generally recognized as safe in food, substances used in accordance with a prior sanction or approval, and the following:

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Indcpendence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show whercin the person filing will be adversely affected by the order and spccify with particularity the provisions of the order deemed objectionable and the grounds for the objcctions. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanicd by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-5942; Filed, May 26, 1967; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.557]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to provide a waiver of the visa requirement for Mexican nationals in possession of border crossing cards who wish to enter the United States as temporary visitors for business or pleasure from other than contiguous territory.

Paragraph (c) of § 41.6 is amended to read as follows:

§ 41.6 **Nonimmigrants not required to present passports, visas, or border crossing identification cards.**

* * * * *

(c) *Mexican nationals.* A visa and a passport shall not be required of a Mexican national who is a military or civilian official or employee of the Mexican national, state, or municipal government, or of a member of the family of any such official or employee; or is in possession of a border crossing card on Form I-186 and is applying for admission as a temporary visitor for business or pleasure from contiguous territory; or is entering solely for the purpose of applying for a Mexican passport or other official Mexican document at a Mexican consular office on the U.S. side of the border. A visa shall not be required of a Mexican national who is in possession of a border crossing card and is applying for admission to the United States as a temporary visitor for business or pleasure from other than contiguous territory nor of a Mexican national who is a crewman employed on an aircraft belonging to a Mexican company authorized to engage in commercial transportation into the United States.

Effective date. The amendment to the regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulation contained herein involves foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

BARBARA M. WATSON,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

MAY 17, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

MAY 22, 1967.

[F.R. Doc. 67-5953; Filed, May 26, 1967; 8:48 a.m.]

[Dept. Reg. 108.558]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Mexican Border Crossing Cards

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to delete the requirement that a Mexican national applying for a border crossing card establish that he will be entering the United States solely from contiguous territory.

Paragraph (a) of § 41.128 is amended to read as follows:

§ 41.128 **Nonresident alien Mexican border crossing cards.**

(a) *Aliens eligible to apply.* Under the conditions prescribed by this section, a consular officer, other than one assigned to a consular office located in an area adjacent to the border between the United States and Mexico, may issue a border crossing card, as that term is defined in section 101(a)(6) of the Act, to a nonimmigrant alien who satisfactorily establishes that he (1) is a citizen and resident of Mexico; and (2) is a bona fide temporary visitor and, if applying for a temporary visitor visa for business or pleasure, he would be eligible to receive such visa.

* * * * *

Effective date. The amendment to the regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulation contained herein involves foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

BARBARA M. WATSON,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

MAY 17, 1967.

[F.R. Doc. 67-5952; Filed, May 26, 1967; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 803a—MILITARY HOUSING INSURANCE

Subpart B—Contract Rights and Obligations

In Part 803a Subpart B is revised to read as follows:

Sec.

803a.251 Incorporation by reference.
803a.255 Mortgage insurance premiums.
803a.260 Adjusted premium and termination charges.
803a.265 Insurance benefits.

AUTHORITY: The provisions of this Subpart B issued under sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 803, 69 Stat. 647, as amended; 12 U.S.C. 1748b.

§ 803a.251 **Incorporation by reference.**

(a) All of the provisions of Subpart B of Part 207 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply to mortgages insured pursuant to section 803 of the National Housing Act as in effect prior to August 11, 1955, except the following provisions:

Sec.

207.252 First, second, and third premiums.
207.253 Adjusted premium and termination charges.
207.259 Insurance benefits.

(b) For the purposes of this subpart, all references in Subpart B of Part 207 of this chapter to section 207 of the Act shall be construed to refer to section 803 of the Act as in effect prior to August 11, 1955.

§ 803a.255 **Mortgage insurance premiums.**

The payment of mortgage insurance premiums shall be governed by the provisions of § 207.252 of this chapter except that:

(a) Where the mortgage insurance premium is due prior to August 1, 1965, the amount of the annual premium payment shall be equal to one-half of 1 percent per annum of the amount of the average outstanding principal obligation of the mortgage for the following year, without taking into account delinquent payments or prepayments.

(b) Where the property covered by the mortgage has been acquired by the Secretary of Defense or his designee and the mortgage insurance premium is due on or after August 1, 1965, the amount of the annual premium payment shall be equal to one-sixth of 1 percent per annum of the amount of the average outstanding principal obligation of the

mortgage for the following year, without taking into account delinquent payments or prepayments.

(c) Where the property has not been acquired by the Secretary of Defense or his designee, the amount of the annual mortgage insurance premium payment, regardless of when due, shall be equal to one-half of 1 percent per annum of the amount of the average outstanding principal obligation of the mortgage for the following year, without taking into account delinquent payments or prepayments.

§ 803a.260 Adjusted premium and termination charges.

The termination of the mortgage insurance and the payment of an adjusted premium or termination charge shall be governed by the provisions of § 207.253 of this chapter, except that no adjusted premium or termination charge shall be due or payable to the Commissioner where, at the time of prepayment of the mortgage or termination of insurance, the property covered by the mortgage has been acquired by the Secretary of Defense or his designee.

§ 803a.265 Insurance benefits.

The payment of insurance benefits shall be governed by the provisions of § 207.259 of this chapter, except that debentures shall mature as follows:

(a) Where the mortgage was insured pursuant to a commitment issued prior to August 13, 1954, the debentures shall mature 10 years after the date of issue of such debentures.

(b) Where the mortgage was insured pursuant to a commitment issued on or after August 13, 1954, the debentures shall mature 20 years after the date of issue of such debentures.

Issued at Washington, D.C., May 22, 1967.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-5931; Filed, May 26, 1967; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Mont.

On pages 6371 and 6372 of the FEDERAL REGISTER of April 22, 1967, there was published a notice of intention to amend §§ 221.24, 221.26, and 221.28 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are subject to the jurisdiction of the several irrigation districts. The purpose of the amendments is to establish the lump sum assessment against the Flathead, Mission, and Jocko Valley Districts within the Flathead Indian Irrigation Project for the 1968 season.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Mont., on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929, March 28, 1934, August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1968 an assessment of $282,-739.33 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 81,081.34 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Mont., on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1968 an assessment of $50,814.35 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 14,890.61 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Mont., on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed for the season of 1968 an assessment of $21,945.39 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,847.03 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

REINHOLT BRUST,
Acting Area Director.

[F.R. Doc. 67-5921; Filed, May 26, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 83—MEDICALLY REMEDIAL ENLISTMENT PROGRAM

Criteria for Selection of Applicants

The following miscellaneous amendment to Part 83 was approved May 10, 1967:

The first sentence of § 83.3(b) has been revised to read as follows:

§ 83.3 Criteria for selection of applicants.

* * * * *

(b) Volunteer for enlistment or induction, including a written agreement that he will submit to the appropriate procedures, if accepted. * * *

* * * * *

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-5946; Filed, May 26, 1967; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Grand Teton National Park, Wyo.

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Midwest Region Order No. 4 (31 F.R. 5769), as amended, § 7.22, paragraph (a) is amended as set forth below. The purpose of this amendment is to delete regulations concerning speed limits which are no longer necessary, and to designate Jackson Airport as an authorized landing site as required by the provisions of § 2.2(a).

Since the amendment deletes material which is no longer necessary, and provides for additional facilities for the use of the public, it has been determined that public comment thereon is unnecessary and not in the public interest. In order that the public may have the benefit of the provisions of this amendment as soon as possible, it shall take effect immediately upon publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

Paragraph (a) of § 7.22 is amended to read as follows:

§ 7.22 Grand Teton National Park.

(a) *Aircraft—Designated airstrip.* (1) Jackson Airport, located in SE¼SE¼ sec. 10, SE¼ and S½SW¼ sec. 11, S½ and NW¼ sec. 14, NW¼NE¼ and E½ NE¼ sec. 15, T. 42 N., R. 116 W., 6th Principal Meridian.

* * * * *

JACK K. ANDERSON,
Superintendent,
Grand Teton Naitonal Park.

[F.R. Doc. 67-5923; Filed, May 26, 1967; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 143—METERED STAMPS

Manufacture and Distribution of Postage Meters

On March 23, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 4420-4421) specifying requirements for the security examination and endurance testing of each model meter proposed for manufacture.

Interested persons were afforded 30 days opportunity to participate in the rule making procedures through submission of written comments. All comments received were favorable.

In consideration of the foregoing, § 143.8(c) of Title 39, Code of Federal Regulations is amended as follows effective upon publication in the FEDERAL REGISTER:

§ 143.8 Manufacture and distribution of postage meters.

* * * * *

(c) *Testing and approval*—(1) *Submission of each model.* Each model meter proposed for manufacture must be approved by the Bureau of Operations, Post Office Department, after being tested by the National Bureau of Standards, or the Post Office Department Laboratory, at the expense of the manufacturers. A preliminary working model which meets the specifications in paragraph (b) of this section may be submitted for tentative approval. No meters of any model may be distributed or used for payment of postage until a complete unit made to production drawings and specifications has been submitted, tested, and approved, except as may be specifically authorized for preliminary field testing.

(2) *Security examination.* Each model meter proposed for manufacture will be examined to see that it incorporates all the mechanical features and safeguards required by paragraph (b) of this section and that it amply protects the Post Office Department against loss of revenue.

(3) *Endurance test.* Each model of meter proposed for manufacture must pass without error or breakdown the following-described printing cycle endurance test which includes operation of the printing mechanism with proper registration of the selected postage value in both the ascending and descending registers:

(i) (*a*) For meters that operate to 100 or more printing cycles per minute—4 million cycles.

(*b*) For meters that operate at less than 100 printing cycles per minute (and cannot be used interchangeably on power base machines that operate at 100 or more printing cycles per minute)—2 million cycles.

(ii) For multi- and omni-denomination meters, postage value selection elements shall be tested for one-half million operations. A complete operation includes selection of a value and return to zero.

(iii) Balance register lockout operation shall be performed at the start of, at intervals during, and at the end of the printing cycle test.

(4) *Approval.* The Department reserves the right before approval to require additional examination and testing as necessary to resolve any areas of doubt regarding the security or endurance characteristics of any meter which is proposed for manufacture.

(5) *Deposit of specimen meter.* One production model of each meter approved must be deposited with the Bureau of Operations, Post Office Department, and no changes affecting the basic features or safeguards may be made thereafter without departmental approval.

(6) *Tests after approval.* Additional meters from current manufacture must be submitted to the National Bureau of Standards, or the Post Office Department Laboratory, for test, at the expense of the manufacturer, as may be requested by the Bureau of Operations, Post Office Department.

* * * * *

NOTE: The corresponding Postal Manual section 143.83.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

MAY 23, 1967.

[F.R. Doc. 67-5926; Filed, May 26, 1967; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 12—Department of Transportation

PART 12-60—CONTRACT APPEALS

Title 41 of the Code of Federal Regulations is amended by the addition of a new Chapter 12 consisting of Part 12-60 and reading as follows:

Sec.

12-60.000 Scope of part.

Subpart 12-60.1—Contract Appeals Board

12-60.101 Establishment.
12-60.102 Qualifications of members.
12-60.103 Authority and duties of the Board and its members.
12-60.104 Authority and duties of the chairman.

Subpart 12-60.2—Contract Appeal Procedures

12-60.201 General.
12-60.202 Notice of appeal.
12-60.203 Forwarding of appeals.
12-60.204 Duties of the contracting officer.
12-60.205 Appellant's election as to procedure.
12-60.206 Procedure for submission on written record.
12-60.207 Conference hearing procedure.
12-60.208 Pleadings.
12-60.209 Motions.
12-60.210 Prehearing conference.
12-60.211 Service of papers.
12-60.212 Depositions and discovery.
12-60.213 Prehearing briefs.
12-60.214 Notice of hearing; where and when held.
12-60.215 Unexcused absence of a party.
12-60.216 Nature of hearings.
12-60.217 Examination of witnesses.
12-60.218 Copies of papers.
12-60.219 Posthearing briefs.
12-60.220 Transcript of proceedings.
12-60.221 Settling the record.
12-60.222 Representation of parties.
12-60.223 Settlement.
12-60.224 Decisions.
12-60.225 Effective date.

AUTHORITY: The provisions of this Part 12-60 issued under 80 Stat. 931 et seq.

§ 12-60.000 Scope of part.

This part establishes the Department of Transportation Contract Appeals Board, prescribes its functions and procedures, provides for the appointment of a chairman and members of the Board, and authorizes the members of the Board to act.

Subpart 12-60.1—Contract Appeals Board

§ 12-60.101 Establishment.

A Department of Transportation Contract Appeals Board ("Board") is established. The Secretary of Transportation ("Secretary") appoints and terminates the appointments of the members of the Board, and designates one of them as chairman. The Board is responsible directly to the Secretary.

§ 12-60.102 Qualifications of members.

Each member of the Board must be a qualified attorney who is admitted to practice before the highest court of a State or the District of Columbia, and shall be a civilian employee or a commissioned officer of the Department.

§ 12-60.103 Authority and duties of the Board and its members.

The Board acts for the Secretary in hearing and deciding: (a) Appeals by contractors from decisions made by contracting officers under contracts which provide for such an appeal to the Secretary; and (b) other matters as directed by the Secretary. In each case, the Board shall make a final decision which is impartial, fair, and just to the parties and is supported by the record of the case and the law. The member or members assigned to hear an appeal have authority to act for the Board in all matters with respect to such appeal, except that the final decision is made by a majority of a panel of Board members designated by the chairman for that purpose. No member may act for the Board or participate in a decision if

he has participated directly in any aspect of the ward or administration of the contract involved.

§ 12–60.104 Authority and duties of the chairman.

The chairman is delegated authority over and is responsible for—

(a) The internal organization and administration of the Board;

(b) The receipt and custody of all papers and material relating to contract appeals;

(c) The assignment of a member or members of the Board to act for the Board in each appeal and the assignment of the panel of Board members to decide each appeal;

(d) The designation of an acting chairman during his absence, disqualification, or disability; and

(e) The promulgation of additional or supplemental rules of procedure, not inconsistent with those established by the Secretary.

Subpart 12–60.2—Contract Appeal Procedures

§ 12–60.201 General.

(a) It is the intent of the rules in this part to provide for the just and inexpensive determination of appeals without unnecessary delay. It is the objective of the Board's preliminary procedures to encourage full disclosure of relevant and material facts, and to discourage surprise. Each specified time limitation is a maximum, and should not be fully exhausted if the action described can be accomplished in a shorter period. The Board may extend any time limitation (except the time specified in the contract for filing the notice of appeal) for good cause.

(b) For the purposes of this part—

(1) "The parties" means the appellant and the contracting officer;

(2) "Appellant" means the contractor who appeals; and

(3) "Contracting officer" means the Government contracting officer whose decision is appealed, or his successor.

(c) Ordinarily, the appellant has the burden of proof.

§ 12–60.202 Notice of appeal.

An appeal from a decision of a contracting officer is made by sending a written notice of appeal to the contracting officer addressed to the Secretary. The notice shall be mailed or filed within 30 days after the date of receipt of the contracting officer's decision, unless a different time is provided in the contract. The contractor shall sign the notice, identify the contract involved and the decision appealed from, and state that he is appealing from that decision. A general letter of complaint objecting to some action taken may be considered not to be a notice of appeal. The notice should be in triplicate, specify the part or parts of the decision from which the appeal is taken, and should state the reason why those parts are erroneous. The notice of election referred to in § 12–60.205, and the complaint referred to in § 12–60.208, may be filed with, or as part of, the notice of appeal.

§ 12–60.203 Forwarding of appeals.

Upon receiving a notice of appeal, the contracting officer shall endorse on the original and the copies the date of mailing, or the date of receipt if otherwise filed. He shall immediately send the notice and one copy to the Board for docketing. The Board shall promptly advise the appellant and the contracting officer of the receipt of the original notice of an appeal (whether received from the contracting officer or otherwise), and shall furnish the appellant a copy of the rules in this part and advise him of his option of procedures.

§ 12–60.204 Duties of the contracting officer.

Within 30 days after the first written notice to him that an appeal has been taken, the contracting officer shall send to the Board an appeal file, consisting of the originals or true copies of the following:

(a) The findings of fact and the decision from which the appeal is taken, and the letters or other documents of claim in response to which the decision was issued;

(b) The contract and pertinent specifications, plans, drawings, modifications, change orders, and amendments;

(c) All correspondence between the parties relating to the dispute;

(d) Transcripts of any testimony taken in connection with the dispute, and any affidavits or statements of any witnesses that were considered by the contracting officer in reaching his decision; and

(e) Any additional data that the contracting officer may consider pertinent.

The contracting officer shall retain a complete copy of the appeal file, except for voluminous exhibits of which the appellant has identical copies, or which the appellant has had the opportunity to inspect. At the time the file is sent to the Board he shall so notify the appellant, provide him with a listing of its contents, and advise him that he may examine it at the office of the contracting officer or the Board. As soon as possible the appellant should suggest to the Board any additional documentation he considers pertinent for inclusion in the appeal file. The Board may order the inclusion of the suggested material.

§ 12–60.205 Appellant's election as to procedure.

(a) The appellant may elect to have the appeal considered upon:

(1) The written record, without oral hearing (§ 12–60.206);

(2) A conference hearing (§ 12–60.207); or

(3) A hearing under the Board's regular procedure.

(b) The appellant shall notify the chairman of the Board of his election within 30 days after the date he receives the contracting officer's notice of transmittal of the appeal file under § 12–60.204.

(c) For good cause, at the timely request of the contracting officer or on the Board's own motion, the Board may direct that the parties follow either the conference hearing procedure or the regular procedure if the appellant has elected to have the appeal considered upon the written record; or it may direct that the parties follow the regular procedure if the appellant has elected to have the appeal considered under the conference hearing procedure.

§ 12–60.206 Procedure for submission on written record.

If the appeal is considered on the written record, the pleadings specified in § 12–60.208 are not required. The appellant may submit to the Board any additional relevant material for the record within 45 days after the date he receives the contracting officer's notice of transmittal of the appeal file under § 12–60.204. The contracting officer shall submit any answering material within 30 days after the date he receives the material submitted by the appellant. Thereafter the record shall be settled as provided in § 12–60.221 after at least 15 days notice to the parties by the Board. The Board may permit the record to be supplemented by oral argument and by briefs.

§ 12–60.207 Conference hearing procedure.

(a) *General.* This procedure provides a means for hearing and deciding appeals which is more expeditious and informal than the regular procedure set forth in the rules in this part. It may be of particular value when the appellant regards only limited additional testimony and oral argument as necessary to sustain his case on the written record.

(b) *Pleadings and issues.* Under the conference hearing procedure, pleadings are not required. The issues are those raised by the appellant's claim letter and the contracting officer's decision or those identified at a prehearing conference.

(c) *The hearing.* The hearing consists of an informal conference at which the evidence is presented and discussed by the witnesses. The presiding Board member controls the course of the hearing. He may vary the order of presentation so that all evidence on a particular issue is received at the same time and he may refuse to receive any evidence or argument on matters not directly in issue or any repetitive, irrelevant, prejudicial, or improper material. The presiding Board member may also develop facts, obtain admissions, stipulations, and concessions through questioning the parties and witnesses.

(d) *Evidence and arguments—how presented.* Evidence and argument is presented by the witnesses and the parties without regard to the formal order of proof. The technical rules of evidence do not apply, but the Board may refuse to consider any statements or documents which are not of sufficient probative weight as to be considered "substantial" evidence. Although witnesses are not separately and sequentially examined and cross-examined, questioning and cross-questioning may

be permitted when needed to get relevant information on the record or to test the credibility of witnesses. Evidence and argument may be limited to matters directly in issue.

(e) *Other rules.* All of the rules in this part, except §§ 12–60.208 and 12–60.216, apply to appeals considered under the conference hearing procedure.

§ 12–60.208 Pleadings.

(a) Unless he elects to have the appeal considered on the written record or under the conference hearing procedure, the appellant shall, within 30 days after receipt of the contracting officer's notice of transmittal of the appeal file under § 12–60.204, file with the Board an original and two copies of a complaint setting forth a concise statement of each of his claims, alleging the basis, with appropriate reference to contract provisions, for each claim, and the dollar amount claimed. If the Board orders a complaint to be filed, the complaint shall be filed within the time specified in the Board's order.

(b) Within 30 days after the date of receipt of the complaint, the contracting officer shall file with the Board an original and two copies of an answer, setting forth a concise statement of his defense to each claim asserted by the appellant.

(c) Although no particular form or formality is required, the complaint and answer shall fulfill the generally recognized requirements for pleadings.

§ 12–60.209 Motions.

Motions are made by filing an original and two copies thereof, together with any supporting papers, with the Board. Motions may also be made upon the record, in the presence of the other party, at a prehearing conference or a hearing. The Board shall consider any timely motion:

(a) For extension of time or to cure defaults;

(b) To require that a pleading be made more definite and certain, or for leave to amend a pleading;

(c) To dismiss for lack of jurisdiction; to dismiss for failure to prosecute; or to grant summary relief because a pleading does not raise a justiciable issue;

(d) For discovery, for interrogatories to a party, and for the taking of depositions;

(e) To reopen a hearing; or to reconsider a decision; or

(f) For any other appropriate order.

The Board may, on its own motion, initiate any such action by notice to the parties. Unless a longer time is allowed by the Board, a party who receives a motion shall file any answering material within 20 days after the date of receipt. The Board shall make an order on each motion that is appropriate and just to the parties, and upon conditions that will promote efficiency in disposing of the appeal. The Board may permit oral hearing or argument on motions, and may require the presentation of briefs. Motions to reconsider a decision must be made within 30 days after the date of receipt of the decision.

§ 12–60.210 Prehearing conference.

The Board may, upon the request of either party, or upon its own motion, require the parties to appear for a prehearing conference to consider—

(a) Simplification or clarification of the issues;

(b) Stipulations and admissions;

(c) Limitations on the evidence and the number of witnesses whose testimony is to be presented;

(d) Possibility of agreement on any of the issues in dispute; and

(e) Any other matter that may aid in the disposition of the appeal.

The presiding Board member shall reduce results of the conference to writing. The results are a part of the record.

§ 12–60.211 Service of papers.

Except for the appeals file, a copy of each document and each communication to the Board shall be served upon the other party at the time it is filed with or sent to the Board. Service of papers shall be made personally or by mail.

§ 12–60.212 Depositions and discovery.

(a) *Depositions.* (1) After an appeal has been docketed, the Board may, for good cause, order the taking of the testimony of any person, by deposition upon oral examination or written interrogatories. A party's application for the order shall specify whether the deposition is for (i) the purpose of discovery, or (ii) use as evidence.

(2) The taking of evidentiary depositions will not ordinarily be ordered unless it appears that it is impracticable to present the witness' testimony at the hearing of the appeal, or unless a hearing has been waived and the case submitted on the written record pursuant to § 12–60.206. Testimony taken by deposition shall not be considered part of the evidence in the hearing of an appeal unless and until it is offered and received in evidence. It shall not ordinarily be received in evidence if the witness can testify personally at the hearing, except that depositions may be used to contradict or impeach the testimony of witnesses.

(b) *Inspection of documents.* For good cause, the Board may order any party to produce and permit the inspection and copying or photographing of designated documents, not privileged, regarding any matter that is relevant to the appeal.

(c) *Admission of facts.* For good cause shown, the Board may permit a party to serve upon the opposing party a request for the admission of specified facts.

(d) *Orders of the Board.* The time, place and manner of taking depositions, producing documents or making admissions under this section shall be governed by the order of the Board.

§ 12–60.213 Prehearing briefs.

Either party may file a prehearing brief, and the Board may require both parties to submit prehearing briefs. Such a brief should be filed at least 15 days before the date set for hearing.

§ 12–60.214 Notice of hearing; where and when held.

Hearings are held in Washington, D.C., except that, upon request seasonably made and upon good cause shown, the Board in its discretion may set the hearing at another location. Hearings are scheduled by the Board with due consideration to the regular order of appeals, the desires of the parties, the requirement for just and inexpensive determination of appeals without unnecessary delay, and other pertinent factors. The parties shall be given at least 15 days notice of the time and place set for hearings.

§ 12–60.215 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing does not delay the hearing. In such a case, the hearing proceeds and the case is considered to be submitted on the written record by the absent party, as provided in § 12–60.206.

§ 12–60.216 Nature of hearings.[1]

Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Subject to the discretion of the presiding Board member as to the extent and manner of the presentation of such evidence, the appellant and the contracting officer may offer any relevant evidence that would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials. In general, admissibility depends on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence may be admitted in the discretion of the presiding Board member. The weight to be attached to evidence presented in any particular form is within the discretion of the Board, after considering the circumstances of the particular case. The Board may in any case require evidence in addition to that offered by the parties.

§ 12–60.217 Examination of witnesses.

Witnesses before the Board may be examined orally under oath or affirmation. If the testimony of a witness is not given under oath the Board shall warn the witness that his statements are subject to sections 287 and 1001 of Title 18, United States Code, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States.

§ 12–60.218 Copies of papers.

A true copy may be substituted for any book, record, paper, or other document that has been received in evidence. If this is done, an identical copy shall be furnished to the other party.

§ 12–60.219 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties, or as may be directed by the presiding Board member.

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[1] This section does not apply to hearings conducted under the conference hearing procedure (§ 12–60.207).

§ 12–60.220 Transcript of proceedings.

Unless the Board otherwise orders, testimony and argument at hearings shall be reported verbatim. Any party to a hearing may buy a transcript of the proceedings at rates fixed by contract between the Board and the reporter, or equivalent rates if the proceedings are reported by an employee of the United States.

§ 12–60.221 Settling the record.

(a) A case which is heard is ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted.

(b) A case submitted on the record pursuant to § 12–60.206 is ready for decision when the parties are so notified by the Board. At any time before the date that such a case is ready for decision, either party may, upon good cause shown, supplement the record with documents and exhibits that the Board considers relevant and material.

(c) The Board may, upon its own motion, call upon either party, with appropriate notice to the other, for evidence that it considers relevant and material. The weight attached to any evidence of record is within the discretion of the Board. Either party may at any stage of the proceeding, on notice to the other party, question by objection the relevance or materiality of material in the record or offered into the record.

(d) The Board record consists of the appeal file described in § 12–60.204 and any additional material file with or heard by the Board, except material which the Board strikes or excludes.

(e) This record is at all times available for inspection by either party, upon reasonable prior arrangement, at the office of the Board. Copies of material in the record may, if practicable, be furnished to the appellant upon payment of the established fees for reproduction.

§ 12–60.222 Representation of parties.

An individual appellant may prosecute his appeal in person; a corporation, by an officer, a partnership or joint venture, by a member; and any appellant may be represented by an attorney. The contracting officer is represented by Government counsel.

§ 12–60.223 Settlement.

A dispute may be settled at any time before the decision by the filing of a written notice by the appellant withdrawing his appeal or by written stipulation between the appellant and the contracting officer, settling the dispute. Proceedings may be suspended while the parties are considering settlement.

§ 12–60.224 Decisions.

Written decisions of the Board shall be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions are open for public inspection at the offices of the Board in Washington, D.C. Decisions of the Board are made upon the record.

§ 12–60.225 Effective date.

(a) This part becomes effective upon the date of its publication in the FEDERAL REGISTER, as to all appeals received within the Department of Transportation after that date. In addition, the Board may, upon notice to the parties, make the rules in this part apply, in whole or in part, to any appeal pending under the contract appeal rules of any operating element of the Department of Transportation. However, if any party to such an appeal objects, in writing, within 20 days after receipt of notice, the rules in this part do not apply until the Board expressly finds that their application is just and warranted. The contract appeals rules of each such operating element remain in effect for all appeals pending on the effective date of the rules in this part, except as otherwise ordered by the Board under this section after notice to the parties.

(b) Part 1 of the regulations of the Secretary of Transportation (49 CFR Part 1) is hereby modified to the extent that it is inconsistent with this part.

Issued in Washington, D.C., on May 23, 1967.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 67–5891; Filed, May 26, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 280]

EASTERN PACIFIC TUNA FISHERIES

Yellowfin Tuna

Experience gained since the initial adoption of regulations effective September 15, 1966 (31 F.R. 11938), prescribing restrictions on the taking of yellowfin tuna from a defined area of the eastern Pacific Ocean has demonstrated a need for minor revisions in the regulations to clarify their scope and intent and to make the regulations more effective. Amendments are also necessary to carry into effect two substantive changes in the existing yellowfin tuna regulatory system recommended in a resolution adopted by the Inter-American Tropical Tuna Commission on April 6, 1967.

The proposed amendments are to be issued under the authority contained in subsection (c) of section 6 of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 955(c)) .

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, 101 Seaside Avenue, Terminal Island, Calif. 90731, within the period of 20 days from the date of publication of this notice in the FEDERAL REGISTER. Interested persons will also be afforded an opportunity to comment orally on the proposed amendments at a public hearing to be held at United Portuguese Club, 2818 Addison Street, San Diego, Calif., beginning at 9:30 a.m., June 6, 1967. Any person who intends to present views orally at such hearing is requested to furnish in writing his name and the name of the organization he represents, if any, to the said Regional Director not later than June 5, 1967.

The proposed amendments, in tentative form, are described below.

1. Amend paragraph (n) of § 280.1 to read as follows:

§ 280.1 **Definitions.**

* * * * *

(n) *Closed season.* The time during which yellowfin tuna may not be taken or retained on board a fishing vessel in the regulatory area in quantities exceeding the amounts permitted to be taken and retained as an incident to fishing for other marketable species.

2. Amend paragraph (b) of § 280.2 and subparagraph (3) of the said paragraph to read, respectively, as follows:

§ 280.2 **Basis and purpose.**

* * * * *

(b) At annual meetings held at Quito, Ecuador, May 16–18, 1962; at Panama City, Panama, April 16–17, 1963; at San Diego, Calif., March 18–19, 1964; at Mexico City, Mexico, March 23–24, 1965; at Guayaquil, Ecuador, April 19–20, 1966, and at San Jose, Costa Rica, April 4–6, 1967, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

* * * * *

(3) Permit the landing of not more than fifteen percent (15%) by weight of yellowfin tuna among the tuna (the words "all marketable species" were substituted for the word "tuna" in a resolution adopted by the Commission on Apr. 6, 1967) taken on a fishing trip made after the close of the yellowfin tuna fishing season; and

* * * * *

3. Amend § 280.4 to read as follows:

§ 280.4 **Open season.**

The open season for yellowfin tuna fishing shall begin annually at 0001 hours of the 1st day of January and terminate at 0001 hours on a date to be determined and announced as provided in § 280.5.

4. Amend paragraphs (b) and (c) of § 280.6 to read as follows:

§ 280.6 **Restrictions applicable to fishing vessels.**

* * * * *

(b) Any master or other person in charge of a fishing vessel which has departed port to engage in tuna fishing in the regulatory area prior to the date of the closure of the yellowfin fishing season may continue to take and retain yellowfin tuna without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of tuna or other marketable species of fish taken during such voyage. For the purposes of this paragraph, the date of departure from port refers to the date on which the fishing vessel departs from a port to proceed directly to the fishing grounds outfitted, supplied, fueled, provisioned, and manned by officers and crew in the manner and to the extent usually required to carry out fishing operations by means of such vessel.

(c) Any master or other person in charge of a fishing vessel which has departed port after the date of the closure of the yellowfin season may possess on board such vessel and land in any port or place yellowfin tuna taken as an incident to fishing for other marketable species of fish but in no event shall the yellowfin tuna so permitted to be possessed or landed exceed fifteen percent (15%), by round weight, of all marketable species of fish on board the fishing vessel: *Provided,* That in the case of small vessels making daily fishing trips the fifteen percent (15%) allowance by weight for incidental catches of yellowfin tuna may be accumulated for periods of 2 weeks. Any quantity of yellowfin tuna possessed or landed in excess of the fifteen percent (15%) limitation prescribed by this paragraph shall be subject to seizure pursuant to section 10(e) of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 959(e)).

* * * * *

5. Amend paragraph (c) of § 280.7 to read as follows:

§ 280.7 **Restrictions applicable to cargo vessels.**

* * * * *

(c) The transfer of tuna from a fishing vessel to a cargo vessel while in a foreign country or in waters over which the country has recognized jurisdiction is subject to the applicable laws and regulations of such foreign country.

* * * * *

§ 280.9 **[Amended]**

6. Delete paragraph (a) of § 280.9.

7. Redesignate paragraph (b) of § 280.9 as paragraph (a) and amend the same to read as follows:

(a) During the period beginning on June 1 of each year and ending on the date of closure of the yellowfin tuna fishing season, and not earlier than 48 hours prior to each departure from port to engage in yellowfin tuna fishing, furnish to the Regional Director, either by letter, telegram, radiogram, or on a form obtainable from the Regional Director, a report certifying that all tuna fishes taken during the immediately preceding fishing voyage, if any, have been unloaded and that the vessel is departing port to engage in or resume yellowfin tuna fishing. A report as required by this paragraph shall be dispatched from the vessel's port of departure for a fishing voyage as defined in § 280.6(b) and if in letter form the report shall be dispatched by airmail in every case except from ports of departure on the Pacific coast of the United States where surface mail may be used for such purpose. A copy of the report certified by the maker to be a true copy and certifying the date and place of dispatch of the original shall be retained on board the reporting vessel for a period of 6 months following the date of the report. Proof of mailing of the report required by this paragraph may be provided by dispatching the same by registered or certified mail and attaching the receipt evidencing such mailing to the copy of the report to be retained on board the reporting vessel. Proof of mailing may also be provided

by similarly attaching a completed U.S. Post Office Department "Certificate of Mailing," POD Form 3817, or a form specially printed for the mailer's convenience. The failure of any vessel, irrespective of cause, to depart upon a fishing voyage within the 48-hour period specified in this paragraph shall require the furnishing in like manner of a new report not earlier than 48 hours prior to the delayed departure time.

8. Redesignate paragraphs (c) and (d) of § 280.9 as paragraphs (b) and (c), respectively.

9. Redesignate paragraph (e) of § 280.9 as paragraph (d) and amend the phrase "the gross quantities of each species of tuna fish so sold or delivered" to read "the gross quantities of tuna fish and other marketable species of fish so sold or delivered."

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated May 25, 1967.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 67-6001; Filed, May 26, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for 1967–68 Fiscal Year

Consideration is being given to the following proposals submitted by the Florida Lime Administrative Committee, established under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee, during the period from April 1, 1967, through March 31, 1968, will amount to $10,241; and (2) that there be fixed, at $0.025 per bushel of limes, the rate of assessment payable by each handler in accordance with § 911.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 24, 1967.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-5956; Filed, May 26, 1967; 8:48 a.m.]

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Approval of Expenses and Fixing of Rate of Assessment for 1967–68 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Nectarine Administrative Committee, established under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, during the period from March 1, 1967, through February 29, 1968, will amount to $225,985; (2) that the rate of assessment for such period, payable by each handler in accordance with § 916.41 to be fixed at $0.05 per standard lug box, or equivalent quantity of nectarines in other containers or in bulk; and (3) that unexpended assessment funds in excess of expenses incurred during the fiscal period ending February 29, 1968, be carried over as a reserve in accordance with § 916.42 of the said marketing agreement and order.

Terms used in the marketing agreement, as amended, and order, as amended, shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order, and "standard lug box" shall mean the No. 26 standard lug box set forth in § 828.4 of the Agricultural Code of California.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 23, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-5934; Filed, May 26, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Fatty Acids

Notice was given in the FEDERAL REGISTER of February 15, 1967 (32 F.R. 2903), that a petition (FAP 7A2143) was filed by Fatty Acid Producers' Council, 485 Madison Avenue, New York, N.Y. 20022, proposing an amendment to § 121.1070 *Fatty acids* to provide for the use of an electron capture method as a screening method in lieu of the bioassay method prescribed in paragraph (c)(2) of that section for determining the presence of chick-edema factor in the identified fatty acids. The proposed method for detection of chick-edema factor is described in the Journal of the Association of Official Analytical Chemists, volume 50 (No. 1), pages 216–218 (1967).

Having considered the data submitted in the petition, and other relevant information, the Commissioner of Food and Drugs proposes that, in addition to the amendment petitioned for, the regulation also be amended to delete reference to the gas chromatographic-microcoulometric method which is presently prescribed as a substitute for the bioassay method within expressed limitations. From the available information, it is concluded that the proposed electron capture-gas chromatographic method for detection of chick-edema is the preferred screening test for citing in the regulation, since the method has the potential of wider acceptance because of more general availability and widespread use of electron capture chromatographs.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), it is proposed that § 121.1070 (b)(2)(ii) and (c)(3) be revised to read as follows:

§ 121.1070 Fatty acids.

* * * * *

(b) * * *

(2) * * *

(ii) As evidenced by the absence of chromatographic peaks with a retention time relative to aldrin (R_A) between 10 and 25, using the gas chromatographic-electron capture method prescribed in paragraph (c)(3) of this section. If chromatographic peaks are found with R_A values between 10 and 25, the food additive shall meet the requirements of the bioassay method prescribed in paragraph (c)(2) of this section for determining chick-edema factor.

(c) * * *

(3) The gas chromatographic-electron capture method for testing fatty acids for chick-edema shall be the method described in the Journal of the Association

of Official Analytical Chemists, volume 50 (No. 1), pages 216–218 (1967).

* * * * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 22, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–5940; Filed, May 26, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 319]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

In F.R. Doc. 66–11689, published in Vol. 31 F.R. 13807, the lands involved in the application read:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 12 S., R. 9 E.,

Those portions of the east half of the east half of the southwest quarter of sec. 19; the southwest quarter of the southwest quarter of sec. 20; the northwest quarter of the northwest quarter of the northwest quarter of the northwest quarter of sec. 29, and of the north half of the north half of the northeast quarter of sec. 30, lying within the circumference of a circle, having a radius of 1,800 feet, the center of said circle being a point located S. 41°00'15" W., 1,895.18 feet from the quarter corner common to said secs. 19 and 20, basis of bearings being Transverse mercator Grid, Central Zone, Arizona.

The area described above aggregates approximately 52.17 acres in Pima County.

This description is hereby corrected to read as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 12 S., R. 9 E.,
Sec. 19, E½E½SW¼;
Sec. 20, SW¼SW¼;
Sec. 29, NW¼NW¼NW¼NW¼;
Sec. 30, N½N½NE¼.

The area correctly described above aggregates approximately 127.59 acres in Pima County.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal correction, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

RILEY E. FOREMAN,
Acting State Director.

MAY 17, 1967.

[F.R. Doc. 67–5922; Filed, May 26, 1967; 8:45 a.m.]

National Park Service

MOUNT McKINLEY NATIONAL PARK, ALASKA

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89–249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Mt. McKinley National Park Co., Inc., authorizing it to provide concession facilities and services for the public at Mount McKinley National Park, Alaska, for a period of twenty (20) years from January 1, 1968, through December 31, 1987.

The present concession contract, which terminates by limitation of time on December 31, 1967, provides "At the expiration of the full term of this contract, the Concessioner shall have a preferential right of renewal of this contract under such terms and conditions that may then be agreed upon if, in the judgment of the Secretary, it has provided satisfactory services for the public during the period of this contract."

The foregoing concessioner has performed its obligations under the contract to the satisfaction of the National Park Service and, therefore, pursuant to the contract provision and the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Director of the National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

EDWARD A. HUMMEL,
Assistant Director,
National Park Service.

MAY 19, 1967.

[F.R. Doc. 67–5924; Filed, May 26, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF TEXAS AND UNIVERSITY OF CONNECTICUT

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67–00078–00–46040. Applicant: The University of Texas, Medical School at San Antonio, 715 Stadium Drive, San Antonio, Tex. 78212. Article: Electro-magnetic shutter mechanism with attachment for exposure measurement Cat. No. 171460, accessory for electron microscope model ELMISKOPIA. Manufacturer: Siemens and Halske Aktiengesellschaft, West Germany. Intended use of article: The article measures the electron intensity of the fluorescent screen and relays this information to an automatic shutter for photographic purposes. The electron microscope is used in research and teaching. Application received by Commissioner of Customs: May 17, 1967.

Docket No. 67–00080–01–77040. Applicant: University of Connecticut Storrs, Conn. 06268. Article: Mass Spectrometer, Model MS 1201 and accessories. Manufacturer: Associated Electrical Industries Ltd., United Kingdom. Intended use of article: The article will be used to determine structures of organic compounds and determine gas composition and isotopic ratios in connection with graduate and undergraduate teaching and research programs. Investigation of lipids, alkaloids and terpenes and other compounds of high molecular weight will be conducted. The instrument will be used as a service unit for the entire University to allow it to run many different types of sample compounds. Application received by Commissioner of Customs: May 17, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific, and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67–5913; Filed, May 26, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 16222 etc.]

SERVICE MAIL RATES FOR HELICOPTER OPERATORS

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding has been postponed until further notice.

Dated at Washington, D.C., May 26, 1967.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 67-6069; Filed, May 26, 1967; 12:15 p.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17433; FCC 67-560]

BRAUN BROADCASTING CO., INC. (KOAD)

Order Designating Application for Hearing on Stated Issues

In re application of Braun Broadcasting Co., Inc. (KOAD), Lemoore, Calif., Docket No. 17433, File No. BP-16899; Has: 1240 kc, 250 w, U, Class IV, Requests: 1240 kc, 250 w, 1 kw-LS, U, Class IV; for construction permit.

1. The Commission has under consideration the above-captioned and described application requesting a daytime power increase from 250 watts, to 1 kilowatt, for Class IV Station KOAD, Lemoore, Calif.

2. The present operation of KOAD causes adjacent channel interference to the existing Class III operation of Station KHOT, Madera, Calif., resulting in a population loss of 17,450 persons. According to the applicant's data, the proposed operation of KOAD will cause additional interference to KHOT resulting in a population loss of 32,384 persons, or 8.5 percent of the population within that station's normally protected service area. In view of the substantial degree of interference involved, the above application will be designated for hearing.

3. On February 21, 1966, the applicant submitted a copy of an agreement, dated December 8, 1961, between KHOT and KOAD providing in part, that both would mutually accept the adjacent channel interference involved in the event that both were authorized to operate with 1 kilowatt. However, KHOT now operates with only 500 watts, and any application it might tender to increase power would be unaccepted for filing under the present AM rules.

4. Except as indicated by the issues specified below, the applicant is qualified to construct, own, and operate as proposed, but the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of KOAD and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of KOAD would cause objectionable interference to Station KHOT, Madera, Calif., or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That Glomor Music Broadcasters, Inc., licensee of Station KHOT, Madera, Calif., is made a party to the proceeding.

It is further ordered, That in the event of a grant of the application the construction permit shall contain the following conditions:

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 73.54 of the Commission rules.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 10, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5948; Filed, May 26, 1967; 8:48 a.m.]

[1] Commissioner Wadsworth absent.

[Docket Nos. 17058-17060; FCC 67M-840]

FINE MUSIC, INC. (WFMI) ET AL.

Order Scheduling Hearing

In re applications of Fine Music, Inc. (WFMI), Montgomery, Ala., Docket No. 17058, File No. BP-16502; Tennessee Valley Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17059, File No. BP-16609; Rocket City Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17060, File No. BP-16721; for standard broadcast construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held this date in the above-entitled matter concerning the future conduct of this proceeding: *It is ordered,* That:

Exchange of comparative and financial issue exhibits is scheduled for June 8, 1967;

Notification of witnesses is scheduled for June 14, 1967; and

Hearing presently continued without date is hereby scheduled for June 19, 1967 at 10 a.m.

Issued: May 19, 1967.

Released: May 23, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5949; Filed, May 26, 1967; 8:48 a.m.]

[Docket Nos. 17446-17448; FCC 67-598]

ST. ANTHONY TELEVISION CORP. (KHMA-TV) AND DELTA TELE-RADIO CORP.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of St. Anthony Television Corp. (KHMA-TV), Houma, La., Docket No. 17446, File No. BMPCT-6125; for extension of time within which to construct; St. Anthony Television Corp. (KHMA-TV), Houma, La., Docket No. 17447, File No. BMPCT-6196; for modification of construction permit; St. Anthony Television Corp. (KHMA-TV) (Assignor), Houma, La., and Delta Teleradio Corp., Panama City, Fla. (Assignee), Docket No. 17448, File No. BAPCT-375; for assignment of construction permit.

1. The Commission has before it for consideration the above-captioned applications of St. Anthony Television Corp. (St. Anthony), permittee of Television Broadcast Station KHMA, Channel 11, Houma, La., the first requesting modification of St. Anthony's construction permit to make certain changes (discussed in succeeding paragraphs hereof) in the authorized facilities of Station KHMA, the second requesting an extension of time within which to construct the station with presently authorized facilities, and the third requesting Commission consent to the assignment

of the construction permit to Delta Teleradio Corp. The applications for modification to make changes and for assignment are mutually contingent. Petitions to deny the applications for changes and assignment have been filed by Louisiana Television Broadcasting Corp. (WBRZ), licensee of Television Broadcast Station WBRZ, Channel 2, Baton Rouge, La.; Guaranty Broadcasting Corp. (Guaranty), licensee of Television Broadcast Station WAFB–TV, Channel 9, Baton Rouge, La.; and John M. McLendon, trading as Tele/Mac of Baton Rouge,[1] an applicant (BPCT–3725) for a construction permit for a new television broadcast station to operate on Channel 33, Baton Rouge, La., now in comparative hearing with the mutually exclusive application (BPCT–3809) of Capitol Television Broadcasting Corp. in Docket Nos. 17005–17006. The various pleadings filed in this proceeding are listed in the appendix hereto. The Association of Maximum Service Telecasters, Inc. (AMST) filed informal objections pursuant to § 1.587 of the Commission's rules, but, as hereinafter set forth, its objections have become moot by reason of an amendment to the application for changes, filed July 20, 1966, and AMST has not pursued the matter further.

2. The history of this proceeding is long and complex and need not be reviewed here. The basic facts are set forth in our memorandum opinion and order (St. Anthony Television Corp. (KHMA), FCC 64–330, 2 RR 2d 348), granting the application (BMPCT–5400) of St. Anthony for modification of its construction permit in 1964. We will briefly review developments since that time. The Commission's decision was remanded to the Commission by the U.S. Court of Appeals for the District of Columbia Circuit in May 1965 (Louisiana Television Broadcasting Corp. v. Federal Communications Commission, 121 U.S. App. D.C. 24, 347, F. 2d 808, 5 RR 2d 2025) for further proceedings. The Court set forth five questions which it stated involved public interest considerations which require resolution in a hearing. On June 28, 1965, St. Anthony filed its application (BMPCT–6125) for an extension of time until February 1, 1966, within which to construct the station because it was required to seek a new site. On November 30, 1965, the assignment application was filed and on December 3, 1965, the present application (BMPCT–6196) for changes was filed. On December 14, 1965, the application (BMPCT–6125) for extension of time was amended to request an additional 6 months. On December 20, 1965, the original application (BMPCT–5400) for changes was dismissed at the applicant's request.

3. The application (BMPCT–6196) for changes originally proposed a transmitter site 40 miles north of Houma, approximately 27 miles from Baton Rouge, a location which would have been only 202.9 miles from cochannel Station WTOK–TV, Meridian Miss., and would, therefore, have been 17.1 miles short of the mileage separation required by § 73.610(b)(1) of the Commission's rules. On July 20, 1966, St. Anthony amended the application to specify a site southwest of that originally proposed, but on an arc so that the new proposed site is still approximately 40 miles from Houma, but is about 31 miles from Baton Rouge. The new site meets all of the mileage separation requirements of the Commission's rules and, therefore, moots that part of the petitions to deny which were addressed to St. Anthony's request for waiver of § 73.610 of the rules.[2] The AMST objections are also mootcd. The amended application also proposes to increase effective radiated visual power from the authorized 16 kw to 63.2 kw, increase antenna height above average terrain from the authorized 700 feet to 1,961 feet, and make other changes.[3]

4. Petitioners allege standing in this proceeding as "parties in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended, on the grounds that they would compete with the applicant for viewership and advertising revenues in Baton Rouge and that a grant of the application would cause them economic injury. We find that Louisiana Television Broadcasting Corp. and Guaranty Broadcasting Corp. have standing. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2009. McLendon (Romac Baton Rouge Corp., see footnote 1, supra), as a mere applicant, has no standing in this proceeding as a "party in interest" within the meaning of section 309(d) of the Communications Act,[4] and, in any event, the "petition" was untimely filed.[5] We will take official notice of the pendency of the two applications for a construction permit for a new television broadcast station to operate on Channel 33 in Baton Rouge and we shall consider the Romac petition as an informal objection filed pursuant to § 1.587 of the Commission's rules. Its participation will be limited to the consideration given herein.

5. Petitioners have raised four questions with respect to the application for changes and three questions with respect to the assignment application: (1) Whether, operating as proposed, there would be a degradation of signal strength to Houma, La., contrary to the public interest; (2) whether the applicant has made the requisite efforts to ascertain the programing tastes, needs, and interests of the area it proposes to serve; (3) whether a grant of the application would constitute a de facto reallocation of Channel 11 from Houma to Baton Rouge; (4) whether operation as proposed would adversely affect the development of UHF television broadcast stations in the area and impair their ability to compete effectively; (5) whether St. Anthony made misrepresentations to the Commission or was lacking in candor in connection with its application for extensions of time within which to construct; (6) whether St. Anthony has followed a course of action in connection with its construction permit which represents trafficking; and (7) whether there has been an unauthorized transfer of control of the corporation. We shall consider these questions seriatim.

6. Degradation of signal strength: Petitioners allege that the authorized facilities of Station KHMA would enable it to deliver a minimum field strength signal of approximately 99 dbu over the entire city of Houma, but operation as proposed would enable the applicant to deliver a minimum field strength signal over Houma of 86 dbu. At the same time, it is alleged, the proposed operation would enable Station KHMA to deliver a minimum field strength signal of at least 87 dbu and possibly as much as 90 dbu over all of Baton Rouge. It is further alleged that excellent reception could be expected in Houma with indoor receiving antennas ("rabbit ears") if Station

[1] Subsequently incorporated as Romac Baton Rouge Corp., under which name the application was designed for hearing and will be used herein referring to McLendon. don.

[2] Petitioners had also alleged that, as originally proposed in BMPCT–6196, the application would have been inconsistent with § 73.685(e) of the Commission's rules because St. Anthony proposed a directional antenna to provide "equivalent protection" to Station WTOK–TV not for the purpose of improving service to Houma, but resulting in degradation of that service. The amendment of July 20, 1966, moots this objection also.

[3] Station KHMA is presently authorized to operate with effective radiated visual power of 16 kw and antenna height above average terrain of 700 feet. Prior to the July 20, 1966, amendment, the application (BMPCT–6196) for changes proposed effective radiatcd visual power of 316 kw and antenna height above average terrain of 1,968 fect.

[4] Atlantic Telecasting Corp. (WECT), 3 FCC 2d 442, 7 RR 2d 297, affirmcd sub nom Jackson F. Lee et al. v. Federal Communications Commission, ------ U.S. App. D.C. ------, ------ F 2d. ------, 8 RR 2d 211; Mansfield Journal Co. v. Federal Communications Commission, 84 U.S. App. D.C. 341, 173 F 2d. 646.

[5] The Commission gave public notice of the acceptance of the application for filing on Dec. 21, 1965; the amendment of July 20, 1966, of which the Commission gave public notice on Aug. 1, 1966, was not a major amendment as that term is definod in § 1.572(a)(1) of the Commission's rules. Romac filed its petition on Aug. 31, 1966. Section 309(c)(1) of the Communications Act provides that section 309(b) of the Act shall not apply to minor amendments; section 309(d) of the Act is expressly made applicable only to those applications and amendments thercto to which section 309(b) applies. Therefore, a petition to deny will not lie against the amendment. See Abilene and Radio and Television Co. (KRBC–TV), 1 FCC 2d 979. See also Central Coast Television (KCOY–TV), 2 FCC 2d 306, 6 RR 2d 719.

KHMA were operating with authorized facilities, but that the proposed operation would make it impossible for viewers with indoor antennas, older receivers not up to optimum operating condition, or outdoor receivers oriented toward New Orleans to receive a satisfactory picture. It is clear that the Court of Appeals decisions in Louisiana Television Broadand (7) whether there has been an unaucasting Corp., supra; Hall v. Federal Communications Commission, 99 U.S. App. D.C. 86, 237 F. 2d 567, 14 RR 2009; Television Corporation of Michigan, Inc., v. Federal Communications Commission, 111 U.S. App. D.C. 101, 294 F 2d. 730, 21 RR 2107, require that a hearing be held to determine whether such degradation of service to Houma can be justified by offsetting factors.

7. Suburban issue: [6] Petitioners allege that the applicants have not demonstrated that, they have made assiduous efforts to ascertain the programing tastes, needs, and interests of the entire area proposed to be served. St. Anthony has responded that it is not required to ascertain the local needs of all towns and villages within its proposed service area,[7] that its duty to meet the needs of its principal community is paramount to any duty to meet the needs of other communities in its proposed service area,[8] and that, to this end, its principals made surveys in Houma. Additionally, St. Anthony contends that Denver T. Brannen, president, director, and 50-percent stockholder of Delta Teleradio Corp., is also sole stockholder of KCIL, Inc., licensee of Standard Radio Broadcast Station WLUX, Baton Rouge, La., and KCIL, Houma, La., and that Mr. Brannen's operation of Station WLUX in Baton Rouge since 1963 has enabled him to acquire knowledge of the programing tastes, needs, and interests of Baton Rouge. Furthermore, it is stated, certain programs proposed for Station KHMA have their original foundations in programs broadcast by Station KCIL and the principals of Delta Teleradio "* * * possess reasonable knowledge of the community of Houma and the entire proposed service area based on surveys and background." The applicant further alleges that:

> The program format was designed to meet the needs of the entire service area as ascertained by the principals of Delta Teleradio Corp. from surveys and background experience in the area, including the communities of Houma and Baton Rouge, La.

8. We think that much more is required in the light of the decision of the Court of Appeals in Louisiana Television Broadcasting Corp., supra. Each application for modification of a construction permit must contain detailed data on the applicant's efforts to determine and fulfill the programing needs of its entire proposed service area. No such data has been furnished by the applicants and we are, therefore, unable to find that the applicants have demonstrated that they have made sufficient efforts to ascertain the programing tastes, needs, and interests of the new area proposed to be served. E.g. Cosmos Broadcasting Corp. (WSFA–TV), 5 FCC 2d 690, 8 RR 2d 975. An issue will be specified with respect thereto.

9. De facto reallocation: Petitioners allege that the facilities proposed by St. Anthony would, if granted, constitute St. Anthony a Baton Rouge station rather than a Houma station, resulting in a de facto reallocation of Channel 11 from Houma to Baton Rouge without prior rule making proceedings and an opportunity for others to apply for the channel as a Baton Rouge channel. St. Anthony contests this allegation on the grounds that it will place a principal city signal over all of Houma, will maintain its main studios in Houma, will be responsive to the programing needs and interests of Houma primarily, and will otherwise retain its primary identification with Houma. The new site proposed by St. Anthony does not change the fact situation greatly from that which we had before us in BMPCT–5400; in substance, the question of de facto reallocation has not been solved by the amended proposal and we are required, by the decision of the Court of Appeals, to determine, on the basis of a record made in hearing, whether a grant of the application would constitute a de facto reallocation of the channel. Accordingly, an issue with respect thereto will be specified.

10. UHF impact: When, in April 1964, we considered the question of whether a grant of the St. Anthony proposal as then constituted would have an adverse impact on the development of UHF television broadcasting in the area (St. Anthony Television Corp., supra), we concluded that a grant of the application would have no significant impact on UHF television development in the area. The Court of Appeals stated that this was not a determination, in light of the facts of this case, which could be made without a hearing. In the intervening years, the situation has changed to the extent that there are now two applications pending for a construction permit for a new UHF television station in Baton Rouge, as well as an application (BPCT–3702) for a construction permit for a new television broadcast station to operate on Channel 15, Lafayette, La. Operating as proposed, Station KHMA would place a principal city signal over Lafayette as well as over Baton Rouge. In the light of these facts, we will specify an issue to determine whether a grant of the application would adversely affect the development of UHF television broadcasting in the area and impair the ability of prospective UHF stations to compete effectively. The burden of proceeding with the introduction of evidence with respect to this issue will be placed on the petitioners and if substantial evidence is presented by them, the ultimate burden of proof on the issue will be on the applicant. See WLCY–TV, Inc. (WLCY–TV), 6 FCC 2d 550, 9 RR 2d 142.

11. Misrepresentations: Petitioners charge that St. Anthony misrepresented to the Commission the status of construction and its ownership of land in connection with its applications (BMPCT–6037 and BMPCT–6125) for extensions of time within which to construct. Specifically, it is alleged that St. Anthony represented to the Commission that construction of tower foundations had begun September 8, 1964, soil borings had been completed, foundations were about to be poured, building preliminaries were completed and actual construction was begun. It is also alleged that, in BMPCT–6037, St. Anthony stated that land had been purchased. Petitioners contend that, with the exception of soil borings, no construction had been undertaken and, in fact, land had not been purchased at that time nor subsequently. WBRZ has submitted copies of photographs allegedly taken at the site in November 1964, showing that no actual construction had been undertaken.[9] Moreover, it is stated that St. Anthony obtained a 30-day option, in December 1964, to purchase the land (1 month subsequent to the filing of BMPCT–6037) and on February 12, 1965, Messrs. Denver T. Brannen and Mel Wheeler[10] were given an option (filed with the Commission May 10, 1965) to purchase all of St. Anthony's stock if Brannen purchased certain property of the Union Oil Co. It is stated that Union Oil Company is the owner of record of the site specified in BMPCT–5400. St. Anthony responded that it had advised the Commission, in BMPCT–6125 (filed June 28, 1965; amended Dec. 14, 1965), that it needed an extension of time within which to construct because it was required to locate a new site. It had to find a new site, St. Anthony stated, because of the Court of Appeals decision remanding this matter to the Commission and because of the notice of proposed rule making issued by the Commission on May 10, 1965, in Docket No. 16004, proposing a revision of the field strength curves for FM radio and television. For these reasons, St. Anthony indicated, construction was suspended. St. Anthony further stated that, with respect to the "purchase" of the land, the term "land purchased" may have been inartfully drawn.

12. We believe that a sufficient threshold showing has been made to warrant further inquiry as to the status of construction and ownership of land and the validity of the applicant's representations with respect thereto. We cannot

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[6] Patrick Henry et al. v. Federal Communications Commission, 112 U.S. App. D.C. 257, 302 F. 2d 191, 23 RR 2016.

[7] Citing WKYR, Inc. (WKYR), 37 FCC 132, 3 RR 2d 1.

[8] Citing Saul K. Miller, 38 FCC 1374, 5 RR 2d 880.

[9] BMPCT–6037 was filed Nov. 20, 1964.

[10] St. Anthony, on Jan. 11, 1965, filed an ownership report with the Commission, as of Dec. 31, 1964, showing the acquisition of 13 percent of the outstanding stock by Denver T. Brannen and an additional 13 percent by Mel Wheeler. Seven of the original 10 stockholders remain, holding the other 74 percent of the stock. On June 28, 1965, St. Anthony filed an ownership report showing that Brannen was president and Wheeler secretary-treasurer.

condemn the applicant's failure to construct while this matter was being litigated in court, but we believe that its representations and course of conduct since the conclusion of the litigation require further scrutiny. We will, therefore, specify appropriate issues to enable us to determine the true status of the land at the time the various representations were made and, in the light thereof, whether the applicant made misrepresentations to the Commission or was lacking in candor.

13. Trafficking: In connection with the requested trafficking issue, petitioners further contend that Brannen and Wheeler each paid $29,125 for 130 shares of stock of par value $100 and that, following the filing of the petitions to deny, St. Anthony amended its application on July 20, 1966, modifying the agreement of sale and assignment to call for repayment to Brannen and Wheeler of $16,125 each, representing repayment of the "excess" paid by them for their stock. It is further alleged that the money to be paid to St. Anthony by Delta Teleradio for assignment of the construction permit is excessive in that it calls for the payment of funds in excess of legitimate and prudent expenses incurred by St. Anthony in connection with its construction permit. St. Anthony's response raises more questions than it resolves. For example, the purported purchase price [11] is to consist of $40,260.62 for unpaid obligations of St. Anthony, $100,000 for the stock of St. Anthony (to be distributed to the stockholders upon dissolution of St. Anthony), and $32,250 to be repaid by Delta Teleradio to Brannen and Wheeler for the "excess" paid by them for their stock. Substantial questions have been raised as to the amount and validity of the items constituting the "unpaid obligations", including more than $30,000 to be paid to Frank Conwell for consulting fees, as well as to the disposition of $100,000 in expenses for which reimbursement is claimed. The Commission has indicated that where it is proposed to sell a bare construction permit for an amount in excess of out-of-pocket expenses, a question arises as to whether a grant of the application would be consistent with the Commission's policy against "trafficking" in construction permits. Eagle River Broadcasting Co., Inc., FCC 61–460, released April 10, 1961 (Docket No. 10430). Finally, a question arises as to why Delta Teleradio has assumed the obligation to repay Brannen and Wheeler for the "excess" paid by them for their stock. It is not clear to whom they paid this "excess" and what has become of that money.

14. We think that the entire course of financial dealings in connection with the assignment application requires thorough scrutiny. We are unable to determine, from the information presently available, whether St. Anthony, Delta Teleradio, and their principals have engaged in a course of conduct amounting to "trafficking" in a broadcast authorization. An appropriate issue will be specified with respect thereto.

15. Unauthorized transfer of control: Petitioners allege that there has been a transfer of de facto control of St. Anthony without the Commission's consent. To support this conclusion, they rely upon the following facts: Prior to November 1964, there were 10 stockholders (Frank Conwell, 20 percent; S. Clark Collins, 10 percent; C. R. Patterson, Jr., 26.67 percent; E. W. Jemison, 13.33 percent; Thomas H. Givens, 6.67 percent; W. V. Seeber, Jr., 6.67 percent; Richard V. McMullen, 6.67 percent; Joseph S. Strada, 4 percent; V. L. Caldwell, 3.33 percent; and Keith T. Kenney, 2.66 percent). On November 30, 1964, Denver T. Brannen and Mel Wheeler acquired 13 percent each of the outstanding stock (paying, therefore, substantially in excess of the par value), so that stock ownership was as follows: Conwell, 30 percent; Patterson, 20 percent; Brannen, 13 percent; Wheeler, 13 percent; Collins, 10 percent; Caldwell, 5 percent; Givens, 4 percent; Kenney, 3 percent; and Strada, 2 percent. Seeber, Jemison, and McMullen withdrew as stockholders. On February 12, 1965, Brannen acquired the option (never exercised) to purchase all of the outstanding stock of St. Anthony. The option agreement was filed with the Commission on May 10, 1965, with the explanation that it was late-filed because, following the execution of the document, "certain negotiations were undertaken by some of the stockholders of St. Anthony Television Corp. which would have voided this document." It was stated that these negotiations were not fruitful whatever their nature.[12] On June 28, 1965, St. Anthony filed an ownership report, as of June 1, 1965, reporting that Brannen had replaced Conwell as president and Wheeler had replaced Patterson as secretary-treasurer. Collins remained vice president. On the basis of these facts, petitioners conclude that there has been a transfer of control.

16. There has been nothing alleged to indicate, in any manner, that there has been a transfer of control of St. Anthony. Brannen and Wheeler own only 26 percent of the stock and represent two votes on the nine-man board of directors. We can find nothing unusual in the fact that one is the president and the other the secretary-treasurer; both can be replaced by the vote of the other stockholders and can be outvoted on the board by the other members of the board. It is not alleged that they exercise any powers inconsistent with their positions or not normally exercised by others in a similar position. In brief, we find no warrant to inquire further into the matter.

17. With regard to St. Anthony's activities in connection with its failure to undertake construction pursuant to its construction permit subsequent to the remand by the Court of Appeals (see par. 2, supra), we believe that it is necessary to determine whether its failure to construct was due to a lack of diligence or was due to causes beyond its control. If the evidence should indicate the latter, we must determine whether St. Anthony will construct pursuant to its present authorization in the event that its applications for modification to make changes and for assignment are not granted.

18. We have carefully considered all of the matters raised in the various pleadings and, except as indicated by the issues specified below, we find that the applicant is qualified to construct and operate as proposed and that, except as indicated in the preceding paragraphs hereof, no substantial and material questions of fact have been raised by the pleadings. The Commission, however, is unable to make the statutory finding that grant of the applications would serve the public interest, convenience and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding upon the issues set forth below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of St. Anthony Television Corp. are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, in connection with the application (BMPCT–6125) for an extension of time within which to construct:

(a) Whether failure to construct was due to lack of diligence or was due to causes beyond the permittee's control.

(b) Whether, in the event that the applications for changes and for assignment are not granted, the applicant can provide reasonable assurance that it will expeditiously undertake construction pursuant to its present authorization.

2. To determine, in connection with the application (BMPCT–6196) for changes:

(a) Whether, operating as proposed, there would be a degradation of signal strength to Houma, La., and, if so, whether there are offsetting public interest factors sufficient to warrant such degradation.

(b) Whether a grant of the application would be consistent with section 307(b) of the Communications Act of 1934, as amended, § 73.606 of the Commission's rules, and the principles upon which the assignment of television broadcast channels has been made by the Commission.

(c) Whether a grant of the application would impair the ability of authorized or prospective UHF television broadcast stations in the area to compete effectively, or would jeopardize, in whole or

[11] The exact purchase price is vague. The application form indicates that $181,538.04 is to be paid; subsequently, it was indicated that the proper total should be $172,510.62. The latter figure does not take into account provision for the payment of an additional $10,000 should any additional accounts payable by St. Anthony be subsequently discovered.

[12] Petitioners find it significant that the option agreement was filed with the Commission by Brannen's attorney on his behalf rather than by St. Anthony, and that Brannen's counsel, as of Dec. 3, 1965, replaced St. Anthony's counsel as new counsel for St. Anthony. We do not.

in part, the prospect of the early activation of UHF television broadcast stations which may be subsequently authorized in the area.

3. To determine, in connection with the application (BAPCT–375) for assignment:

(a) The amount of money legitimately and prudently expended out-of-pocket by St. Anthony in connection with its construction permit.

(b) Whether a grant of the application would be consistent with the Commission's policy against "trafficking" in construction permits.

4. To determine, in connection with the applications for changes (BMPCT–6196) and for assignment (BAPCT–375) the efforts, if any, made by the applicants to ascertain the programing tastes, needs and interests of the area proposed to be served and the manner in which the applicants will meet those tastes, needs and interests.

5. To determine whether St. Anthony has made misrepresentations to the Commission or was lacking in candor in connection with statements made to the Commission in various applications concerning the status of construction and ownership of the land for its proposed transmitter site.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether grant of the applications, or any of them, would serve the public interest, convenience, and necessity.

It is further ordered, That the petitions to deny filed herein by Louisiana Television Broadcasting Corp. and Guaranty Broadcasting Corp. are granted to the extent indicated herein and are otherwise denied.

It is further ordered, That the petition to deny filed herein by John M. McLendon, trading as Tele/Mac of Baton Rouge (now Romac Baton Rouge Corp.) is dismissed.

It is further ordered, That Louisiana Television Broadcasting Corp. and Guaranty Broadcasting Corp. are made parties respondent in this proceeding.

It is further ordered, That the burden of proceeding with the introduction of evidence in connection with Issue 2(c) is placed upon Louisiana Television Broadcasting Corp. and Guaranty Broadcasting Corp., and the ultimate burden of proof shall be upon St. Anthony Television Corp.

It is further ordered, That the petition for waiver of § 73.610(b) of the Commission's rules, filed herein by St. Anthony Television Corp., and the informal objections filed herein by the Association of Maximum Service Telecasters, Inc., are dismissed, as moot.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the parties respondent herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 17, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[13]

[SEAL] BEN F. WAPLE, *Secretary.*

APPENDIX

APPLICATIONS AND PLEADINGS FILED

1. Application (BMPCT–6125) filed June 28, 1965, by St. Anthony Television Corp. (St. Anthony) requesting extension of time within which to construct Television Broadcast Station KHMA, Channel 11, Houma, La.

2. Application (BAPCT–375) filed November 30, 1965, by St. Anthony, requesting Commission consent to assignment of construction permit to Delta Teleradio Corp.

3. Application (BMPCT–6196) filed December 3, 1965, by St. Anthony, requesting modification of construction permit to make changes in authorized facilities of Station KHMA. Contingent upon grant of (2), above.

4. Petition for Waiver of § 73.610(b) (of the Commision's rules), filed December 3, 1965, by St. Anthony, in connection with (3), above.

5. Motion to defer action and to consolidate, filed January 5, 1966, by Guaranty Broadcasting Corp. (Guaranty), licensee of Television Broadcast Station WAFB–TV, Channel 9, Baton Rouge, La., in connection with (2) and (3), above.

6. Petition to deny, filed January 5, 1966, by Louisiana Television Broadcasting Corp., licensee of Television Broadcast Station WBRZ, Channel 2, Baton Rouge, La., against (2), above.

7. Petition to deny, filed January 20, 1966, by Guaranty, against (2) and (3), above.

8. Petition to deny, filed January 20, 1966, by WBRZ, against (3) above.

9. Informal objections, filed February 2, 1966, by the Association of Maximum Service Telecasters, Inc. (AMST), pursuant to section 1.587 of the Commission's rules, against (2) and (3) above.

10. Opposition, filed February 28, 1966, by St. Anthony, to (6), (7), and (8), above.

11. Erratum, filed March 2, 1966, by St. Anthony, in connection with (10), above.

12. Reply, filed March 18, 1966, by Guaranty, to (10) and (11), above.

13. Reply, filed March 21, 1966, by WBRZ, to (10) and (11), above.

14. Reply, filed March 21, 1966, by AMST, to (10) and (11), above.

15. Applications (BMPCT–6196 and BAPCT–375) amended, July 20, 1966.

16. Supplement to petition to deny, filed August 29, 1966, by Guaranty.

17. Supplement to petitions to deny, filed August 30, 1966, by WBRZ.

18. Petition to deny, filed August 31, 1966, by John M. McLendon, trading as Tele/Mac of Baton Rouge (now Romac Baton Rouge Corp.), applicant (BPCT–3725) for a construction permit for a new television broadcast station to operate on Channel 33, Baton Rouge, La., now in comparative hearing in Docket Nos. 17005–17006.

19. Opposition, filed September 14, 1966, by St. Anthony, to (18), above.

20. Opposition, filed September 14, 1966, by St. Anthony, (16) and (17), above.

NOTE: Pleadings designated (4), (9), and (14) are rendered moot by the applicant's amendment of July 20, 1966.

[13] Commissioners Bartley and Loevinger absent; Commissioners Cox and Johnson concurring in the result.

[F.R. Doc. 67–5950; Filed, May 26, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 67–33]

CALCUTTA, EAST COAST OF INDIA, AND EAST PAKISTAN/U.S.A. CONFERENCE

Order To Show Cause

On March 31, 1964, the Commission approved an agreement, No. 8650, between the member lines of the Calcutta, East Coast of India, and East Pakistan/U.S.A. Conference, thereby excepting the activities of the conference from the provisions of the antitrust statutes as provided in section 15 of the Shipping Act, 1916, as amended.

On July 6, 1965, the conference filed with the Commission a notice of a general rate increase to become effective October 11, 1965.[1] Ludlow Corp., a contract shipper of jute and jute products in the trade served by the conference, filed a complaint with the Commission on August 10, 1965 (Docket 65–30), alleging that the rates on jute and jute products, if increased as proposed, would be in violation of section 18(b)(5) of the Act, and that the conference action would be proscribed by sections 14(b) and 15 of the Act as detrimental to the commerce of the United States and contrary to the public interest.

In the course of the proceeding under Docket 65–30, the Hearing Examiner and the Commission issued Subpoenas Duces Tecum upon the members of the conference that required the production of certain documents deemed by the complainant to be material and relevant to determination of the issues involved in that case. The conference refused to comply with the subpoenas and the Commission thereupon brought an action in the U.S. District Court for the Southern District of New York to enforce compliance with the subpoenas. In an order dated February 2, 1966, the District Court granted the petition to enforce compliance and fixed a time and place for the production of the documents specified in the subpoenas. The U.S. Court of Appeals for the Second Circuit affirmed the order of the District Court and on December 5, 1966, the Supreme Court of the United States denied a petition for a writ of certiorari. The U.S. District Court for the Southern District of New York then

[1] By telegram of Apr. 10, 1967, the conference filed notice of a further 10 percent increase to become effective July 11, 1967. Telegram filed as part of the original document.

issued an order requiring the production of the documents at a Commission hearing scheduled for January 4, 1967. The documents were not produced.

Section 15 of the Shipping Act, 1916, as amended, provides, in pertinent part, that:

> The Commission shall by order, after notice and hearing * * * cancel * * * any agreement, * * * that it finds * * * to be contrary to the public interest, * * *.

Section 22 of the Act requires, among other things, that the Commission investigate unsatisfied complaints filed with it by "any person" and to "make such order as it deems proper." The refusal of the conference to comply with the subpoenas issued in Docket 65–30 completely frustrates this duty of the Commission. An agreement is no longer in the public interest when the carriers, that enjoy the valuable advantage of being entitled to act in concert without running afoul of the antitrust statutes, preclude the Commission from carrying out its statutory duties:

Now therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended,

It is ordered, That the Calcutta, East Coast of India, and East Pakistan/U.S.A. Conference and the member lines thereof show cause why Agreement No. 8650 should not be canceled by the Commission on a finding that said agreement has been carried out in a manner contrary to the public interest. This proceeding shall be limited to the submission of affidavits, memoranda, and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business June 27, 1967, replies thereto shall be filed by Hearing Counsel and interveners, if any, no later than close of business July 12, 1967. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument will be heard at 9:30 a.m., July 19, 1967, in Room 114, 1321 H Street NW., Washington, D.C.

The issues in this matter appear to be resolvable on the basis of the facts stated above, but if any of the respondents consider other facts relevant to the issue of cancellation of the agreement, they may, together with their brief, file an affidavit setting forth such facts and a statement of their relevance to the issues. Should any other party dispute these facts by similar affidavit, the disputed issues of fact, if relevant, will be set down for evidentiary hearing.

It is further ordered, That the Calcutta, East Coast of India, and East Pakistan/U.S.A. Conference and its member lines as indicated in Attachment A hereto, are hereby made respondents in this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this procceding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure no later than close of business June 12, 1967, with copy to Respondents.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

ATTACHMENT A

CALCUTTA, EAST COAST OF INDIA, AND EAST PAKISTAN/U.S.A. CONFERENCE

Mr. James C. Pendleton, General Secretary, 25 Broadway, New York, N.Y. 10004.

MEMBERS

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.
Brocklebank, Thos. & Jno., Ltd., c/o Cunard Steamship Co., Ltd., 25 Broadway, New York, N.Y. 10004.
Hellenic Lines, Ltd., 39 Broadway, New York, N.Y. 10006.
Isthmian Lines, Inc., 90 Broad Street, New York, N.Y. 10004.
Nedlloyd Lines, 25 Broadway, New York, N.Y. 10004.
Scindia Steam Navigation Co., Ltd. (The), 17 Battery Place, New York, N.Y. 10004.
Shipping Corp. of India Ltd. (The), c/o United States Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.

[F.R. Doc. 67–5939; Filed, May 26, 1967; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811–1432]

CEMETERY CARE INVESTMENT CO., INC.

Notice of Filing of Application for Order Declaring Company Ceased To Be Investment Company

MAY 23, 1967.

Notice is hereby given that Cemetery Care Investment Fund, Inc. ("applicant"), 135 La Salle Street, Suite 3600, Chicago, Ill. 60603, an Illinois corporation and an open-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. Applicant represents that it has merged into its wholly owned Maryland subsidiary which is registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of applicant's representations.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 12, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67–5927; Filed, May 26, 1967; 8:46 a.m.]

[811–182]

SUPER-CORPORATIONS OF AMERICA TRUST SHARES-SERIES AA

Notice of Filing of Application for Order Declaring That Company Ceased To Be Investment Company

MAY 23, 1967.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Super-Corporations of America Trust Shares-Series AA ("Applicant"), 120 Wall Street, New York, N.Y. 10005, a unit investment trust, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant represents that on June 1, 1949, Super-Corporations of America Depositors, Inc. ("Depositor") terminated the trust pursuant to the termination provisions of the trust indenture and the underlying securities were sold. An

initial distribution of $2.25 per share representing a partial distribution of the proceeds of the sale of the deposited property was made available on and after March 6, 1950. On June 30, 1952 a final distribution was made available at the rate of $0.79 per share. On June 30, 1961 all unclaimed funds were escheated to the State of New York. The holders of outstanding certificates who may be entitled to one or both of the distributions may obtain payment by surrendering their certificates to the Comptroller of the State of New York, Albany, N.Y.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 16, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67–5928; Filed, May 26, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI67–394 etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 18, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set fourth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 12, 1967.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-394	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020, Attn: Mr. F. C. Sweat.	229	5	Florida Gas Transmission Co. (White Castle Field, Iberville Parish, La.) (South Louisiana).	$9,270	4-28-67	[3] 7-1-67	12-1-67	[4] [6] 20.75	[4] [6] [8] 21.75	RI65-475.
	-----do-----	69	[7] 11	Cities Service Gas Co. (Ilugoton Field, Grant and Haskell Counties, Kans).	6,415	4-25-67	[3] 5-26-67	10-26-67	[4] 12.0	[4] [6] [10] 14.5	RI65-475.
RI67-395	Phillips Petroleum Co., Bartlesville, Okla. 74003, Attn: LeRoy Culbertson, Vice President.	374	6	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex.) (Permian Basin Area).	[12] 13,730 [13] 342	4-28-67	[3] 5-29-67	10-29-67	[12] 16.07 [13] 16.49	[4] [11] 18.5	RI67-93. RI67-93.
RI67-396	J. M. Huber Corp., 2401 East Second Ave., Denver, Colo. 80206.	29	3	Northern Natural Gas Co. (Gate Field, Harper County, Okla.) (Panhandle Area).	177	4-24-67	[3] 7-1-67	12-1-67	[14] 17.696	[4] [14] 18.802	RI62-427.
RI67-397	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	124	13	Natural Gas Pipeline Co. of America (Camrick Field, Texas and Beaver Counties, Okla.) (Panhandle Area).	2,128	4-28-67	[3] 6-5-67	11-5-67	[4] 18.0	[4] [6] 18.2	RI67-5.
	-----do-----	129	6	Colorado Interstate Gas Co. (Adams Ranch Field, Meade and Seward Counties, Kans).	371	4-27-67	[3] 6-1-67	11-1-67	[14] 19.39700	[4] [15] [16] 20.54175	RI62-425.
	-----do-----	180	3	Panhandle Eastern Pipe Line Co. (Northwest Eva Field, Texas County, Okla.) (Panhandle Area).	730	4-27-67	[3] 6-1-67	11-1-67	16.0	[4] [6] 17.0	RI65-599.

See footnotes at end of table.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-398	Ashland Oil & Refining Co. (Operator) et al.	127	9	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	13,500	4-27-67	[2] 6-1-67	11-1-67	[16] 18.785	[3] [9] [16] 19.890	RI62-426.
RI67-399	C. L. McMahon, Jr., et al., 1605 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.	1	5	Cimarron Transmission Co. (West Enville Field, Love County, Okla.) (Oklahoma "Other" Area).	56	4-19-67	[2] 7-1-67	12-1-67	[17] [18] 15.0	[3] [17] [18] 17.5	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Inclusive of 1.75 cents tax reimbursement.
[6] Subject to a downward B.t.u. adjustment.
[7] Includes letter agreement dated Mar. 21, 1967, which provides for 12.5 cents rate for 5-year period beginning June 17, 1966, and 13.5 cents rate for succeeding 5-year period plus gathering and compression charge of 2.0 cents to be paid by buyer.
[8] Renegotiated rate increase.
[9] Pressure base is 14.65 p.s.i.a.
[10] Includes 2.0 cents gathering and compression charge paid by buyer.
[11] Remainder of periodic increase to 18.5 cents per Mcf which was contractually due Sept. 1, 1965.
[12] Pertains to gas from Devonian Formation.
[13] Pertains to gas from Pennsylvanian Formation.
[14] Includes base rate of 16.0 cents before increase and 17.0 cents after increase plus upward B.t.u. adjustment. Base rates subject to proportionate upward and downward B.t.u. adjustment from base of 1,000 B.t.u.'s per cubic foot.
[15] Includes 0.00375 cent partial reimbursement of assessment levied by Kansas State Board of Health.
[16] Includes base rate of 17.0 cents before increase and 18.0 cents after increase plus upward B.t.u. adjustment. Base rates subject to upward and downward B.t.u. adjustment.
[17] Subject to deduction by buyer equal to buyer's cost of treating gas including 6½ percent rate of return on treating facilities or 0.75 cent per Mcf, whichever is less.
[18] Subject to a downward B.t.u. adjustment from 1,000 B.t.u. and an upward B.t.u. adjustment from 1,000 B.t.u.'s to a maximum of 1,100 B.t.u.'s. (Present B.t.u. content is 1,075 B.t.u.'s per cubic foot.)

The proposed rate increase filed by Phillips Petroleum Co. (Phillips) involves the sale of gas from the Devonian and Pennsylvanian Formations in the Permian Basin Area of New Mexico and exceeds the applicable area ceiling rates established in the related quality statements accepted by the Commission's order issued January 6, 1967. The rate change represents the remaining portion of a "fractured" rate previously filed for. Under the circumstances, we conclude that Phillips' proposed rate filing should be suspended for 5 months from May 29, 1967, the proposed effective date.

Except for the stay of the moratorium in Opinion No. 468, Phillips' rate filing would be rejectable because the proposed rate is in excess of the applicable area ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review, Phillips' rate increase will be rejected ab initio.

With the exception of the rate increase filed by Phillips which exceeds the applicable rate established in the related quality statements filed pursuant to Opinion No. 468, as amended, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 67-5840; Filed, May 26, 1967; 8:45 a.m.]

[Docket No. CI67-719]

HARRY C. BOGGS

Order Fixing Date for Prehearing Conference and Prescribing Procedures

MAY 22, 1967.

On April 18, 1967, the Secretary of the Federal Power Commission issued a notice of the application filed herein, which was published in the FEDERAL REGISTER on April 27, 1967 (32 F.R. 6533). By his application, Harry C. Boggs seeks an order of the Commission permitting and approving the abandonment of a sale of natural gas in interstate commerce for resale to Consolidated Gas Supply Corp. in Roane County, W. Va., under Harry C. Boggs Rate Schedule No. 1. The Applicant's submittals assert that the acreage is productive. Consolidated Gas Supply Corp. states that it desires to continue purchasing Applicant's gas under the existing rate schedule. The hearing to be held shall consider the following issues, as well as other material and relevant issues raised by the parties, the staff or the evidence:

(1) Whether the Applicant may be permitted to abandon service to the Buyer while the contract remains in effect.

(2) Whether the present or future public convenience and necessity permit the termination of service by Applicant.

The Commission further finds that an informal prehearing conference pursuant to section 1.18 of the rules of practice and procedure is desirable and appropriate under the circumstances.

The Commission orders:

(A) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, an informal prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.d.s.t., on June 7, 1967, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, for the purpose of considering all matters pertaining to the application herein.

(B) A presiding examiner, to be hereinafter designated by the Chief Hearing Examiner, shall preside at both the prehearing conference and the hearing.

(C) Following the prehearing conference, the presiding examiner shall give notice of the date of public hearing and shall prescribe such other procedures as appropriate in the disposition of this matter.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 67-5914; Filed, May 26, 1967; 8:45 a.m.]

[Project Nos. 2088, 2100]

OROVILLE-WYANDOTTE IRRIGATION DISTRICT AND DEPARTMENT OF WATER RESOURCES OF CALIFORNIA

Order Providing for Hearing and Granting Petition To Intervene

MAY 22, 1967.

This order directs a hearing involving two projects licensed by this Commission, Project No. 2088 (South Fork Project) and Project No. 2100 (Oroville Project). The matter is occasioned by an application of the licensee for Project No. 2088 for approval of "as built" project facility drawings. Questions at issue are whether Project No. 2088 as built can be operated and maintained consistent with Project No. 2100 as licensed. If not, what actions should be taken by the Commission at this time regarding Project No. 2088 and Project No. 2100.

On January 13, 1967, Public notice was given of an application filed by Oroville-Wyandotte Irrigation District (OWID), for approval of maps, plans, and specifications purporting to show constructed project works of Project No. 2088. Project No. 2088, is located on the South Fork of the Feather River, Lost Creek, and Slate Creek, Calif. Certain of the project works of the South Fork Project, namely Ponderosa Dam, Miners Ranch Conduit and Miners Ranch Reservoir, are located immediately adjacent to the reservoir area of the Department of Water Resources of the State of California's Oroville Project, Project No. 2100.

On March 6, 1967, within the prescribed period for the filing of protests and petitions to intervené The State of California (State) through its Department of Justice, filed a petition to intervene in the proceedings on OWID's application, and a formal protest to the application. The State contends that the revised maps, plans, and specifications should not be approved.

According to the protest OWID's plans depict project works located and constructed in a manner substantially dif-

ferent from plans approved as part of the license; these divergences from previously approved plans bring Project No. 2088 into conflict with the State's Oroville Project, No. 2100; and project works as so depicted are temporary facilities not capable of being operated successfully for the full term of the license. In addition, the State argues that a communications line and access road built by OWID in conjunction with the South Fork Project were built without license authorization and that these facilities conflict with the State's project. In support of its petition for leave to intervene and present evidence in Project No. 2088, State contends that resolution of these issues by this Commission might affect the rights and liabilities of the Department of Water Resources, licensee for Project No. 2100.

After having requested and received an extension of time, OWID on April 19, 1967, filed an objection to the State's petition to intervene, and an answer opposing the State's protest.

We are of the opinion that the application of OWID and the protest of the State raise substantial factual and legal questions upon which a consolidated hearing should be held in Project Nos. 2088 and 2100. Moreover, in view of the fact that the State of California acts through its agency the Department of Water Resources as licensee for Project No. 2100, we are granting the State leave to intervene as requested by its Department of Justice. In doing so, we express no opinion as to the manner of participation or representation of licensee, Department of Water Resources.

The Commission further finds:

(1) It is necessary and appropriate for the purposes of the Federal Power Act that a hearing be held on the matters as referred to in the recitals above.

(2) The participation in this proceeding by the petitioner, State of California, may be in the public interest.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(g), 9, 10, 308, and 309 thereof, and pursuant to the terms and conditions of the licenses for Project Nos. 2088 and 2100, a public hearing shall be held as provided for in the findings above at a time and place to be designated by the Presiding Examiner.

(B) The petitioner, State of California is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation by Petitioner should be limited to matters affecting certain rights and interests specifically set forth in its petition for leave to intervene: *And provided further,* That the admission of the petitioner shall not be construed as recognition by the Commission that the petitioner might be aggrieved by any order or orders issued by the Commission in this proceeding.

(C) A prehearing conference shall be held on June 29, 1967, at 10 a.m., p.d.t. at the Commission's San Francisco Regional Office, 555 Battery Street, San Francisco, Calif., for the purposes specified in § 1.18(b) of the Commission's rules of practice and procedure, and particularly for clarification of the issues to be considered in the hearing.

(D) Notices of Intervention and Petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37) on or before June 9, 1967.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-5916; Filed, May 26, 1967; 8:45 a.m.]

[Docket No. CP67-338]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

MAY 22, 1967.

Take notice that on May 15, 1967, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP67-338 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of additional quantities of natural gas to an existing customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Approximately 15.78 miles of 30-inch pipeline loops and 18.0 miles of 36-inch pipeline loops at various locations and in varying lengths along Applicant's pipeline system between Beaumont, Tex., and Compressor Station No. 21-A, located near Connellsville, Pa.,

(2) Dual river crossings of 30-inch and 36-inch pipe of the Kentucky River, Juniata River, Schuylkill River, and Susquehanna River,

(3) An additional 15,000 horsepower electric centrifugal compressor unit at the Egypt, Miss., Compressor Station,

(4) Changes in impellers in centrifugal compressors at various existing compressor stations, and

(5) Additional metering facilities in existing Metering and Regulating Station Number 058 located on Staten Island, N.Y.

Applicant also seeks authorization to sell and deliver an additional 41,821 Mcf of natural gas per day to Consolidated Edison Co. of New York, Inc. (Con Ed), pursuant to a letter agreement between Applicant and Con Ed dated March 21, 1967. Con Ed states that this additional quantity of natural gas is necessary to meet its market requirements beginning November 1, 1967.

Applicant estimates the total cost of the proposed facilities at approximately $21,914,000, said cost to be financed initially through the use of Applicant's $100,000,000 revolving credit and later permanently financed through issuance of bonds, debentures, stocks, or from its general funds, depending upon market conditions at the time.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 19, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-5917; Filed, May 26, 1967; 8:45 a.m.]

[Project No. 2316]

WASHINGTON

Notice of Land Withdrawal

MAY 23, 1967.

By withdrawal notice of August 29, 1962, published in the FEDERAL REGISTER September 5, 1962 (27 F.R. 8841), this Commission gave notice of the reservation of approximately 207.27 acres of U.S. lands pursuant to completed application for preliminary permit filed June 29, 1962, by Water District No. 97 of King County, Wash., and designated as Project No. 2316.

Water District No. 97 of King County, Wash., on May 4, 1967, filed revised map, Exhibit K, sheet 2 of 6 (FPC No. 2316-18) in connection with an application for major license for Project No. 2316, embracing additional lands of the United States.

Therefore, conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the additional lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 2316 and are from the date of filing of the above mentioned revised map exhibit, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

WILLIAMETTE MERIDIAN, WASHINGTON

T. 25 N., R. 10 E.,
Sec. 7, SE¼SW¼, SW¼SE¼.

The additional area of U.S. land reserved for this project, pursuant to the filing of this application for license, is approximately 80 acres entirely located within the Snoqualmie National Forest, none of which has been previously withdrawn for power purposes.

Copies of the revised project map, Exhibit K, sheet 2 of 6 (FPC No. 2316–18) is being transmitted to the Bureau of Land Management, Geological Survey and Forest Service.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67–5919; Filed, May 26, 1967; 8:45 a.m.]

[Docket Nos. G–12003 etc.]

MOBIL OIL CORP. ET AL.

Findings and Order; Correction

MAY 11, 1967.

Mobil Oil Corp. et al., Docket Nos. G–12003 etc.; Eric T. Duncan et al. doing business as Richter Oil Co., Docket No. G–15346.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, severing rate proceeding, terminating rate proceeding, substituting respondent, making successor co-respondent, redesignating proceedings, accepting agreement and undertaking for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing, issued October 26, 1966 and published in the FEDERAL REGISTER November 5, 1966 (F.R. Doc. 66–11968, 31 F.R. 14323), in the chart change FPC Gas Rate Schedule No. "1" to read FPC Gas Rate Schedule No. "3" after Docket No. G–15346, Eric T. Duncan et al. doing business as Richter Oil Co.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67–5915; Filed, May 26, 1967; 8:45 a.m.]

[Docket Nos. G–4831 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Findings and Order; Correction

MAY 11, 1967.

Pan American Petroleum Corp. (Operator), et al. (successor to Shell Oil Co.), et al., Docket Nos. G–4831 etc.; C. O. Poling et al., doing business as Smith & Poling Gas Co., Docket No. CI67–1130.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, making successor co-respondent, redesignating proceeding, accepting agreement and undertaking for filing and accepting related rate schedules and supplements for filing issued April 19, 1967 and published in the FEDERAL REGISTER April 29, 1967 (F.R. Doc. 67–4625, 32 F.R. 6654), change Docket "No. CI61–1130" to read Docket "No. CI67–1130" after C. O. Poling et al., doing business as Smith & Poling Gas. Co.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67–5918; Filed, May 26, 1967; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize ten percent of the total number of factory production workers except as otherwise indicated.

Aalfs Manufacturing Co., Spencer, Iowa; 5–18–67 to 5–17–68; 10 learners (boys' jeans).

Aynor Manufacturing Co., Inc., Aynor, S.C.; 4–23–67 to 4–22–68 (ladies' and children's capris and jamaicas).

Bee & Gee Pants Co., Inc., Dickson City, Pa.; 5–4–67 to 5–3–68 (men's and boys' trousers).

Bishop & Co., Weissport, Pa.; 4–26–67 to 4–25–68 (ladies' and children's blouses).

Brooks Contracting Co., Clarksville, Tex.; 4–27–67 to 4–26–68; 5 learners (work uniforms).

Brundidge Shirt Corp., Brundidge, Ala.; 5–16–67 to 5–15–68 (men's dress and sport shirts).

Brunswick Manufacturing Co., Brunswick, Ga.; 5–11–67 to 5–10–68 (ladies' and children's outerwear jackets).

Covington Industries, Inc., Opp, Ala.; 5–4–67 to 5–3–68 (men's cotton coats, trousers, and coveralls).

Duncan Manufacturing Co., Duncan, Okla.; 5–1–67 to 4–30–68 (men's and boys' trousers).

Elder Manufacturing Co., Carl Junction, Mo.; 5–5–67 to 5–4–68 (boys' shirts and pajamas).

Formflex of Arizona, Inc., Phoenix, Ariz.; 4–26–67 to 4–25–68 (girdles).

Frayne Sportswear Manufacturing, Inc., Tampa, Fla.; 4–28–67 to 4–27–68; 10 learners (ladies' and juniors' shorts, slacks, and blouses).

Garan, Inc., Adamsville, Tenn.; 5–11–67 to 5–10–68 (men's and boys' sport shirts).

Glen Lyon Bra & Corset Co., Inc., Wilkes-Barre, Pa.; 5–19–67 to 5–18–68; 10 learners (corsets and allied garments).

Grifton Clothing Co., Grifton, N.C.; 4–24–67 to 4–23–68 (boys' and girls' outerwear jackets and boxer pants).

Imperial Reading Corp., La Follette, Tenn.; 5–7–67 to 5–6–68 (men's dress shirts).

The Jacy Manufacturing Co., Wilburton, Pa.; 5–12–67 to 5–11–68; 10 learners (women's dresses).

Kellwood Co., Oxford, Miss.; 5–8–67 to 5–7–68 (boys' pants and walking shorts).

Landress-Smith Corp., Hoschton, Ga.; 5–18–67 to 5–17–68 (men's and boys' slacks).

The H. D. Lee Co., Inc., Houston, Mo.; 4–26–67 to 4–25–68 (men's and ladies' western pants).

The H. D. Lee Co., Inc., Richland, Mo.; 4–26–67 to 4–25–68 (men's pants).

Lyons Manufacturing Co., Inc., Lyons, Ga.; 5–18–67 to 5–17–68 (men's and boys' shirts).

McColl Manufacturing Co., McColl, S.C.; 5–9–67 to 5–8–68; 10 learners (ladies' dresses).

Medaryville Garment Factory, Medaryville, Ind.; 5–11–67 to 5–10–68 (men's and boys' dungarees, children's jeans, etc.).

Monroe Garment Co., Inc., Monroe, N.C.; 5–14–67 to 5–13–68; 5 learners (men's shirts).

The Newton Co., Newton, Miss.; 5–17–67 to 5–16–68 (men's and ladies' slacks).

Opp Textiles, Inc., Opp, Ala.; 5–18–67 to 5–17–68 (winter hunting clothing, men's pants).

Pittson Apparel Co., Glen Lyon, Pa.; 5–7–67 to 5–6–68 (brassieres and girdles).

Princess Peggy, Inc., Vandalia, Ill.; 5–1–67 to 4–30–68 (ladies' dresses and sportswear).

Putnam Manufacturing Co., Cookeville, Tenn.; 5–16–67 to 5–15–68 (men's pants).

Raritan Sportswear Co., Perth Amboy, N.J.; 5–17–67 to 5–16–68; 5 learners (men's and boys' zipper jackets).

Robin Dress Co., Enosburg Falls, Vt.; 5–3–67 to 5–2–68; 10 learners (women's dresses).

S & R Dress Co., Inc., Tamaqua, Pa.; 4–25–67 to 4–24–68; 5 learners (children's dresses).

Saf-T-Bak, Inc., Altoona, Pa.; 5–3–67 to 5–2–68 (men's and boys' hunting clothes).

Sherman Manufacturing Co., Darlington, S.C.; 5–4–67 to 5–3–68 (ladies' house dresses).

Southern Maid Garment Co., Winnsboro, S.C.; 5–5–67 to 5–4–68; 10 learners (children's dresses).

Spartans Industries, Inc., Spencer, Tenn.; 5–11–67 to 5–10–68 (Ladies' and girls' capri pants).

Levi Strauss & Co., Amarillo, Tex.; 5–3–67 to 5–2–68 (men's jeans).

Trousdale Manufacturing Co., Hartsville, Tenn.; 5–4–67 to 5–3–68 (ladies' blouses and dresses).

The Van Heusen Co., Des Arc, Ark.; 5–22–67 to 5–21–68 (men's shirts).

Wallace Sewing Co., Inc., Wallace, N.C.; 5–12–67 to 5–11–68 (children's sport coats).

Warner Slimwear-Lingerie, London, Ky.; 5–23–67 to 5–22–68 (corsets and brassieres).

E. Weinshel & Bro. Co., Milwaukee, Wis.; 5–10–67 to 5–9–68; 10 learners (men's and boys' poplin jackets and suburban coats).

J. M. Wood Mafnuacturing Co., Inc., Waco, Tex.; 5–18–67 to 5–17–68 (men's and boys' pants and shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Byrds Manufacturing Corp., Albany, Ky.; 5–12–67 to 11–11–67; 55 learners (ladies' shirts).

Duncan Manufacturing Co., Duncan, Okla.; 5–1–67 to 10–31–67; 50 learners (men's and boys' trousers).

The H. D. Lee Co., Inc., Houston, Mo.; 4–26–67 to 10–25–67; 30 learners (men's and ladies' western pants).

Spring City Manufacturing Co., Spring City, Tenn.; 5–15–67 to 11–14–67; 100 learners (men's and boys' pants).

Warner Slimwear-Lingerie, London, Ky.; 5–23–67 to 11–22–67; 30 learners (corests and brassieres).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Glenwood, Ark., 5–11–67 to 5–10–68; 10 learners for normal labor turnover purposes (work gloves).

Mount Vernon Plant, Edmont-Wilson Division, Mount Vernon, Ohio, 5–2–67 to 7–30–67; 10 additional learners for plant expansion purposes (work gloves) (supplemental certificate).

Wells Lamont Corp., Philadelphia, Miss.; 5–7–67 to 5–6–68; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Louis Gallet, Inc., Uniontown, Pa.; 4–27–67 to 4–26–68; 5 learners for normal labor turnover purposes (men's and ladies' sweaters).

U.S. Lingerie Corp., Donalsonville, Ga.; 4–27–67 to 10–26–67; 10 learners for plant expansion purposes (ladies' night gowns).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 19th day of May 1967.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67–5925; Filed, May 26, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 393]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 24, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2421 (Sub-No. 7 TA), filed May 19, 1967. Applicant: NEWTON TRANSPORTATION COMPANY, INC., Post Office Box 678, Lenoir, N.C. 28645. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts,* from Lenoir, N.C., to St. Louis, Mo., and points in Illinois and Indiana, for 180 days. Supporting shippers: Bernhardt Furniture Co. (Fred Piercy, Traffic Manager); Consolidated Furniture Industrics, Inc. (Edwin C. Schell, Traffic Manager); Broyhill Furniture Factories (Clive W. Laney, Traffic Manager); and Caldwell Furniture Co. (Alice H. Hoover, Traffic Manager); all of Lenoir, N.C. 28645. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 31617 (Sub-No. 5 TA), filed May 22, 1967. Applicant: W. G. THALMANN, doing business as JONES TRUCK LINE, Route 6, Hopkinsville, Ky. 42240. Applicant's representative: Harold Seligman, 1808 West End Building, 12th Floor, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Treated forest products and crossarms, timbers, and finished railroad ties,* from the plantsite of Koppers Co. at or near Guthrie, Ky., to points in Kentucky, Alabama, Tennessee, Georgia, Pennsylvania, Mississippi, Texas, Arkansas, Florida, Illinois, Ohio, North Carolina, Louisiana, South Carolina, Indiana, Missouri, Virginia, and West Virginia; and (2) *treated and untreated forest products and crossarms, timbers, and finished railroad ties,* from the plantsites of Koppers Co. at or near Montgomery, Ala., Grenada, Miss., Jackson, Miss., Caddo Gap, Ark., Carbondale, Ill., Finney, Ohio, and Sumiton, Ala., to the plantsite of Koppers Co. at or near Guthrie, Ky.; for 180 days. Supporting shipper: Koppers Co., Inc., Guthrie, Ky. 42234 (Dwight L. Woosley, Plant Manager). Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 52005 (Sub-No. 4 TA), filed May 22, 1967. Applicant: OREGON-WASHINGTON TRANSPORT, 3322 Northwest 35th Avenue., Portland, Oreg. 97210. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Firefighting equipment and supplies,* between points in Deschutes County, Oreg., on the one hand, and, on the other, points in Oregon, Washington, Idaho, and those in California in and north of Lassen, Shasta, Trinity, and Humboldt Counties, Calif.; for 180 days. Supporting shipper: General Services Administration, Washington, D.C. (Thomas J. O'Reilly, Assistant General Counsel). Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 52751 (Sub-No. 73 TA), filed May 22, 1967. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, Post Office Box 1634, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Building materials,* from the plantsite and warehouse facilities of National Gypsum Co., at Fort Dodge, Iowa, to points in Missouri; for 180 days. Supporting shipper: National Gypsum Co., Gold Bond Building, Buffalo, N.Y. 14202. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 66562 (Sub-No. 2236 TA), filed May 19, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: Joseph A. Papa, 30th and Walnut Streets, Philadelphia, Pa. 19104. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* moving in ex-

press service; (1) between Harrisburg, Pa., and Lancaster, Pa.: From Harrisburg, southeast over U.S. Highway 230 to junction U.S. Highway 230 and Pennsylvania Highway 72, thence south over Pennsylvania Highway 72 to Lancaster, serving no intermediate points; (2) between Harrisburg, Pa., and Mount Union, Pa.: From Harrisburg, northwest over U.S. Highway 22 to junction U.S. Highway 22 and Pennsylvania Highway 34, thence west over Pennsylvania Highway 34 to Newport, thence return over Pennsylvania Highway 34 to U.S. Highway 22, thence northwest over U.S. Highway 22 to junction U.S. Highway 22 and Pennsylvania Highway 35, thence west over Pennsylvania Highway 35 to Mifflin, thence return over Pennsylvania Highway 35 to U.S. Highway 22, thence northwest over U.S. Highway 22 to junction U.S. Highway 22 and U.S. Highway 522, thence south over U.S. Highway 522 to Mount Union, serving the intermediate points of Newport, Mifflin, and Lewistown, and at Lewistown connecting with an over-the-road truck running between Lewistown and Belleville, Pa., serving the intermediate points of Burnham and Reedville, Pa.; (3) between Altoona, Pa., and Mount Union, Pa.: From Altoona, north over U.S. Highway 220 to Tyrone, thence southeast over Pennsylvania Highway 350 to junction Pennsylvania Highway 350 and U.S. Highway 22, thence south over U.S. Highway 22 to junction U.S. Highway 22 and Pennsylvania Highway 866, thence east over Pennsylvania Highway 866 to Williamsburg, Pa., thence return over Pennsylvania Highway 866 to U.S. Highway 22, thence east over U.S. Highway 22 to Huntingdon, thence east over U.S. Highway 22 to junction U.S. Highway 22 and U.S. Highway 522, thence south over U.S. Highway 522 to Mount Union, serving the intermediate points of Tyrone, Williamsburg, and Huntingdon, and at Tyrone connecting with an over-the-road truck running between Tyrone and Clearfield, Pa., serving the intermediate points of Houtzdale and Osceola Mills, Pa.; (4) between Altoona, Pa., and Johnstown, Pa.:

From Altoona, south over U.S. Highway 220 to junction U.S. Highway 220 and U.S. Highway 22, thence west over U.S. Highway 22 to Cresson, thence west over Pennsylvania Highway 53 to Portage, thence west over Pennsylvania Highway 53 to South Fork, thence west over Pennsylvania Highway 53 to Johnstown, serving the intermediate points of Cresson, Portage, and South Fork, and at Cresson connecting with an over-the-road truck running from and returning to Cresson, serving the intermediate points of Loretto, Patton, Carrolltown, and Barnesboro, Pa.; (5) between Johnstown, Pa., and Pittsburgh, Pa.: From Johnstown, northwest over Pennsylvania Highway 403 to junction Pennsylvania Highway 403 and U.S. Highway 22, thence west over U.S. Highway 22 to Pittsburgh, connecting at Johnstown with an over-the-road truck running between Johnstown and West Salisbury, Pa., serving the intermediate points of Boswell, Somerset, Berlin, Garrett, and Meyersdale, Pa.; and (6) between Pittsburgh, Pa., and Latrobe, Pa.: From Pittsburgh, east over U.S. Highway 30 to Greensburg, thence over U.S. Highway 30 to junction U.S. Highway 30 and Pennsylvania Highway 981, thence north over Pennsylvania Highway 981 to Latrobe, serving the intermediate point of Greensburg, and connecting at Greensburg with an over-the-road route running between Greensburg and Scottdale, Pa., serving the intermediate point of Mount Pleasant, Pa.; returning over the same routes; for 150 days. Supporting shippers: There are 17 shippers' supporting statements attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 66562 (Sub-No. 2237 TA), filed May 22, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: Elmer F. Slovacek, Suite 1008, 105 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Oakland and Atlantic, Iowa: From Oakland, west over Iowa Highway 6 to Atlantic, and return over the same route, serving no intermediate points; for 150 days. Supporting shippers: Howard's, Atlantic, Iowa; Economy Shoe, 403 Chestnut Street, Atlantic, Iowa; J. C. Penney Co., 412 Chestnut, Atlantic, Iowa; Claremor Fabric, Box 364, Atlantic, Iowa; Sears Roebuck & Co., 201 Chestnut, Atlantic, Iowa; and Hensley's Clothing Store, Atlantic, Iowa. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 103993 (Sub-No. 280 TA), filed May 22, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from Arlington, Tenn., to points in Georgia, Alabama, Mississippi, Kentucky, Louisiana, Indiana, Florida, Illinois, Texas, North Carolina, South Carolina, Missouri, Arkansas, Ohio, Oklahoma; for 180 days. Supporting shipper: Shelby Mobile Homes, Inc., Arlington, Tenn. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 281 TA), filed May 22, 1967. Applicant: MORGAN DRIVE AWAY, Inc., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from Elizabethton, Tenn., to points in Florida, Alabama, Georgia, Arkansas, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Indiana, Ohio, Michigan, Maryland, Delaware, Pensylvania, New Jersey, Connecticut, Massachusetts, New York, Vermont, Maine, Illinois; for 180 days. Supporting shipper: A.A.B. Co., Inc., Post Office Box 269, Elizabethton, Tenn. 37643. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 282 TA), filed May 22, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houseboats*, designed to be drawn by passenger automobiles, from Nashville, Tenn., to points in Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin; for 180 days. Supporting shipper: Cargile, Inc., Post Office Box 8525, 999 Polk Avenue, Nashville, Tenn. 37211. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 283 TA), filed May 22, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, from Elizabethton, Tenn., to points in Alabama, Mississippi, Louisiana, Georgia, South Carolina, North Carolina, Florida, Virginia, West Virginia, Kentucky, Tennessee, and Indiana; for 180 days. Supporting shipper: Hanley Structures, Inc., Post Office Box 72, Elizabethton, Tenn. 37643. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 105886 (Sub-No. 12 TA), filed May 22, 1967. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, Bessemer, Pa. 16112. Applicant's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa. 15222.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Parkersburg, W. Va., to points in Washington, Meigs, Athens, Morgan, Noble, and Monroe Counties, Ohio, for 150 days. Supporting shipper: Capitol Cement Co., Post Office Box 5618, Baltimore, Md. 21210. Send protests to: Gasper Piovarchy, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 111729 (Sub-No. 232 TA), filed May 22, 1967. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, De Bevoise Building, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between Braintree, Mass., on the one hand, and, on the other, South Plainfield, N.J., and (b) between St. Louis, Mo., on the one hand, and, on the other, points in Madison and St. Clair Counties, Ill.; (2) *cut flowers and decorative greens*, between points in Illinois, having prior or subsequent movement by air; (3) *opthalmic goods and commercial papers* (except cash letters and excluding plant removals), between Columbus, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Michigan, Pennsylvania, and West Virginia; for 180 days. Supporting shippers: Bradlees, 1 Bradlees Circle, Post Office Box 100, Braintree, Mass. 02184; Davis Brothers Florists, Inc., 4725 Independence Street, Wheat Ridge, Colo.; The Service Bureau Corp., St. Louis, Mo.; and The White-Haines Optical Co., Columbus, Ohio 43216. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 114323 (Sub-No. 7 TA), filed May 22, 1967. Applicant: PAUL MARCKESANO AND SONS CO., INC., 54th Avenue and Fifth Street, Long Island City, N.Y. 11101. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from the storage site of Cilco Cement Corp., in Long Island City, N.Y., to points in New Jersey and in Orange County, N.Y., for 180 days. Supporting shipper: Cilco Cement Corp., 250 West 57th Street, New York, N.Y. 10019. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 116400 (Sub-No. 1 TA), filed May 22, 1967. Applicant: LAWRENCE TRANSFER & STORAGE CORPORATION, 2727 Whiteside Avenue NE., Post Office Box 416, Roanoke, Va. 24012. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Virginia in and west of Brunswick, Dinwiddie, Chesterfield, Powhatan, Goochland, Louisa, Orange, Culpepper, Rappahannock, Warren, and Clarke Counties, Va., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: Jet Forwarding, Inc., 2945 Columbia Street, Torrence, Calif.; Allstates Van Lines, 350 Broadway, New York, N.Y. 10013; Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif. 94802; and CTI-Container Transport International, Inc., 17 Battery Place, New York, N.Y. 10004. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 119384 (Sub-No. 13 TA) (Correction), filed May 1, 1967, published in FEDERAL REGISTER, issue of May 6, 1967, and republished as corrected, this issue. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Perry, Iowa 50220. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., Beardstown, Ill., to points in Indiana, Iowa, Minnesota, Michigan, Missouri, Nebraska, Ohio, and Wisconsin, restricted to traffic originating at the described plantsite and destined to points in the States named; for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., Madison, Wis. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309. NOTE: The purpose of this correction is to add the destination State of Iowa, inadvertently omitted previously.

No. MC 123233 (Sub-No. 18 TA), filed May 19, 1967. Applicant: PROVOST CARTAGE, INC., 7725 Souligny, Montreal, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the port of entry on the international boundary line between the United States and Canada at or near Highgate Springs, Vt., to Bangor, Biddeford, and Lewiston, Maine, for 150 days. Supporting shipper: Les Industries Pointe du Lac Inc., Côte Ste-Catherine, La Prairie, Quebec, Canada. Send protests to: Wilmot E. James, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207.

No. MC 123393 (Sub-No. 183 TA), filed May 19, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen poultry products, and commodities otherwise partially exempted from regulations* under section 203(B)(6) of the Motor Carrier Act *in mixed shipments with frozen poultry products*, from Moorefield, W. Va., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Missouri, Nebraska, Ohio, Oklahoma, and Texas, for 180 days. Supporting shipper: Pierce Pre-Cooked Foods, Inc., Moorefield, W. Va. 26836. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123781 (Sub-No. 6 TA), filed May 22, 1967. Applicant: JAMES D. TURNER, Route 1, Stark City, Mo. 64866. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags and in bulk, from Neosho, Mo., to points in Benton, Boone, Carroll, Crawford, Franklin, Johnson, Madison, Marion, Newton, and Washington Counties, Ark.; Cherokee, Crawford, Labette, and Neosho Counties, Kans.; and Adair, Cherokee, Craig, Delaware, Mayes, Ottawa, and Sequoyah Counties, Okla.; restricted to transportation to farms located in the described area for the account of the Quaker Oats Co.; for 180 days. Supporting shipper: The Quaker Oats Co., Merchandise Mart Plaza, Chicago, Ill. 60654. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 126218 (Sub-No. 1 TA), filed May 22, 1967. Applicant: ACME MOVING & STORAGE CO., INC., 707 Scott Street, Charleston, S.C. 29405. Applicant's representative: Alan F. Wholstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Berkeley, Dorchester, Charleston, and Colleton Counties, S.C., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments; for 180 days. Supporting shippers: Richard-

son Transfer & Storage Co., Inc., 940 Santa Fe Avenue, Compton, Calif. 90221; American Ensign Van Service, Inc., Post Office Box 2270; Bekins Van Lines Co., 830 East D Street; and Getz Bros. & Co., Inc., Post Office Box 2230; the above three of Wilmington, Calif. 90744. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 303A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

MOTOR CARRIER OF PASSENGERS

No. MC 128753 (Sub-No. 2 TA), filed May 22, 1967. Applicant: ASSOCIATED BUS COMPANY OF OAKLAND, 921 Bergen Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, for the account of Duralite Co., Inc., between Bronx, N.Y., and Passiac, N.J.; for 180 days. Supporting shipper: Duralite Co., Inc., 2 Barbour Avenue, Passaic, N.J. 07055. Send protests to: Walter J. Grossman, District Supervisor, Bureau of Operations. Interstate Commerce Commission, 1060 Broad Street, Room 363, Newark, N.J. 07102.

MOTOR CARRIER OF PASSENGERS

No. MC 129093 TA, filed May 19, 1967. Applicant: BALSAMS HOTEL CORP., Dixville Notch, N.H. 03578. Applicant's representatives: John F. Curley and George L. O'Brien, 33 Broad Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, round trip, beginning and ending at Dixville Notch, N.H., and extending to ports of entry on the international boundary line between the United States and Canada, located at or near Norton, Vt., restricted to traffic to and from the grounds of the World's Fair "Expo 67", at Montreal, Quebec, Canada, for 150 days. Supporting shippers: Pauli Berthiaume, 466 Commonwealth Avenue, Boston, Mass.; Alexander French, 2 Saddle Hill Road, Weston, Mass.; James L. Cole, 67 Commercial Wharf, Boston, Mass.; Linda S. Pransky, 510 Sherman Street, Canton, Mass.; Lawrence R. Driscoll, 65 Oak Street, Somerville, Mass.; N. E. Slavin, 5 Kelveden Road, Waban, Mass.; Paul L. Beane, 47 Dudley Road, Newton Center, Mass.; and Anthony Corsill, 36 Nahant Road, Nahant, Mass. Send protests to: Ross J. Seymour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 24 Hanover Street, Lebanon, N.H. 03766.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-5955; Filed, May 26, 1967; 8:48 a.m.]

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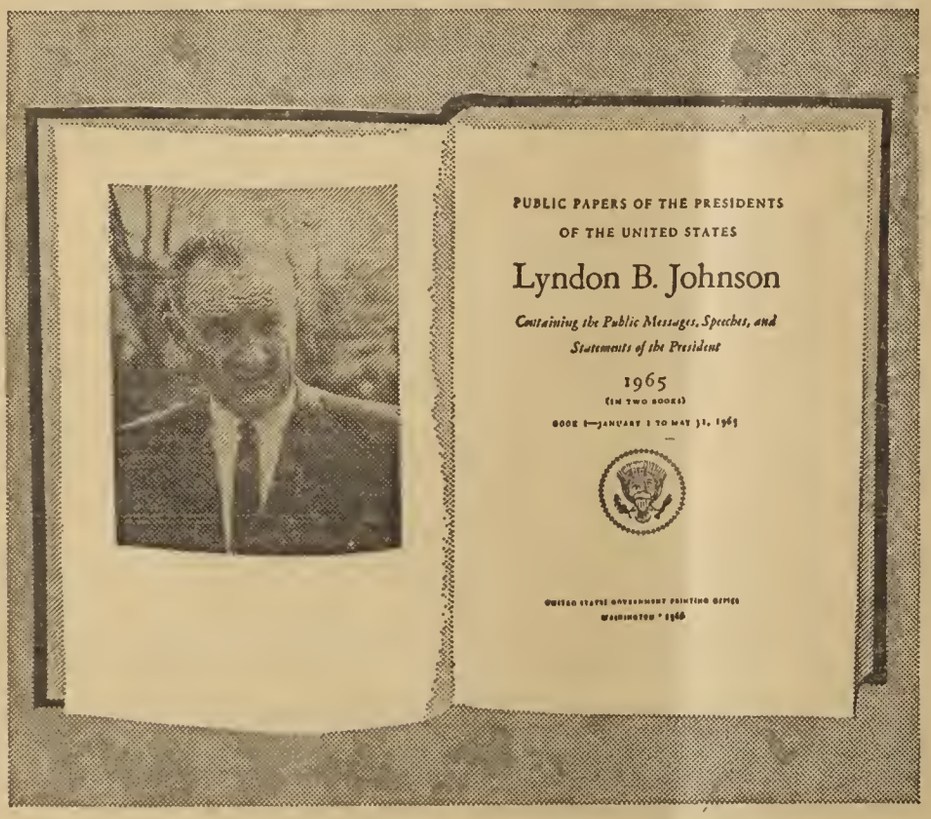
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Interstate Commerce Commission
Labor Standards Bureau
Land Management Bureau
Mines Bureau
Packers and Stockyards Administration
Public Health Service
Securities and Exchange Commission
Small Business Administration
Wage and Hour Division

Detailed list of Contents appears inside.





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Title 3—THE PRESIDENT

Proclamation 3786

CITIZENSHIP DAY AND CONSTITUTION WEEK, 1967

By the President of the United States of America

A Proclamation

The signing of the United States Constitution on September 17, 1787, gave this Nation an effective plan of self-government—designed to assure our people equality and justice under law, liberty, and unparalleled opportunity for all.

Today, one hundred and eighty years later, despite the increasing complexities of our world, the Constitution continues to guard fundamental rights.

The preservation of freedom, equality, and justice requires not only an intelligent exercise of our constitutional rights and privileges, but a firm recognition and support of the rights of others.

Our citizens should be ever mindful of the oppressive conditions and injustices which led to the drafting and signing of the Constitution, and of the sufferings and sacrifices which have made it a viable, effective charter of liberty down through the years. Against this background and in the spirit of the Founding Fathers, they must constantly renew and strengthen their devotion and adherence to constitutional precepts.

Our citizens—naturalized or native-born—must also seek to refresh and improve their knowledge of how our government operates under the Constitution and how they can participate in it. Only in this way can they assume the full responsibilities of citizenship and make our government more truly of, by, and for the people.

Aware of the need for a recurrent dedication of all our citizens to the principles and ideals of the Constitution, the Congress enacted the joint resolutions of February 29, 1952 (66 Stat. 9), and August 2, 1956 (70 Stat. 932). The first resolution designated September 17 of each year as Citizenship Day in commemoration of the formation and signing of the Constitution on September 17, 1787, and in recognition of those persons who during the year acquired the status of citizenship either by coming of age or by naturalization. The later resolution requested the President to designate the week beginning September 17 of each year as Constitution Week.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, summon the appropriate officials of the Government to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1967; and I urge Federal, State and local officials, as well as all religious, civic, educational, and other organizations, to conduct meaningful ceremonies and observances on that day to inspire all our citizens, especially our youth in whose hands the future rests, to pledge themselves anew to the service of their country and to the support and defense of the Constitution.

I also designate the period beginning September 17 and ending September 23, 1967, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches, and in other suitable places, to the end that our citizens, whether they be naturalized or natural-born, may have a better understanding of the Constitution and of the rights and responsibilities of United States citizenship.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of May in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk

Secretary of State.

[F.R. Doc. 67-6070; Filed, May 26, 1967; 2:01 p.m.]

Executive Order 11355

AMENDING EXECUTIVE ORDER NO. 10647 RESPECTING CERTAIN APPOINTMENTS UNDER THE DEFENSE PRODUCTION ACT OF 1950

By virtue of the authority vested in me by the Defense Production Act of 1950 (64 Stat. 798), as amended (50 U.S.C. App. 2061 et seq.), and as President of the United States, it is hereby ordered as follows:

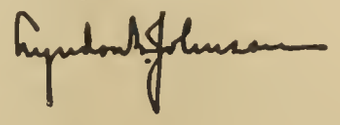
1. The first sentence of subsection 305(a) of Executive Order No. 10647 [1] of November 28, 1955, is amended to read:

"At least once every twelve months the Chairman of the Civil Service Commission shall survey appointments made under section 710(b)(1) of the Act."

2. Paragraph (1) of subsection 305(b) of Executive Order No. 10647 is amended to read:

"A statistical report showing the number of appointments made pursuant to the authority in section 101(a) of this order by each department or agency for the twelve-month period covered, the total number of appointees under that authority serving in advisory or consultative positions, and the number of such appointees who are serving in other than consultative or advisory positions;"

3. Part II of Executive Order No. 10647 is hereby revoked.



THE WHITE HOUSE,
May 26, 1967.

[F.R. Doc. 67-6100; Filed, May 26, 1967; 5:15 p.m.]

[1] 3 CFR, 1954–1958 Comp., p. 282; 20 F.R. 8769.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that 23 positions in the Office of the Assistant Secretary for Economic Development, the Economic Development Administration, and the Office of Regional Economic Development are no longer excepted under Schedule C; and that the position of Special Assistant to the Deputy Assistant Secretary for Economic Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (1), (2), (3), (4), (13), (14), (22) are revoked, subparagraphs (9) and (17) are amended, and subparagraph (26) is added under paragraph (q) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(q) *Office of the Assistant Secretary for Economic Development.* (1) [Revoked]

(2) [Revoked]

(3) [Revoked]

(4) [Revoked]

* * * * *

(9) One private secretary to the Assistant Secretary for Economic Development.

* * * * *

(13) [Revoked]

(14) [Revoked]

* * * * *

(17) One private secretary to the Program Coordinator.

* * * * *

(22) [Revoked]

* * * * *

(26) One special assistant to the Deputy Assistant Secretary for Economic Development.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–6037; Filed, May 29, 1967; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the positions of the Deputy Assistant Secretaries for Policy Coordination, Economic Development Planning, and Economic Development Operations, the Assistant to the Deputy Assistant Secretary for Policy Coordination, and the Executive Assistant to the Deputy Assistant Secretary for Economic Development Planning are excepted under Schedule C. It is also amended to show that the following positions are no longer excepted under Schedule C: The Deputy Administrator and the Assistant Administrators for Public Works, Program Coordination, Field Coordination, and Program Development and Research, Economic Development Administration; the Director and the Assistant Director for Program Planning, Office of Regional Economic Development; and the Director, Office of Appalachian Assistance, Office of the Secretary. It is also amended to show that the positions of Director, Office of Public Affairs, Director, Office of Congressional Relations, Director, Office of Technical Assistance, and Director, Office of Business Development, are excepted under Schedule C in lieu of the positions of Public Information Officer, Congressional Affairs Adviser, Assistant Administrator for Technical Assistance, and Assistant Administrator for Business Loans, respectively, in the Economic Development Administration. Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 213.3314 is amended by revoking subparagraph (33); and paragraph (q) is amended by revoking subparagraphs (5), (11), and (25), amending subparagraphs (19), (20), and (21) and adding subparagraphs (27), (28), (29), (30), and (31) as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *

(33) [Revoked]

* * * * *

(q) *Office of the Assistant Secretary for Economic Development.* * * *

(5) [Revoked]

* * * * *

(11) [Revoked]

* * * * *

(19) Director, Office of Congressional Relations.

(20) Director, Office of Public Affairs.

(21) One Director, Office of Technical Assistance, and one Director, Office of Business Development, Economic Development Administration.

* * * * *

(25) [Revoked]

* * * * *

(27) One Deputy Assistant Secretary for Policy Coordination.

(28) One Assistant to the Deputy Assistant Secretary for Policy Coordination.

(29) One Deputy Assistant Secretary for Economic Development Planning.

(30) One Executive Assistant to the Deputy Assistant Secretary for Economic Development Planning.

(31) One Deputy Assistant Secretary for Economic Development Operations.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–6038; Filed, May 29, 1967; 8:51 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 7]

PART 101—ADMINISTRATION

Organizational and Functional Statement

Part 101 of Chapter I of Title 13 CFR is amended by revising §§ 101.1 to 101.3 as follows:

§ 101.1 Purpose, function, general organization.

(a) *Purpose.* To aid, counsel, assist, and protect the interests of small business concerns; to insure that a fair proportion of the total Government purchases and contracts for supplies, services, and research and development be placed with small business enterprises; to insure that a fair proportion of the total sales of Government property be made to small business enterprises; to make loans to small business concerns and to victims of floods or other catastrophes; to license and regulate small business investment companies; to make loans to small business investment companies; to make loans to State and local development companies; and to improve the management skills of the owners of small business concerns with direct action programs and through established channels of business relations.

(b) *Functions.* (1) To provide financial counseling and make direct or bank participation loans to small business concerns to finance plant construction, conversion, expansion, or to finance the acquisition of equipment, facilities, machinery, supplies, or materials and to furnish such concerns with working capital if necessary; make loans to corporations formed and capitalized by a group of small business concerns with resources provided by them for the purpose of obtaining for the use of such concerns raw materials, equipment, inventories, supplies, or the benefits of research and development or for estab-

lishing facilities for such purposes; make direct or bank participation loans to aid victims of floods or other natural catastrophes to repair, rebuild or replace their homes, businesses, or other property; make direct or bank participation loans to assist small businesses which have sustained substantial economic injury resulting from a natural disaster; make direct or bank participation loans to assist small businesses displaced by a federally aided urban renewal or highway construction program, or any other construction conducted with funds provided by the Federal Government; make direct or bank participation loans to assist small businesses that have suffered substantial economic injury as a result of their inability to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes; to process, take final action on and service loans for the rehabilitation of business property owners or tenants in urban renewal areas; grant lease guarantees to small firms displaced by federally aided construction or urban renewal projects or those eligible for economic opportunity loans; make direct or bank participation loans on the basis of certifications made by the Secretary of Commerce to assist firms to adjust to changed economic conditions resulting from increased competition from imported articles; and make, participate in, or guarantee economic opportunity loans made under provisions contained in title IV of the Economic Opportunity Act.

(2) To certify to Government procurement officers as to the capacity and credit of a small business concern to perform a specific Government contract; encourage letting of subcontracts by Government prime contractors to small business concerns; participate with other Government agencies in establishing total Government goals for awards to small business; to review procurement procedures, records and contract files of other Government agencies for the purpose of checking the effectiveness of the set-aside program and its administration; consult with other Government agencies in connection with their issuance of orders or in the formulation of policies affecting small business concerns; approve small business defense production pools and research and development pools; enter into Government prime contracts and sublet their performance to small business concerns; inventory productive facilities of small business concerns; consult with Government agencies to insure fair and reasonable treatment for small business concerns; ascertain and coordinate the means whereby the productive capacity of small business concerns can be utilized most effectively; to cosponsor small business management courses and conferences; encourage research into the management problems of small business concerns, prepare leaflets and booklets containing new and pertinent information on management;. counsel individual small businessmen, as well as prospective businessmen, on their management problems; conduct workshops for prospective business owners; work with large manufacturers, wholesalers and trade associations for the purpose of encouraging them to initiate or expand improved management development programs for their small customers, suppliers or members; enlist the volunteer aid of retired executives for assisting small businessmen in overcoming their management and related problems; assist small business concerns to obtain Government contracts for research and development, to obtain the benefits of Government-sponsored research and development and to provide technical assistance to small businesses.

(3) To license, regulate, and provide financial assistance to small business investment companies for the purpose of improving and stimulating the national economy and the small business segment thereof. The sole function of such small business investment companies is to provide equity capital, long-term loans, and advisory services to small business concerns. To make loans to State and local development companies for the same general purpose. Proceeds received by State development companies may be used to provide equity capital and long-term loans to small business concerns, or to provide plant facilities for use by small business concerns. Proceeds received by local development companies may be used only to provide plant facilities for use by small business concerns.

(4) To conduct economic and statistical research pertaining to matters materially affecting the competitive strength of small business, and of the effect on small business of Federal laws, programs, and regulations, and makes recommendations to appropriate Federal agencies for the adjustment of such programs and regulations to the need of small business; analyze the economic and social effects of SBA activities and prepare recommendations concerning long-term legislative requirements; maintain liaison with universities, research groups and other bodies that are conducting research and studying economic factors pertaining to small business, and to furnish economic data and statistical information to aid such parties in carrying out these types of studies; and to establish "size standards" to designate what business enterprises shall be designated as small business concerns with respect to: Government procurement, lending, disposal of property, and allocation or distribution of materials or supplies, priority payments under section 213a of the War Claims Act of 1948 as amended, and assistance from licensed small business investment companies and State and local development companies.

(c) *General organization.* (1) Management of the Small Business Administration is vested in an Administrator appointed by the President with the advice and consent of the Senate. The Administrator is authorized to appoint two Associate Administrators under the Small Business Act and one Associate Administrator under the Small Business Investment Act. The Administrator is authorized to appoint a Deputy Administrator who shall be Acting Administrator of the Administration during the absence or disability of the Administrator or in the event of a vacancy in the Office of the Administrator. The Administrator is authorized, subject to the Civil Service and Classification Laws, to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of the Small Business Act and the Small Business Investment Act.

(2) The headquarters office of the Small Business Administration is located at 1441 L Street NW., Washington, D.C. 20416. Further information concerning the activities of SBA can be obtained by calling the Office of Public Inquiry and Analysis, 382–3268.

(d) *Applicable law.* (1) Loans made by SBA are authorized and executed pursuant to Federal programs adopted by Congress to achieve national purposes of the U.S. Government.

(2) Instruments evidencing a loan, obligation of security interest in real or personal property payable to or held by the Administration or the Administrator, such as promissory notes, bonds, guaranty agreements, mortgages, deeds of trust, and other evidences of debt or security shall be construed and enforced in accordance with applicable Federal law.

(3) In order to implement and facilitate these Federal loan programs, the application of local procedures, especially for recordation and notification purposes, may be utilized to the fullest extent feasible and practicable. However, the use of local procedures shall not be deemed or construed to be any waiver by SBA of any Federal immunity from any local control, penalty or liability.

(4) Any person, corporation or organization that applies for and receives any benefit or assistance from SBA, or that offers any assurance or security upon which SBA relies for the granting of such benefit or assistance, shall not be entitled to claim or assert any local immunity to defeat the obligation such party incurred in obtaining or assuring such Federal benefit or assistance.

§ 101.2 Organization of the Washington Office—Administrator.

All offices heading §§ 101.2 to 101.2–7 are located in Washington, D.C., and their heads report directly to the Administrator. The Administrator is responsible to the President and Congress for exercising direction, authority, and control over the Small Business Administration. Determines and approves all policies covering the Agency's programs to aid, counsel, assist, and protect the interests of the nation's small business concerns. He delegates responsibility and authority, except the authority to make or decline pool loans; applied research programs; and defense production pools, as set forth in sections 7(a)(6), 9(d), and 11 of the Small Business Act, to the Deputy Administrator, associate administra-

tors, other Washington office officials reporting directly to him, and the area administrators. He consults with Federal, State and local agencies in behalf of small business interests in the national economy. Reports to the President and Congress on Agency program accomplishments and problems. He directs the execution of authority delegated to the Administrator by the Secretary of Housing and Urban Development with respect to performance of SBA's responsibilities under section 312 of the Housing Act of 1964, as amended. He periodically evaluates the performance, accomplishments, and short- and long-range planning goals of the Washington office officials reporting directly to him, and the area administrators.

(a) *Deputy Administrator.* The Deputy Administrator is appointed by the Administrator to assist him in directing the programs of the Small Business Administration. Acts for the Administrator during his absence or disability. Provides executive leadership, direction, and coordination to the associate administrators, assistant administrators, other Washington office officials reporting directly to the Administrator, and the area administrators in carrying out their program or staff responsibilities. Reconciles policy matters and plans and coordinates Agency participation in the interagency program. Approves selection of SBA representatives to serve on interagency committees, task forces and conferences. Serves as Chairman of the Program Advisory Council and the Size Appeals Board. Directs and supervises administrative work performed by SBA Administrative Secretary and Secretary to the Size Appeals Board in connection with Agency administrative proceedings and size appeals matters.

(b) *Office of Hearing Examiner.* Presides at hearings and examinations conducted in accordance with proceedings of section 11 of the Administrative Procedure Act. These hearings and examinations involve the enforcement of compliance with the provisions of the Small Business Investment Act, policies and regulations issued by SBA under the Act, in addition to compliance matters involving the SBA civil rights program and regulations pursuant to the provisions of the Civil Rights Act of 1964. Also conducts hearings relative to disputes in the administration of SBA contracts. Administers oaths, subpoenas witnesses; takes testimony; rules on the admissibility of evidence, offers of proof and other disputed matters; rules upon motions and procedural requests; and takes all necessary precautions to protect the rights of all parties. Makes decisions based upon the evidence in the record, the arguments and contentions made, and the application of law and regulations to the facts.

(c) *Size Appeals Board.* Reviews size appeals cases and makes recommendations to the Administrator. The board is composed of the Deputy Administrator (Chairman), the Associate Administrators for Procurement and Management Assistance and Financial Assistance, and the Assistant Administrator for Planning, Research and Analysis or his designee. The General Counsel will serve as legal adviser to the board.

(d) *Program Advisory Council.* Reviews and recommends policies and procedures for the development, implementation, and operation of the Planning, Programing, and Budgeting System. Reviews and recommends the program structure and major revisions thereto. Communicates the Administrator's guidance and policies for the development of program objectives and plans. Reviews and insures that proposed program objectives and plans are in consonance with the Administrator's direction. Reviews and recommends approval or revision of program memorandums and multiyear program and financial plans. Reviews and recommends proposals for new programs and alternative courses of action. Reviews and recommends proposals in connection with major analytical studies needed in connection with program evaluation. Members consist of the Deputy Administrator (Chairman), and the associate and assistant administrators. The Director, Office of Program Planning, will serve as Executive Secretary to the council.

(e) *National Small Business Advisory Council.* The National Small Business Advisory Council membership consists of a national representation of outstanding persons, representative of and sympathetic to small business, including persons actively engaged in business, finance, the professions, and Government whose knowledge of and interest in the problems of small business enable them to make a substantial contribution to the activities of the advisory board. All members are selected by the Administrator and serve at his pleasure without compensation. The council meets with and advises the Administrator on the development, execution and evaluation of present or proposed SBA programs. All functions are purely advisory and all determinations of actions to be taken are made solely by the responsible SBA officials. The Administrator appoints the chairman of the council.

(f) *Special Assistant for Advisory Councils.* Develops and recommends policies and procedures for the establishment and operation of the National Small Business Advisory Council and State Advisory Councils. Provides advice and assistance to the Administrator, area administrators, and regional directors in the administration of the advisory councils' programs. Develops sources of candidates for membership, screens candidates, and recommends to the Administrator the selection of members to serve on the advisory councils. Plans, arranges, and participates in the annual meeting of the National Small Business Advisory Council. Participates in meetings of the State Advisory Councils and reviews agenda of meetings and proposed resolutions of the council. Refers resolutions to interested Washington office officials for appropriate consideration and action. Notifies the chairman of the respective council of the Small Business Administration's position on the resolution received. Keeps the Washington office officials informed of the activities of the councils as they relate to their respective functional areas of responsibility.

(g) *Special Assistant for Equal Employment Opportunity.* Administers the agencywide program to promote and insure equal employment opportunity for all qualified persons, without regard to race, creed, color, or national origin, who are employed by or seek employment with the Small Business Administration. Serves as fair employment officer and handles all complaints received from employees or applicants for employment and recommends the solution to the problems involved to the Administrator. Promotes, through universities and other educational institutions, the employment advantages of SBA and encourages students to apply for vacancies. Provides assistance and guidance to the Washington and area offices on all matters regarding the internal equal employment opportunity program.

§ 101.2–1 General Counsel.

Analyzes and interprets legislation, regulations, and orders relating to the operation of the Small Business Administration. Advises the Administrator and other officials as to the legal aspects of the development and execution of policies and programs. Negotiates with Government agencies as to the legal aspects of matters pertaining to responsibilities of SBA and drafts resultant agreements. Develops legal theories incorporated in requests to the Comptroller General or to other Government agencies for decisions in matters of interests to small business. Gives legal counsel and drafts legal instruments for the development of policies, operating procedures and interagency agreements relating to the financial, investment, administrative, technical, and procurement assistance programs. Determines eligibility of applicants for assistance from SBA. Advises with respect to servicing and liquidation of loans and assists and participates with the Department of Justice in litigation arising from delinquent loans, criminal matters, and other SBA program activities. Prosecutes administrative proceedings pursuant to the Small Business Investment Act. Provides legal advice in the formation of defense production pools and research and development pools. Reviews legislative proposals affecting small business and develops recommendations for the Bureau of the Budget and congressional committees; prepares legislative proposals relating to SBA; and develops reports for congressional hearings or the Office of the President. Prepares documents for publication in the FEDERAL REGISTER and is responsible for interpreting the Administrative Procedure Act. Serves as legal adviser to the Size Appeals Board.

(a) *Administrative Operations Staff.* Prepares budget estimates and develops supporting data for offices for which General Counsel is responsible. Cooperates with the Budget Division in budget preparation, presentation and control. Maintains liaison with the Budget Division in connection with budgetary

matters. Coordinates and recommends procedures and other instructions for the administration of legal activities. Cooperates with the Assistant Administrator for Administration and his staff with respect to such activities. Develops and administers the workload and work measurement reporting system for SBA field attorneys. Directs, recommends, coordinates, and controls all administrative directives, procedures and practices relating to the functions and activities of General Counsel. Initiates and conducts studies designed to facilitate staff operations which leads to solution of special problems as they arise. Advises the General Counsel or Deputy General Counsel on all administrative matters, and on all personnel and training matters involving field office legal personnel. Conducts studies and prepares recommendations with respect to manpower utilization, staffing requirements and delegations of authority. Develops reporting procedures to provide appropriate information reflecting staff accomplishments. Coordinates and prepares Planning, Programing and Budgeting System statements, statistics, and reports into formal documents or memorandums for submission to the Administrator, Assistant Administrator for Planning, Research and Analysis, and the Bureau of the Budget. Plans, prepares and coordinates the preparation of reports for the General Counsel. Reviews administrative deficiencies and problems and recommends corrective action. Coordinates followup actions and replies on reports of audit examinations of legal operations. Establishes and directs the maintenance of all files and records for the General Counsel, including the official litigation files of the Agency.

(b) *Office of Loans.* Provides legal counsel to Agency officials in the development of policies and operating procedures relating to business-financial assistance, disaster, and trade adjustment loan programs under section 7 of the Small Business Act, the loan program under title IV of the Economic Opportunity Act and the rehabilitation loan program under section 312 of the Housing Act of 1964, as amended. Advises on legal problems arising in connection with individual loan applications, loan disbursements, and administration of current loans, and determines legal action necessary to protect the Agency's interest in such loans. Renders opinions in interpreting Small Business Act, Economic Opportunity Act Regulations and Loan Policy Statement, especially loan eligibility requirements involving novel and complex situations. Advises field counsels of current eligibility determinations by publication of opinion digests. Analyzes and comments on proposed new loan programs and procedures within existing legislative authority, and also on new legislative lending proposals. Participates in drafting, reviewing, and revising standard SBA loan forms. Participates in drafting, reviewing, and revising of SBA financial assistance directives and publications. Prepares for publication in FEDERAL REGISTER revisions in Loan Policy Statement, official Declarations of Disaster Area and official statements involving group corporation loans. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of personnel for which responsible and assures that the goals and objectives established are met. Reviews and evaluates security information under financial assistance and investment programs. Reviews the professional performance of and maintains liaison with field counsels and their staffs. Maintains liaison with Department of Agriculture, Department of Justice, Department of Housing and Urban Development, and other Government agencies on legal matters relating to the loan programs. Advises in connection with subpoenas to employees and disclosure of information problems involving the business disaster, trade adjustment, economic opportunity, and rehabilitation loan programs.

(c) *Office of Liquidation and Litigation.* Advises operating officials with respect to all legal action necessary in connection with the liquidation and disposal programs of the Agency. Acts as liaison with the Department of Justice and field offices in all civil litigation and criminal matters arising under the liquidation and disposal programs. Prepares cases for submission to the Department of Justice, with recommendations for litigation or prosecution, obtains and evaluates evidence and assists in the trial of cases whenever necessary or requested. Advises the Administrator, operating officials, and field offices with respect to problems involving subpoenas served upon SBA employees and disclosure of information contained in the files and records of the Agency relating to liquidation and disposal of acquired collateral. Advises and assists the Security and Investigations Division, Office of Audits and Investigation, in all matters involving possible criminal activities by borrowers and others and with respect to any improper activity by representatives of borrowers. Prepares and conducts any Agency disbarment proceedings which may be instituted as the result of such misconduct. Participates with the other offices of the General Counsel in consideration of any problems in the above categories which arise in connection with their functions and activities.

(d) *Office of Legislation.* Reviews all legislation or legislative proposals affecting the interests of small business or the operations of SBA. Prepares legislative proposals relating to the interests of small business or to the functions of SBA. Prepares statements and reports for congressional hearings or committees and for the Bureau of the Budget with respect to legislative matters, and prepares answers to all related inquiries. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Prepares SBA summary of the Congressional Record.

(e) *Office of Economic Development.* Plans and directs all legal activities involving legal aspects of 501 and 502 loans, in connection with the administration of title V of the Small Business Act of 1958. Plans and directs legal activities in connection with the processing, servicing, and closing of section 202 loans under the Economic Development Act of 1965, pursuant to delegations of authority from the Department of Commerce to SBA. Provides legal interpretations under said acts, including eligibility and compliance with statutory and regulatory requirements. Develops or modifies basic legal forms employed in the processing, disbursement, and servicing of said loans. Prepares and reviews authorizations employed in the disbursement of said loans. Provides legal advice and services in dealing with officials of Federal and State agencies conducting related programs; to legal representatives of local civic groups in connection with administration of the programs; and in the development and issuance of regulations involved in the administration of said programs. Advises in connection with subpoenas to employees and disclosure of information and problems involving the 501, 502, and EDA loan programs.

(f) *Office of Legal Investment.* Advises operating officials on legal aspects in the development of policies, regulations, and operating instructions relating to Agency programs under the Small Business Investment Act of 1958. Advises and prepares legal documents with respect to the granting of licenses and loans to small business investment companies and the regulation of such companies. Provides legal services pertaining to the administration and enforcement of the Act and regulations. Advises and counsels operating officials as to required legal action to be taken in investigation of and enforcement of the Act and regulations, and as to servicing and collection of debentures purchased from and loans extended to small business investment companies pursuant to the provisions of the Act. Provides legal counsel and advice to staff members of the Associate Administrator for Investment in connection with findings of formal investigations of licensed SBICs under authority of section 310 of the Act. Analyzes evidentiary material obtained through such investigations and determines whether facts are sufficient for commencement of administrative proceedings under sections 309, 313, and 314, of the Act or judicial proceedings under sections 308, 311, and 315 of the Act. Conducts legal research, prepares pleadings, and conducts litigation leading toward revocation of licenses under sections 308 and 309, subpoena enforcement under section 310, injunctions and receivers under section 311, removal or suspension of directors and officers of licensees under section 313, violations of breach of fiduciary duty by officers, directors, employees, or agents of licensees under section 314 of the Act. Conducts all administrative proceeding hearings required to enforce compliance with the provisions of the Investment

Act, and policies and regulations issued by SBA under the Act, including preparation of necessary pleadings. Assists Department of Justice on civil fraud litigation and criminal matters involving small business investment companies. Refers to Department of Justice for appropriate action any evidence indicating criminal violation of the Code of the United States arising out of transactions investigated pursuant to the Act. Advises in connection with subpoenas to employees and disclosure of information problems involving small business investment companies. Advises the Associate Administrator for Investment with respect to improper activities and misconduct of small business investment company representatives in connection with actions taken to suspend or revoke their right to appear as counsel or agent in SBA proceedings. Maintains liaison with Government agencies on legal matters relating to the investment program. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met.

(g) *Office of Procurement, Interagency and Administrative Law.* Is responsible for the legal aspects of policies and procedures relating to the procurement, technical, and management assistance programs of the Agency. Provides legal counsel in connection with the administration of the Agency, including fiscal, personnel, contractual, and other problems of an administrative nature. Serves as liaison with the FEDERAL REGISTER and prepares documents for publication therein. Interprets the Administrative Procedure Act as it applies to the Agency other than for purposes of the Small Business Investment Act of 1958. Is responsible for all functions of the Agency relating to the development and execution of the Agency's advocacy activities. Provides legal counsel to the Agency's Size Appeals Board and legal advice in connection with the administration of the Agency's Small Business Size Standards. Advises in connection with subpoenas to employees and disclosure of information problems involving procurement, procurement assistance, size determination, and administrative programs.

§ 101.2–2 Associate Administrator for Financial Assistance.

Plans, directs, coordinates, and implements the financial assistance programs of the Small Business Administration, including the related activities of liquidation and disposal, and appraisal. Formulates and recommends policies and directs the establishment of agencywide standards and procedures to govern these programs and activities. Represents the Administrator in negotiations with other Government agencies whose activities relate to the financial assistance programs of SBA. Plans and directs the development of short- and long-range goals and objectives. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Washington and area offices. Serves as alternate member of the Size Appeals Board.

(a) *Administrative Operations Staff.* Serves as administrative support to the Associate Administrator for Financial Assistance and the Deputy Associate Administrator in the planning, budgeting, and control of the financial assistance programs for which they have responsibility. Provides statistical support for the Associate Administrator and financial assistance office heads in their reviews of program effectiveness and use in program planning, policy development and program supervision. Coordinates and recommends procedures and other instructions for the administration of the financial assistance activities. Cooperates with the Assistant Administrator for Administration and his staff with respect to such procedures and instructions. Develops requirements for the submission of program, cost reduction and manpower utilization reports. Analyzes deficienices and inadequacies in program reports and proposes corrective actions. Advises the Associate Administrator on all administrative management, personnel and general service matters relating to the financial assistance programs. Coordinates financial assistance activities with respect to mobilization planning. Administers the agencywide work measurement system as it applies to the Small Business Administration's financial assistance program. Coordinates and prepares Planning-Programing-Budgeting System statements, statistics and reports into formal documents or memorandums for submission by the Associate Administrator and Deputy Associate Administrator to the Administrator, Assistant Administrator for Planning, Research and Analysis, and the Bureau of the Budget. Coordinates the development of budget estimates for the financial assistance programs and develops supporting data. Cooperates with the Budget Division in financial assistance budget preparation, presentation, and control. Makes final determinations of loan eligibility on difficult or complex cases which are submitted by field offices. Plans, develops, and coordinates financial assistance training programs in cooperation with program offices and the Office of Personnel. Prepares material and reports for submission to Congress.

(b) *Office of Business Loans.* Formulates and recommends Agency policy governing the business loan programs of the Small Business Administration. Plans, directs, coordinates, and evaluates the SBA programs governing regular business loans, displaced business loans, economic opportunity assistance loans, lease guarantees, and rehabilitation loans for the Department of Housing and Urban Development, and trade adjustment loans. Develops and recommends financial policy, establishes financial standards and procedures to be used by financial assistance field personnel in the processing and servicing of Certificates of Competency. Participates with the Industrial Support Services Division and the General Counsel in conducting training programs for field personnel in the processing and servicing of Certificates of Competency. Conducts, as required by Washington office officials, financial reviews of complex COC cases including plant visits or followup of delinquent and problem cases. Directs and administers policies and procedures pertinent to the processing of loan applications under the financial assistance program for which the office has responsibility. Directs and administers policies and procedures pertaining to the administration of SBA loans for which the office has responsibility, including problem and delinquent loans. Participates with General Counsel and other SBA offices in developing procedures for administering problem and delinquent loans. Coordinates with private financial institutions to improve the participation and guaranty loan programs, promote better small business bank relations and to develop a market for SBA loans. Maintains liaison with other Government agencies whose activities relate to the business loan programs of SBA. Approves or declines those loan applications, including applications for disaster loans, economic opportunity loans, displaced business loans, lease guarantees, and trade adjustment loans which are submitted to this office. Exercises final authority on all requests from area offices for deviations from established SBA financial assistance procedures. Exercises final authority on all requests from area offices on loans not classified as "in liquidation" regarding purchase of bank's share of participation loan, denial of liability under participation or guarantee agreement, taking legal action against a participant, decline of bank's request for funds under the "liquidity privilege" of a loan guarantee agreement, or acceptance of compromise settlement, except as permitted in the Loan Servicing Directive. Directs the development of short- and long-range objectives and program goals in accordance with agency objectives set forth in the PPBS, contributes to the annual compilations of that report and its quarterly review, evaluates the performance of the personnel for which they are responsible and assures that the goals and objectives established are met. Provides advice and guidance to the area offices with respect to the business loan programs of SBA including training of program personnel. Reviews operations within the areas and makes visits to appraise performance.

(c) *Office of Disaster Loans.* Formulates and recommends Agency policy governing the disaster loan programs of the Small Business Administration. Plans, directs, coordinates, and evaluates the SBA programs governing physical, major or natural disaster loans, and economic injury loans. Analyzes reports of physical disaster damage from field offices and other sources for the purpose of recommending disaster declarations to the Administrator. Maintains necessary liaison and coordination with Federal, State, and local governments, as well as with private organizations, enlisting their help, support, and cooperation

in providing assistance during times of disaster. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Maintains a cadre of disaster personnel in a constant state of readiness to move to the site of a disaster to establish required special disaster offices.

(d) *Office of Appraisals.* Formulates and recommends Agency policy governing the appraisal program of the Small Business Administration. Plans, coordinates, and evaluates SBA's programs involving appraisals of physical properties representing collateral securing various types of loans, engineering and feasibility determinations of projects, and proposals and surveillance of approved projects, for loan disbursements. Provides advice, guidance, and technical support to the area offices with respect to the appraisal program of SBA. Initiates technical training directives and guides for the appraisal program. Maintains liaison with governmental and nongovernmental agencies whose activities relate to the appraisal program of SBA. Directs the development of short- and long-range national objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Takes necessary action on matters which must come to the Washington office for decision.

(e) *Office of Economic Development.* Formulates and recommends Agency policy governing the economic development programs of the Small Business Administration. Plans, directs, coordinates, and evaluates section 501, State development company, and section 502, development company loan programs excluding the liquidation of such loans. Provides for the administration of financial and technical activities conducted on behalf of the Economic Development Administration under the terms of an agreement between the Secretary of commerce and the Administrator of SBA. Maintains liaison with State and local development companies, the Economic Development Administration and other Government agencies having programs relating to these activities. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Provides advice and guidance to the area offices with respect to the economic development loan programs of SBA and the Economic Development Administration.

(f) *Office of Liquidation and Disposal.* Formulates and recommends Agency policy governing the liquidation and disposal program of the Small Business Administration. Plans, directs, coordinates, and executes the administration of all the Small Business Administration and Economic Development Administration accounts classified as "in liquidation", "charged off", or "acquired property." Maintains liaison with other Government agencies whose activities relate to the liquidation and disposal program of SBA. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the personnel for which responsible and assures that the goals and objectives established are met. Exercises final authority on all requests from area offices on loans classified as "in liquidation" regarding denial of liability under participation or guarantee agreement, takng legal action against a participant or effecting a compromise settlement, except as provided in the Liquidation and Disposal Directive. Exercises final authority on all requests from area offices for deviations from established SBA liquidation and disposal procedures. Provides technical assistance to the area offices. Participates with General Counsel in the preparation of data which is required to be submitted to the Justice Department for litigation. Effects coordination with the Office of Appraisals in matters pertaining to liquidation and disposal activities.

§ 101.2–3 Associate Administrator for Investment.

Plans, directs, coordinates, and administers the Small Business Investment Program. Directs the development of policies, regulations and technical procedures for the supervision of the program. Determines standards for licensing and issues licenses to small business investment companies. Takes final action on all transactions contemplated by the Small Business Investment Act or Regulations. Takes final action on debentures purchased from and direct loans to SBIC's, and determines actions required to protect SBA's credit position in connection therewith. Formulates and recommends to the Administrator changes in policy requiring his approval. Defines courses of action to be followed in cases of noncompliance with the Act or regulations. Orders investigations when indicated and requests appropriate legal action. Reviews investment company assistance operations conducted at the Washington and field level and initiates corrective policies when required. Serves as an alternate member of the Size Appeals Board.

(a) *Staff Director.* Plans and directs the development of regulations, procedures, guidelines, and interpretations for the operation of small business investment companies (SBICs) based on approved policy. Coordinates the preparation of program goals and missions and develops Program Planning and Budgeting System data, including Quarterly Briefing documents for presentation by the Association Administrator for Investment to the Administrator. Directs the preparation of budget estimates for the investment program. Plans and directs the development of accounting requirements and procedures. Reviews the periodic financial reports of SBICs for adherence to accounting requirements and procedures. Plans, develops, and administers the program for financial and statistical analyses. Develops recommendations relating to personnel, directs the maintenance of case files and records for the Investment Company Program and advises the Associate Administrator on all administrative matters relating to the program. Establishes and maintains controls over the flow of reports, documents, and other materials within the Investment Division, between Investment Division and other SBA offices, and with the Licensees. Directs the activities relating to the licensing of SBICs. Consolidates and prepares materials to be incorporated in the Annual Report for submission to the President and Congress. Cooperates with other SBA offices in the preparation and review of legislation. Serves as liaison and focal point of contact with other organizational segments of SBA. Serves as liaison with other Government agencies, financial and industrial organizations, trade associations, and similar groups.

(1) *Office of Licensing.* Plans, administers, and coordinates the program for licensing small business investment companies to operate under the provisions of the Small Business Investment Act of 1958, as amended. Recommends action on proposals and license applications filed under the Small Business Investment Act and Regulations, including the review of security information reports. Develops, recommends, and implements procedures for the licensing of small business investment companies. Provides counseling and interpretation of established regulations to individuals or groups interested in forming SBICs. Answers inquiries and provides information to parties concerning the formation and licensing of SBICs. Reviews and recommends in conjunction with the Office of Investment Company operations the action to be taken for the approval of officers, directors, and 10 percent or more stockholders in connection with actions involving change of control of a Licensee. Also determines that surviving company meets the prescribed licensing standards. Provides technical direction, advice, and information to the SBA field office personnel on the formation and licensing of SBICs. Coordinates the processing of all application documents and arranges interviews or other proceedings for proponents with interested Washington offices engaged in the investment program. Maintains official list of licensed SBICs.

(2) *Office of Program Development.* Develops and recommends policies and regulations in connection with the operations and practices of SBICs. Drafts and reduces to final form all published regulations, interpretations, etc., in coordination with General Counsel. Interprets and provides advice on established policies and regulations for internal use of other offices and officials within SBA. Provides all precedent setting interpretations of existing regulations to Office of Investment Company Operations upon its request. Conducts research studies involving the development of new or revised policies, regulations, and programs in connection with the investment operations. Coordinates such studies with the interested offices and officials in SBA, when these studies cross operational lines. Prepares program goals and missions and develops Planning, Programing and Budgeting System data. Prepares

quarterly briefing documents for presentation by the Associate Administrator to the Administrator. Reviews all legislation, or develops in coordination with the General Counsel, legislative proposals affecting the investment program and recommends appropriate action. Serves as liaison with other Government agencies, financial and industrial organizations, trade associations, and similar groups to keep such organizations informed of the investment program and regulations. Coordinates with the Office of Public Information in the preparation of all informational material to be released to the public on the investment program, including the preparation of speeches for SBA officials. In conjunction with the Office of Administrative Operations, consolidates and prepares all informational materials to be incorporated in the Annual Report for submission to the President and Congress on the investment activities.

(3) *Office of Chief Accountant.* Plans, develops, and administers the program for financial and statistical analyses of the investment company industry. Serves as a focal point of contact with the Office of Assistant Administrator for Planning, Research and Analysis and participates in the implementation of processing Data Bank information involving the investment program. Develops, recommends, and implements accounting requirements and procedures in connection with the systematic reporting of small business investment companies operating under the Investment Act. Conducts a program to acquaint independent public accountants of investment companies with the requirements of SBA as to the accounting, scope of audits and examination of investment companies. Develops, prepares, and consolidates financial and statistical analytical and summary reports on the operations of all license SBIC's for the use of SBA in administering the program and in counseling the management of the SBIC's. Participates with other interested SBA offices in special studies for policy guidance based on accounting reports, financial analyses, and related matters concerning SBIC's. Provides counseling and interpretations of accounting policies and regulations to the Offices of SBIC Operations and other SBA offices. Develops and establishes procedures and instructions to SBIC's for reporting program evaluation data on portfolio small business concerns. Develops and prepares analytical and summary reports on the progress of SBIC-financed small business concerns from data furnished on SBIC program evaluation reports. Initiates, develops, and recommends accounting, reporting, and independent auditing regulations and procedures involving SBIC's. Controls the receipt and distribution of all financial and program evaluation reports received from SBIC's.

(4) *Office of Administrative Operations.* Prepares budget estimates and develops supporting data. Cooperates with the Budget Division in budget preparation, presentation, and control. Participates with the Assistant Administrator for Administration and his staff in matters relating to personnel, fiscal, administrative, and management analysis activities. Directs, recommends, coordinates, and controls all administrative directives, procedures, and practices relating to the functions and activities of the investment program. Initiates and conducts studies designed to facilitate staff operations and leading to solution of special problems as they arise. Advises the Associate Administrator and his key staff on all administrative, personnel, and training matters. Conducts studies and prepares recommendations with respect to manpower utilization, staffing requirements, and delegation of authority. Coordinates followup action and replies on reports of audit examination of the investment program. Coordinates activities with respect to SBA mobilization planning program as they affect the investment program. Establishes and directs the maintenance of case files and records for the investment company program.

(b) *Investment Company Operations.* Provides operational assistance and service to the SBICs operating in the assigned geographical area. Processes all requests and applications submitted by SBICs for prior SBA approval of transactions requiring such approval under the regulations. Takes or recommends final action on requests to purchase subordinated debentures issued by SBICs and loans or guarantees to such companies. Conducts the analyses of all financial statements, examination, and investigation reports covering the operations and practices of the individual SBICs. Determines the financial stability and reliability of the companies, and compliance with the Small Business Investment Act and regulations. Based on these analyses and examinations, or investigations, takes or recommends action to assure compliance with the SBI Act and regulations. Recommends referral to the Office of Audits and Investigations or the General Counsel all cases where evidence tends to establish violation of the SBI Act and regulations. Counsels licensees as to interpretations of the SBI Act and regulations, within policies established by SBA, relative to: SBA financing SBICs; financing of small business concerns by SBICs; transactions requiring prior SBA approval; accounting reports and regulations (this is in accord with established accounting procedures and policies); and any other transactions subject to the regulations. Takes or recommends final action on requests received from SBICs for approval of changes in control, changes in capital structure, mergers, dissolutions, and surrenders of licenses. Establishes adequate reserves for losses in connection with outstanding loans and debentures of operating licenses. Provides documentation and testimony in administrative proceedings and court cases. Examines all proxy material and prospectuses of SBICs filed with SEC, for consistency with the SBI Act and the regulations. Recommends changes in the SBI Act, regulations, forms, and procedures.

§ 101.2–4 Associate Administrator for Procurement and Management Assistance.

Plans, directs, coordinates, and implements the procurement and management assistance programs of the Small Business Administration. Formulates and recommends policies and directs the establishment of agencywide standards and procedures to govern these programs and activities. Represents the Administrator in negotiations with other Government agencies whose activities relate to the procurement and management assistance programs of SBA. Plans and directs the development of short- and long-range goals and objectives for agencywide PMA programs and activities. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Washington and area offices. Serves as member on the Size Appeals Board.

(a) *Administrative Operations Staff.* Provides administrative support to the Associate Administrator for Procurement and Management Assistance and the Deputy Associate Administrator in the planning, budgeting, and control of the procurement and management assistance programs for which they have responsibility. Provides statistical support for the Associate Administrator and procurement and management assistance office heads in their reviews of program effectiveness and use in program planning, policy development, and program supervision. Coordinates and recommends procedures and other instructions for the administration of the procurement and management assistance activities. Cooperates with the Assistant Administrator for Administration and his staff with respect to such activities. Develops requirements for program reporting, cost reduction, and manpower utilization. Analyzes deficiencies and inadequacies in program reports and proposes corrective actions. Advises the Associate Administrator on all administrative management, personnel, and general services matters relating to the procurement and management assistance activities with respect to mobilization planning. Coordinates and prepares the Planning, Programing, and Budgeting System statements, statistics, and reports into formal documents or memorandums for submission by the Associate Administrator for Procurement and Management Assistance and Deputy Associate Administrator for Procurement and Management Assistance to the Assistant Administrator for Planning, Research and Analysis and the Bureau of the Budget. Coordinates the development of budget estimates for the procurement and management assistance programs and develops supporting data. Cooperates with the Budget Division, Office of Budget and Finance, in budget preparation, presentation, and

control. Prepares material and reports for Congress.

(b) *Size Standards Staff.* Conducts industrial studies and develops size definitions for financial assistance, procurement and management assistance, and investment programs. Recommends and promulgates size standards including establishment of procedures in connection with the size standards program. Processes inquiries received from various companies, Members of Congress, and other outside sources requesting interpretations or other information on the Small Business Administration size standards or regulations in concert with the General Counsel's office. Conducts industrial hearings on size matters, which are attended by representatives of the program areas concerned and a representative from the General Counsel's office. Processes all inquiries received from the field offices on size matters.

(c) *Office of Procurement Assistance.* Formulates and recommends Agency policy governing the procurement assistance programs of the Small Business Administration. Plans, directs, coordinates, and evaluates the SBA programs governing contract services, industrial support services, and subcontracting assistance. Represents SBA at the Secretary or Administrator's staff level of the Department of Defense and civilian agencies within the Executive Branch regarding matters involving procurement and management assistance activities. Recommends and participates in the development and preparation of interagency agreements and related policies and regulations. Participates with these agencies in the development, modification, or changes in policies, procedures, and directives to assure overall consistency with SBA policies and procedures. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the goals and objectives established are met. Develops and coordinates, in conjunction with the Assistant Administrator for Planning, Research and Analysis, procedures for making economic studies to be utilized in strengthening the SBA procurement assistance programs. Provides liaison staff services for SBA to Department of Defense and civilian agencies. Maintains liaison with other Government agencies whose activities relate to the procurement assistance programs of SBA. Provides advice and guidance to the area offices with respect to the procurement assistance programs of SBA.

(d) *Office of Management Assistance.* Formulates and recommends Agency policy governing the management assistance programs of the Small Business Administration. Plans, directs, coordinates, and executes the SBA programs governing business management development and business services. Administers overall responsibility for development and implementation of management training programs under title IV of the Economic Opportunity Act and directs the management assistance program in connection with the War on Poverty. Maintains liaison with other Government agencies whose activities relate to the management assistance programs of SBA. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the goals and objectives established are met. Provides advice and guidance to the area offices with respect to the management assistance programs to SBA.

§ 101.2–5 Assistant Administrator for Administration.

Plans, directs, coordinates, and implements all budget and finance, data services, organization and management, personnel, administrative services management programs, and reports system of the Small Business Administration. Plans, directs, and coordinates the Agency program planning system, integration of planning, programing, and budgeting activities and the evaluation of program plans and activities. Provides for analytical services to permit objective evaluation of Agency goals in meeting the needs of the small business sector of the Nation. Establishes formal liaison with other agencies such as Economic Development Administration, Office of Economic Opportunity, and Department of Housing and Urban Development, for coordinating the compilation of data essential to joint studies of mutual benefit. Directs, coordinates, and administers the Agency's financial and management reporting, audit, investigatory, security, civil rights compliance, and defense mobilization activities. Formulates and recommends policies and directs the establishment of standards and procedures to govern these programs and activities. Represents the Administrator in negotiations with the Bureau of the Budget, Congressional Appropriations Committees, General Accounting Office, Treasury Department, Civil Service Commission, and other agencies on matters relating to the administrative programs and activities. Plans and directs the development of short- and long-range goals and objectives for all the Agency's administrative activities. Evaluates and reports to the Administrator on the accomplishments in meeting such goals and objectives. Provides for the development of adequate controls over the administration of these programs as carried out by the Washington and area offices. Directs the conduct of agencywide cost reduction and management improvement programs, including systems, procedural, and manpower utilization surveys and studies. Serves as Civil Rights Coordinator of the SBA.

(a) *Equal Opportunity Staff.* Plans, directs, and coordinates the compliance program of the Small Business Administration in accordance with the applicable provisions of title VI of the Civil Rights Act. Develops and implements plans, procedures and instructions designed to assure that SBA's civil rights activities involving compliance and field reviews are carried out by the Washington and field offices within their respective program activities. Provides advice and assistance to the area office personnel engaged in this program and Washington office officials responsible for implementing the program. Prepares and evaluates regular and special reports on compliance activities of the Agency and refers to the Office of Audits and Investigations all complaints of discriminations or matters which indicate evidence of discrimination on the part of applicants, recipients, and subrecipients of SBA's assistance programs. Encourages equal opportunity climate on an agencywide basis through appropriate publications, conferences and training sessions. Serves as liaison with other Federal and non-Federal agencies on matters relating to the civil rights compliance program. Encourages minority group knowledge and use of SBA programs. Reviews and evaluates the results of the equal opportunity program as carried out by the Washington and field offices.

(b) *Administrative Operations Staff.* Serves as administrative support for all staff offices under the jurisdiction of the Assistant Administrator for Administration. Provides direct service and assistance to operating offices on all personnel matters including recruitment, training, reassignments, related records, and control of personnel authorizations and ceilings. Maintains funds control on travel and other administrative expenses allotted for operations of the Assistant Administrator for Administration. Coordinates and serves as focal point for administrative services activities including space requirements, office services, local purchases, and related functions. Prepares and coordinates such administrative reports as may be required by the Assistant Administrator for Administration in connection with the functional responsibilities assigned. Maintains controls on requests for travel authorization requiring approval of the Assistant Administrator for Administration.

(c) *Office of Budget and Finance.* Plans, directs, coordinates, and executes all budget, accounting, and fiscal activities of the Small Business Administration. Maintains liaison with the Bureau of the Budget, General Accounting Office, Treasury Department, staffs of Congressional Committees, and other Federal agencies on budgetary, accounting, and fiscal matters. Directs the development and administration of systems for the accountability of all funds, property, and other assets for which the Agency is responsible. Directs the establishment and implementation of procedures and control systems involving the collection, deposit, and disbursement of funds, including the preparation of financial information and data, and certain statistical data covering the operational programs of the Agency. Provides advice and assistance to the Washington and area offices on all matters involving the budget, accounting, and fiscal activities. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the objectives and goals established are met.

(d) *Office of Personnel.* Develops policies and establishes standards and procedures governing the personnel program throughout the Agency. Plans and conducts the Washington office personnel program including recruitment, selection, placement, classification, promotion, separation, pay and wage administration, training and career development, incentive awards, and safety. Provides technical guidance and assistance to Washington and area offices regarding the interpretation and application of regulations and procedures pertaining to the personnel program. Reviews, processes, and controls all field office personnel actions requiring Washington office approval and reviews all personnel actions requiring the Administrator's concurrence or approval. Maintains liaison with the Civil Service Commission in matters relating to the development, interpretation, and application of personnel regulations and procedures. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the goals and objectives established are met. Plans and conducts inspections and evaluations of field office personnel management programs and operations. Plans, develops, and operates orientation programs for new employees and visitors to the Washington office. Coordinates and administers the Washington office fund drives.

(e) *Office of Audits and Investigations.* Plans, directs, coordinates, and executes the agencywide audit, small business investment company examination, security, and investigations activities. Develops policies and establishes standards, procedures, and instructions governing the programs and related activities for which responsible. Schedules and maintains control over all audits, examinations, and investigations conducted. Directs the development of short- and long-range objectives and program goals. Evaluates the performance of the divisions for which responsible and assures that the goals and objectives established are met. Provides supervision over the auditors and examiners stationed in the field offices and instructs them in their activities. Maintains liaison with the General Accounting Office, Federal Bureau of Investigation, Civil Service Commission, other Federal agencies, and local enforcement authorities on all matters involving the programs and related activities for which responsible. Renders advice and counsel to Washington and field office officials on all matters pertaining to the programs and activities of the office. Serves as the focal point in coordinating GAO audit reports covering the Agency's operations and activities. Prepares replies and reports for submission to GAO on the position taken or actions required to correct audit deficiencies contained in the GAO reports.

(f) *Office of Data Services.* Develops and recommends Agency policy governing the provision and management of data processing services within the Small Business Administration. Coordinates with program and staff offices in the planning, development and conduct of systems or analytical studies of the application of data processing techniques to automate new, or modify for automation, existing programs. Develops and prepares for installation and utilization of systems for the collection, compilation, and reporting of information through the use of ADP. Maintains contact with all management units and all offices using ADP systems to coordinate activities for improving the effective utilization of ADP equipment. Administers programs in coordination with the Office of Administrative Services for the acquisition, installation, and operation of data processing equipment and related peripheral equipment. Conducts computerized studies and prepares supporting justification for the Bureau of the Budget and other external and internal authorities, as required. Negotiates, through the Office of Administrative Services, with manufacturers concerning acquisition of general purpose data processing equipment. Maintains close cooperative contact with other Federal agencies and ADP equipment manufacturers on advanced technology for utilization, capacity and maintenance of ADP systems and equipment. Cooperates in the establishment of work standards, schedules, and operations objectives for ADP utilization. Evaluates performance of the staff engaged in ADP operations. Recommends plans and arranges for the training of employees in systems procedures, programing, and operations involving the use of ADP and peripheral equipment.

(g) *Office of Administrative Services.* Develops policies and establishes standards and procedures governing administrative service operations throughout the Agency. Procures and controls equipment, supplies, and printing, and conducts procurement negotiations for items and services required. Plans and provides for communications and related services. Plans and directs the SBA records management program including the maintenance of a central records system and service. Plans and directs the SBA's relocation activities relating to establishment and evaluation of relocation sites and communications network. Develops, directs, and controls the vital material program to assure protection of the Agency's vital records. Directs the Agency's central mail, messenger, reproduction, distribution, and graphic arts services. Plans, directs, and provides technical guidance to all offices on the utilization and acquisition of space. Operates a departmental reproduction plant. Serves as liaison with other Federal and non-Federal agencies on matters relating to the functions of the division. Directs and coordinates the Washington office reference library activities. Reviews, analyzes, and evaluates the performance of the division and field offices and takes appropriate action to implement improved methods of operation as they relate to administrative services. Formulates short- and long-range administrative goals. Conducts and negotiates all administrative contracting functions of the Agency. Negotiates with the General Services Administration on acquisition and utilization of space.

(h) *SBA Reference Library.* Develops and maintains a technical library for the SBA Washington office and provides advice to SBA field offices in the establishment of libraries in those offices. Receives requests for the purchase of books, periodicals, and other publications from Washington SBA offices.

(i) *Office of Organization and Management.* Develops policies and establishes guidelines for the analysis and improvement of management, organization, systems, procedures, and methods within the Small Business Administration. Develops, plans, and conducts organizational and management studies as requested by the Administrator or top management officials. Proposes such studies which will improve the effectiveness of manpower utilization of the Agency's activities or operations. Plans, directs, coordinates and administers the cost reduction and management improvement programs of the Agency, including the manpower improvement program. Directs the preparation of such reports for submission to the Bureau of the Budget and Congressional Committees. Participates in management studies and surveys with representatives of other agencies and/or SBA offices and prepares analyses, reports, and supporting data as it affects operations of the Assistant Administrator for Administration. Develops, coordinates, and evaluates a comprehensive directive system for SBA. Evaluates continuing instructions for compliance with the directive system. Develops and maintains an organization plan which describes the structure and functions of the organizational units and the location and geographical responsibilities of the field offices. Develops and applies new or modified techniques in the solution of management problems relative to SBA's programs and operations to provide greater efficiency, eliminate duplication of effort, and effect monetary savings. Plans, coordinates, and administers SBA's functions under the defense mobilization program. Performs research in the field of management to assimilate and apply new or modified approaches in the solution of management problems relative to the Agency's programs and operations. Prepares Planning, Programing, Budgeting System statements, statistics and reports for submission to the Assistant Administrator for Administration for development into short- and long-term goals and objectives. Develops, prepares, and manages the delegation of authority system for the Washington office and area administrators. Develops, administers, and evaluates a comprehensive forms control system, covering all forms prescribed or used by SBA.

(j) *Office of Program Planning.* Develops and maintains the program planning system and insures the proper integration of planning, programing, and budgeting activities of the Agency. Coordinates analyses and evaluation of the inputs to the program planning system,

and develops inputs to the Program Memoranda. Coordinates and maintains long-range program plans on current basis. Develops the systems and procedures to reflect the status of achievement of the annual operating schedules, and coordinates their subsequent impact on long-range program plans.

(j) *Office of Analytical Services.* Coordinates and implements data storage and retrieval systems which will permit objective evaluations of Agency goals and program performance. Develops and applies appropriate statistical and operations research techniques to increase the probability of pursuing programs and goals in the most efficient manner. Participates with program managers in preparing data for specific analytical studies. Develops forecasting and resource allocation models as appropriate for program area needs. Establishes formal liaison with other Government and private agencies to coordinate the compilation of data essential to joint studies of mutual benefit, including, but not limited to, the Economic Development Administration, Office of Economic Opportunity, and the Department of Housing and Urban Development.

(k) *Office of Reports.* Recommends policy, establishes procedures, and administers the SBA reports system. Cooperates in the development and evaluation of systems design to gather and retrieve Agency financial and management information. Obtains and maintains on a current basis data which will provide management with a comprehensive appraisal of fiscal and management activities and the performance of such activities against established goals. Receives and reviews all report requests with a few exceptions such as PPBS, submissions for cost reduction and management reports, emergency preparedness reports, and other reports as cited in the reports directive. Obtains such information when not available within this office and furnishes to the requesting unit. Correlates information to facilitate the overview of Agency activities by the Administrator and other officials at the associate administrator level. Provides reports periodically to assist Agency managers in carrying out their responsibilities and functions. Analyzes Agency financial and management data and cooperates in developing criteria so that facts and trends are available to management at all levels on a management by exception basis. Maintains liaison with the Bureau of the Budget and other Federal agencies concerning SBA reporting matters.

§ 101.2–6 Assistant Administrator for Congressional and Public Affairs.

Develops, coordinates, and directs the public information, congressional relations, and public inquiry and analysis programs of the Small Business Administration. Provides advice and counsel to the Administrator, Associate Administrators and other Agency officials on the public and congressional relations aspects of their functions. Gives guidance and assistance to the field offices where public and congressional interests are involved in the activities at the local areas. Reviews and evaluates the results of the public information, congressional relations and public inquiry and analysis programs of the Agency. Develops and prepares speeches for the Administrator and key officials of the Agency.

(a) *Office of Public Information.* Directs the preparation and issuance of current releases, background statements, pamphlets, and other informational materials to the public and to small business. Maintains contact with newspapers, business press, trade associations, chambers of commerce, and similar groups, for release of information regarding the policies and programs of the Agency. Acts for the Agency in the development and preparation of public statements and special reports. Directs a program for providing adequate public informational material to meet the needs, as they arise, at the local and regional level to further the programs and policies of the Agency. Obtains, assembles and coordinates the information to be included in the Agency's Annual Report to the President and Congress, including the preparation of the final report. Responsible for final design and editing of all Agency publications. Coordinates the Small Business Administration participation in seminars and association meetings. Produces audiovisual materials relating to Agency programs, including films, tapes, slides, and displays for both promotional and educational purposes.

(b) *Office of Congressional Relations.* Serves as liaison with Members of Congress, Congressional Committees, commissions, organizations, and agencies dealing with legislative matters. Processes and coordinates with Office of Public Inquiry and Analysis and other SBA offices concerned, oral inquiries and responses to Members of Congress or Congressional Committees and the Executive Offices of the President. Obtains, assembles, prepares, and coordinates information and data requested by Members of Congress or Congressional Committees on the SBA programs, legislative proposals, and other matters concerning the activities of the Agency. Keeps the Administrator and top officials of the Agency informed of the activities of Congressional Committees as they relate to the programs and activities of SBA. Interprets for Members of Congress the Agency's policies, programs, practices, and objectives. Works with other Federal agencies on matters of mutual interest.

(c) *Office of Public Inquiry and Analysis.* Receives, controls, and analyzes all incoming priority correspondence (Congressional, White House, and other important correspondence). Prepares all interim and final replies based on technical information furnished by the Washington and field offices, except those of a highly technical nature, such as budgetary reports, legislative proposals, legal opinion, etc. Obtains proper clearance from Washington offices concerned and transmits final replies for Administrator's signature. Analyzes on a continuing basis priority correspondence responses prepared by field offices. Recommends corrections or modifications as required. Coordinates release of technical information with other offices under the Assistant Administrator for Congressional and Public Affairs.

§ 101.2–7 Assistant Administrator for Planning, Research and Analysis.

Conducts planning studies and evaluations of the economic environment and relates the forecasted environment to the needs and problems of the small business community. Conducts analyses and special studies of Agency activities to provide the Administrator with alternative courses of action in the decision-making process. Develops program memorandums in conformance with the program structure of the Agency. Provides in-house research capability and identifies and formulates research projects to be pursued under contract and monitors such contracts as are approved by the Administrator. Initiates, with the approval of the Administrator, and participates in interagency studies dealing with the critical aspects of the economy and public policy affecting small business. Initiates studies and develops procedures to provide an historical and current statistical description of the small business sector to provide, in a timely manner, data for policy and program formulation. Provides the Administrator and program managers with economic counsel on the problems of small business and the programs of the Agency. Serves as a member on the Program Advisory Council and the Size Appeals Board.

§ 101.3 Field Offices.

(a) *Area Office.* An SBA office, headed by an area administrator, responsible and accountable to the Administrator, SBA. Such an office is responsible for area planning and establishing goals and program objectives for the regional offices based on local conditions and economic trends affecting small business within the area. This office also is responsible for the administration and execution of operations involving certain specialized programs. Evaluates the accomplishments of the regional offices to determine their effectiveness and compliance with established goals and objectives.

(b) *Regional Office.* An SBA office, headed by a regional director, responsible and accountable to an area administrator. Such an office is responsible for carrying out the Agency's program and administrative operations in a prescribed geographical area. Provides supervision, guidance and assistance to branch offices under their jurisdiction in carrying out assigned program and administrative operations.

(c) *Branch Office.* An SBA office, headed by a branch manager, responsible and accountable to a regional director. Such an office carries out the financial assistance program and, when assigned, additional SBA programs and related administrative functions within a specific portion of the geographical area of its parent regional office. Such offices also include temporary facilities established to deal with a catastrophe or disaster, or a special lending operation.

§ 101.3–1 Listing of Field Offices.

(a) *Northeastern Area.* Area Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203, having jurisdiction over the following regional offices:

(1) 40 Western Avenue, Augusta, Maine 04330. Serving Maine.
(2) John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203. Serving Massachusetts.
(3) 18 School Street, Concord, N.H. 03301. Serving New Hampshire.
(4) 450 Main Street, Hartford, Conn. 06103. Serving Connecticut.
(5) 87 State Street, Montpelier, Vt. 05601. Serving Vermont.
(6) 57 Eddy Street, Providence, R.I. 02903. Serving Rhode Island.

(b) *New York Area.* Area Office, 61 Broadway, New York, N.Y. 10006, having jurisdiction over the following regional and branch offices:

(1) 10 Commerce Court, Newark, N.J. 07102. Serving New Jersey.
(2) 42 Broadway, New York, N.Y. 10004. Serving New York counties of Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, and Westchester.
(3) Hunter Plaza, Fayette and Salina Streets, Syracuse, N.Y. 13202. Serving New York counties of Broome, Cayuga, Chemung, Chenango, Clinton, Cortland, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Oneida, Onondaga, Ontario, Oswego, Otsego, Schuyler, Seneca, St. Lawrence, Steuben, Tioga, Tompkins, Wayne, and Yates.
(4) 121 Ellicott Street, [1] Buffalo, N.Y. 14203. Serving New York counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming.
(5) Post Office Box 1915, 255 Ponce de Leon Avenue, Hato Rey, P.R. 00919. Serving the Commonwealth of Puerto Rico.
(6) Post Office Box 806, 22 Crystal Gade, [1] St. Thomas, V.I. 00802. Serving the U.S. Virgin Islands.

(c) *Middle Atlantic Area.* Area Office, 1 Decker Square, East Lobby, Bala Cynwyd, Pa. 19004, having jurisdiction over the following regional and branch offices:

(1) Fayette and St. Paul Streets, Baltimore, Md. 21202. Serving Maryland, except the counties of Montgomery and Prince Georges.
(2) 119 North Third Street, Clarksburg, W. Va. 26301. Serving West Virginia counties of Barbour, Berkeley, Brooke, Doddridge, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, and Wood.
(3) 500 Quarrier Street,[1] Charleston, W. Va. 25301. Serving West Virginia counties of Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, Wirt, and Wyoming.
(4) 1370 Ontario Street, Cleveland, Ohio 44113. Serving Ohio counties of Allen, Ashland, Ashtabula, Auglaize, Columbiana, Crawford, Cuyahoga, Defiance, Erie, Geauga, Hancock, Hardin, Henry, Holmes, Huron, Lake, Lorain, Mahoning, Morrow, Marion, Medina, Mercer, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Van Wert, Wayne, Wood, and Wyandot.
(5) 234 Summit Street, [1] Toledo, Ohio 43602. Serving Ohio counties of Fulton, Lucas and Williams.
(6) 50 West Gay Street, Columbus, Ohio 43215. Serving Ohio counties of Adams, Athens, Belmont, Brown, Carroll, Champaign, Clark, Clinton, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Harrison, Highland, Hocking, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Meigs, Miami, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Tuscarawa, Union, Vinton, and Washington.
(7) 4515 Federal Building,[1] Cincinnati, Ohio 45202. Serving Ohio counties of Butler, Clermont, Hamilton, and Warren.
(8) Fourth and Broadway, Louisville, Ky. 40202. Serving Kentucky.
(9) 1015 Chestnut Street, Philadelphia, Pa. 19107. Serving Pennsylvania counties of Adams, Berks, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Union, Wayne, Wyoming, Tioga, and York.
(10) 21 the Green, [1] Dover, Delaware 19901. Serving Delaware.
(11) 1000 Liberty Avenue, Pittsburgh, Pa. 15222. Serving Pennsylvania counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.
(12) Post Office Box 8565, 1904 Byrd Avenue, Richmond, Va. 23226. Serving Virginia, except the counties of Arlington, Fairfax, and Loudoun.
(13) 1321 H Street NW., Washington, D.C. 20417. Serving the District of Columbia; Maryland counties of Montgomery and Prince Georges and Virginia counties of Arlington, Fairfax, and Loudoun.

(d) *Southeastern Area.* Area Office, 1401 Peachtree Street NE., Atlanta, Ga. 30309, having jurisdiction over the following regional and branch offices.

(1) 52 Fairlie Street NW., Atlanta, Ga. 30303. Serving Georgia.
(2) 908 South 20th Street, Birmingham, Ala. 35205. Serving Alabama.
(3) 201 South Tryon Street, Charlotte, N.C. 28202. Serving North Carolina.
(4) 1801 Assembly Street, Columbia, S.C. 29201. Serving South Carolina.
(5) Capital and West Streets, Jackson, Miss. 39201. Serving Mississippi.
(6) 400 West Bay Street, Jacksonville, Fla. 32202. Serving Florida counties of Alachua, Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Putnam, Santa Rosa, St. Johns, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington.
(7) 500 Union Street, Nashville, Tenn. 32712. Serving Tennessee counties of Bedford, Benton, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Davidson, Decatur, De Kalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hamilton, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McNairy, Macon, Madison, Marion, Marshall, Maury, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, and Wilson.
(8) 301 West Cumberland Avenue, [1] Knoxville, Tenn. 37902. Serving Tennessee counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Unicoi, Union, and Washington.
(9) 51 Southwest First Avenue, Miami, Fla. 33130. Serving Florida counties of Brevard, Broward, Charlotte, Collier, Dade, De Sota, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Lucie, Sarasota, and Florida Keys.

(e) *Midwestern Area.* Area Office. 219 South Dearborn Street, Chicago, Ill. 60604, having jurisdiction over the following regional and branch offices:

(1) 219 South Dearborn Street, Chicago, Ill. 60604. Serving Illinois counties of Boone, Bureau, Carroll, Cass, Champaign, Christian, Clark, Coles, Cook, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Morgan, Moultrie, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Schuyler, Shelby, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford.
(2) Fifth and Grand Avenue, Des Moines, Iowa 50309. Serving Iowa.
(3) 1249 Washington Boulevard, Detroit, Mich. 48226. Serving the Lower Peninsula of Michigan, except the counties of Alpena, Antrim, Charlevoix, Cheboygan, Emmet, Montmorency, Otsego, and Presque Isle.
(4) 502 West Kaye Avenue,[1] Marquette, Mich. 49855. Serving Michigan in the Upper Peninsula and the Northern Lower Peninsula counties of:

UPPER PENINSULA

Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.

NORTHERN LOWER PENINSULA

Alpena, Antrim, Charlevoix, Cheboygan, Emmet, Montmorency, Otsego, and Presque Isle.

(5) 36 South Pennsylvania Street, Indianapolis, Ind. 46204. Serving Indiana.
(6) 911 Walnut Street, Kansas City, Mo. 64106. Serving the following counties in Missouri and Kansas:

KANSAS

Allen, Anderson, Atchison, Bourbon, Brown, Cherokee, Coffey, Crawford, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Labette, Leavenworth, Linn, Marshall, Miami, Montgomery, Nemaha, Neosho, Osage, Pottawatomie, Shawnee, Wilson, Woodson, and Wyandotte.

[1] Denotes branch office under regional office.

MISSOURI

Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, Macon, McDonald, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Ozark, Pettis, Platte, Polk, Pulaski, Putnam, Randolph, Ray, Saint Clair, Saline, Schuyler, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth, and Wright.

(7) 25 West Main Street, Madison, Wis. 53703. Serving Wisconsin counties of Adams, Brown, Calumet, Clark, Columbia, Crawford, Dane, Dodge, Door, Fon du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kewaunee, La Crosse, Lafayette, Langlade, Manitowoc, Marathon, Marinette, Marquette, Menominee, Monroe, Oconto, Outagamie, Portage, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Waupaca, Waushara, Winnebago, and Wood.

(8) 238 West Wisconsin Avenue,[1] Milwaukee, Wis. 53203. Serving Wisconsin counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha.

(9) 816 Second Avenue, South, Minneapolis, Minn. 55402. Serving Minnesota and Wisconsin counties of Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Vilas, and Washburn.

(10) 208 North Broadway, St. Louis, Mo. 63102. Serving the following counties in Illinois and Missouri:

ILLINOIS

Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Galatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion Massac, Monroe, Montgomery, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, and Williamson.

MISSOURI

Audrain, Bollinger, Butler, Callaway, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne.

(f) *Southwestern Area.* Area Office, 1309 Main Street, Dallas, Tex. 75202, having jurisdiction over the following regional offices:

(1) 500 Gold Avenue SW., Albuquerque, N. Mex. 87101. Serving New Mexico.

(2) 411 North Akard Street, Dallas, Tex. 75201. Serving Texas counties of Anderson, Archer, Baylor, Bell, Bosque, Brown, Burnet, Callahan, Clay, Coleman, Collin, Comanche, Concho, Cooke, Coryell, Dallas, Delta, Denton, Eastland, Ellis, Erath, Falls, Fannin, Freestone, Grayson, Hamilton, Henderson, Hill, Hood, Hopkins, Hunt, Jack, Johnson, Kaufman, Lamar, Lampasas, Limestone, Llano, Mason, McCulloch, McLennan, Menard, Mills, Montague, Navarro, Palo Pinto, Parker, Rains, Rockwall, San Saba, Shackelford, Somervell, Stephens, Tarrant, Throckmorton, Van Zandt, Wichita, Wilbarger, Williamson, Wise, and Young.

[1] Denotes branch office under regional office.

(3) 201 Fannin Street, Houston, Tex. 77002. Serving Texas counties of Angelina, Austin, Bastrop, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Trinity, Tyler, Waller, Walker, Washington, and Wharton.

(4) 600 West Capital Avenue, Little Rock, Ark. 72201. Serving Arkansas, except Columbia, Lafayette, and Miller counties.

(5) 1616 19th Street, Lubbock, Tex. 79401. Serving Texas counties of Andrews, Armstrong, Bailey, Borden, Brewster, Briscoe, Carson, Castro, Childress, Cochran, Coke, Collingsworth, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, El Paso, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kent, King, Knox, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Runnels, Schleicher, Scurry, Sherman, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Tom Green, Upton, Ward, Wheeler, Winkler, and Yoakum.

(6) 505 East Travis Street, Marshall, Tex. 75670. Serving the following Arkansas and Texas counties and Louisiana parishes:

ARKANSAS

Columbia, Lafayette, and Miller.

LOUISIANA

Bienville, Bossier, Caddo, Claiborne, De Soto, Red River, and Webster.

TEXAS

Bowie, Camp, Cass, Cherokee, Franklin, Gregg, Harrison, Marion, Morris, Nacogdoches, Panola, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, and Wood.

(7) 124 Camp Street, New Orleans, La. 70130. Serving Louisiana, except Bienville, Bossier, Caddo, Claiborne, De Soto, Red River, and Webster parishes.

(8) Third and Robinson, Oklahoma City, Okla. 73102. Serving Oklahoma.

(9) 301 Broadway, San Antonio, Tex. 78205. Serving Texas counties of Aransas, Atascosa, Bandera, Bee, Bexar, Blanco, Brooks, Caldwell, Calhoun, Cameron, Comal, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Maverick, McMullen, Medina, Nueces, Real, Refugio, San Patricio, Starr, Travis, Uvalde, Val Verde, Victoria, Webb, Willacy, Wilson, Zapata, and Zavala.

(g) *Rocky Mountain Area.* Area Office, 909 17th Street, Denver, Colo. 80202, having jurisdiction over the following regional offices:

(1) 300 North Center, Casper, Wyo. 82601. Serving Wyoming.

(2) 1961 Stout Street, Denver, Colo. 80202. Serving Colorado.

(3) 207 North Fifth Street, Fargo, N. Dak. 58102. Serving North Dakota.

(4) 205 Power Block, Corner Main and Sixth Avenue, Helena, Mont. 59601. Serving Montana.

(5) 215 North 17th Street, Omaha, Nebr. 68102. Serving Nebraska.

(6) 125 South State Street, Salt Lake City, Utah 84111. Serving Utah.

(7) Eighth and Main Avenue, Sioux Falls, S. Dak. 57102. Serving South Dakota.

(8) 120 South Market Street, Wichita, Kans. 67202. Serving Kansas counties of Barber, Barton, Butler, Chase, Chatauqua, Cheyenne, Clark, Clay, Cloud, Comanche, Cowley, Decatur, Dickinson, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Geary, Grove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jewell, Kearny, Kingman, Kiowa, Lane, Lincoln, Logan, Lyon, McPherson, Marion, Meade, Mitchell, Morris, Morton, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, and Wichita.

(h) *Pacific Coastal Area.* Area Office, 450 Golden Gate Avenue, San Francisco, Calif. 94102, having jurisdiction over the following regional and branch offices:

(1) 632 Sixth Avenue, Anchorage, Alaska 99501. Serving Alaska.

(2) 216 North Eighth Street, Boise, Idaho 83702. Serving Idaho, except Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone counties. Serving the Oregon counties of Baker, Grant, Harney, Malheur, Union, and Wallowa.

(3) 1149 Bethel Street, Honolulu, Hawaii 96813. Serving Hawaii.

(4) Ada Plaza Center Building, Post Office Box 927, [1] Agana, Guam 96910. Serving Guam and American Samoa.

(5) 312 West Fifth Street, Los Angeles, Calif. 90013. Serving California counties of Kern, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, and Ventura.

(6) 1721 East Charleston Street, [1] Las Vegas, Nev. 89104. Serving the California county of Inyo, and the Nevada counties of Clark, Esmeralda, Lincoln, and Nye.

(7) 2727 North Central Avenue, Phoenix, Ariz. 85004. Serving Arizona.

(8) 921 Southwest Washington Street, Portland, Oreg. 97205. Serving Oregon, except Baker, Grant, Harney, Malheur, Union, and Wallowa counties; serving the Washington counties of Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum.

(9) 110 West C Street, San Diego, Calif. 92101. Serving California counties of Imperial and San Diego.

(10) 450 Golden Gate Avenue, San Francisco, Calif. 94102. Serving Nevada, except the counties of Clark, Esmeralda, Lincoln, and Nye; serving California, except the counties of Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, Luis Obispo, and Ventura.

(11) North 108 Washington Street, Spokane, Wash. 99201. Serving the following Washington and Idaho counties:

WASHINGTON

Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman.

IDAHO

Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

(12) 506 Second Avenue, Seattle, Wash. 98104. Serving Washington counties of Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima.

Effective date: April 10, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-5974; Filed, May 29, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 67–WE–15–AD; Amdt. 39–425]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted May 16, 1967, and made effective by telegram to all known operators of Boeing Model 707–300 Series, –400 Series, –300B Series, and –300C Series airplanes as of the time of receipt of the telegram. This airworthiness directive superseded Amendment 39–409 (incorporating telegraphic amendments issued on Apr. 20 and 21, 1967), 32 F.R. 6675, AD 67–14–3, and in general provided for repetitive inspections of the wing upper skin under the beaver tail within the first 12 inches forward of the rear spar centerline at intervals dependent upon whether certain critical fasteners identified in the pertinent Boeing Service Bulletin were removed. The airworthiness directive was necessitated by additional reports of cracks in the wing upper skin at the rear spar upper chord and an analysis showing the critical crack length was shorter than originally anticipated.

Since it was found that corrective action was required within a very short time, notice and public procedure thereon was impractical and contrary to the public interest, and good cause existed for making the airworthiness directive effective immediately as to all known operators of the airplanes. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following airworthiness directive:

BOEING. Applies to all Model 707–300 Series, –400 Series, –300B Series, and –300C Series airplanes.

(A) For those airplanes having one or both of the two critical fasteners installed in the left wing or the right wing (identified on page 29, Boeing Service Bulletin No. 2427, R–1 dated Feb. 13, 1967), inspect the left wing or the right wing as appropriate per (C) at the times specified in (D)(1) or (D)(2) as appropriate.

(B) For those airplanes having both of said critical fasteners removed from the left wing or the right wing, inspect the left wing or right wing as appropriate per (C) at the times specified in (E)(1) or (E)(2) as appropriate.

(C) Inspect the wing upper skin under the beaver tail within the first 12 inches forward of the rear spar centerline for cracks by means of the ultrasonic inspection technique outlined in Special Revision 4–6–11 of Boeing Document D6–7170, "Non-Destructive Test Inspection Procedures," or by means of X-ray inspection technique outlined in Part I of Boeing Service Bulletin No. 2427 (Rev. 3).

(D)(1) For those airplanes having 10,000 or more (in the case of 707–300C Series) or 17,000 or more (in the case of 707–300/ –400/ –300B Series) within the next 150 hours' time in service unless already accomplished within the previous 50 hours' time in service and thereafter at intervals not to exceed 200 hours' time in service from the last inspection.

(D)(2) For those airplanes having less than 10,000 (in the case of 707–300C Series) or less than 17,000 (in the case of 707–300/ –400/ –300B Series) hours' time in service prior to the accumulation of 10,150 or 17,150 hours' time in service respectively and thereafter at intervals not to exceed 200 hours' time in service from the last inspection.

(E)(1) For airplanes having 10,000 or more (in the case of 707–300C Series) or 17,000 or more (in the case of 707–300/ –400/ –300B Series) hours' time in service, within the next 800 hours' time in service unless already accomplished within the previous 200 hours' time in service and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection.

(E)(2) For those airplanes having less than 10,000 (in the case of 707–300C Series) or less than 17,000 (in the case of 707–300/ 400/ –300B Series) hours' time in service, prior to the accumulation of 10,800 or 17,800 hours' time in service respectively and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection.

(F) If cracks are found that fall within the crack length limitations specified in Parts VI or II, Boeing Service Bulletin No. 2427 (Rev. 3), before further flight, repair in accordance with the applicable part of that bulletin, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be accomplished. If cracks are found that exceed the crack length limitations specified in Part II, Boeing Service Bulletin No. 2427 (Rev. 3), before further flight replace the affected portions of the wing upper skin or repair in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA Western Region, except that, subject to concurrence by the Chief, Aircraft Engineering Division, FAA Western Region, the airplane may be flown in accordance with FAR 21.197 to a base where the replacement or repair can be accomplished.

(G) Report the location and length of each crack to the Chief, Aircraft Engineering Division, FAA Western Region, within 3 days after detection.

This supersedes Amendment 39–406 (incorporating telegraphic amendments issued on Apr. 20 and 21, 1967), 32 F.R. 6675, AD 67–14–3.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective by telegram dated May 16, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on May 19, 1967.

LEE E. WARREN,
Acting Regional Director,
FAA Western Region.

[F.R. Doc. 67–5975; Filed, May 29, 1967; 8:46 a.m.]

[Airworthiness Docket No. 67–WE–12–AD; Amdt. 39–426]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 269 Series Helicopters

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on May 19, 1967, and made effective by airmail letter to all known operators of Hughes Model 269 Series helicopters as of the time of receipt of the airmail letter. This airworthiness directive amended Amendment 39–389 (originally issued by certified airmail letter on March 28, 1967, and later published in 32 F.R. 5676), AD 67–11–3, by extending the coverage of Amendment 39–389 to all Hughes Model 269 Series helicopters regardless of the total hours time in service on each helicopter. This amendment to Amendment 39–389 was necessitated by an additional failure of the Huck Bolts P/N SALP–T10–7 occurring on a helicopter with less than 1,200 hours' total time in service at the time of the failure and by additional reports of loosening of the Huck Bolt assembly on helicopters with less than 1,200 hours' total time in service.

Since it was found that corrective action was required within a very short time, notice and public procedure thereon was impractical and contrary to the public interest, and good cause existed for making the airworthiness directive effective immediately as to all known operators of the Hughes Model 269 Series helicopter. These conditions still exist, and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), section 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–389 (32 F.R. 5676), AD 67–11–3, is amended by amending the first paragraph (beginning with "Compliance required") to read as follows:

Compliance required within the next 25 hours' time in service for all aircraft unless already accomplished.

This amendment, adopted on May 19, 1967, becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective upon receipt of airmail letter mailed May 20, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on May 22, 1967.

LEE E. WARREN,
Acting Regional Director,
FAA Western Region.

[F.R. Doc. 67-5987; Filed, May 29, 1967; 8:47 a.m.]

[Docket No. 8014; Amdt. 39-428]

PART 39—AIRWORTHINESS DIRECTIVES

Pan Avion Model PA-5 Life Vests

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the removal of the 8-gram CO_2 cartridge (P/N 2200-525-15) and the installation of a 12-gram CO_2 cartridge (P/N 2200-525-21) and a long inflator cap (P/N 2200-538-8) was published in 32 F.R. 3997.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PAN AVION. Applies to Model PA-5 Life Vests equipped with an 8-gram CO_2 cartridge (P/N 2200-525-15).

Compliance required within 30 days after the effective date of this AD, unless already accomplished.

To insure adequate life vest buoyancy, remove the 8-gram CO_2 cartridge (P/N 2200-525-15) and install a 12-gram CO_2 cartridge (P/N 2200-525-21) and a long inflator cap (P/N 2200-538-8).

(Pan Avion Service Bulletin No. 22-66 dated Sept. 15, 1966, covers this subject.)

This amendment becomes effective June 30, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 23, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-5988; Filed, May 29, 1967; 8:48 a.m.]

[Docket No. 8025; Amdt. 39-429]

PART 39—AIRWORTHINESS DIRECTIVES

TECO Model 603 Aircraft Seats

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the removal of TECO Model 603 aircraft seats from civil aircraft was published in 32 F.R. 4124.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

TECO. Applies to TECO Model 603 aircraft seats.

Compliance required as indicated.

To preclude failure of TECO Model 603 aircraft seats installed in civil aircraft, within 100 hours' time in service after the effective date of this AD, remove these seats from service, and replace with FAA-approved seats.

This amendment becomes effective June 30, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 23, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-5989; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67-SO-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Biloxi, Miss., control zone.

The Biloxi control zone is described in § 71.171 (32 F.R. 2071).

Because of the hours of operation of the Keesler AFB Airport Traffic Control Tower (600 to 2200 hours, local time, daily) it is necessary to redesignate the control zone to be effective during these hours.

Since this amendment is less restrictive in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Biloxi, Miss., control zone is amended to read:

BILOXI, MISS.

Within a 5-mile radius of Keesler AFB (latitude 30°24'39.2" N., longitude 88°55'-25.9" W.); within 2 miles each side of the 036° bearing from Keesler RBN extending from the 5-mile radius zone to 8 miles northeast of the RBN; within 2 miles each side of the Keesler TACAN 047° radial extending from the 5-mile radius zone to 7 miles northeast of the TACAN; and within 2 miles each side of the Keesler AFB runway 3/21 centerline extending from the 5-mile radius zone to 6 miles southwest of the AFB, excluding that portion west of longitude 89°00'00" W., effective from 0600 to 2200 hours, local time, daily.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on May 22, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-5990; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket 67-SW-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Roswell, N. Mex. (Roswell Municipal Airport), and Roswell, N. Mex. (Walker AFB), control zones by combining them into a single control zone.

The airspace configuration of the combined existing control zones is not being altered; however, the wording used to describe the single control zone differs from the wording of the current descriptions of the existing control zones. In addition to the removal of references to the line which divides the existing control zones, references to the names of the two airports are being deleted since it is possible that each airport may be renamed. Further, references to specific radials and bearings are being deleted from the description and the boundary line, or perimeter, of the single control zone is being described by references to coordinates and arcs of radii based on coordinate locations.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., July 20, 1967, as herein set forth.

In § 71.171 (32 F.R. 2131) the Roswell, N. Mex. (Roswell Municipal Airport), and Roswell, N. Mex. (Walker AFB), control zones are amended to read:

ROSWELL, N. MEX.

That airspace bounded by a line beginning at latitude 33°20'15" N., longitude 104°37'-15" W.; thence to latitude 33°21'30" N., longitude 104°39'00" W.; to latitude 33°22'-45" N., longitude 104°37'50" W.; thence clockwise along the arc of a 5-mile radius circle centered at latitude 33°24'20" N., longitude 104°32'55" W., to latitude 33°26'-25" N., longitude 104°28'20" W.; thence to latitude 33°27'05" N., longitude 104°22'55" W.; to latitude 33°25'05" N., longitude 104°22'19" W.; to latitude 33°24'00" N., longitude 104°21'00" W.; to latitude 33°19'40" N., longitude 104°26'30" W.; thence clockwise along the arc of a 5-mile radius circle centered at latitude 33°18'05" N., longitude 104°31'20" W., to latitude 33°14'00" N., longitude 104°30'45" W.; thence to latitude 33°13'20" N., longitude 104°30'45" W.; to latitude 33°13'20" N., longitude 104°34'45" W.; to latitude 33°13'35" N., longitude 104°34'45" W.; to latitude 33°12'55" N., longitude 104°35'50" W.; to latitude 33°15'-15" N., longitude 104°38'35" W.; to latitude 33°16'55" N., longitude 104°36'35" W.;

thence clockwise along the arc of a 5-mile radius circle centered at latitude 33°18'05" N., longitude 104°31'20" W., to latitude 33°18'20" N., longitude 104°36'50" W.; thence to latitude 33°19'00" N., longitude 104°38'20" W.; to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on May 19, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-5991; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67-CE-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On February 28, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3364) stating that the Federal Aviation Administration proposed to alter controlled airspace in the Grand Island, Nebr., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

The Grand Island, Nebr., Municipal Airport coordinates recited in the notice of proposed rule making have been changed slightly in this final rule. In addition, the word "clockwise," as recited in the Grand Island control zone redesignation in the notice of proposed rule making, is incorrect; it should have read "counterclockwise." Action is taken herein to make these corrections. Since these changes are minor in nature and impose no additional burden on anyone, they are being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the Grand Island, Nebr., control zone is amended to read:

GRAND ISLAND, NEBR.

Within a 5-mile radius of Grand Island Municipal Airport (latitude 40°58'05" N., longitude 98°18'50" W.); within 2 miles each side of the Grand Island VORTAC 304° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles each side of the Grand Island VOR TAC 360° radial, extending from the 5-mile radius zone to 12 miles north of the VOR TAC; within 2 miles west of the Grand Island VORTAC 180° radial counterclockwise to 2 miles east of the Grand Island VORTAC 179° radial, extending from the 5-mile radius zone to 7 miles south of the VORTAC; and within 2 miles each side of the Grand Island VOR TAC 002° radial extending from the 5-mile radius zone to 5 miles north of the VORTAC.

(2) In § 71.181 (32 F.R. 2148), the Grand Island, Nebr., transition area is amended to read:

GRAND ISLAND, NEBR.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Grand Island Municipal Airport (latitude 40°58'05" N., longitude 98°18'50" W.); within 8 miles southwest and 5 miles northeast of the Grand Island VORTAC 304° radial, extending from the 8-mile radius area to 12 miles northwest of the VORTAC; and within 8 miles west and 5 miles east of the Grand Island VORTAC 360° radial, extending from the 8-mile radius area to 12 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Grand Island VORTAC, extending clockwise from the Grand Island VORTAC 241° radial to the Grand Island VORTAC 084° radial; within a 20-mile radius of the Grand Island VORTAC, extending from a line 5 miles north of and parallel to the Grand Island VORTAC 084° radial clockwise to a line 5 miles northwest of and parallel to the Grand Island VORTAC 241° radial; and within 5 miles east and 7 miles west of the Grand Island VORTAC 002° radial, extending from the 17-mile radius area to the south edge of V-219 and V-172, excluding the portion which overlies the Hastings, Nebr., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-5992; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67-CE-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On March 23, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 4431) stating that the Federal Aviation Administration proposed to alter controlled airspace in the Billings, Mont., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

The Logan Field, Billings, Mont., coordinates recited in the notice of proposed rule making have been changed slightly in this final rule. Since this change is minor in nature and imposes no additional burden on anyone, it is being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the Billings, Mont., control zone is amended to read:

BILLINGS, MONT.

Within a 5-mile radius of Logan Field (latitude 45°48'25" N., longitude 108°31'55" W.); within 2 miles each side of the Billings ILS west and east courses, extending from the 5-mile radius zone to 8 miles west of the OM on the west and to the RBN on the east; and within 2 miles each side of the Billings VORTAC 095° and 267° radials, extending from the 5-mile radius zone to 8 miles west and 12 miles east of the VORTAC.

(2) In § 71.181 (32 F.R. 2148), the Billings, Mont., transition area is amended to read:

BILLINGS, MONT.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Logan Field (latitude 45°48'25" N., longitude 108°31'55" W.); within a 12-mile radius of Billings VORTAC, extending from a line 5 miles southeast of and parallel to the Billings VORTAC 212° radial clockwise to the Billings 347° radial; and within 2 miles each side of the Billings ILS localizer east course, extending from the 8-mile radius area to 8 miles east of the Billings RBN; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Billings VORTAC, extending from the south edge of V-2 west of Billings clockwise to the southwest edge of V-19 southeast of Billings; within 10 miles southwest and 7 miles northeast of Billings VORTAC 301° radial, extending from the 25-mile radius area to 49 miles northwest of the VORTAC; within 10 miles southwest and 7 miles northeast of the Billings VORTAC 317° radial, extending from the 25-mile radius area to 45 miles northeast of the VORTAC; within 10 miles west and 7 miles east of the Billings VORTAC 347° radial, extending from the 25-mile radius area to 42 miles north of the VORTAC; and within 10 miles north and 8 miles south of the Billings VORTAC 096° radial, extending from the 25-mile radius area to 38 miles east of the VORTAC; and that airspace extending upward from 7,700 feet MSL within 8 miles each side of the Billings VORTAC 096° radial, extending from 38 to 99 miles east of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-5993; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67-CE-65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Readsville, Mo., transition area.

The Readsville, Mo., transition area is presently designated as that airspace extending upward from 1,200 fect above the surface within 6 miles north and 9 miles south of the Readsville VOR 100° and 280° radials extending from 8 miles east to 19 miles west of the VOR and the airspace north of Readsville bounded on the north by V-4, on the east by the arc of a 33-mile radius circle centered on Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°-21'55" W.), on the south by V-12 and on the west by V-63.

That portion of the Readsville transition area which was designated to encompass prescribed instrument holding

procedures at the Readsville VOR is no longer required for air traffic control purposes. As a result, modification of the Readsville transition area is necessary to delete this airspace from the transition area designation.

Since the proposed modification will reduce the existing designated Readsville, Mo., transition area, it will not impose any additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the Readsville, Mo., transition area is amended to read:

READSVILLE, MO.

That airspace extending upward from 1,200 feet above the surface within an area bounded on the north by V–4, on the east by the arc of a 33-mile radius circle centered on Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), on the south by V–12, and on the west by V–63.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67–5995; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67–CE–22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 23, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 4429) stating that the Federal Aviation Administration proposed to designate controlled airspace in the Clintonville, Wis., terminal area.

Interested parties were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.131 (32 F.R. 2148), the following transition area is added:

CLINTONVILLE, WIS.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Clintonville Municipal Airport (latitude 44°36'50" N., longitude 88°43'50" W.) and within 2 miles each side of the 145° bearing from Clintonville Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67–5997; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67–CE–25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 25, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 4543) stating that the Federal Aviation Administration proposed to designate controlled airspace in the South Haven, Mich., terminal area.

Interested parties were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

The South Haven, Mich., Municipal Airport coordinates recited in the notice of proposed rule making have been changed slightly in this final rule. Since this change is minor in nature and imposes no additional burden on anyone, it is being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

SOUTH HAVEN, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of South Haven, Mich. Municipal Airport (latitude 42°21'00" N., longitude 86°15'30" W.) and within 2 miles each side of the Pullman, Mich., VORTAC 226° radial extending from the 5-mile radius area to the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67–5998; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67–CE–26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 23, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 4430) stating that the Federal Aviation Administration proposed to designate controlled airspace in the Holland, Mich., terminal area.

Interested parties were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

The Holland, Mich., Park Township Airport coordinates recited in the notice of proposed rule making have been changed slightly in this final rule. Since this change is minor in nature and imposes no additional burden on anyone, it is being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

HOLLAND, MICH.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Holland, Mich., Park Township Airport (latitude 42°47'45" N., longitude 86°09'45" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67–5999; Filed, May 29, 1967; 8:48 a.m.]

[Airspace Docket No. 67–CE–29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 23, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 4432) stating that the Federal Aviation Administration proposed to designate controlled airspace in the Greenville, Ill., terminal area.

Interested parties were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

GREENVILLE, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Greenville, Ill., Airport (latitude 38°50'10" N., longitude 89°22'40" W.) and within 2 miles each side of the 348° bearing from Greenville Airport, extending from the 5-mile radius area to 8 miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67–6000; Filed, May 29, 1967; 8:49 a.m.]

[Airspace Docket No. 67–WA–4]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Routes

On February 24, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3228) stating that the Federal Aviation Agency was considering realignment of Jet Route No. J–4 from Blythe, Calif., via Gila Bend,

Ariz., to San Simon, Ariz.; and realignment of Jet Route No. J–2 from Gila Bend to San Simon. At the request of the Department of the Army, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER on March 31, 1967 (32 F.R. 5425) extending the period for comment from March 27, 1967, to April 14, 1967.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all comments received. The Air Transport Association of America endorsed the proposal. The Department of the Army did not comment on the proposed realignment of J–2 and J–4 between Gila Bend and San Simon but objected to the proposed realignment of J–4 between Blythe and Gila Bend which would overlie R–2308A, R–2308B, and R–2306B. R–2308A and R–2308B currently extend up to FL 200, and R–2306B extends up to FL 240. Operation along the proposed realignment of J–4 could easily be conducted above these restricted areas. However, the Department of the Army plans to submit a proposal to the FAA in the near future which will request a substantial increase in the vertical extent of R–2308A, R–2308B, and R–2306B. Therefore, the FAA plans to receive and evaluate this proposal before action is taken on the proposed realignment of J–4 between Blythe and Gila Bend.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth.

1. In § 75.100 (32 F.R. 2341) the following actions are taken:

In the texts of J–2 and J–4 "INT of the Gila Bend 098° and the San Simon, Ariz., 286° radials; San Simon;" is deleted and "San Simon, Ariz.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 23, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5994; Filed, May 29, 1967; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER F—POLICY STATEMENTS

[Reg. No. PS–33; Amdt. 12; Docket No. 18273]

PART 399—STATEMENT OF GENERAL POLICY

Military Exemptions

MAY 25, 1967.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of May 1967.

On March 15, 1967, by notice of proposed rule making EDR–113/PSDR–18 (32 F.R. 4421), the Board proposed to amend Part 399 by changing the minimum rates for individually ticketed and waybilled military transportation (Categories A, Z, and X) and by moving the domestic cargo charter minimum-rate conditions from Part 399 to Part 288 of the Economic Regulations. Written data, views, and arguments have been filed in response to the notice. All comments and supporting statements before the Board have been carefully considered, and all contentions not otherwise disposed of hereinafter are rejected. Final amendments to Part 288, Exemption of Air Carriers for Military Charters and Substitute Service, are being adopted concurrently herewith (ER–494).

Individually ticketed military passenger transportation. The notice proposed to continue to equate the minimum fare for individually ticketed military passengers (Categories A and Z) with the one-way Category B passenger charter minimum rate, with a resulting proposed reduction from 3.60 to 3.20 cents per passenger-mile.[1] A Department of Defense (DOD) proposal that no separate minimum fares be established for individually ticketed transportation and that the Category B minimum rates apply was rejected.

In its comments, DOD again proposes to discontinue the designation of individually ticketed passenger transportation on scheduled commercial flights as Category A or Z and recommends that no minimum rate be established. Under its proposal, DOD and the carriers would decide by negotiation whether passengers move in charter or scheduled flights. DOD would apparently apply the minimum Category B round-trip charter rate to the bulk of the individually ticketed passengers, since it states that "DOD passenger business over MAC channels is essentially round trip in nature." Imbalances would be paid for at the one-way Category B minimum rate. The DOD Request for Proposal for fiscal year 1968 incorporates its rate proposal.

Northwest Airlines, Inc., opposes the DOD proposal and urges the Board to sustain the position taken in the notice. Northwest contends that there is no justification for eliminating the present distinction between Category A and charter rates. The carrier cites the Board's previous statements regarding the higher value of individually ticketed service and asserts that it is proper to establish minimum Category A fares in relation to the charges for comparable services on the same scheduled flight. According to Northwest, the DOD proposal would result in unwarranted Category A discounts of almost 80 percent from regular economy fares and would raise serious questions of discrimination and preference. Northwest maintains that the minimum Category A passenger fare should be no less than the one-way Category B charter rate, which allows a substantial benefit to DOD.

Trans International Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., object to basing minimum fares for individually ticketed service on the Category B charter minimum rates. TWA asserts that the mechanical reduction of Category A and Z fares on the basis of Category B cost factors is not justified. TWA and TIA contend that costs on commercial scheduled flights are higher than charter costs; that additional costs such as landing fees, traffic-handling, and reservation service are incurred in commercial service; that load factors are only 50 percent of those on charters; and that the cost-saving factors applied in determining one-way charter minimum rates are not applicable to scheduled flights. In addition, TIA, a supplemental air carrier, states that minimum Category A and Z fares should be higher than minimum Category B charter rates to offer a measure of protection to Category B carriers. If a relationship between Category B and Category A minimum rates is to be continued, TWA suggests that the Category A minimum fare should be at least twice the Category B minimum roundtrip passenger rate to eliminate the backhaul factors used in computing the one-way Category B minimum rate.

The Board has determined that it should not depart from its policy of equating the individually ticketed passenger minimum rate with the one-way Category B minimum rate. Accordingly, consistent with its companion action in Part 288 relating to one-way Category B standard jet passenger charters, the Board is establishing a minimum rate for individually ticketed military passengers of 3.40 cents per passenger-mile, which is 6 percent below the current minimum rate.

When reduced to its essence, DOD's proposal to abolish the distinction between Category A and B does not appear to differ in substance from its proposals in previous reviews that it be permitted to move individually ticketed passengers at the roundtrip Category B minimum rate, except to the extent that a directional imbalance in the flow of such traffic develops. The reasons for rejecting this argument, which in the Board's view continue to be relevant and valid, have been detailed in past reviews and need not be recounted here.

The Board has also found arguments by TWA and TIA that the individually ticketed passenger minimum rate should be higher than the one-way Category B minimum rate unpersuasive. It is true, as TWA points out, that the unit costs of international scheduled passenger services have not declined during the past year to the extent that is indicated for charter services. However, the individually ticketed minimum rate has never been established with reference to objective cost standards. The Board has pointed out on numerous occasions that it knows of no way of isolating the cost of Category A passenger service. None of the carriers now participating in the carriage of individually ticketed military passengers argue that the minimum rate applicable to such traffic should be based on fully allocated costs. The carriers themselves initiated the practice of providing a discount for such traffic, and

[1] The notice also proposed to continue the fare relationship between Category X passengers moved in planeloads and the Category B round-trip charter minimum rate. No comments were received on the proposal, and it is adopted herein.

only in comparatively recent times has the Board established minimum rates for such traffic.

The Board has consistently recognized that individually ticketed military traffic generally uses seats that otherwise would be empty and in this respect resembles other types of traffic, such as domestic military standby traffic, for which the carriers have filed fares providing substantial discounts that have been accepted by the Board. In addition, the Board has also recognized that one-way charters represent an essentially uneconomic use of resources, and it has therefore been reluctant to establish an economic incentive favoring one-way charters over scheduled services by making scheduled services subject to minimum rates higher than those applicable to one-way charters.

Considering the benefits obtained by the carriers from individually ticketed military traffic in terms of higher load factors and route support, the Board believes that a minimum rate for such traffic authorizing discounts of fairly substantial proportions is not unreasonable. We also believe that adherence to the policy of not providing an economic incentive favoring one-way charters is indicated, unless it is shown that this policy, in application, is likely to encourage discounts substantially out of line with those allowed for similar types of traffic, threatening the economic viability of such services.

In this connection, the Board has noted that the new minimum rate for individually ticketed military passengers established herein does not authorize discounts from normal economy fares that are significantly in excess of the discounts granted domestically for various categories of standby traffic. In addition, neither TWA nor any other carrier has introduced evidence indicating that a reduction in the Category A fare of the proportions established will in any way threaten the continued profitability of international scheduled services performed by American-flag carriers.

Finally, the Board has noted that TIA has failed to produce any convincing evidence indicating a need on the part of carriers performing only Category B services for protection in the form of higher individually ticketed minimum rates.

Individually waybilled Military Cargo Transportation. With respect to Category A individually waybilled cargo, the notice proposed to abandon the dual-element minimum-rate structure and to establish uniform minimum rates of 12 cents per ton-mile for outbound cargo and 10 cents per ton-mile for inbound cargo. As in the case of passenger fares, the DOD proposal for common-rating Category A and B cargo minimum rates was rejected.

TIA, TWA, and Pan American World Airways, Inc., oppose the Board proposal. TIA objects to Category A cargo minimum rates equal to or lower than the Category B minimum rate for the same reasons that it objected to the proposed Category A passenger minimum rate. TWA and Pan Am contend that Category A minimum rates lower than the Category B minimum one-way charter rate are justified only when applied to top-off cargo in scheduled service and that any greater volume should be charged the one-way Category B minimum rate. Pan Am states that top-off rates are not appropriate where substantial amounts of cargo are involved and where capacity requirements are affected. It also points out higher costs associated with scheduled service, such as fuel, traffic-handling, and idle capacity; and TWA maintains that improvements in unit costs of charters have no relevance to scheduled service. TWA also presents data purporting to contradict the statement in the notice to the effect that almost all outbound Atlantic Category A cargo is now rated at the 12-cent four-pallet rate. Pan Am proposes that the 12-cent outbound minimum rate apply to not more than four pallets per day at the point of origin of any service. TWA proposes no change in the current four-pallet-per-flight limit but suggests that, if the four-pallet limit is abandoned, the Category A minimum rate should be no lower than the Category B one-way minimum cargo rate, with perhaps an incentive adjustment for low-volume inbound cargo.

After giving full consideration to the matters raised in the comments, the Board has determined that it should adopt the minimum-rate structure proposed in the notice for individually waybilled cargo. We are therefore establishing minimum rates for transatlantic and transpacific individually waybilled cargo of 12 cents per ton-mile on shipments moving outbound from the United States, and 10 cents per ton-mile on shipments moving in the inbound direction.

Unlike minimum rates for individually ticketed military passengers, which have generally been equated with the one-way Category B passenger rate, the minimum rate applicable to individually waybilled military cargo has always been somewhat below the minimum rate applying to one-way Category B cargo charters. This rate structure was evolved by the carriers themselves well before the Board began establishing minimum rates for individually waybilled services.

Individually waybilled military cargo, like individually ticketed passengers, has never been the subject of a cost determination.[2] Instead, both the carriers and the Board have recognized that such traffic has special characteristics rendering it appropriate for special discount rates, and no party now argues that such traffic should be rated on the basis of a full allocation of the costs providing the scheduled all-cargo service on which it moves. Carrier arguments that the new minimums proposed in the notice do not reflect the cost differences between charter and scheduled services are therefore largely irrelevant, since the individually waybilled cargo minimums have not in the past been related to such considerations.

The minimum-rate structure currently applicable in the directions in which the great bulk of the volume flows consists of two parts. A 12-cent-per-ton-mile minimum rate applies to the first four pallets per flight, and a rate of 16.95 cents per ton-mile, which also is the current one-way Category B minimum rate, applies to pallets in excess of four per flight. The Board, in the notice, did not propose to change the 12-cent rate on the first four pallets, and the carrier parties have neither explicitly asked for, nor demonstrated a need for an increase in this rate. All of the controversy relative to this issue has been generated by the Board's proposal to remove the four-pallet-per-flight limitation on the availability of the 12-cent rate and thereby do away with the higher minimum rate now applying to pallets in excess of four per flight.

The existing two-part minimum-rate structure clearly gives rise to a rate anomaly. Under it, large shipments are rated higher than smaller ones; while, under traditional rate concepts, rates taper downward as the size of the shipment increases. This anomaly has given rise to a host of administrative and tariff problems, and the Board has determined that it should not perpetuate this anomaly without being convinced that it continues to serve a useful purpose.

When we first established the 12-cent minimum rate 2 years ago, the Board was aware of the fact that the rate was well below the unit-cost levels then obtaining on either transatlantic or transpacific cargo services. Nevertheless, recognizing that under ordinary circumstances military cargo merely takes advantage of capacity that would generally be operated empty, the Board determined that a minimum rate at this low level was appropriate for traffic of such a top-off character. However, we were also aware of problems then first arising out of the military's rapidly expanding need for cargo capacity in the Pacific compounded by restrictions then being imposed on cargo frequencies by foreign governments in the Pacific area. The Board was therefore concerned that, unless a limit were placed on the use of the 12-cent rate to assure that it applied only to an amount that could reasonably be considered top-off in relation to the available capacity, either the economic viability of the operations would be threatened or DOD would be faced with difficulties in meeting its capacity needs. It was this concern that gave rise to the four-pallet limitation on the 12-cent rate.

As indicated previously, the four-pallet limitation has really had relevance only to Pacific operations. The volume of military traffic moving in the Atlantic has not, when viewed in relation to the total capacity offered, exceeded an amount that could be reasonably considered as top-off in character. It appears that the

[2] The commercial cargo rate structure, like the passenger fare structure, consists of a wide variety of rates. In addition to the general commodity rate, many specific items are subject to special rates at widely varying levels. There are a number of relatively low promotional rates, similar to the Category A rate, which are comparable to the promotional fares available in passenger transportation.

great bulk of the military cargo now transiting the Atlantic moves at the 12-cent rate and will not be affected by the removal of the four-pallet restriction. The affected carriers have not demonstrated in their comments that the proposed removal of the four-pallet restriction will threaten them with volumes of low-rated military cargo well in excess of what reasonably can be considered top-off traffic.[3] In these circumstances, the Board has determined that continued imposition of the four-pallet limitation in the Atlantic is not warranted.

The situation in the Pacific is quite different. There, the volumes of military cargo now moving on Pan American's scheduled services to Southeast Asia substantially exceed the amount that might reasonably be considered top-off in character. However, the unit costs obtaining on such services have also declined substantially since the rate was first established 2 years ago, and this improvement appears in no small measure to be due to the high load factors being experienced outbound from the United States as a result of the high level of military cargo capacity requirement.[4] These services have been highly profitable notwithstanding large amounts of low-rated military cargo making use thereof. Considering the unusual circumstances now prevailing in the Pacific as indicated by the facts noted above, the Board concluded in the notice that Pan American's Pacific schedules could continue to be operated on a reasonably profitable basis notwithstanding removal of the four-pallet restriction on the low 12-cent individually way-billed minimum rate. In its response to the notice, Pan American failed to demonstrate that the Board's conclusions in this respect were in error. Accordingly, we have determined that the four-pallet restriction is no longer warranted in the Pacific.

Effective date. The notice stated that the Board would consider making the minimum rates for individual military transportation, as well as those for Category B charters, effective as of March 15, 1967. For the reasons discussed in ER–494, we have decided to make the revised Category B minimum rates effective June 1, 1967, and we will adopt the same effective date for the new Category A, Z, and X minimum rates adopted herein, in order to maintain rate parity.

Amendments. As part of this rulemaking proceeding, the minimum-rate conditions applicable to Logair and Quicktrans domestic cargo charters, previously included in § 399.16, have been incorporated in Part 288 of the Economic Regulations (ER–494).

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399, Statements of General Policy (14 CFR Part 399), effective June 1, 1967, by amending § 399.16 to read as follows:

§ 399.16 **Military exemptions.**

* * * * *

(b) [Reserved]

(c) [Reserved]

(d) The minimum charges considered fair and reasonable for the transportation of Category X passengers carried pursuant to the option provisions of MAC contracts in the direction opposite to individually waybilled cargo (Category A) will be 1.86 cents per passenger-mile: *Provided,* That such passengers shall be carried only in planeloads.

(e) The minimum charges considered fair and reasonable for the transportation of individually ticketed passengers (Categories A and Z) and individually waybilled cargo (Category A) in foreign and overseas air transportation and in air transportation between the 48 contiguous States on the one hand and Hawaii or Alaska on the other hand will be as follows:

(1) Passengers, 3.40 cents per passenger-mile second (economy) class; 3.29 cents per passenger-mile third (thrift) class.

(2) Cargo: Outbound, 12 cents per ton-mile. Inbound, 10 cents per ton-mile.

(3) * * *

(4) * * *

(5) * * *

(6) * * *

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended; 49 U.S.C. 1324, 1373, 1386; and 5 U.S.C. 552, 80 Stat. 383.)

Effective June 1, 1967.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67–6003; Filed, May 29, 1967; 8:49 a.m.]

[3] Of the three transatlantic route carriers, only TWA commented specifically on this point. It provided yield data indicating an average yield of above 12 cents per ton-mile. It did not specifically explain how this yield related to the four-pallet limitation.

[4] We note that the international carriers, acting through the Composite Cargo Traffic Conference of the International Air Transport Association, have recently entered into an agreement providing for a substantial reduction in the general level of rates. This is particularly true in the Pacific, where decreases of more than 23 percent were agreed to for a broad range of commodities.

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 541—DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY (INCLUDING ANY EMPLOYEE EMPLOYED IN THE CAPACITY OF ACADEMIC ADMINISTRATIVE PERSONNEL OR TEACHER IN ELEMENTARY OR SECONDARY SCHOOLS), OR IN THE CAPACITY OF OUTSIDE SALESMAN"

Academic Administrative Personnel or Teacher

On January 10, 1967, a notice was published in the FEDERAL REGISTER (32 F.R. 228) proposing to amend 29 CFR 541 by changing the title and text to make it responsive to section 13(a)(1) of the Fair Labor Standards Act (29 U.S.C. 213(a)(1)) as amended by the Fair Labor Standards Amendments of 1966 (P.L. 89–601) which now applies to those administrative personnel and teachers who are employed in a bona fide administrative or professional capacity.

Interested persons were invited to submit written data, views or argument. After consideration of all matter presented, and pursuant to section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, 29 CFR Part 541 is hereby amended as proposed, subject to the following changes:

1. The title of 29 CFR Part 541 is changed.

2. In paragraph (e) of § 541.3 the singular word "Island" is changed to the plural form: "Islands".

3. Reference to deletion of "§ 541.56" should be changed to "§ 541.5b".

4. Paragraph (b) of § 541.118 is revised.

5. In paragraph (c) of § 541.201 delete the comma after the word "measuring".

6. In paragraph (c) of 541.211 delete the comma after "educational establishment".

7. In subparagraph (3) of paragraph 541.300(a) delete the comma after "educational establishment".

8. In subparagraph (1) of paragraph 541.302(g) insert the word "educational" before the word "establishment" and substitute the word "institution" for the word "installation".

9. Change 541.314(b)(1).

10. In subparagraph (2) of § 541.314 (b) in line 5 and line 6 substitute the word "excepted" instead of the word "expected".

11. Paragraph (b) of § 541.602 is revised.

These amendments shall become effective upon publication in the FEDERAL REGISTER. The delayed effective date provided for in section 4(c) of the Administrative Procedure Act does not apply because 29 CFR Part 541 relates only to interpretative rules and statements of policy.

(29 U.S.C. 213(a)(1))

Signed at Washington, D.C., this 24th day of May 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions.

1. The heading of Part 541 is revised to read as set forth above.

2. Subpart A of 29 CFR Part 541 is amended by adding § 541.0, revising §§ 541.1, 541.2, and 541.3; § 541.5b is deleted. The new and revised sections to read as follows:

§ 541.0 **Terms used in regulations.**

(a) "Administrator" means the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor. The Secretary of Labor has delegated to the Administrator the functions vested in him under section

13(a)(1) of the Fair Labor Standards Act.

(b) "Act" means the Fair Labor Standards Act of 1938, as amended.

§ 541.1 Executive.

The term "employee employed in a bona fide executive * * * capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of this section:

Provided, That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20-percent interest in the enterprise in which he is employed; and

(f) Who is compensated for his services on a salary basis at a rate of not less than $100 per week (or $75 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities:

Provided, That an employee who is compensated on a salary basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all of the requirements of this section.

§ 541.2 Administrative.

The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of either:

(1) The performance of office or nonmanual work directly related to management policies or general business operations of his employer or his employer's customers, or

(2) The performance of functions in the administration of a school system or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and

(b) Who customarily and regularly exercises discretion and independent judgment; and

(c)(1) Who regularly and directly assist a proprietor, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined in the regulations of this subpart), or

(2) Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge, or

(3) Who executes under only general supervision special assignments and tasks; and

(d) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of this section; and

(e)(1) Who is compensated for his services on a salary or fee basis at a rate of not less than $100 per week (or $75 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities, or

(2) Who, in the case of academic administrative personnel, is compensated for his services as required by subparagraph (1) of this paragraph or on a salary basis which is at least equal to the entrance salary for teachers in the school system or educational establishment or institution by which he is employed:

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of work described in paragraph (a) of this section, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section.

§ 541.3 Professional.

The term "employee employed in a bona fide * * * professional capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of the performance of:

(1) Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or

(2) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee, or

(3) Teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher certified or recognized as such in the school system or educational establishment or institution by which he is employed; and

(b) Whose work requires the consistent exercise of discretion and judgment in its performance; and

(c) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

(d) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not an essential part of and necessarily incident to the work described in paragraphs (a) through (c) of this section; and

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than $115 per week (or $95 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities:

Provided, That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof, or in the case of an employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of medicine or any of its branches, or in the case of an employee employed and engaged as a teacher as provided in paragraph (a)(3) of this section.

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance either of work described in paragraph (a) (1) or (3) of this section, which includes work requiring the consistent exercise of discretion and judgment, or of work requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

§ 541.5b [Deleted]

3. Sections 541.99 and 541.100 are revised to read as follows:

§ 541.99 Introductory statement.

(a) Section 13(a)(1) of the Fair Labor Standards Act, as amended, exempts from the wage and hour provisions of the Act "any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or

teacher in elementary or secondary schools), or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act, except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive or administrative activities, if less than 40 per centum of his hours worked in the workweek are devoted to such activities)". The requirements of the exemption under this section of the Act are contained in Subpart A of this part.

§ 541.100 The definition of "executive".

Section 541.1 defines the term "bona fide executive" as follows: The term "employee employed in a bona fide executive * * * capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of this section:

Provided, That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20-percent interest in the enterprise in which he is employed; and

(f) Who is compensated for his services on a salary basis at a rate of not less than $100 per week (or $75 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities:

Provided, That an employee who is compensated on a salary basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all of the requirements of this section.

4. Section 541.112 is revised to read as follows:

§ 541.112 Percentage limitations on nonexempt work.

(a) An employee will not qualify for exemption as an executive if he devotes more than 20 percent, or in the case of an employee of a retail or service establishment if he devotes as much as 40 percent, of his hours worked in the workweek to nonexempt work. This test is applied on a workweek basis and the percentage of time spent on nonexempt work is computed on the time worked by the employee.

(b)(1) The maximum allowance of 20 percent for nonexempt work applies unless the establishment by which the employee is employed qualifies for the higher allowance as a retail or service establishment within the meaning of the Act. Such an establishment must be a distinct physical place of business, open to the general public, which is engaged on the premises in making sales of goods or services to which the concept of retail selling or servicing applies. As defined in section 13(a)(2) of the Act, such an establishment must make at least 75 percent of its annual dollar volume of sales of goods or services from sales that are both not for resale and recognized as retail in the particular industry. Types of establishments which may meet these tests include stores selling consumer goods to the public; hotels; motels; restaurants; some types of amusement or recreational establishments (but not those offering wagering or gambling facilities); hospitals, or institutions primarily engaged in the care of the sick, the aged, the mentally ill or defective residing on the premises, if open to the general public; public parking lots and parking garages; auto repair shops; gasoline service stations (but not truck stops); funeral homes; cemeteries; etc. Further explanation and illustrations of the establishments included in the term "retail or service establishment" as used in the Act may be found in Part 779 of this chapter.

(2) Public and private elementary and secondary schools and institutions of higher education are, as a rule, not retail or service establishments, because they are not engaged in sales of goods or services to which the retail concept applies. Under section 13(a)(2)(iii) of the Act prior to the 1966 amendments, it was possible for private schools for physically or mentally handicapped or gifted children to qualify as retail or service establishments if they met the statutory tests, because the special types of services provided to their students were considered by Congress to be of a kind that may be recognized as retail. Such schools, unless the nature of their operations has changed, may continue to qualify as retail or service establishments and, if they do, may utilize the greater tolerance for nonexempt work provided for executive and administrative employees of retail or service establishments under section 13(a)(1) of the Act.

(3) The legislative history of the Act makes it plain that an establishment engaged in laundering, cleaning, or repairing clothing or fabrics is not a retail or service establishment. When the Act was amended in 1949, Congress excluded such establishments from the exemption under section 13(a)(2) because of the lack of a retail concept in the services sold by such establishments, and provided a separate exemption for them which did not depend on status as a retailer. Again in 1966, when this exemption was repealed, Congress made it plain by exclusionary language that the exemption for retail or service establishments was not to be applied to laundries or dry cleaners.

(c) There are two special exceptions to the percentage limitations of paragraph (a) of this section:

(1) That relating to the employee in "sole charge" of an independent or branch establishment, and

(2) That relating to an employee owning a 20-percent interest in the enterprise in which he is employed.

These except the employee only from the percentage limitations on nonexempt work. They do not except the employee from any of the other requirements of § 541.1. Thus, while the percentage limitations on nonexempt work are not applicable, it is clear that an employee would not qualify for the exemption if he performs so much nonexempt work that he could no longer meet the requirement of § 541.1(a) that his primary duty must consist of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof.

5. Section 541.117 is revised to read as follows:

§ 541.117 Amount of salary required.

(a) Compensation on a salary basis at a rate of not less than $100 per week is required for exemption as an executive. The $100 a week may be translated into equivalent amounts for periods longer than 1 week. The requirement will be met if the employee is compensated biweekly on a salary basis of $200, semimonthly on a salary basis of $216.67 or monthly on a salary basis of $433.33. However, the shortest period of payment which will meet the requirement of payment "on a salary basis" is a week.

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the salary test for exemption as an "executive" is $75 per week.

(c) The payment of the required salary must be exclusive of board, lodging, or other facilities; that is, free and clear. On the other hand, the regulations in Subpart A of this part do not prohibit the sale of such facilities to executives on a cash basis if they are negotiated in the same manner as similar transactions with other persons.

(d) The validity of including a salary requirement in the regulations in Subpart A of this part has been sustained in a number of appellate court decisions. See, for example, Walling v. Yeakley, 140 F. (2d) 830 (C.A. 10); Helliwell v. Haberman, 140 F. (2d) 833 (C.A. 2); and

Walling v. Morris, 155 F. (2d) 832 (C.A. 6) (reversed on another point in 332 U.S. 442); Wirtz v. Mississippi Publishers, 364 F. (2d) 603 (C.A. 5); Craig v. Far West Engineering Co., 265 F. (2d) 251 (C.A. 9) cert. den. 361 U.S. 816; Hofer v. Federal Cartridge Corp., 71 F. Supp. 243 (D.C. Minn.).

6. Paragraph (b) of § 541.118 is revised.

§ 541.118 Salary basis.

* * * * *

(b) *Minimum guarantee plus extras.* It should be noted that the salary may consist of a predetermined amount constituting all or part of the employee's compensation. In other words, additional compensation besides the salary is not inconsistent with the salary basis of payment. The requirement will be met, for example, by a branch manager who receives a salary of $100 or more per week and, in addition, a commission of 1 percent of the branch sales. The requirement will also be met by a branch manager who receives a percentage of the sales or profits of his branch if the employment arrangement also includes a guarantee of at least the minimum weekly salary (or the equivalent for a monthly or other period) required by the regulations. Another type of situation in which the requirement will be met is that of an employee paid on a daily or shift basis, if the employment arrangement includes a provision that he will receive not less than the amount specified in the regulations in any week in which he performs any work. Such arrangements are subject to the exceptions in paragraph (a) of this section. The test of payment on a salary basis will not be met, however, if the salary is divided into two parts for the purpose of circumventing the requirement of payment "on a salary basis". For example, a salary of $145 a week may not arbitrarily be divided into a guaranteed minimum of $100 paid in each week in which any work is performed, and an additional $45 which is made subject to deductions which are not permitted under pararaph (a) of this section.

* * * * *

7. Section 541.119 is revised to read as follows:

§ 541.119 Special proviso for high salaried executives.

(a) Section 541.1 contains a special proviso for managerial employees who are compensated on a salary basis at a rate of not less than $150 per week exclusive of board, lodging, or other facilities. Such a highly paid employee is deemed to meet all the requirements in paragraphs (a) through (f) of § 541.1 if his primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof and includes the customary and regular direction of the work of two or more other employees therein. If an employee qualifies for exemption under this proviso, it is not necessary to test his qualifications in detail under paragraphs (a) through (f) of § 541.1.

(b) Mechanics, carpenters, linotype operators, or craftsmen of other kinds are not exempt under the proviso no matter how highly paid they might be.

8. Section 541.200 is revised to read as follows:

§ 541.200 Definition of "administrative".

Section 541.2 defines the term "bona fide * * * administrative" as follows: The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of either:

(1) The performance of office or nonmanual work directly related to management policies or general business operations of his employer or his employer's customers, or

(2) The performance of functions in the administration of a school system or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and

(b) Who customarily and regularly exercises discretion and independent judgment; and

(c)(1) Who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined in the regulations of this subpart), or

(2) Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge, or

(3) Who executes under only general supervision special assignments or tasks; and

(d) Who does not devote more than 20 percent or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of this section; and

(e)(1) Who is compensated for his services on a salary or fee basis at a rate of not less than $100 per week (or $75 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities, or

(2) Who, in the case of academic administrative personnel, is compensated for his services as required by subparagraph (1) of this paragraph, or on a salary basis in an amount which is at least equal to the entrance salary for teachers in the school system or educational establishment or institution by which he is employed.

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of work described in paragraph (a) of this section, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section.

9. In § 541.201 a new paragraph (c) is added to read as follows:

§ 541.201 Types of administrative employees.

* * * * *

(c) Individuals engaged in the overall academic administration of an elementary or secondary school system include the superintendent or other head of the system and those of his assistants whose duties are primarily concerned with administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program. In individual school establishments those engaged in overall academic administration include the principal and the vice principals who are responsible for the operation of the school. Other employees engaged in academic administration are such department heads as the heads of the mathematics department, the English department, the foreign language department, the manual crafts department, and the like. Institutions of higher education have similar organizational structure, although in many cases somewhat more complex.

10. In § 541.202, a new paragraph (e) is added to read as follows:

§ 541.202 Categories of work.

* * * * *

(e) Work performed by employees in the capacity of "academic administrative" personnel is a category of administrative work limited to a class of employees engaged in academic administration as contrasted with the general usage of "administrative" in the act. The term "academic administrative" denotes administration relating to the academic operations and functions in a school rather than to administration along the lines of general business operations. Academic administrative personnel are performing operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration. Examples of jobs in school systems and educational establishments and institutions which are outside the term academic administration are jobs relating to building management and maintenance, jobs relating to the health of the students and academic staff such as social workers, psychologist, lunch room manager, or dietitian. Employees in such work which is not considered academic administration may qualify for exemption under other provisions of § 541.2 or under other sections of the regulations in Subpart A of this part provided the requirements for such exemptions are met.

11. Sections 541.206 and 541.209 are revised to read as set out below:

§ 541.206 Primary duty.

(a) The definition of "administrative" exempts only employees who are primarily engaged in the responsible work which is characteristic of employment in a bona fide administrative capacity. Thus, the employee must have as his primary duty office or nonmanual work directly related to management policies or general business operations of his employer or his employer's customers, or, in the case of "academic administrative personnel," the employee must have as his primary duty work that is directly related to academic administration or general academic operations of the school in whose operations he is employed.

(b) In determining whether an employee's exempt work meets the "primary duty" requirement, the principles explained in § 541.103 in the discussion of "primary duty" under the definition of "executive" are applicable.

§ 541.209 Percentage limitations on nonexempt work.

(a) Under § 541.2(d), an employee will not qualify for exemption as an administrative employee if he devotes more than 20 percent, or, in the case of an employee of a retail or service establishment if he devotes as much as 40 percent, of his hours worked in the workweek to nonexempt work; that is, to activities which are not directly and closely related to the performance of the work described in § 541.2 (a) through (c).

(b) This test is applied on a workweek basis and the percentage of time spent on nonexempt work is computed on the time worked by the employee.

(c) The tolerance for nonexempt work allows the performance of nonexempt manual or nonmanual work within the percentages allowed for all types of nonexempt work.

(d) Refer to § 541.112(b) for the definition of a retail or service establishment as this term is used in paragraph (a) of this section.

12. Section 541.211 is revised to read as set out below:

§ 541.211 Amount of salary or fees required.

(a) Except as otherwise noted in paragraphs (b) and (c) of this section, compensation on a salary or fee basis at a rate of not less than $100 a week (exclusive of board, lodging, or other facilities) is required for exemption as an "administrative" employee. The requirement will be met if the employee is compensated biweekly on a salary basis of $200, semimonthly on a salary basis of $216.67 or monthly on a salary basis of $433.33.

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the required compensation is $75 per week.

(c) In the case of academic administrative personnel, the compensation requirement for exemption as an administrative employee may be met either by the payment described in paragraph (a) or (b) of this section, whichever is applicable, or alternatively by compensation on a salary basis in an amount which is at least equal to the entrance salary for teachers in the school system, or educational establishment or institution by which the employee is employed.

(d) The payment of the required salary must be exclusive of board, lodging, or other facilities; that is, free and clear. On the other hand, the regulations do not prohibit the sale of such facilities to administrative employees on a cash basis if they are negotiated in the same manner as similar transactions with other persons.

13. Section 541.214 is revised to read as set out below:

§ 541.214 Special proviso for high salaried administrative employees.

Section 541.2 contains a special proviso including within the definition of "administrative" an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week exclusive of board, lodging, or other facilities, and whose primary duty consists of either the performance of office or nonmanual work directly related to management policies or general business operations of his employer or his employer's customers, or the performance of functions in the administration of a school system or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein, where the performance of such primary duty includes work requiring the exercise of discretion and independent judgment. Such a highly paid employee engaged in such work as his primary duty is deemed to meet all the requirements in § 541.2 (a) through (c). If an employee qualifies for exemption under this proviso, it is not necessary to test his qualifications in detail under § 541.2 (a) through (c).

14. A new § 541.215 is added to read as follows:

§ 541.215 Elementary or secondary schools and other educational establishments and institutions.

To be considered for exemption as employed in the capacity of "academic administrative personnel," the employment must be in connection with the operation of an elementary or secondary school system, an institution of higher education or other educational establishment or institution. Sections 3(v) and 3(w) of the act define elementary and secondary schools as those day or residential schools which provide elementary or secondary education, as determined under State law. Under the laws of most States, such education includes the curricula in grades 1 through 12; under many it includes also the introductory programs in kindergarten. Such education in some States may include also nursery school programs in elementary education and junior college curricula in secondary education. Education above the secondary school level is in any event included in the programs of institutions of higher education. Special schools for mentally or physically handicapped or gifted children are included among the educational establishments in which teachers and academic administrative personnel may qualify for the administrative exemption, regardless of any classification of such schools as elementary, secondary, or higher. Also, for purposes of the exemption, no distinction is drawn between public or private schools. Accordingly, the classification for other purposes of the school system or educational establishment or institution is ordinarily not a matter requiring consideration in a determination of whether the exemption applies. If the work is that of a teacher or academic personnel as defined in the regulations, in such an educational system, establishment, or institution, and if the other requirements of the regulations are met, the level of instruction involved and the status of the school as public or private or operated for profit or not for profit will not alter the availability of the exemption.

15. Section 541.300 is revised to read as follows:

§ 541.300 Definition of "professional".

Section 541.3 defines the term "bona fide * * * professional" as follows: The term "employee employed in a bona fide * * * professional capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of the performance of:

(1) Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or

(2) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee, or

(3) Teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher certified or recognized as such in the school system, or educational establishment or institution by which he is employed; and

(b) Whose work requires the consistent exercise of discretion and judgment in its performance; and

(c) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

(d) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not an essential part of and necessarily incident

to the work described in paragraphs (a) through (c) of this section; and

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than $115 per week (or $95 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities;

Provided, That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof, or in the case of an employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of medicine or any of its branches, or in the case of an employee employed and engaged as a teacher as provided in paragraph (a)(3) of this section.

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance either of work described in paragraph (a) (1) or (3) of this section, which includes work requiring the consistent exercise of discretion and judgment, or of work requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

16. In § 541.302 paragraph (e) is revised and a new paragraph (g) is added, to read as follows:

§ 541.302 Learned professions.

* * * * *

(e) No need appears to translate the word "prolonged" into arithmetical terms. Generally speaking, the professions which meet this requirement will include law, medicine, nursing, accountancy, actuarial computation, engineering, architecture, teaching, various types of physical, chemical and biological sciences, including pharmacy and so forth. The typical symbol of the professional training and the best prima facie evidence of its possession is, of course, the appropriate academic degree, and in these professions an advanced academic degree is a standard (if not absolutely universal) prerequisite.

* * * * *

(g)(1) A requisite for exemption as a teacher is the condition that the employee is "employed and engaged" in this activity as a teacher certified or recognized as such in the school system, educational establishment or institution by which he is employed.

(2) "Employed and engaged as a teacher" denotes employment and engagement in the named specific occupational category as a requisite for exemption. Teaching consists of the activities of teaching, tutoring, instructing, lecturing, and the like in the activity of imparting knowledge. Teaching personnel may include the following (although not necessarily limited to): Regular academic teachers; teachers of kindergarten or nursery school pupils or of gifted or handicapped children; teachers of skilled and semiskilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisers in such areas as drama, forensics, or journalism are engaged in teaching. Such activities are a recognized part of the school's responsibility in contributing to the educational development of the student.

(3) Within the public schools of all the States, certificates, whether conditional or unconditional, have become a uniform requirement for employment as a teacher at the elementary and secondary levels. The possession of an elementary or secondary teacher's certificate provides a uniform means of identifying the individuals contemplated as being within the scope of the exemption provided by the statutory language and defined in § 541.3(a)(3) with respect to all teachers employed in public schools and those private schools who possess State certificates. However, the private schools of all the States are not uniform in requiring a certificate for employment as an elementary or secondary school teacher, and teacher's certificates are not generally necessary for employment as a teacher in institutions of higher education or other educational establishments which rely on other qualification standards. Therefore, a teacher who is not certified but is engaged in teaching in such a school may be considered for exemption provided that such teacher is recognized as meeting the minimum qualifications for employment as a teacher by the employing school or school system and satisfies the other requirements of § 541.3.

(4) Whether certification is conditional or unconditional will not affect the determination as to employment within the scope of the exemption contemplated by this section. There is no standard terminology within the States referring to the different kinds of certificates. The meanings of such labels as permanent, standard, provisional, temporary, emergency, professional, highest standard, limited, and unlimited vary widely. For the purpose of this section the terminology affixed by the particular State in designating the certificates does not affect the determination of the exempt status of the individual.

17. In § 541.303 paragraph (e)(1) is revised to read as follows:

§ 541.303 Artistic professions.

* * * * *

(e)(1) The determination of the exempt or nonexempt status of radio and television announcers as professional employees has been relatively difficult because of the merging of the artistic aspects of the job with the commercial. There is considerable variation in the type of work performed by various announcers, ranging from predominantly routine to predominantly exempt work. The wide variation in earnings as between individual announcers, from the highly paid "name" announcer on a national network who is greatly in demand by sponsors to the staff announcer paid a comparatively small salary in a small station, indicates not only great differences in personality, voice and manner, but also in some inherent special ability or talent which, while extremely difficult to define, is nevertheless real.

* * * * *

18. Section 541.304 is revised to read as follows:

§ 541.304 Primary duty.

(a) For a general explanation of the term "primary duty" see the discussion of this term under "executive" in § 541.103. See also the discussion under "administrative" in § 541.206.

(b) The "primary duty" of an employee employed as a teacher must be that of activity in the field of teaching. Mere certification by the State, or employment in a school will not suffice to qualify an individual for exemption within the scope of § 541.3(a)(3) if the individual is not in fact both employed and engaged as a teacher (see § 541.302 (g)(2)). The words "primary duty" have the effect of placing major emphasis on the character of the employee's job as a whole. Therefore, employment and engagement in the activity of imparting knowledge as a primary duty shall be determinative with respect to employment within the meaning of the exemption as "teacher" in conjunction with the other requirements of § 541.3.

19. In § 541.307 a new paragraph (c) is added to read as follows:

§ 541.307 Essential part of and necessarily incident to.

* * * * *

(c) Section 541.3(d) takes into consideration the fact that there are teaching employees whose work necessarily involves some of the actual routine duties and physical tasks also performed by nonexempt employees. For example, a teacher may conduct his pupils on a field trip related to the classroom work of his pupils and in connection with the field trip engage in activities such as driving a school bus and monitoring the behavior of his pupils in public restaurants. These duties are an esstential part of and necessarily incident to his job as teacher. However, driving a school bus each day at the beginning and end of the school day to pick up and deliver pupils would not be exempt type work.

20. Section 541.311 is revised to read as follows:

§ 541.311 Amount of salary or fees required.

(a) Except as otherwise noted in paragraphs (b) and (c) of this section, compensation on a salary or fee basis at a rate of not less than $115 per week (ex-

clusive of board, lodging, or other facilities) is required for exemption as a "professional" employee. An employee will meet the requirement if he is paid a biweekly salary of $230, a semimonthly salary of $249.17, or a monthly salary of $498.33.

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the required salary is $95 per week.

(c) The payment of the compensation specified in paragraph (a) or (b) of this section is not a requisite for exemption in the case of employees exempted from this requirement by the proviso to § 541.3 (e), as explained in § 541.314.

(d) The payment of the required salary must be exclusive of board, lodging, or other facilities; that is, free and clear. On the other hand, the regulations in Subpart A of this part do not prohibit the sale of such facilities to professional employees on a cash basis if they are negotiated in the same manner as similar transactions with other persons.

21. In § 541.313 paragraphs (c) and (d) are revised to read as follows:

§ 541.313 Fee basis.

* * * * *

(c) The adequacy of a fee payment—whether it amounts to payment at a rate of not less than $115 per week to a professional employee (or at a rate of not less than $100 per week to an administrative employee)—can ordinarily be determined only after the time worked on the job has been determined. In determining whether payment is at the rate specified in the regulations in Subpart A of this part the amount paid to the employee will be tested by reference to a standard workweek of 40 hours. Thus compliance will be tested in each case of a fee payment by determining whether the payment is at a rate which would amount to at least $115 per week to a professional employee (or at a rate of not less than $100 per week to an administrative employee) if 40 hours were worked.

(d) The following examples will illustrate the principle stated above:

(1) A singer receives $25 for a song on a 15-minute program (no rehearsal time is involved). Obviously the requirement will be met since the employee would earn $115 at this rate of pay in far less than 40 hours.

(2) An artist is paid $60 for a picture. Upon completion of the assignment, it is determined that the artist worked 20 hours. Since earnings at this rate would yield the artist $120 if 40 hours were worked, the requirement is met.

(3) An illustrator is assigned the illustration of a pamphlet at a fee of $120. When the job is completed, it is determined that the employee worked 60 hours. If he worked 40 hours at this rate, the employee would have earned only $80. The fee payment of $120 for work which required 60 hours to complete therefore does not meet the requirement of payment at a rate of $115 per week and the employee must be considered nonexempt. It follows that if in the performance of this assignment the illustrator worked in excess of 40 hours in any week, overtime rates must be paid. Whether or not he worked in excess of 40 hours in any week, records for such an employee would have to be kept in accordance with the regulations covering records for nonexempt employees (Part 516 of this chapter).

22. Sections 541.314 and 541.315 are revised to read as follows:

§ 541.314 Exception for physicians, lawyers, and teachers.

(a) A holder of a valid license or certificate permitting the practice of law or medicine or any of their branches, who is actually engaged in practicing the profession, or a holder of the requisite academic degree for the general practice of medicine who is engaged in an internship or resident program pursuant to the practice of his profession, or an employee employed and engaged as a teacher in the activity of imparting knowledge, is excepted from the salary or fee requirement. This exception applies only to the traditional professions of law, medicine, and teaching and not to employees in related professions which merely serve these professions.

(b) In the case of medicine:

(1) The exception applies to physicians and other practitioners licensed and practicing in the field of medical science and healing or any of the medical specialties practiced by physicians or practitioners. The term physicians means medical doctors including general practitioners and specialists, and osteopathic physicians (doctors of osteopathy). Other practitioners in the field of medical science and healing may include podiatrists (sometimes called chiropodists), dentists (doctors of dental medicine), optometrists (doctors of optometry or bachelors of science in optometry).

(2) Physicians and other practitioners included in subparagraph (1), of this paragraph, whether or not licensed to practice prior to commencement of an internship or resident program, are excepted from the salary or fee requirement during their internship or resident program, where such a training program is entered upon after the earning of the appropriate degree required for the general practice of their profession.

(c) In the case of medical occupations, the exception from the salary or fee requirement does not apply to pharmacists, nurses, therapists, technologists, sanitarians, dietitians, social workers, psychologists, psychometrists, or other professions which service the medical profession.

§ 541.315 Special proviso for high salaried professional employees.

The definition of "professional" contains a special proviso for employees who are compensated on a salary or fee basis (exclusive of board, lodging, or other facilities) at a rate of at least $150 per week. Under this proviso, the requirements for exemption in § 541.3 (a) through (c) will be deemed to be met by an employee who receives the higher salary or fees and whose primary duty consists of the performance of work requiring knowledge of an advanced type in a field of science or learning, or work as a teacher in the activity of imparting knowledge, which includes work requiring the consistent exercise of discretion and judgment, or consists of the performance of work requiring invention, imagination, or talent in a recognized field of artistic endeavor. Thus, the exemption will apply to highly paid employees employed either in one of the "learned" professions or in an "artistic" profession and doing primarily professional work. If an employee qualifies for exemption under this proviso, it is not necessary to test his qualifications in detail under § 541.3 (a) through (c).

23. Paragraph (b) of § 541.602 is revised to read as follows:

§ 541.602 Special proviso concerning executive and administrative employees in multistore retailing operations.

* * * * *

(b) With respect to execute or administrative employees stationed in the main store of a multistore retailing operation who engage in activities (other than central office functions) which relate to the operations of the main store, and also to the operations of one or more physically separated units, such as branch stores, of the same retailing operation, the Divisions will, as an enforcement policy, assert no disqualification of such an employee for the section 13(a)(1) exemption by reason of nonexempt activities if the employee devotes less than 40 percent of his time to such nonexempt activities. This enforcement policy would apply, for example, in the case of a buyer who works in the main store of a multistore retailing operation and who not only manages the millinery department in the main store, but is also responsible for buying some or all of the merchandise sold in the millinery departments of the branch stores.

[F.R. Doc. 67-6035; Filed, May 29, 1967; 8:51 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Importation of and Dealing in Certain Merchandise

Item 108 of the Appendix to § 500.204 is being amended to publish the standing policy of the Office of Foreign Assets Control of licensing the importation of publications and films which are bona fide gifts. This item is also being amended to delete the requirement that publications be imported directly from mainland China, North Korea or North Viet Nam. Licenses are issued in appropriate cases whether the import is direct from those areas or through a third country.

Items 108, 109, 110 and 111 are being amended to state that licenses "are" issued in appropriate cases rather than that such licenses "may be" issued. The change is made to conform with other comparable items in this part of the Appendix.

Section 500.204, Appendix, item (108) is hereby amended to read as follows:

(108) *Publications and films from China, North Korea and North Viet Nam.* Publications and films originating in mainland China, North Korea or North Viet Nam are licensed for commercial importation provided all payments due to the suppliers are made into blocked accounts. Publications and films originating in mainland China, North Korea, and North Viet Nam are also licensed without restrictions as to method of payment under programs approved by the Librarian of Congress or the National Science Foundation for universities, libraries, research and scientific institutions. Such publications and films are also licensed in exchange for publications from the United States. Additionally, such publications and films are licensed when the Office of Foreign Assets Control is satisfied that they are bona fide gifts to the importers and that there is not and has not been since the effective date any direct or indirect financial or commercial benefit to designated countries or nationals thereof from the importations.

Section 500.204, Appendix, item (109) is hereby amended to read as follows:

(109) *Chinese language films and publications from other areas.* Imports of Chinese language films, books, magazines, and almanacs are licensed if the Control is satisfied that they were produced outside of mainland China, North Korea, or North Viet Nam and that no designated national of Communist China, North Korea, or North Viet Nam has an interest in the transaction.

Section 500.204, Appendix, item (110) is hereby amended to read as follows:

(110) *Exhibitions.* Certain merchandise subject to § 500.204 being imported for exhibition at trade fairs, expositions, museums, etc., is licensed for entry for that purpose only and eventual re-export or destruction under Customs supervision.

Section 500.204, Appendix, item (111) is hereby amended to read as follows:

(111) *Research samples.* Commodities subject to § 500.204, including commodities from mainland China, North Korea, and North Viet Nam are licensed for import for bona fide research purposes in sample quantities only.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-6015; Filed, May 29, 1967; 8:50 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 56—GRANTS FOR AIR POLLUTION CONTROL PROGRAMS

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted as unnecessary in the issuance of the following revision of Part 56 which relates solely to grants for programs for the prevention and control of air pollution.

This revision establishes the conditions under which grants will be made for the maintenance of air pollution control programs and makes certain technical revisions in sections relating to grants for the development, establishment, and improvement of air pollution control programs.

These grants provide Federal financial assistance subject to the requirements of title VI of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 252; P.L. 88-352). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore grants made pursuant to the regulations set forth below are subject to this provision and to applicable regulations issued with the approval of the President to effectuate the provisions of said section 601 and set forth in 45 CFR Part 80.

Effective on the date of publication of these regulations in the FEDERAL REGISTER, Part 56 is revised to read as follows:

Subpart—General Provisions

Sec.
56.1 Applicability.
56.2 Definitions.
56.3 Funds available for grants.
56.4 Grant limitations.
56.5 Grant conditions.
56.6 Payments.
56.7 Other conditions.

Subpart—Project Grants for the Development, Establishment, or Improvement of Air Pollution Control Programs

56.20 Applicability.
56.21 Workable Program.
56.22 Application for grants.
56.23 Approval of projects; essential elements of an air pollution control program.
56.24 Approval of projects; Federal financial aid; priority.
56.25 Grant awards.
56.26 Supplemental and continuation grants.

Subpart—Grants for the Maintenance of Air Pollution Control Programs

56.30 Purpose of maintenance grants.
56.31 Operating Workable Program requirements.
56.32 Application for grants.
56.33 Approval of maintenance support; priority.
56.34 Grant awards.

Subpart—Termination and Final Settlement

56.40 Applicability.
56.41 Termination of grant award.
56.42 Termination date; final accounting.
56.43 Accounting for grant payments.
56.44 Accounting for equipment, materials, or supplies.
56.45 Final settlement.

AUTHORITY: The provisions of this Part 56 issued under sec. 8, 77 Stat. 400, 42 U.S.C. 1857g.

Subpart—General Provisions

§ 56.1 Applicability.

The provisions of this subpart apply to grants for the support of air pollution control programs made under the provisions of this part as authorized by section 104 of the Act.

§ 56.2 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act.

(a) "Act" means the Clean Air Act, as amended (P.L. 88-206, 77 Stat. 392, 42 U.S.C. 1857 et seq.)

(b) "Air pollution control program" means a program for the prevention and control of air pollution.

(c) "Applicant" means any air pollution control agency which files an application for a grant of Federal funds under section 104 of the Act.

(d) "Project" means a proposed undertaking to develop, establish or improve an air pollution control program with respect to which a grant of Federal funds is requested.

(e) "Project period" means the period of time which the Surgeon General finds is reasonably required to carry out a project meriting support by grants under section 104 of the Act.

(f) "Surgeon General" means the Surgeon General of the Public Health Service.

(g) "Workable Program" means a comprehensive statement of objectives for the prevention and control of air pollution and of the current and proposed measures to achieve these objectives which meets the criteria of § 56.20.

§ 56.3 Funds available for grants.

The Surgeon General may, from time to time, and for such periods of time as he may prescribe, reserve a portion or portions of the funds available for the purposes of section 104(a) of the Act for grants to categories of air pollution control agencies, or to categories of applications for grants, or both.

§ 56.4 Grant limitations.

Grants under this part shall be subject to the following limitations:

(a) No grant shall be made with respect to any costs which are not incurred within the approved award period. See §§ 56.25(b) and 56.34(b).

(b) (1) No grant shall be made for any project in an amount exceeding two-thirds of the estimated necessary costs of the project, as determined by the Surgeon General, for each of the applicant's fiscal years during the project period for which the grant is made: *Provided,* That in the case of regional air pollution control programs the amount of the grant shall not exceed three-fourths of the estimated necessary cost of the project.

(2) No maintenance grant shall be made for any air pollution control program in an amount exceeding one-half of the estimated necessary costs of the program in the applicant's fiscal year for which the grant is made: *Provided,* That in the case of regional air pollution

control programs the amount of the grant shall not exceed three-fifths of the estimated necessary cost of the program.

(c) No grant shall be made until the Surgeon General has consulted with the appropriate official as designated by the Governor or Governors of the State or States affected pursuant to section 104 (b) of the Act.

(d) No grant shall be made until the applicant has given assurance satisfactory to the Surgeon General: (1) In the case of an application for project support, as to the availability of non-Federal funds for the cost of the project and for the other activities of the applicant's air pollution control program not included in the project; (2) in the case of an application for maintenance support, as to the availability of non-Federal funds for the cost of the air pollution control program.

(e) No grant for project support shall be made to any applicant during any fiscal year unless the Surgeon General finds that the applicant's expenditures of non-Federal funds (for other than nonrecurrent expenditures) for its air pollution program (exclusive of its expenditures for the approved project) will not be less during such fiscal year than its expenditures of non-Federal funds were for such program during the fiscal year immediately preceding the beginning of the project with respect to which a grant is requested.

(f) No grant for project support shall be made to any applicant during any fiscal year unless the Surgeon General finds that the applicant's expenditures of non-Federal funds (for other than nonrecurrent expenditures) for its air pollution program (inclusive of its cost for the approved project) will not be less during such fiscal year than its expenditures of non-Federal funds were for such program during the preceding fiscal year.

(g) No grant for maintenance support shall be made to the applicant during any fiscal year unless the Surgeon General finds that the applicant's expenditure of non-Federal funds (for other than nonrecurrent expenditures) for its air pollution control program will not be less than its expenditures of non-Federal funds were for such program during the preceding fiscal year.

(h) Not more than 12½ percent of the grant funds available pursuant to § 56.3 shall be granted to applicants in any one State. For the purposes of this paragraph, grants to an interstate air pollution control agency will be allocated to the States involved in proportion to the amounts of non-Federal funds expended for the supported activity by the participating States or by the participating municipalities located in the respective States.

(i) As used in this section and § 56.5:

(1) The term "fiscal year" means the 12-month period observed by the applicant for fiscal and budgetary purposes.

(2) The term "nonrecurrent expenditures" means expenditures for the following purposes:

(i) Acquisition or construction of office, laboratory, or monitoring structures, either fixed or mobile.

(ii) Purchase items of equipment, including their accessories, costing over $1,000, in excess of the average of such expenditures for the three preceding fiscal years.

(iii) Contributions to special studies or surveys conducted for the purpose of developing a regional air pollution control agency,

(iv) Research projects (other than surveys of emissions or ambient air concentrations of pollutants) specifically approved by the Surgeon General in advance as appropriate for support under section 104 of the Act and as a nonrecurrent expenditure.

(v) Research or demonstration projects receiving financial support under provisions of law other than section 104 of the Act.

(vi) Funds utilized for matching purposes for improvement projects under section 104 of the Act as part of a program for which maintenance support is also provided.

(vii) Grants for the improvement or support of training resources.

(viii) Such other expenditures as the Surgeon General, upon request in individual cases, determines constitute nonrecurrent expenditures.

§ 56.5 Grant conditions.

In addition to any other requirements imposed by or pursuant to the regulations in this part, each grant awarded pursuant to this part shall be subject to the following conditions:

(a) Any funds granted pursuant to this part shall be expended solely for carrying out the approved activity.

(b) The applicant shall submit to the Surgeon General for prior approval changes in the project or program that substantially alter the scope or purpose of the project or program or will result in an increase in cost in excess of the estimated cost approved in the application.

(c) Any grant award pursuant to this part shall be subject to the regulations of the Department of Health, Education, and Welfare as set forth in Parts 6 and 8 of this chapter as amended relating to inventions and patents. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project or program as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Surgeon General to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligation. Laboratory notes, related technical data and information pertaining to inventions or discoveries shall be maintained for such periods and filed with or otherwise made available to the Surgeon General or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

(d) Any grant for a project or program which involves a federally assisted construction contract, as defined in Executive Order 11246, September 24, 1965 (30 F.R. 12319), shall be subject to the condition that the grantee shall comply with the requirements of said Executive order and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(e) The expenditures of non-Federal funds for other than nonrecurrent expenditures by the applicant for its air pollution control program in the applicant's fiscal year in which the grant is awarded and in each fiscal year of the applicant with respect to which a grant has been approved shall not be less than such expenditures were for such program in the applicant's preceding fiscal year.

(f) The grantee shall provide for and maintain such accounting, budgetary and other fiscal methods and procedures as are necessary for the proper and efficient administration of the supported activity. The fiscal records shall be so designed to show currently the amount and disposition by the grantee of Federal funds received, the total cost of the activity in connection with which such funds were provided, the amount of that portion of the cost of the activity supplied by non-Federal sources, the expenditures for the air pollution control program of the grantee not included in the supported activity, and such other records as will facilitate an effective audit. Such records and any other books, documents, or papers of the grantee pertinent to the grant received under section 104 of the Act shall be accessible for purposes of audit by representatives of the Surgeon General and of the Comptroller General of the United States and shall be maintained until the grantee is notified in writing that the final audit has been completed.

(g) The grantee shall make such reports in such form and containing such information as the Surgeon General may from time to time require to carry out his functions.

§ 56.6 Payments.

(a) Payments with respect to an approved activity shall be made periodically, either in advance or by way of reimbursement, as the Surgeon General may determine, based on the estimated requirements or actual expenditures, respectively, for such period. Such payment shall be increased or decreased by the amount that prior payments exceed or are less than the Federal share of the costs of the approved project.

(b) Supplemental payment in any period may be certified upon submission of an application therefor accompanied by a satisfactory justification.

(c) No payment shall be made for any period so long as the grantee fails to comply substantially, as determined by the Surgeon General, with any condition specified in § 56.5 or any other requirement or condition imposed by or pursuant to the regulations in this part, unless the Surgeon General finds that the

payment of any amount otherwise payable, or any portion thereof, will be consistent with the purpose of section 104 of the Act and the grantee has undertaken to comply with such requirement or condition.

§ 56.7 Other conditions.

The Surgeon General may with respect to any grant award impose additional conditions prior to or at the time of the award when in his judgment such conditions are necessary to carry out the purposes of section 104 of the Act.

Subpart—Project Grants for the Development, Establishment, or Improvement of Air Pollution Control Programs

§ 56.20 Applicability.

The provisions of this subpart are applicable to grants for development, establishment, or improvement of air pollution control programs.

§ 56.21 Workable Program.

(a) An applicant for a grant for the establishment or improvement of its air pollution control program shall prior to, or together with, its application submit a Workable Program which shall include:

(1) A description of the applicant's legal authority and responsibility for the administration of the air pollution control program which must, as a minimum, meet the criteria of § 56.23(a) ;

(2) A description of the applicant's administrative organization, procedures, facilities, financial and other resources, and staff, together with plans for changes or development, including additional staffing necessary to carry out the Workable Program efficiently and effectively;

(3) A description of the nature, effects and extent of the actual and potential air pollution problems, including an identification of the major sources of air pollution, the area and population affected, and the methods used in determining the nature, effect, and extent of the air pollution problem;

(4) The overall air pollution control program objectives (including immediate and long-range objectives) which must be appropriate to the solution of the air pollution problems identified in subparagraph (3) of this paragraph;

(5) A description of a comprehensive program for the prevention and control of air pollution which must include specific measures taken or intended to be taken to accomplish the identified objectives, and a schedule of their accomplishment;

(6) To the extent that air pollution originating outside the applicant's jurisdiction is involved, a description of the action which has been taken or is proposed to be taken for the development or establishment of a regional air pollution control program;

(7) A certification by the head of the applicant agency that the Workable Program has been officially adopted by the applicant.

(b) The grantee shall keep its Workable Program current, and shall from time to time revise and amend its Workable Program as necessitated by changes and developments to its air pollution control program and program objectives.

(c) A current Workable Program must be submitted with each application, or if submitted prior thereto, shall be revised and amended at the time application is made as necessary to reflect any changes or developments.

(d) The Surgeon General shall approve a Workable Program and any revision or amendment thereof if, in his judgment, such program is reasonably calculated to prevent and control air pollution within the jurisdiction of the applicant: *Provided*, That prior to approving any Workable Program, or any revision or amendment thereof, the Surgeon General shall consult with the appropriate official as designated by the Governor or Governors of the States affected pursuant to section 104(b) of the Act.

(e) An applicant for a grant for the development of an air pollution control program shall submit as part of its application a proposal for the development of a Workable Program which will meet the requirements of paragraph (a) of this section and § 56.23(b).

§ 56.22 Application for grants.

(a) An application for a grant under this subpart shall be submitted on such forms and in such manner as the Surgeon General may prescribe.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the requirements and conditions of any grant including the applicable regulations in this part.

(c) In addition to any other pertinent information which the Surgeon General may require, each applicant shall submit as part of the application a description of the project in sufficient detail to indicate the nature, duration, purpose, and proposed method of conduct of the project. The description shall, as applicable, indicate the possession of and describe, or set forth a schedule for obtaining: (1) Data demonstrating the necessity of the project, (2) legal authority for the existing air pollution control program of the applicant, if any, and for the project (see § 56.23) and (3) suitable personnel, equipment, facilities and other necessary resources (including non-Federal funds) for the conduct of the existing air pollution control program of the applicant and of the project. The description shall also show the relationship of the project to the applicant's Workable Program.

§ 56.23 Approval of projects; essential elements of an air pollution control program.

(a) No application for the establishment or improvement of an air pollution control program shall be approved unless in the judgment of the Surgeon General the air pollution control program administered by the applicant contains provisions calculated to prevent and control air pollution within the applicant's jurisdiction which: (1) Are based on legislation (e.g., statute or ordinance) or on regulations pursuant to legislative authority, (2) regulate or prohibit conduct which may result in air pollution, and (3) in accordance with such legislation, are enforceable by sanctions or other compulsory legal procedures.

(b) No application for the development of an air pollution control program shall be approved unless in the judgment of the Surgeon General such proposed development is designed and calculated to lead to the establishment of an air pollution control program which will meet the requirements of paragraph (a) of this section.

(c) No application for the establishment or improvement of an air pollution control program shall be approved unless a current Workable Program applicable to the proposed project period has been approved by the Surgeon General.

(d) No application for the development of an air pollution control program shall be approved unless the Surgeon General determines that the proposed development project is designed and calculated to lead to a Workable Program which will meet the criteria of § 56.21(a) and paragraph (b) of this section.

§ 56.24 Approval of projects; Federal financial aid; priority.

(a) In determining the desirability of a project, the Surgeon General will take into consideration the comments of the appropriate State officials designated pursuant to section 104 of the Act, the feasibility of the project in the light of the resources to be made available and the nature of the air pollution problem, the necessity for the project, the estimated cost of the project, the probable accomplishment of the project in the light of the project plan, and its relationship to other elements of the Workable Program of the applicant.

(b) In approving financial aid for projects approved under paragraph (a) of this section the Surgeon General will give due consideration to (1) the population, (2) the extent of the actual or potential air pollution problem and (3) the financial need of the respective applicants.

(c) For the purposes of this section:

(1) "Population" means the population residing within the jurisdiction of the applicant according to the latest decennial census data available from the U.S. Bureau of the Census.

(2) "The extent of the actual or potential air pollution problem" will be determined on the basis of (i) motor vehicles per square mile and (ii) value added by manufacturing, within the jurisdiction of the applicant, according to the latest decennial census data available from the U.S. Bureau of the Census.

(3) "Financial need" will be determined on the basis of the reciprocal of the median family income of families residing within the jurisdiction of the applicant according to the latest decennial census data available from U.S. Bureau of the Census.

(d) With respect to any project approved for Federal financial aid the Sur-

geon General shall determine the project period during which the project may be supported.

§ 56.25 Grant awards.

(a) Within the limits of funds available for such purpose, the Surgeon General shall make grant awards, in such amounts as he may determine (subject to the provisions of § 56.4) to applicants whose projects have been approved for Federal financial aid under § 56.24.

(b) A grant award shall be made by the Surgeon General for either the project period or for such lesser period as he may prescribe in making the award.

(c) Neither the approval of any project nor grant award shall commit or obligate the United States in any way to make any additional, supplemental, or continuation award with respect to any approved project or portion thereof.

§ 56.26 Supplemental and continuation grants.

The Surgeon General may from time to time within the project period, on the basis of an application therefor, make additional grant awards with respect to any approved project where he finds on the basis of such progress, fiscal or other reports as he may require that either (a) the amount of any prior award was less than the amount necessary to carry out the approved project within the period with respect to which the prior award was made (a supplemental grant) or (b) the progress made within the period with respect to which any prior awards were made justifies support for an additional specified portion of the project period (a continuation grant).

Subpart—Grants for the Maintenance of Air Pollution Control Programs

§ 56.30 Purpose of maintenance grants.

It is the purpose of maintenance grants to provide continuing Federal financial support for the maintenance of effective air pollution control programs. The regulations in this subpart are intended to assure that financial support under this subpart is extended to operating programs which are adequate and effective, either alone or in cooperation with other agencies, to prevent, abate, and control sources of air pollution within the State which affect the area under their jurisdiction.

§ 56.31 Operating Workable Program requirements.

(a) No application for a grant under this subpart shall be approved unless the applicant has in effective operation a current Workable Program which meets the requirements of § 56.21 and includes the following:

(1) Adequate legal authority to prevent, abate and control air pollution from all sources within its area of jurisdiction, which are not subject to exclusive control by other agencies, in accordance with appropriate standards or regulations, and in the case of air pollution affecting its area of jurisdiction which originates within the same State but outside its area of jurisdiction, either the existence of another agency with adequate legal authority to prevent, abate, and control such pollution in accordance with appropriate standards or regulations or a description of the action which has been taken or is proposed to be taken for the development or establishment of such an agency.

(2) Adequate legal authority to enforce standards or regulations.

(3) Adequate authority to obtain reports, information, and data required to be supplied for a continuation grant.

(4) Description of the applicant's administrative enforcement procedures, including those employed in developing, promulgating, and enforcing rules and regulations, the training and experience of key personnel, and any plans for changes in carrying out its Workable Program.

(5) A description of the nature, effects, and extent of the actual and potential air pollution problems, with substantiating data, including:

(i) (*a*) Pertinent data regarding distribution and concentrations of classes of pollutants in the ambient air of the area under jurisdiction, and (*b*) current information regarding the sources and amounts of the principal classes of pollutants being discharged within the area of jurisdiction. Such information shall include data as to the total weight of discharge per year of each class of pollutant with an estimate of the percentage of the discharge of each class believed to emanate from (*1*) mobile sources, (*2*) industrial processes, (*3*) power generation, (*4*) domestic, industrial and commercial space heating, (*5*) disposal of solid wastes, (*6*) sources outside the area of jurisdiction, and (*7*) other sources;

(ii) The agency shall maintain a file with specific identification by name and location of each person, agency, company or other entity believed to be responsible for the discharge of 5 percent or more of the total weight of any specific class of pollutant within the area under jurisdiction or within the county where discharged, whichever is smaller, with the exception that State agencies shall not be required to maintain such information for counties having populations of less than 60,000 or population densities of less than 25 persons per square mile, except that such information shall be provided for any individual stationary sources in such counties as are believed to be discharging into the air more than 10 tons per day of particulate matter or 10 tons per day of sulfur oxides; provided that upon application by a State agency, the Surgeon General may approve areas other than counties as the areas with respect to which the information shall be provided subject to the foregoing conditions.

(6) (i) A listing of the concentrations of classes of pollutants in the ambient air which it is the objective to obtain or maintain within the next 1, 3, and 5 years, and (ii) the estimated reduction in the total weight of discharge of each class of pollutant specified in subparagraph (5)(i)(*a*) of this paragraph required to attain these objectives.

(7) A description of the comprehensive program to be used to attain the reductions specified in subparagraph 6(ii) of this paragraph including (i) the measures to prevent or limit discharges from new sources of pollutants, (ii) the measures to reduce or eliminate existing sources of pollutants, (iii) the rules, regulations, and standards in effect or to be put into effect to accomplish the specified reductions, (iv) the methods employed to obtain, record, and compute the data on weights of pollutants discharged, and the reduction of weights of pollutants discharged into the atmosphere to be achieved, (v) the methods employed to obtain, record, and analyze the data on concentrations of pollutants in the ambient air, and (vi) the means employed for informing the public concerning the nature, effects, and control of air pollution, the objectives of the program, and the state of progress in its accomplishment.

(8) Certification that the objectives specified in subparagraph (6)(i) of this paragraph have been approved by the chief executive or the legislative body of the political jurisdiction served by the applicant: *Provided*, That in the case of an interstate or other independent regional agency, such formal approval shall be given by the governing body of such agency.

(9) A description of the relationship of the Workable Program to ongoing comprehensive planning affecting the applicant's area of jurisdiction.

(b) The Surgeon General shall approve a Workable Program submitted under this section, and any revision or amendment thereof if, in his judgment, such program is reasonably calculated to prevent, abate, and control air pollution which originates within the applicant's jurisdiction and is consistent with the program of the State air pollution control agency.

§ 56.32 Application for grants.

(a) An application for a grant under this subpart shall be submitted on such forms and in such manner as the Surgeon General may prescribe.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the requirements and conditions of any grant, including the applicable regulations in this part.

(c) In addition to any other pertinent information which the Surgeon General may require, each applicant for an initial maintenance grant for its air pollution control program shall submit as part of its application:

(1) Evidence of compliance with the requirements of § 56.31 and

(2) A statement of significant accomplishments of its air pollution control program to date.

(d) In addition to any other pertinent information which the Surgeon General may require, each applicant for the continuance of a maintenance grant shall submit as part of its application:

(1) Revised data obtained since the preceding application regarding weights of pollutant discharge as required under

§ 56.31(a)(1), with information to explain net weight changes which have taken place due both to reductions and increases in discharges from existing sources and to increases due to discharges from new sources.

(2) Supplemental data obtained since the preceding application regarding pollutant concentrations in the ambient air, as required under § 56.31 (a)(5).

(3) Data concerning installations, since the preceding application, of air pollution control equipment, or process changes (including changes in combustion practices for generation of heat, power, or waste disposal) instituted for air pollution control purposes, for either new or existing sources, with estimates of total weights of pollutants kept out of the atmosphere by such installations or changes, and of the costs of installation and operation, if available, of these control systems. Specific information on individual installations or process changes which contribute significantly toward achievement of objectives, which represent unique methods for solving difficult problems, or which eliminate a source of major complaint should be included. Addresses where such installations or process changes are located shall be kept on file by the grantee agency.

(4) Data concerning improvements effected in controlling air pollution from mobile sources.

(5) Data concerning sources registered, permits issued, plans reviewed and approved, orders issued, violations prosecuted, injunctions obtained, sources sealed, convictions for violations, and similar regulatory actions and accomplishments, as well as variances granted. Specific information, including the name and address, concerning each variance granted shall be kept on file by the grantee agency.

(6) Information concerning any changes or addition in rules, regulations, or standards employed and any revisions of or amendments to its approved Workable Program.

§ 56.33 Approval of maintenance support; priority.

(a) In determining the desirability of initiating financial assistance for the maintenance of an air pollution control program, the Surgeon General will take into consideration the comments of the appropriate State officials designated pursuant to section 104 of the Act as amended, the feasibility of the program in the light of the resources to be made available and the nature of the air pollution problem, the suitability of the air quality objectives of the program and the feasibility of achieving these with the rules, regulations, and emission standards to be used and with the proposed schedule for their application, the steps taken by the applicant to carry out any applicable recommendations of the Secretary under sections 103(e) and 105 of the Act.

(b) In determining the desirability of continuing financial assistance for the maintenance of an air pollution control program, the Surgeon General will take into consideration the comments of the appropriate State officials designated pursuant to section 104 of the Act as amended, the progress made toward achieving the program objectives, the prospects of achieving the next scheduled objectives in the light of program accomplishments to date, and the steps taken by the applicant to carry out any applicable recommendations of the Secretary under sections 103(e) and 105 of the Act.

(c) In approving financial aid for programs approved under paragraph (a) of this section, the Surgeon General will give due consideration to (1) the population, (2) the extent of the actual or potential air pollution problem, and (3) the financial need of the respective applicants.

(d) For the purposes of this section:

(1) "Population" means the population residing within the jurisdiction of the applicant according to the latest decennial census data available from the U.S. Bureau of the Census.

(2) "The extent of the actual or potential air pollution problem" will be determined on the basis of (i) motor vehicles per square mile and (ii) value added by manufacturing, within the jurisdiction of the applicant, according to the latest decennial census data available from the U.S. Bureau of the Census.

(3) "Financial need" will be determined on the basis of the reciprocal of the median family income of families residing within the jurisdiction of the applicant according to the latest decennial census data available from the U.S. Bureau of the Census.

(e) Financial aid for programs approved under paragraph (b) of this section will be given priority by the Surgeon General, from available funds, for amounts not to exceed the amount awarded for the preceding year. Priority for any additional amount requested will be established through consideration of the factors listed in paragraphs (c) and (d) of this section applied to this and all other currently eligible applicants.

(f) In the event that insufficient funds are appropriated and available for all programs potentially eligible for continued maintenance support under paragraph (b) of this section in the amounts awarded for the preceding year, the amount reserved for each, from the available funds, shall be reduced by an equal percentage. Should one or more potentially eligible programs fail to qualify, during such year, for continued maintenance support under paragraph (b) of this section, the amounts reserved for such programs shall be utilized to restore, on an equal percentage basis, the reductions described above in this paragraph. Any funds remaining over and above the amounts required to restore said reductions shall be available to other eligible applicants in accordance with the provisions of paragraphs (c) and (d) of this section.

§ 56.34 Grant awards.

(a) Within the limits of funds available for such purpose, the Surgeon General shall make grant awards, in such amounts as he may determine (subject to the provisions of § 56.21) to applicants whose programs have been approved for Federal financial aid under § 56.33.

(b) A grant award shall be made by the Surgeon General for either 1 year or for such lesser period as he may prescribe in making the award.

(c) The Surgeon General may from time to time within the award period of any grant, on the basis of an application therefore, make supplemental grant awards with respect to any approved program where he finds on the basis of such progress, fiscal or other reports as he may require that the amount of any prior award was less than the amount necessary to carry out the approved program within the period with respect to which the prior award was made.

(d) Neither the approval of any program nor a grant award shall commit or obligate the United States in any way to make any additional, supplemental or continuation award with respect to any approved program other than as specified in § 56.33(e).

Subpart—Termination and Final Settlement

§ 56.40 Applicability.

The provisions of this subpart are applicable to all grants made under this part.

§ 56.41 Termination of grant award.

(a) Any grant award may be terminated by the Surgeon General in whole or in part at any time within the award period, after affording the grantee reasonable notice and opportunity for a hearing, whenever the Surgeon General finds that in his judgment the grantee has failed in a substantial respect to comply with the condition of the grant or the requirements and conditions of this part, or both.

(b) Upon termination pursuant to paragraph (a) of this section, the grantee shall render an accounting and final statement as provided in this subpart. The Surgeon General may allow credit for the amount required to settle at minimum costs any noncancellable obligations properly incurred by the grantee prior to receipt of notice of termination, if he finds that the grantee had good cause for its failure to comply with the applicable requirements and conditions.

§ 56.42 Termination date; final accounting.

In addition to such other accounting as the Surgeon General may require, the grantee shall render with respect to each supported activity, a full account as provided herein, as of the termination date which shall be either (a) the end of the award period, or (b) the date of any termination of grant support as provided in § 56.41, whichever first occurs.

§ 56.43 Accounting for grant payments.

(a) With respect to each supported activity, the grantee shall account for the total of all amounts paid under § 56.6 by presenting or otherwise making available, vouchers or other evidence

satisfactory to the Surgeon General of actual expenditures for the project.

(b) Total grant expenditures shall not exceed: (1) In the case of project grants, two-thirds of the acceptable actual costs of the approved project with respect to which the grant is made as evidenced in the final accounting: *Provided,* That in the case of regional air pollution control programs the total amount of grant expenditures shall not exceed three-fourths of the acceptable actual cost of the approved project; (2) in the case of maintenance grants, one-half of the acceptable actual costs of the approved program with respect to which the grant is made as evidenced in the final accounting: *Provided,* That in the case of regional air pollution control programs, the total amount of grant expenditures shall not exceed three-fifths of the acceptable actual cost of the approved program.

§ 56.44 Accounting for equipment, materials, or supplies.

Expenditures of grant funds for movable or fixed equipment, materials or supplies, termed in this section "materials", may be charged to grant funds only to the extent such materials are required for the conduct of the supported activity during the period for which Federal financial support is provided. Any materials on hand on the termination date of the project (excluding expendable supplies within such limitations as the Surgeon General may prescribe) shall be accounted for by one or a combination of the following methods:

(a) Materials may be used by the grantee, without adjustment of accounts, for purposes within the Workable Program as approved by the Surgeon General, and no other accounting for such materials shall be required: *Provided, however,* (1) That during such period of use no charge for depreciation, amortization or for other use of the materials shall be made against any existing or future Federal grant or contract, and (2) if within the period of their useful life the materials are transferred by sale or otherwise for use outside the scope of the Workable Program, the proportionate fair market value at the time of transfer shall be payable to the United States.

(b) The materials may be sold by the grantee and the proportion of the net proceeds of sale equal to the proportion of Federal participation in the cost of the materials paid to the United States, or they may be used or disposed of in any manner by the grantee by paying to the United States such proportion of their fair market value on the termination date.

To the extent materials purchased from grant funds have been used for credit or "trade in" on the purchase of new materials, the accounting obligation shall apply to the same extent to such new materials.

§ 56.45 Final settlement.

There shall be payable to the United States as final settlement with respect to each supported activity the total sum of any amount not accounted for pursuant to § 56.43 and of any amounts payable to the United States as provided in § 56.44. Such total sum shall constitute a debt owed by the grantee to the United States and if not paid to the United States shall be recovered from the grantee or its successors by setoff or other action as provided by law.

Dated: May 24, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-6012; Filed, May 29, 1967; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-623]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority; Chief, CATV Task Force

In the matter of amendment of § 0.289 of the Commission's rules and regulations concerning delegations of authority to the Chief, CATV Task Force.

1. The Commission believes that the orderly disposition of its business will be advanced by delegating additional authority to the Chief of the CATV Task Force to grant requests for waiver of those provisions of the Community Antenna Relay Service rules relating to unattended operation of stations (§ 74.1037) and time of operation of stations (§ 74.1067). This amendment to the delegations is consistent with other delegations to the staff in similar matters.

2. This amendment relates to internal Commission organization and practice so that the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553 do not apply and the amendment can be made effective immediately. Authority for the promulgation of this amendment is contained in sections 4(i), 5(b), and (d), and 303(r) of the Communications Act of 1934, as amended.

3. *Accordingly, It is ordered,* Effective May 26, 1967, that Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: May 24, 1967.

Released: May 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.289 (c) (11) is added, to read as follows:

§ 0.289 Authority delegated.

* * * * *

(c) * * *

(11) To grant requests for waiver of §§ 74.1037 and 74.1067 of this chapter.

[F.R. Doc. 67-6016; Filed, May 29, 1967; 8:50 a.m.]

[1] Commissioner Wadsworth absent.

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

Subpart D—Claims

COLLECTION STANDARDS

Pursuant to section 3 of the Federal Claims Collection Act of 1966 (P.L. 89-508, 80 Stat. 309, 31 U.S.C. 952), authorizing regulations in conformity with the Joint Regulations of the Attorney General and the Comptroller General (4 CFR ch. II, 31 F.R. 13381), § 1.52(c), Subpart D, Part 1, Subtitle A, Title 7, Code of Federal Regulations (32 F.R. 2805), is amended to read as follows:

§ 1.52 Claims collection standards.

* * * * *

(c) *Designation.* The head of each agency of the Department, and such persons as may be designated by him for such purpose, with respect to claims of his agency is authorized to perform all of the duties and exercise all of the authority of the Secretary under the Federal Claims Collection Act of 1966, the aforementioned Joint Regulations of the Attorney General and the Comptroller General, and the regulations in this section: *Provided,* That with respect to claims of $250 or more, exclusive of interest, the head of each such agency may, if he considers it necessary or advisable to do so, direct that no compromise shall be effected or collection action terminated or suspended under authority of such Act and regulations, except with the advice and counsel of the Office of the General Counsel of the U.S. Department of Agriculture.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5986; Filed, May 29, 1967; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 6]

PART 775—FEED GRAINS

Subpart—1966-69 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1966-69 Feed Grain Program, 31 F.R. 8339, as amended, are hereby further amended as follows:

1. Section 775.402 is amended by adding the following:

§ 775.402 Definitions.

* * * * *

(c) * * *

(2) * * *

(xi) Corn planted under contract from seed furnished by the contracting company for the sole purpose of processing the cornstalks into sugar.

* * * * *

2. Section 775.417(i) is amended to read as follows:

§ 775.417 Final diversion payment and price support payment.

* * * * *

(i) Payments to any producer which exceed the total payment he earned under the program with respect to any farm shall be refunded, and if for any reason such earned payment is zero, he shall pay interest at the rate of 6 percent per annum on the amount of the refund from the issue dates of the sight drafts to the date the payments are refunded.

3. Section 775.419 is amended by changing the introductory statement of paragraph (a) to read as follows:

§ 775.419 Additional provisions relating to tenants and sharecroppers.

(a) Form 477 shall not be approved if the county committee determines that any of the following conditions exist, and if any of such conditions are discovered after approval of Form 477, all, or such part as the State committee may determine, of the payments which have been received by the producers shall be refunded:

* * * * *

§ 775.430 [Amended]

4. Section 775.430(c)(1) is amended by adding the following sentence at the end thereof: "Credit the total acreage upon which payment is based first to the underplanted commodity with the higher additional diversion payment rate and then any balance to the underplanted commodity with the lower additional diversion payment rate."

5. Section 775.430(e) is amended to read as follows:

(e) *Substitute crops (alternate crops).* Part or all of the minimum acreage required to be diverted under § 775.404(b)(2) and up to 20 percent of the 25 acres diverted under the proviso in paragraph (c)(2) of this section may be devoted to castor beans, crambe, guar, mustard seed, plantago ovato, and sesame if the farm operator authorizes in writing on a form furnished by the county committee, a reduction in farm payments. The per acre reduction rate for castor beans and guar shall be 70 percent, and for crambe, mustard seed, plantago ovato, and sesame 100 percent, of the result obtained by multiplying 20 percent of the county rate for determining diversion payments for the 1967 crop found in § 775.427, by the projected farm yield established for the commodity as provided in § 775.410(b).

(Sec. 16(i), 79 Stat. 1190, 16 U.S.C. 590p(i); sec. 105(e), 79 Stat. 1188, as amended, 7 U.S.C. 1441 note)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 24, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stablization and Conservation Service.

[F.R. Doc. 67-6045; Filed, May 29, 1967; 8:52 a.m.]

[Amdt. 1]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Applicability of Certificate Requirements and Delegation of Authority

The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see secs. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j), to provide miscellaneous changes to the republication of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502). The provision of this amendment as it pertains to wheat processed by a state or state agency solely for training and rehabilitation was published as proposed amendment 2 to the regulations (32 F.R. 4123). There were no suggestions for changing the language in the proposed amendment as a result of the notice given the public pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553). Accordingly, the following provision for exemption of wheat processed for noncommercial uses is substantially the same as originally published. The amendment provides the following:

(1) It exempts from marketing certificates, wheat processed by a State or State agency solely for training and rehabilitation purposes, if the food products derived are used by such State or State agency or another agency of that State.

(2) It delegates to the Administrator, the authority to promulgate amendments and revisions to these Regulations.

The changes to the regulations as proposed and published in proposed amendment 1 (32 F.R. 279) will be made in a future amendment to these regulations.

Since these provisions must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) is impracticable and contrary to the public interest and that this amendment shall be effective on the date provided below.

The Processor Wheat Marketing Certificate Regulations (31 F.R. 13502) are changed to read as follows:

1. Section 777.4(b)(7) is amended to read as follows:

§ 777.4 Applicability of certificate requirements.

* * * * *

(b) *Exemptions.* * * *

(7) *Wheat processed for noncommercial uses.* Certificates shall not be required for wheat processed for noncommercial uses as determined by the Administrator and specified in this paragraph. Any food processor who wishes to petition the Administrator to establish in the regulations in this part an exemption for any such use shall submit to the Administrator, the name and detailed description of the food product, the use which is to be made of the food product, the name and address of the person who will make such use, and any other information deemed relevant by the food processor and as may be required by the Administrator. The exemption shall apply to wheat used in the manufacture of food products for the following uses:

(i) *Wheat processed for use by the producer or person to whom he has donated the food product.* Marketing certificates shall not be required for wheat processed beginning July 1, 1964, into a food product for use by either the producer or a person to whom he has donated the food product outside the farm where the wheat was grown. To support the exemption provided for in this subparagraph (7)(i), the processor shall, at the time of delivery of the food product or, at such other time as may be approved in writing by the Director, obtain a certification on Form CCC-148, Food Product Farm Use Certificate, covering the quantity of food product delivered and describing the use to be made of the food product.

(ii) *Wheat processed by a State or State agency for use by a State or State agency or another agency of that State.* Marketing certificates shall not be required for wheat processed beginning July 1, 1964, into a food product by a State or State agency for purposes of training and rehabilitation. Such food product must be used by the State agency processing such wheat or if the food product is removed, by another agency of that State and must not be marketed by any other person. The State agency processing the wheat must maintain complete records of the quantity of wheat processed and of the disposition of the food product processed, as required by § 777.15. Any State or State agency which processes wheat for use exclusively by such State or State agency or another agency of such State shall not be required to submit food processing reports under § 777.12.

2. Section 777.25 is added to read as follows:

§ 777.25 Delegation of authority.

Authority is hereby delegated to the Administrator to promulgate amendments and revisions to the regulations in this part.

Effective date. The provisions of § 777.4(b)(7) shall be effective retroactively to July 1, 1964, and § 777.25 shall be effective with the date this amendment is published in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 23, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-5981; Filed, May 29, 1967; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER K—GENERAL CONDITIONAL PAYMENTS PROVISIONS

PART 891—DOMESTIC BEET SUGAR AREA

Pursuant to the provisions of the Sugar Act of 1948, as amended, the title of Part 891 is amended to read "Part 891—Domestic Beet Sugar Area"; § 891.1 (27 F.R. 10318; 31 F.R. 1143) is rescinded; and new §§891.1 through 891.12 are added to read as follows:

Sec.
891.1 Regulations, as effective, and definitions.
891.2 Designation of crop of sugarbeets by year.
891.3 Instructions and forms.
891.4 Filing application for payment.
891.5 Compliance with child labor provisions of the Act.
891.6 Compliance with other conditions of payment.
891.7 Determination of eligibility and basis for payment, review and changes in determination and appeals for review thereof.
891.8 Obtaining information regarding eligibility for payment.
891.9 Conditions of payment not met where producer prevents obtaining information.
891.10 Computation of Sugar Act payment.
891.11 Credit for planted sugarbeet acreage, prevented acreage, and approved released acreage.
891.12 List of prescribed forms.

AUTHORITY: The provisions of this Part 891 issued pursuant to sec. 403, Sugar Act of 1948, as amended, 61 Stat. 932, 7 U.S.C. 1153; sec. 301, 61 Stat. 929, as amended, 7 U.S.C. 1131; sec. 304, 61 Stat. 931, 7 U.S.C. 1134; sec. 306, 61 Stat. 932, 7 U.S.C. 1136.

§ 891.1 Regulations, as effective, and definitions.

(a) The regulations in the following §§ 891.1 through 891.12 become effective on the 20th day after the date of publication of such sections in the FEDERAL REGISTER, shall continue in effect until amended, superseded, or revoked, and shall apply to actions or proceedings initiated after such effective date. As used in this part, the terms:

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated or to whom authority may hereafter be delegated, to act in his stead.

(c) "Deputy Administrator" or "DASCO" means the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(d) "Act" means the Sugar Act of 1948, as amended.

(e) "State committee" means the persons designated by the Secretary in a State as the Agricultural Stabilization and Conservation State Committee, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(f) "State Executive Director" means the person responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service State Office, or any employee of such office authorized to act on his behalf.

(g) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and function of Agricultural Stabilization and Conservation County and Community Committees, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(h) "County office manager" means the person responsible for the day-to-day operations of the Agricultural Stabilization and Conservation County Office (herein referred to as ASCS county office).

(i) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(j) "Operator" means the producer who controls and directs the sugarbeet operations on the farm, who has all or the major portion of the risk of financial loss or of the opportunity for financial gain resulting from such operations and who has the authority to make the final decisions with respect to growing, harvesting, and marketing the sugarbeet crop: *Provided, however,* That the cosigning of a note by a parent to enable his child to obtain financing shall not in itself be considered as diminishing the risk of financial loss borne by such child.

(k) "Producer" means a person who is the legal owner, at the time of harvest or abandonment, of a portion or all of a crop of sugarbeets grown on a farm or the extraction of sugar or liquid sugar.

(l) "Share" or "proportionate share" means the proportionate share for a farm in terms of planted sugarbeet acreage as provided in sections 301 and 302 of the Act.

(m) "Personal history area" means any State or substantial portion thereof in which the personal sugarbeet production history of farm operators was used generally prior to 1962 in establishing shares or where shares were not established prior to 1962 and the State Committee is authorized by DASCO to use personal history of operators.

(n) "Farm history area" means any sugarbeet producing area which is not a personal history area.

(o) "Acreage harvested" means the acreage from which sugarbeets are taken out of the ground preparatory to marketing for the extraction of sugar, when the completion of such marketing can be reasonably anticipated. Sugarbeets which have merely been lifted or loosened shall not be classified as harvested. However, such acreage may be considered for classification as abandoned acreage pursuant to § 842.2 of this chapter.

(p) "Processor-producer" means a producer who is determined to be also a processor. A producer shall be deemed to be also a processor:

(1) If such producer is directly engaged in the processing of sugarbeets for sugar;

(2) If such producer, whether alone or in conjunction with others controls a person directly engaged in the processing of sugarbeets for sugar, either by stock ownership or otherwise; or

(3) If such producer is controlled, whether through stock ownership or otherwise, by a person directly engaged in the processing of sugarbeets for sugar.

(q) "Cropland" means land suitable for the production of sugarbeets on the farm.

(r) "Crop" means a crop of sugarbeets designated by year as provided in § 891.2

§ 891.2 Designation of crop of sugarbeets by year.

In Southern California (including the counties of Imperial, San Diego, Riverside, Orange, San Bernardino, and that part of Los Angeles County lying south of the San Gabriel Mountains) and in any other State, a crop of sugarbeet shall be designated by year to correspond with the calendar year in which the beets are planted: *Provided,* That in Orange and Riverside Counties, sugarbeets that were planted during the calendar year 1966 and during the period January 1, through January 31, 1967 shall be designated as 1966-crop sugarbeets. For the balance of California, a crop of sugarbeets planted in the interval beginning November 1 of one calendar year through October 31 of the following calendar year shall be designated by year to correspond with such following calendar year. The term "crop year" means the crop designated by year as provided in this section.

§ 891.3 Instructions and forms.

DASCO shall cause to be prepared such forms and internal management instructions as are necessary for carrying out the regulations in this part and regulations hereafter issued. These forms, instruction, and data pertaining to the individual farms are available in the ASCS county office of the county in which the farm headquarters is located, or in the absence of a farm headquarters, in the ASCS county office of the county in which the major portion of the land suitable for the production of sugarbeets on the farm is located. A list of forms prescribed for the conditional payment program in the domestic beet sugar area are set forth in § 891.12.

§ 891.4 Filing application for payment.

(a) *Form to be used.* Applications for payments authorized under title III of the Act with respect to sugar commercially recoverable from sugarbeets grown on a farm, as well as for acreage abandonment and crop deficiency payments, shall be made on Form SU-110.

(b) *Person eligible to apply for payment.* The producer on the farm, or his legal representative, must sign and file

the form in the ASC county office or with a representative of such office for the county in which the farm headquarters is located or, in the absence of a farm headquarters, for the county in which the major portion of land suitable for the production of sugarbeets is located.

(c) *Closing date for filing.* Form SU-110 must be filed with respect to a crop of sugarbeets no later than December 31 of the second calendar year following the year designating such crop.

(d) *Exception to closing date requirement.* An application may be filed after the closing date if the State committee determines that the applicant was prevented from filing by such date because of illness or other reason beyond his control.

(e) *Person eligible to receive payment.* Payment shall be made to a producer of the sugarbeets in accordance with the provisions of section 304(d) of the Act. In the event of the death, disappearance, or incompetency of the producer, payment shall be made to the beneficiary designated in the application for payment by the producer, or if no such beneficiary is named, to the producer's legal representative or his heirs as determined by the county committee.

(f) *Assignments.* Sugar Act payments may not be assigned.

(g) *Receivers.* A Sugar Act payment may not be made to a receiver.

§ 891.5 Compliance with child labor provisions of the Act.

(a) *Applicability.* As a condition for payment under the Act, and except for a member of the immediate family of a person who was the legal owner of not less than 40 percent of the crop at the time work was performed, no child under the age of 14 shall have been employed or permitted to work on the farm, whether for gain to such child or any person, in the production, cultivation or harvesting of a crop of sugarbeets with respect to which application for payment is made, nor be so employed or permitted to work for a longer period than 8 hours in any 1 day if between the ages of 14 and 16.

(b) *Deduction for non-compliance.* Payment authorized under the Act may be made notwithstanding a failure to comply with the conditions set forth in pargraph (a) of this section, but the payments made with respect to any crop shall be subject to a deduction of $10 for each child for each day, or a portion of a day, during which such child was employed or permited to work contrary to the provisions of this section.

(c) *Proof of age.* The operator of a farm upon which a child is found, by a representative of the ASCS county or ASCS State office or county or State committee to have worked or to be working in the production, cultivation or harvesting of a crop of sugarbeets, shall be required upon request of the representative to furnish proof of age of the child if such child is not a member of the immediate family of a person owning at least 40 percent of the crop of sugarbeets at the time such work was performed. Proof of age may be established by (1) an age certification issued pursuant to any child labor program carried out under State or Federal supervision or other authorized personnel such as a school superintendent or principal, (2) a birth certificate or transcript thereof, (3) a baptismal certificate showing the date of birth, (4) a passport, (5) an insurance policy, or (6) a Bible record.

(d) *Proving child member of producer's immediate family.* If it is alleged that the child is a member of the immediate family of a person who owns such 40 percent of a crop, such person or the operator of the farm must establish such relationship to the satisfaction of the representative of the ASCS county or ASCS State office or county or State committee. "Member of the immediate family" is deemed to include children who constitute the household of a person when such person is responsible for and provides the support of such children either as parent or in place of the parent.

(e) *Checking compliance with child labor provisions.* In accordance with instructions issued by DASCO, the county committee shall determine by random selection the farms in which child labor compliance checks shall be made. The farm operator shall be notified immediately of any violation of these provisions.

§ 891.6 Compliance with other conditions of payment.

All requirements of the Act and the regulations issued pursuant thereto with respect to wage rates, farm proportionate shares (if in effect) and in case of a processor-producer, prices paid for sugarbeets shall be met.

§ 891.7 Determination of eligibility and basis for payment, review and changes in determination and appeals for review thereof.

The finality provisions of section 306 of the Act apply to determinations made in conformity with the regulations in this § 891.7. Compliance with the conditions prescribed by the Act and regulations for any payment authorized under title III of the Act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the county committee, any such determination to be subject to redetermination initiated by the county committee and to review initiated by the State committee and to approval or redetermination by the State committee. Any determination by the State committee shall be subject to redetermination initiated by the State committee and to review initiated by the Deputy Administrator and to approval or redetermination by the Deputy Administrator. Determinations and redeterminations by the county committee, the State committee or the Deputy Administrator shall be made and decided in accordance with the applicable provisions of the Act and regulations issued by the Secretary thereunder and on the facts in the individual case. The producers on the farm with respect to which such a determination or redetermination is made shall be promptly notified in writing of the substance and meaning of the determination or redetermination, the amounts of any payments and any reduction in payments which are determined; and that the producer may obtain reconsideration or review of the determination or redetermination and an informal hearing in connection therewith, by filing a written request within fifteen days from the date of mailing of such written notification. The written notification also shall state where the request for reconsideration or review should be filed and where further information in regard to appeal procedure and the hearing may be obtained. The provisions apprising producers of their rights to request reconsideration or appeal from determinations affecting their eligibility for or the amount of payments under the Act, and the procedure to follow in such instances including time limitations for filing requests for reconsideration and appeals are contained in Part 780 of this title. The procedures applicable to claims for unpaid wages are provided for under regulations pertaining thereto, as issued by the Secretary, and contained in Part 862 of this chapter.

§ 891.8 Obtaining information regarding eligibility for payment.

Where it is necessary to obtain information to assist the county committee in determining compliance with the conditions prescribed by the Act and regulations for any payment authorized under title III of the Act, the facts constituting the basis for any such payment or the amount thereof, or to assist the State committee or the Deputy Administrator in reviewing upon appeal, or upon their own initiative, any such determination by the county committee, any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of this title, as amended. In the absence of a provision in such Part 718 for obtaining any such information, any employee of the ASCS county office or employees of the ASCS State office designated respectively by the county office manager or by the State Executive Director to be qualified to perform such a duty may obtain such information.

§ 891.9 Conditions of payment not met where producer prevents obtaining information.

If the producer, or his representative, on any farm with respect to which application is made for any payment authorized under title III of the Act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis of any such payment or the amount thereof, the conditions prescribed by the Act and regulations for any such payment shall be deemed not to have been met until such producer or his representative permits such information to be obtained.

§ 891.10 Computation of Sugar Act payment.

Payment is made as to each farm, and the amount of payment is scaled down as shown in the following table when the quantity of sugar for which payment may be made as determined from sugarbeets planted on the farm exceeds 7,000 hundredweight. The Sugar Act payment for the amount of commercially recoverable sugar determined for a farm shall be computed by the county committee in accordance with the following table:

If the hundredweight of commercially recoverable sugar determined for a farm is:	Multiply it by:	Then add:
1 to 7,000	$0.80	$0.00
7,001 to 14,000	.75	350.00
14,001 to 20,000	.70	1,050.00
20,001 to 30,000	.60	3,050.00
30,001 to 60,000	.55	4,550.00
60,001 to 120,000	.525	6,060.00
120,001 to 240,000	.50	9,050.00
240,001 to 600,000	.475	15,050.00
More than 600,000	.30	120,050.00

For example: If the hundredweight of commercially recoverable sugar determined for a farm (Item 16 on Form SU–110) is 13,000 hundredweight, multiply it by $0.75. To that result add $350 to give $10,000, the amount of the payment.

§ 891.11 Credit for planted sugarbeet acreage, prevented acreage and approved released acreage.

For the purpose of compiling sugarbeet production records for use in establishing proportionate shares, when required, and for use in determining normal yields for abandonment and crop deficiency payments, as provided in Part 841 of this chapter, the production record for a subdivision of any farm which is divided shall be credited with its actual planted acreage, approved prevented acreage determined under Part 849 of this chapter and approved acreage eligible for release determined under Part 895 of this chapter if available from records in the ASCS county office. However, if such records are not available in such office, the production records of the subdivisions shall be credited with a pro rata share, respectively, of the planted acreage, approved prevented acreage and approved released acreage of the farm on the basis of the cropland suitable for the production of sugarbeets in each subdivision.

§ 891.12 List of prescribed forms.

Forms prescribed for the conditional payment program in the domestic beet sugar area.

FORM NUMBER AND TITLE

SU–102—Farming Unit Report.
SU–102–B—Child Labor and Wage Claim Report.
SU–102–C—Sugarbeet Prevented Acreage Worksheet.
SU–104—Sugarbeet Record.
SU–104–1—Personal Sugarbeet Record.
SU–107—Sugarbeet Marketing Report.
SU–109–A—Combination Worksheet.
SU–110—Application for Payment.
SU–110–A—Abandonment and Deficiency Area Worksheet.
SU–111—Supplement to Application for Payment.
SU–112—List of Sugarbeet Producers.
SU–113—Farm Operator Check Sheet.
SU–114—Summary of Applications for Payment.
SU–115—Report of Sugarbeet Wages Paid.
SU–134—Daily Wage Record Sheet.
SU–190—Child Labor Compliance Check Sheet.
SU–191—Claim Against Producer for Unpaid Wages.
SU–195—Sugar Act Payment Deductions.

Statement of bases and considerations. To qualify for Sugar Act payments, sugarbeet producers must comply with various general provisions and requirements of the Act, as implemented in determinations issued by the Secretary. In addition, they must file applications for payments, use approved forms, adhere to certain instructions and furnish information regarding eligibility for payment and the basis for payment and in connection with appeals for review thereof. Prior to the 1962 crop, some of these provisions were incorporated in the annual proportionate share regulations. Since proportionate shares are not necessarily required for every crop year, certain of these provisions were incorporated in Part 891.

This action represents a reissuance of of the general provisions, with several additions. Also, some definitions set forth in other regulations, among others the definition of Processor-Producer as stated in 7 CFR 821.1, have been added.

The Department published in the FEDERAL REGISTER of February 9, 1967 (32 F.R. 2708) its intention to issue regulations revising the definition of a farm and defining and interpreting the term farm operator. After reviewing and fully considering the comments that have been received, it has been concluded that no amendment of the definition of a farm should be issued pending further study. However, the definition of "operator" has been expanded by the addition of a provision which makes it possible for a parent to provide financing for his child without the parent being considered as having assumed the risk of the financial loss merely by cosigning a note so that the child could start his own farming enterprise.

Determination of eligibility and basis for payment and appeals for review thereof has been updated to be consistent with regulations governing appeals (Ch. VII, Pt. 780). Further, where a subdivision of a farm occurs, this action spells out the method of crediting sugarbeet acreage to production records of the subdivisions for the purpose of establishing proportionate shares and determining normal yields for abandonment and crop deficiency payments.

Provisions of the Act relating to proportionate shares will be incorporated in the regulations pertaining thereto when it is determined by the Secretary that such shares are required.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

Effective date: The 20th day after date of publication.

Signed at Washington, D.C., on May 24, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67–6046; Filed, May 29, 1967; 8:52 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Prorate Bases and Allotments and Other Reports

Notice was published in the FEDERAL REGISTER issue of May 10, 1967 (32 F.R. 7088), that the Department was giving consideration to proposed amendment of the rules and regulations (7 CFR 907.100 et seq.; Subpart—Rules and Regulations) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was submitted by the Navel Orange Administrative Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that the amendment, as hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations), is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act; and said rules and regulations are hereby amended as follows:

§ 907.110 [Amended]

1. The provisions of § 907.110 *Prorate bases and allotments* are amended by:

(a) Deleting from paragraph (d) that portion of the second sentence which precedes the proviso and inserting in lieu thereof the following: "The quantity so determined shall be deducted during a period of 5 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

(b) Deleting from paragraph (e)(1) that portion which precedes the proviso and inserting in lieu thereof the following: "The prorate bases of handlers shall be adjusted to correct errors, omissions, or inaccuracies, as provided in this part, during a period of 4 consecutive weeks in

all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

2. A new section is added reading as follows:

§ 907.142 Other reports.

Each handler shall make available to the committee's field department representative, upon request, information as to the quantity of oranges which has been harvested from all groves or portions thereof under such handler's control.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 24, 1967.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–6040; Filed, May 29, 1967; 8:51 a.m.]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Prorate Bases and Allotments and Other Reports

Notice was published in the FEDERAL REGISTER issue of May 10, 1967 (32 F.R. 7089), that the Department was giving consideration to proposed amendment of the rules and regulations (7 CFR 908.100 et seq.; Subpart—Rules and Regulations) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was submitted by the Valencia Orange Administrative Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that the amendment, as hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations), is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act; and said rules and regulations are hereby amended as follows:

§ 908.110 [Amended]

1. The provisions of § 908.110 *Prorate bases and allotments* are amended by:

(a) Deleting from paragraph (d) that portion of the second sentence which precedes the proviso and inserting in lieu thereof the following: "The quantity so determined shall be deducted during a period of 4 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

(b) Deleting from paragraph (e)(1) that portion which precedes the proviso and inserting in lieu thereof the following: "The prorate bases of handlers shall be adjusted to correct errors, omissions, or inaccuracies, as provided in this part, during a period of 4 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

2. A new section is added reading as follows:

§ 908.142 Other reports.

Each handler shall make available to the comittee's field department representative, upon request, information as to the quantity of oranges which has been harvested from all groves or portions thereof under such handler's control.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 24, 1967.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–6041; Filed, May 29, 1967; 8:51 a.m.]

[Plum Reg. 3]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 24, 1967.

§ 917.391 Plum Regulation 3.

(a) *Order.* (1) During the period May 31, 1967, through October 31, 1967, no handler shall ship from any shipping point during any day any package or container of Beauty plums, except to the extent otherwise permitted under this paragraph, unless such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack.

(2) During each day of the aforesaid period, any handler may ship from any shipping point a quantity of such plums by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed fifty (50) percent of the number of the same type of packages or containers of such plums shipped by such handler which meet the size requirements of said subparagraph (1) of this paragraph: *Provided,* That all such smaller plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 5 standard pack.

(3) If any handler, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such handler only from such shipping point.

(4) When used herein, "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Fresh Plums and Prunes (§§ 51.1520–1538 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of Section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–6115; Filed, May 29, 1967; 11:18 a.m.]

[Plum Reg. 4]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 24, 1967.

§ 917.392 Plum Regulation 4.

(a) *Order.* (1) During the period May 31, 1967, through October 31, 1967, no handler shall ship any package or container of Burmosa, El Dorado, Mariposa, Red Roy, Laroda, Ace, Elephant Heart, Sharkey, July Santa Rosa, or Grand Rosa plums unless such plums are of a size that, when packed in a standard basket, they will pack at least a 3 x 4 x 5 standard pack.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Fresh Plums and Prunes (§§ 51.1520–1538 of this title), "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specificd, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–6116; Filed, May 27, 1967; 11:18 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Producer Representation on Raisin Advisory Board and Raisin Administrative Committee

Notice was published in the April 28, 1967, issue of the FEDERAL REGISTER (32 F.R. 6578) regarding a proposal to amend Subpart—Administrative Rules and regulations so as to allocate the producer representation on the Raisin Advisory Board and the Raisin Administrative Committee among districts or groups of districts. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted.

The purpose of this amendment is to provide that, commencing with the nominations and selections in 1968, the 35 producer members of the Raisin Advisory Board be reallocated, on a specific basis (i.e., raisin production), among the 21 districts described in § 989.96; also, that the eight producer members of the Raisin Administrative Committee be allocated, on the same basis, among three groups of such districts. The allocations are to be reviewed every 5 years, and changes made as necessary to maintain the allocations on the basis prescribed.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Raisin Administrative Committee, and other available information, it is found that the amendment, as hereinafter set forth, of the Subpart—Administrative Rules and Regulations, is in accordance with this part and will tend to effectuate the declared policy of the act.

Therefore, Subpart — Administrative Rules and Regulations (7 CFR 989.101 to 989.176) is amended by adding the following new sections:

RAISIN ADVISORY BOARD

§ 989.126 Producer representation on Raisin Advisory Board.

(a) Commencing with the term of office beginning May 1, 1968, apportionment of the 35 producer members of the Raisin Advisory Board among the 21 districts (as designated in § 989.96 *Exhibit A*) shall be as provided in this section.

(b) Each district shall have one producer member for each quantity of raisins produced therein from 1966 crop grapes that represents, as nearly as possible, one thirty-fifth of the total tonnage of raisins produced in all districts from 1966 crop grapes: *Provided*, That each district shall have at least one member. The producer representation on the board shall be reviewed every 5 years after 1968 and any necessary changes

made to continue such producer member representation on the basis of one thirty-fifth of the total tonnage of raisins produced. The raisin production to be used in each review or change shall be that of the then preceding crop year.

(c) Whenever any change in 1968, or in a subsequent year, causes a reduction in the number of producer members to represent a particular district in the ensuing term of office, the appointment theretofore made of all incumbent producer members representing that district shall be terminated. The reduced number of such members, and the new members for districts gaining representation, shall be nominated and selected, consistent with § 989.28(a), for the ensuing term of office.

RAISIN ADMINISTRATIVE COMMITTEE

§ 989.139 Producer representation on Raisin Administrative Committee.

(a) As used in this section, the term "group of districts" means any one of the following:

(1) "Group I districts" means Districts Nos. 1 through 15, as designated in § 989.96 *Exhibit A*.

(2) "Group II districts" means Districts Nos. 16, 17, and 18, as designated in § 989.96 *Exhibit A*.

(3) "Group III districts" means Districts Nos. 19, 20, and 21, as designated in § 989.96 *Exhibit A*.

(b) Commencing with the term of office beginning June 1, 1968, apportionment of the eight producer members of the Raisin Administrative Committee among the three groups of districts shall be as provided in this section.

(c) Each group of districts shall have one producer member for each quantity of raisins produced in such districts from 1966 crop grapes that represents, as nearly as possible, one-eighth of the total tonnage of raisins produced in all districts from 1966 crop grapes: *Provided,* That each group of districts shall have at least one member. The producer representation on the committee shall be reviewed every 5 years after 1968 and any necessary changes made to continue such producer member representation on the basis of one-eighth of the total tonnage of raisins produced. The raisin production to be used in such review or change shall be that of the then preceding crop year.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated May 24, 1967, to become effective 30 days after publication in the FEDERAL REGISTER.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–6042; Filed, May 29, 1967; 8:52 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 2]

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Amending Order

§ 1002.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings, and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is hereby found and determined that good cause exists for making this order effective as provided herein, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C. 553(d) (1966).)

(2) The nature of the change in Class I prices contemplated herein should affect producer returns beginning with milk delivered in June 1967. In order that dairy farmers may make necessary production plans for the immediate future, this order must be issued without delay. It is likewise necessary that milk handlers know promptly and with certainty the basis upon which the Class I prices which they will pay are to be determined.

(3) The decision of the Assistant Secretary containing all the provisions of this order was issued April 25, 1967. Therefore, the provisions of this order are known to handlers. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers.

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended;

(3) The issuance of the order amending the order is favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New York-New Jersey marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended and as hereby further amended, as follows:

In § 1002.40, the introductory text of paragraph (a) and subparagraph (1) thereunder are revised to read as follows:

§ 1002.40 Class prices.

* * * * *

(a) For Class I–A milk the price during each month shall be a price computed pursuant to subparagraphs (1) through (11) of this paragraph, plus 20 cents through April 1968.

(1) Divide (with the result expressed to three decimal places) the monthly wholesale price index for all commodities in the second preceding month as reported by the Bureau of Labor Statistics, United States Department of Labor, by the average of the monthly indexes reported on the same base for the year 1955: *Provided,* That from the effective date of this amendment through April 1968, the result computed pursuant to this subparagraph shall not be less than 117.596.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: June 1, 1967.

Signed at Washington, D.C., on May 25, 1967.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 67–5985; Filed, May 29, 1967; 8:47 a.m.]

[Milk Order 63]

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area (7 CFR Part 1063), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of May through August 31, 1967: In § 1063.10(a) the provision "(except plants)".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will permit the inclusion of Class I milk disposed of on routes to plants in the volume of Class I milk which must be disposed of from a distributing plant to qualify as a pool plant.

Termination of this provision was requested by a handler who operates a distributing plant which packages Class a program to acquaint independent such products to other plants. Unless this provision is suspended the handler may not meet the requirements for pool status of this plant during May through August 1967. The cooperative association of producers, which is the handler's principal supplier, has also requested the suspension.

Since this plant and these producers are primarily engaged in supplying the fluid milk product requirements of the Quad Cities-Dubuque market the plant should be permitted to retain pool status until the provisions regarding pooling requirements of distributing plants can be considered at a hearing and any necessary amendments issued. Accordingly, this suspension order should be made effective for the months of May through August 1967.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (32 F.R. 7460). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective May 1, 1967.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period May 1, 1967, through August 31, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 1, 1967.

Signed at Washington, D. C., on May 25, 1967.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 67-6043; Filed, May 29, 1967; 8:52 a.m.]

[Milk Orders 106, 126]

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Oklahoma Metropolitan and North Texas marketing areas (7 CFR Parts 1106 and 1126), it is hereby found and determined that:

(a) The following provisions of the orders no longer tend to effectuate the declared policy of the Act for the months of June and July 1967:

(1) In § 1106.51(a) of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area, the last sentence of the introductory text reading as follows: "To this price add or subtract a 'supply-demand adjustment' of not more than 50 cents, computed as follows:" and subparagraphs (1), (2), and (3).

(2) In § 1126.51(a) of the order regulating the handling of milk in the North Texas marketing area, that portion of the last sentence of the introductory text reading as follows: "and subject to a supply-demand adjustment of not more than 50 cents computed as follows:" and subparagraphs (1), (2), (3), (4), (5), and (6).

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will continue for the months of June and July 1967 the elimination of the effect of supply-demand adjustors in the Oklahoma Metropolitan and North Texas orders that was provided for January through March 1967 by amendment issued December 28, 1966, on the basis of a public hearing held November 9, 1966, and for April and May 1967 by suspension orders that were issued March 23 and April 26, 1967.

(4) This suspension action was requested by both producers and handlers at a public hearing held May 15, 1967, at Oklahoma City, Okla. At the hearing, witnesses testified that emergency action in the form of a suspension order is necessary to maintain orderly marketing conditions pending the time when an amended order can be issued. No testimony was offered in opposition to this request. The period from the close of the hearing through May 31, 1967 was allowed for filing briefs. It is expected that the time required for analysis of data in the record, preparation and issuance of recommended and final decisions and amendment of the order cannot be completed so that an amended order could be effective for the month of July.

Therefore, in view of the foregoing reasons, good cause exists for making this order effective June 1, 1967.

It is therefore ordered, That the aforesaid provisions of the orders are hereby suspended for the period June 1, 1967 through July 31, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: June 1, 1967.

Signed at Washington, D.C., on May 25, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-5984; Filed, May 29, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs.; Rev. 1, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for 1964 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 31 F.R. 5941 and containing the General Regulations and related commodities is hereby amended as follows:

1. The table of contents is amended

Sec.
1421.78 Forms.

to add a new § 1421.79 which reads as follows:

2. In § 1421.67, paragraph (a) is amended to add additional conditions to be considered by ASC State and county committees in determining the percentage of the estimated quantity eligible for loan; a new paragraph (d) is added to include provisions for transfer of farm storage loans to warehouse storage loans in emergency situations. The amended paragraph and the new paragraph (d) read as follows:

§ 1421.67 Farm-storage loans.

(a) *Quantity for loan.* Farm storage loans shall not be made on more than a percentage (herein called the "loan percentage"), as determined by the State committee, of the estimated quantity of the eligible commodity stored in approved farm storage and covered by the

chattel mortgage. The maximum loan percentage shall be 85 percent in the case of ear corn and 90 percent in the case of all other commodities. The State committee shall determine the loan percentage each year for each commodity on a Statewide basis or for specified areas within the State. Prior to the establishment of a loan percentage, the State committee shall consider conditions in the State or areas, within a State to determine if the loan percentage should be below the maximum loan percentage in order to provide CCC with the adequate protection. Loan percentage previously determined shall be lowered if warranted by changed conditions but new loan percentages shall apply only to new loans and not to loans already made. Factors to be considered by the State committee in determining the loan percentage are: (1) General crop conditions, (2) factors affecting quality peculiar to an area or State, and (3) climatic conditions affecting storability. The loan percentage established by the State committee may be lowered by the county committee on an individual farm or producer basis when determined to be necessary in order to provide CCC with adequate protection. Factors to be considered by the county committee are: (i) Condition or suitability of the storage structure, (ii) condition of the commodity, (iii) hazardous location of the storage structure, such as a location which exposes the structure to danger of flood, fire, and theft (when the percentage is lowered for one or more of these hazards, the producer shall be notified in writing that CCC will not assume any loss or damage to the loan collateral resulting from the particular hazards to which the structure was exposed), (iv) disagreement on the estimated quantity, (v) producers who have been approved under § 1421.52 (d) and, (vi) for other reasons peculiar to individual farms or producers as reported by the commodity loan inspector or as known to the county office which relate to the preservation or safety of the loan collateral.

* * * * *

(d) *Transfer from farm storage loan to warehouse loan.* Upon request in writing by the producer, the county committee may approve the conversion of a farm storage loan into a warehouse storage loan in emergency situations, such as insect infestation that cannot be controlled, danger of flood, damage to the storage structure and loss of control of the storage structure. Transfer to warehouse storage of part of a bin or crib shall not be permitted. Liquidation of the farm storage loan shall be made through the pledge of warehouse receipts for the commodity placed under warehouse storage loan and the immediate payment by the producer of the amount by which the warehouse storage loan is less than the farm storage loan plus interest. Any amounts due the producer shall be disbursed by the county office.

3. In § 1421.72, paragraph (f) is amended to change the heading and add provisions for handling deliveries by trackloading and reads as follows:

§ 1421.72 **Settlement.**

* * * * *

(f) *Trackloading*—(1) *Delivery.* Producers may request trackloading where approved warehouse space is not available locally or where the county office determines that it would be to the benefit of CCC. Where local weighing facilities are not available or when requested by producers, destination weights may be used for settlement purposes. All producers loading in the same car must sign an agreement stating the percentage share of the total quantity to be credited to each. When requested by producers prior to delivery of the commodity, settlement may be made on the basis of destination grades. A grade determination for a car shall be applied to the entire quantity of a commodity loaded into the same car, irrespective of the grade or quality of a commodity loaded into the car by any producer.

(2) *Payments.* A trackloading payment of 3 cents per bushel (or 6 cents per hundredweight in the case of grain sorghum and dry edible beans) shall be made to the producer on an eligible commodity delivered to CCC on track at a country point.

* * * * * *

5. Section 1421.79 is added to read as follows:

§ 1421.79 **Forms.**

The following forms shall be used in connection with the price support program. Form CCC–677, Farm Storage Note, Chattel Mortgage, and Security Agreement; Form CCC–678, Warehouse Storage Note and Security Agreement; Form CCC–679, Lien Waiver; Form CCC–681, Authorization for Removal of Farm Stored Collateral; Form CCC–687–1, Approval to Move Loan Collateral; Form CCC–691, Commodity Delivery Notice; and Form CCC–692, Settlement Statement. These forms may be obtained in ASCS State and county offices.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 24, 1967.

E. A. JAENKE,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67–5982; Filed, May 29, 1967; 8:47 a.m.]

[Honey Price Support Regs. for 1966 and Subsequent Crops; Amdt. 2]

PART 1434—HONEY

Subpart—Honey Price Support Regulations

DETERMINATION OF QUALITY AND SUPPORT RATES

The regulations issued by the Commodity Credit Corporation, published in 31 F.R. 6257 and setting forth the requirements with respect to price support for the 1966 and each subsequent crop of extracted honey for which a price support program is authorized, are hereby amended as follows:

1. Paragraph (a) of § 1434.99 is amended to add the quality of warehouse stored honey which may be placed under loan and reads as follows:

§ 1434.99 **Determination of quality.**

(a) *Quality for loan*—(1) *Farm storage.* Loans on farm-stored honey will be made on the basis of the floral source, color and class (table or nontable) of the honey as declared by the producer and certified on the Farm Storage Work Sheet at the time the honey is placed under loan.

(2) *Warehouse storage.* Loans on warehouse-stored honey will be made on the basis of the floral source and color of the honey as shown on the Extracted Honey Inspection and Weight Certificate accompanying the warehouse receipt representing such honey.

* * * * *

2. Section 1434.111 is amended to redesignate existing paragraph (b) to (c) and paragraph (c) to (d) and to add a paragraph (b) which reads as follows:

§ 1434.111 **Support rates.**

* * * * *

(b) *Substandard*—(1) *Defects and moisture.* The support rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects or moisture or a combination of defects and moisture shall be adjusted by the following discounts:

Substandard account of:	*Discount cents per pound*
Defects	1
Moisture	2
Defects and moisture	3

(2) *Objectionable flavor, fermentation, or caramelization.* The settlement value for a lot of honey delivered under loan or for purchase which grades substandard on account of objectionable flavor, fermentation, or caramelization shall be the lower of its market value as determined by CCC or a value determined on the basis of the support rate for nontable honey.

* * * * *

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 24, 1967.

E. A. JAENKE,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67–5983; Filed, May 29, 1967; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Prohibition of Movement of Swine

On February 8, 1967, there was published in the FEDERAL REGISTER (32 F.R.

2643) a notice of proposed amendments of Part 76, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126; 134–134h), said Part 76 is hereby amended in the following respects:

1. Sections 76.2 (f) and (g) are amended to read:

§ 76.2 Notices relating to existence of hog cholera; prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are hereby designated as hog cholera eradication States: Florida, Oregon, Washington, Wisconsin, and Wyoming.

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are hereby designated as hog cholera free States: Alaska, Idaho, Michigan, Montana, Nevada, Utah, and Vermont.

2. Paragraphs (b) and (c) of § 76.6 are amended and paragraph (d) is deleted to read:

§ 76.6 Interstate movement of swine affected with or exposed to hog cholera prohibited except as provided.

* * * * *

(b) No swine known to be, or suspected of being, exposed to hog cholera shall be moved interstate except as provided in paragraph (c) of this section or in § 76.11 or § 76.13.

(c) Swine known to be, or suspected of being, exposed to hog cholera may be moved interstate for immediate slaughter from a State which is cooperating in the eradication of hog cholera by complete and prompt depopulation of all swine on infected premises, other than a State listed in § 76.2 (f) or (g), if:

(1) Such movement does not terminate in a State listed in § 76.2 (f) or (g);

(2) The shipper obtains a permit from the appropriate livestock sanitary official of the State of destination approving the movement of such swine into that State and said permit accompanies the interstate movement of such swine;

(3) Such swine are examined immediately prior to loading for interstate shipment by a veterinarian employed by the appropriate State or Federal agency and no clinical evidence of hog cholera is found;

(4) Such interstate shipment is continuous and accomplished in the same vehicle in which movement of such swine commenced;

(5) Such swine do not come in contact with other swine en route to their destination;

(6) Such swine are moved interstate in accordance with provisions of this section for immediate slaughter at an establishment designated by the Director of the Division to slaughter specific shipments of exposed swine; and

(7) Such swine are moved interstate in vehicles which have been sealed with seals of the Department; and such seals are not removed or broken except by inspectors employed by the Consumer and Marketing Service or other persons authorized by the Director of the Division: *Provided, however,* That such sealing of vehicles shall not be required when an inspector employed by the Division accompanies such swine interstate: *And provided further,* That the Director of the Division may waive the requirements of this subparagraph to the extent he may deem warranted, if said Director determines that any or all such requirements are not necessary to prevent the hazard of a spread of hog cholera under particular circumstances.

(d) [Deleted]

The primary purposes of these amendments are to (1) under § 76.2(f) add the State of Florida to, and remove the States of Idaho and Michigan from, the list of designated hog cholera eradication States; (2) under § 76.2(g) add the States of Idaho and Michigan to the list of hog cholera free States; (3) in § 76.6 (b) and (c) add provisions to facilitate the interstate movement of swine exposed to hog cholera from a State that is not an eradication or free State listed in 9 CFR § 76.2 (f) or (g), but is cooperating with this Department in efforts to eradicate hog cholera. The amendment of § 76.6 provides a means for salvaging the meat from exposed marketable swine from infected herds in such States, thereby eliminating foci of infection as well as reducing indemnity costs.

The foregoing amendments are the same as the proposals set forth in the notice of rule making except that the amendments to §§ 76.2 (f) and (g) have been added. The amendments relieve certain restrictions presently imposed and impose certain other restrictions under the regulations on the interstate movement of swine. To the extent that the amendments relieve restrictions they should be made effective as soon as possible so as to be of the greatest benefit to the persons affected thereby. To the extent that the amendments impose restriction, such restrictions are deemed necessary to prevent the dissemination of hog cholera and to facilitate the hog cholera eradication program and therefore such amendments should be made effective promptly in order to fully accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, sec. 3, 76 Stat. 130; 21 U.S.C. 111–113, 114g, 120, 125, 134b. 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of May 1967.

F. J. MULHERN,
Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 67–5980; Filed, May 29, 1967; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34–8066]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Foreign Securities

The Securities and Exchange Commission today announced the adoption of Rules 3b–4 (17 CFR 240.3b–4), 12g3–2 (17 CFR 240.12g3–2), 13a–16 (17 CFR 240.13a–16), and 15d–16 (17 CFR 240.15d–16), and amendments to Rules 13a–11 (17 CFR 240.13a–11) and 15d–11 (17 CFR 240.15d–11), under the Securities Exchange Act of 1934 (the Act). These rules, together with the forms adopted today, are primarily designed to implement the provisions of the Securities Acts Amendments of 1964 applicable to foreign issuers whose securities are traded in the over-the-counter market.

Background of adopted rules. The Securities Act Amendments of 1964 extended to investors in many publicly held securities traded in the over-the-counter market the same fundamental disclosure protections which the Act formerly afforded only to investors in companies whose securities were listed on a national securities exchange. Section 12(g) of the Act, added by these amendments, requires a company to register a class of its equity securities with the Commission if the company is engaged in interstate commerce or in a business affecting interstate commerce or its securities are traded by use of the mails or any means or instrumentality of interstate commerce and if:

(a) The company at fiscal year end has total assets in excess of $1 million; and

(b) Such class of equity securities is held of record by 500 or more persons.

Although Section 12(g) applies to securities of both domestic and foreign companies, the Commission is authorized to grant complete or partial exemptions for foreign securities if it concludes that such exemptions are in the public interest and consistent with the protection of investors.

To determine how best to apply the Exchange Act to foreign issuers so as to assure that American investors would have available adequate information about such issuers, the Commission made an extensive study of the disclosure and reporting requirements and practices in many of the countries whose issuers have securities traded in the United States, and the requirements of many leading foreign stock exchanges. The Commission also consulted with representatives of American brokers, dealers, financial analysts, the principal banks issuing American Depositary Receipts (ADR's) and other persons who are interested in foreign securities, and received recommendations from interested domestic and foreign groups. During this study, the Commission exempted until November 30, 1965, all securities of foreign companies and certificates of deposit therefor.

After completing this initial study, the Commission, in November, 1965, published for comment proposals including rules and forms to be applicable to foreign companies subject to section 12(g) (see Release No. 34–7746, 30 F.R. 14737, Nov. 27, 1965; Release No. 34–7747, 30 F.R. 14743, Nov. 27, 1965; Release No. 34–7748, 30 F.R. 14745, Nov. 27, 1965; Release No. 34–7749, 30 F.R. 14747, Nov. 27, 1965). The published proposals also included certain revisions of the rules and forms governing foreign companies whose securities are registered on a national securities exchange and those filing reports pursuant to section 15(d) of the Act because of a public offering of their securities in this country. These proposals centered upon provisions for the furnishing of certain information made public abroad as an additional requirement for foreign companies already reporting and as the primary requirement for companies required to register securities for the first time under section 12(g).

The Commission received many comments on these proposals. After careful consideration of these comments, and after further discussion with interested persons and groups, the Commission decided not to adopt the proposals at that time, but rather to extend the temporary exemption for foreign issuers from section 12(g) until November 30, 1966 (see Release No. 34–7867, 31 F.R. 6706, May 5, 1966). Because registration of securities under section 12(g) is not required until 120 days after the end of the issuer's fiscal year, this extension meant that companies whose fiscal year ended December 31 would not have to register their securities until April 30, 1967.

The Commission also asked those foreign issuers which it had reason to believe would have been subject to the Act, had the rules been adopted, to furnish to the Commission certain information which they made public abroad, as the basis for further study. Most of the issuers to whom the Commission wrote responded to its request for information. After careful examination of this material, the Commission has decided to revise its original proposals. During its first study, the Commission noted the improvement in the reporting of financial information by foreign issuers, resulting from changes in foreign corporate laws, stock exchange requirements, and voluntary disclosure by the companies themselves. Examination of material furnished by foreign companies has reenforced the Commission's initial conclusions as to the quality of the information. The Commission has determined that the continuing improvement in the quality of the information now being made public by foreign issuers, together with the improvement which may reasonably be expected to result from recent changes and current proposals for change in relevant requirements, warrants the provision of an exemption from section 12(g) for those foreign companies which have not sought a public market for their securities in the United States through public offering or stock exchange listing, and which furnish the Commission certain information which they publish abroad pursuant to law or stock exchange requirement or which they send to their security holders.

The Commission has decided not to adopt at the present time special rules applicable to brokers and dealers who deal in foreign securities. The Commission does wish, however, to call to the attention of brokers, dealers and investors the fact that information concerning certain foreign issuers may not be available in the United States. Accordingly, the Commission will issue lists from time to time showing which foreign issuers have registered securities under section 12(g), which issuers have obtained exemptions by the provision of information in the manner noted, and those which have done neither—that is, failed to furnish any information to the Commission for public inspection. The Commission issued one such list on August 10, 1965 (Release No. 34–7934), showing which issuers had furnished information voluntarily to the Commission and which had not. While no sanction will attach to any broker or dealer by reason of its transactions in the securities of an issuer solely because it is listed as neither registered nor exempt, the Commission expects that brokers and dealers will consider this fact in deciding whether they have a reasonable basis for recommending these securities to customers. The Commission will review on a continuing basis activity in the market for foreign securities to see whether the proposed rules are achieving their purpose and whether further rules are necessary.

Summary of adopted exemptions and registration and reporting requirements. Under the new rules, securities of a foreign company will be exempt from registration under section 12(g) if, notwithstanding that the jurisdictional tests of that section (set forth at the beginning of this release) are met, there are fewer than 300 holders of the class of equity securities resident in the United States. To determine whether an exemption is available, a foreign company should review Rule 12g5–1 (17 CFR 240.12g5–1), which explains how holders of record are to be computed. The only exception to the tests found in that rule as applied to foreign companies is that separate accounts of customers in the United States of brokers, dealers, or banks or nominees for any of them in the United States are to be counted. While the company may rely in good faith on the information provided by such persons after reasonable request, the Commission may make inquiry in certain cases to determine whether an exemption is available.

Foreign companies which have not previously been subject to the reporting requirements of the Act may obtain an exemption from section 12(g) by furnishing to the Commission copies of certain information which they have made public abroad or have sent to their security holders. This information must be furnished on or prior to the date on which a registration statement under section 12(g) would otherwise be required to be filed. The Commission has extended this date until June 30, 1967, for all foreign companies which would have been required to register earlier. In effect, those foreign companies which have been furnishing information to the Commission on a voluntary basis can meet the requirements of the exemption by continuing to furnish such information, and foreign companies which have not previously furnished such information should do so by June 30, 1967. The exemptive rule also requires that the information made available pursuant to requirements within their country by companies in either category be submitted to the Commission together with a notification that such information is being furnished in order to obtain the exemption. The rule provides that the above material may be furnished by the issuer or by a Government official or agency of the issuer's country, but the responsibility for satisfying the conditions of the exemption remains with the issuer.

The adopted rules make no distinction between North American and Cuban companies which have not actively sought a public market for their securities in the United States and other foreign companies in this category. All such companies may avail themselves of the exemption from section 12(g) by furnishing information which they make public abroad or transmit to their security holders. Such companies are exempted from the proxy rules and insider reporting and trading regulations.

Foreign companies having previous reporting obligations arising from the listing of securities on a U.S. securities exchange or from public offering of their securities in the United States are exempted from section 12(g) for the duration of such prior obligation. Registration of a class of securities under section 12(g) would not affect the reporting requirements of these companies or subject them to any further provision of the Act. Accordingly, this exemption serves only to eliminate unnecessary filings. This exemption is not available, however, to companies which are essentially U.S. companies or to North American or Cuban companies with securities listed on a U.S. securities exchange. These latter companies are subject to the provisions of sections 14 and 16 of the Act governing proxy solicitations and insider reporting and short-term trading with respect to their listed securities.

Registration under section 12(g) will result in the proxy provisions being applicable to any securities so registered and the short-term trading provisions being applicable to 10 percent holders of such securities.

American Depositary Receipts for the securities of any foreign company are also exempted from registration under section 12(g) of the Act. These ADR's are exempt because their registration by the issuer of the receipt would provide investors with no significant information concerning the deposited securities. Moreover, if there are enough ADR holders to require registration of the ADR's and the issuer of the deposited securities meets the jurisdictional tests of the section, the deposited securities should be registered.

Under the adopted rules, foreign companies, other than North American or Cuban companies, registering securities on a national securities exchange pursuant to section 12(b) of the Act will henceforth use Form 20 (17 CFR 249.220), regardless of the nature of such securities. Form 21 (17 CFR 249.221), previously authorized for the registration of bonds of foreign companies, is repealed, but companies with securities registered on that form need not register such securities. Companies whose securities are registered on either Form 20 or 21 will hereafter use Form 20–K (17 CFR 249.320) for their annual reports. In addition, all such companies are required to furnish reports on new Form 6–K (17 CFR 249.306), supplying certain information, documents, and reports which they are required to make public abroad or which they transmit to their security holders. Reports on Form 6–K are not deemed to be "filed" with the Commission for the purpose of the liabilities of section 18 of the Act. North American and Cuban companies registering securities pursuant to section 12(b) of the Act will continue to use Form 10 (17 CFR 249.210) and to file annual reports on Form 10–K (17 CFR 249.310) and interim reports on Forms 8–K (17 CFR 249.308) and 9–K (17 CFR 249.309). Foreign companies reporting pursuant to section 15(d) of the Act will file the same reports indicated above for their compatriot listed companies. The reporting requirements of Philippine companies under section 15(d) have been revised to require these companies to file reports on Form 6–K, rather than current reports on Form 8–K, reconciling those requirements with those applicable to Philippine companies with securities registered on a national securities exchange pursuant to section 12(b).

For the convenience of foreign companies which are subject to section 12(g), the following is a more complete statement of the exemptive provisions, registration and reporting requirements, and other regulations applicable to such companies.

Foreign issuers which have no reporting obligations arising from a public offering of securities under the Securities Act of 1933 or from the listing of securities on a national securities exchange. Companies in this category may obtain an exemption from section 12(g) by furnishing to the Commission certain specified information which the company, during its fiscal year, was required to make public abroad or transmitted to its security holders. The exemption will continue so long as all such information continues to be furnished promptly after it is made public or sent to security holders. The required information may be furnished either by the issuer or by a Government official or agency of the issuer's country. Issuers exempt under this provision are not required to file reports pursuant to section 13 of the Act. The Commission understands that in some countries corporations are required to file many documents with governmental agencies which are available for public inspection. These documents would technically be required to be furnished under the "made public" test of the rule. The Commission wishes, however, to receive only information of material interest to investors, and the rule sets forth several examples of such information. If the information is available only in a foreign language, the company need not furnish an English translation, but if a translation or a substantially equivalent English version has been prepared by or for the company, such translation or version should be furnished in lieu of the information in the original language. Only one copy of the information need be furnished, and such information will not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act. The company, by furnishing information under the exemptive provisions of the rule, does not admit that it is subject to the Act.

Should a company in this category elect to register its securities rather than to qualify for the above-described exemption, it will use Form 20. In this case the company will file annual reports on Form 20–K and furnish, in reports on new Form 6–K, certain interim information which it makes public abroad or transmits to its security holders. Interim material furnished on Form 6–K will not be deemed to be "filed" with the Commission for the purposes of section 18 of the Act or otherwise subject to the liabilities of that section.

These companies, whether exempt from section 12(g) or having securities registered under that section, will be exempt from the Commission's rules under section 14 of the Act governing proxy solicitations and the furnishing of information statements, and their directors, officers, and principal stockholders will be exempt from the reporting and short-term trading regulation of section 16 of the Act.

Foreign companies required to file reports because they have made a public offering of securities in the United States. These companies will be exempt from registration under section 12(g) so long as they are subject to their present reporting requirements. The exemption ceases if the reporting obligation is suspended. If the prior reporting obligation is suspended because the class of securities which was publicly offered is held by fewer than 300 persons, that class of securities will not meet the criteria for registration under section 12(g), and the company will have to register under that section only if it has another class of securities meeting those criteria. A company which wishes to register voluntarily, or which is required to register because of the termination of its exemption, may use Form 8–A (17 CFR 249.208a), the same simplified form now available to American companies. No distinction has been made between North American and Cuban companies and other foreign companies in this category with respect to registration requirements.

Companies in this category, whether exempt from section 12(g) or having securities registered thereunder, will continue filing the same reports which they now file, and companies other than North American or Cuban companies will, in addition, file interim reports on the new Form 6–K. Companies other than North American or Cuban companies file annual reports on Form 20–K. North American and Cuban companies file annual reports on Form 10–K and interim reports on Forms 8–K and 9–K.

These companies will be exempt from the rules under section 14 of the Act relating to proxy solicitations and information statements and their officers, directors, and principal stockholders will be exempt from the ownership reporting and short-term trading provisions of section 16, whether the company is exempt from section 12(g) or registers securities under that section.

Foreign companies which have registered securities for listing on a U.S. stock exchange. Foreign companies in this category, with the exceptions noted below, will be exempt from section 12(g) of the Act for the duration of their registration of any class of securities on a national securities exchange pursuant to section 12(b). A company which wishes to register voluntarily, or which is required because of the termination of its exemption, may use Form 8–A, the same simplified form now available to American companies. These companies, whether exempt from section 12(g) or

having securities registered under that section, will file annual reports on Form 20–K and interim reports on the new Form 6–K.

Except as noted below, these companies will be exempt from the rules under section 14 of the Act relating to the solicitation of proxies and the sending of information statements, and their directors, officers, and principal stockholders will be exempt from the ownership reporting and insider trading provisions of section 16 of the Act, whether the company is exempt from section 12(g) or has securities registered under that section.

North American and Cuban companies in this category are required to register any additional class of equity securities under section 12(g) if the jurisdictional tests of that section are met and the additional class is held by 300 or more U.S. residents. They are also required to register the class of equity securities now listed should the present listing be terminated and the criteria for 12(g) registration are met. Registration in either case will be on Form 8–A, the simplified form available for use by certain reporting companies. These companies will be required to file annual reports on Form 10–K and interim reports on Forms 8–K and 9–K, the requirements to which these companies are now subject.

North American and Cuban companies will be subject to the rules under section 14 of the Act with respect to the solicitation of proxies from and the furnishing of information statements to U.S. holders of a class of securities registered under section 12(g). They are presently subject to these requirements with respect to their securities listed on a national securities exchange. The officers, directors and principal stockholders of these companies will be subject to the provisions of section 16 of the Act if a class of securities is registered under section 12(g). They are presently subject to these provisions if a class of equity securities is registered on a national securities exchange and registration of an additional class of securities under section 12(g) will serve to extend these provisions to holders of 10 percent of the additional class.

Special provisions for essentially U.S. companies. None of the exemptions noted above, except that for securities held by fewer than 300 persons in the United States, are available to a foreign company if (i) more than 50 percent of its voting securities are held by U.S. residents and (ii) its business is principally administered in the United States or 50 percent of the members of its board of directors are U.S. residents. The registration and reporting requirements of such a company are as stated above with respect to the category into which it falls. These companies will also be subject to the proxy solicitation and ownership reporting and short-term trading regulations under sections 14 and 16 of the Act.

Commission action. Part 240 of Title 17, Chapter II of the Code of Federal Regulations is amended by adding new §§ 240.3b–4, 240.12g3–2, 240.13a–16, and 240.15d–16 to read as set forth below. Sections 240.13a–11 and 240.15d–11 of Title 17 of the Code of Federal Regulations are amended to read as set forth below.

§ 240.3b–4 Definition of "foreign government," "foreign issuer" and "foreign private issuer."

(a) The term "foreign government" means the government of any foreign country or of any political subdivision of a foreign country.

(b) The term "foreign issuer" means any issuer which is a foreign government, a national of any foreign country or a corporation or other organization incorporated or organized under the laws of any foreign country.

(c) The term "foreign private issuer" means any foreign issuer other than a foreign government.

§ 240.12g3–2 Exemptions for American depositary receipts and certain foreign securities.

(a) (1) Securities of any class issued by any foreign issuer shall be exempt from section 12(g) of the Act if the class has fewer than 300 holders resident in the United States. This exemption shall continue until the next fiscal year end at which the issuer has a class of equity securities held by 300 or more persons resident in the United States. For the purpose of determining whether a security is exempt pursuant to this paragraph, securities held of record by persons resident in the United States shall be determined as provided in Rule 12g5–1 (17 CFR 240.12g5–1) except that securities held of record by a broker, dealer, or bank of nominee for any of them in the United States for the accounts of cutomers resident in the United States shall be counted as held in the United States by the number of separate accounts for which the securities are held. The issuer may rely in good faith on information as to the number of such separate accounts supplied by all owners of the class of its securities which are brokers, dealers or banks in the United States or a nominee for any of them.

(2) Registration of any class of security by a foreign issuer pursuant to section 12(g) of the Act shall be terminated 90 days, or such shorter period as the Commission may determine, after the issuer files a certification with the Commission that the number of holders resident in the United States of such class of security is reduced to less than 300 persons. The Commission shall after notice and opportunity for hearing deny termination of registration if it finds that there are 300 or more holders resident in the United States. Termination of registration shall be deferred pending final determination on the question of denial.

(b) (1) Securities of any foreign private issuer shall be exempt from section 12(g) of the Act if the issuer, or a government official or agency of the country of the issuer's domicile or in which it is incorporated or organized,

(i) Shall furnish to the Commission whatever information in each of the following categories the issuer during its last fiscal year (*a*) has made public pursuant to the law of the country of its domicile or in which it is incorporated or organized, (*b*) has filed with a stock exchange on which its securities are traded and which was made public by such exchange, or (c) has distributed to its security holders;

(ii) Shall furnish to the Commission a list identifying the information referred to in subdivision (i) of this subparagraph and stating when and by whom it is required to be made public, filed with any such exchange or distributed to security holders;

(iii) Shall furnish to the Commission, during each subsequent fiscal year, whatever information is made public as described in (*a*), (*b*) or (c) of subdivision (i) of this subparagraph promptly after such information is made public as described therein; and

(iv) Shall, promptly after the end of any fiscal year in which any changes shall occur in the kind of information required to be published as referred to in the list furnished pursuant to subdivision (ii) of this subparagraph or any subsequent list, furnish to the Commission a revised list reflecting such changes.

(2) The information required to be furnished pursuant to subdivisions (i) and (ii) of subparagraph (1) of this paragraph shall be furnished on or before the date on which a registration statement under section 12(g) of the Act would otherwise be required to be filed. Any company furnishing information pursuant to subparagraph (1)(i) of this paragraph shall notify the Commission that it is furnished pursuant to that paragraph.

(3) The information required to be furnished pursuant to subparagraph (1)(i) and (iii) of this paragraph is that about which investors ought reasonably to be informed with respect to the issuer and its subsidiaries concerning: The financial condition or results of operations; changes in business; acquisitions or dispositions of assets; issuance, redemption, or acquisitions of their securities; changes in management or control; the granting of options or the payment of other remuneration to directors or officers; transactions with directors, officers, or principal security holders; and any other information about which investors ought reasonably to be informed.

(4) Only one complete copy of any information or document need be furnished pursuant to subparagraph (1) of this paragraph. If the issuer has prepared or caused to be prepared an English translation or substantially equivalent English version or any information or document which would otherwise be furnished, such translation or version shall be furnished and the information or document in the original language need not be furnished. Such information and documents need not be under cover of any prescribed form and shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act.

(5) The furnishing of any information or document pursuant to this paragraph (b) of this section shall not constitute an admission for any purpose that the issuer is subject to the Act.

(c) American Depositary Receipts for the securities of any foreign issuer shall be exempt from section 12(g) of the Act.

(d) Securities of any foreign private issuer, other than a North American or Cuban issuer, which has any class of securities registered on a national securities exchange pursuant to section 12(b) of the Act or any foreign private issuer which is required to file reports pursuant to section 15(d) of the Act shall be exempt from section 12(g) of the Act.

(e) The exemptions provided by paragraphs (b) and (d) of this section shall not be available for any class of securities if at the end of the last fiscal year of the issuer (1) more than 50 percent of the outstanding voting securities of such issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States and (2) the business of such issuer is administered principally in the United States or 50 percent or more of the members of its Board of Directors are residents of the United States. For the purpose of this paragraph the term "resident," as applied to security holders, shall mean any person whose address appears on the records of the issuer, the voting trustee or the depositary as being located in the United States.

(f) The exemption provided by paragraph (b) of this section shall not be available for securities of any foreign issuer which, on or after May 31, 1967, and within 1 year prior to the date as of which registration of such securities under section 12(g) of the Act is required, has had the same or any other class of securities registered pursuant to section 12 of the Act; nor shall such exemption be available for securities the registration of which under section 12(g) of the Act is required as a result of the termination of an exemption under paragraph (d) of this rule.

§ 240.13a–11 Current reports on Form 8–K (17 CFR 249.308).

* * * * *

(b) This section shall not apply to foreign governments, foreign private issuers required to make reports on Form 6–K (17 CFR 249.306) pursuant to Rule 13a–16 (17 CFR 240.13a–16), issuers of American Depositary Receipts for securities of any foreign issuer, or investment companies required to file quarterly reports pursuant to Rule 13a–12 (17 CFR 240.13a–12).

§ 240.13a–16 Reports of foreign private issuers on Form 6–K (17 CFR 249.306).

(a) Every foreign private issuer which has any class of securities registered pursuant to section 12 of the Act shall make reports on Form 6–K, except that this rule shall not apply to—

(1) Investment companies registered pursuant to the Investment Company Act of 1940;

(2) North American or Cuban issuers (i) which have any class of securities registered pursuant to section 12 of the Act on Form 10 (17 CFR 249.210), or on Form 8–A (17 CFR 249.208a), 8–B (17 CFR 249.208b) or 8–C (17 CFR 249.208c) in lieu of Form 10, or (ii) whose obligation to file reports pursuant to section 15(d) of the Act was suspended as a result of registration of a class of securities under section 12(g) of the Act, or (iii) whose registration of such securities under section 12(g) of the Act was required as a result of termination of the exemption provided by Rule 12g3–2(d) (17 CFR 240.12g3–2(d)); or

(3) Issuers of American Depositary Receipts for securities of any foreign issuer.

(b) Such reports shall be transmitted promptly after the information required by Form 6–K is made public by the issuer, by the country of its domicile or under the laws of which it was incorporated or organized, or by a foreign securities exchange with which the issuer has filed the information.

(c) Reports furnished pursuant to this rule shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act.

§ 240.15d–11 Current reports on Form 8–K (17 CFR 249.308).

* * * * *

(b) This rule shall not apply to foreign governments, foreign private issuers required to make reports on Form 6–K (17 CFR 249.306) pursuant to Rule 15d–16 (17 CFR 240.15d–16), issuers of American depositary receipts for securities of any foreign issuer, or investment companies required to file quarterly reports pursuant to Rule 15d–12 (17 CFR 240.15d–12).

§ 240.15d–16 Reports of foreign private issuers on Form 6–K (17 CFR 249.306).

(a) Every foreign private issuer which is subject to Rule 15d–1 (17 CFR 240.15d–1) shall make reports on Form 6–K, except that this rule shall not apply to:

(1) North American or Cuban issuers;

(2) Investment companies required to file quarterly reports pursuant to Rule 15d–12 (17 CFR 240.15d–12); or

(3) Issuers of American depositary receipts for securities of any foreign issuer.

(b) Such reports shall be transmitted promptly after the information required by Form 6–K is made public by the issuer, by the country of its domicile or under the laws of which it was incorporated or organized or by a foreign securities exchange with which the issuer has filed the information.

(c) Reports furnished pursuant to this rule shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act.

(Secs. 12(g), 13, 15(d), and 23(a); 48 Stat. 892, 894, 895, and 901 as amended; 15 U.S.C. 78*l*, 78n, 78*o*, and 78w)

The foregoing action, which is taken pursuant to the Securities Exchange Act of 1934, particularly sections 12(g), 13, 15(d), and 23(a), shall become effective May 31, 1967, *Provided that*, All foreign issuers who would otherwise be required to file a registration statement under section 12(g) of the Act prior to June 30, 1967, are hereby granted an extension of the time for filing such registration statement until the latter date.

By the Commission, April 28, 1967.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–5970; Filed, May 29, 1967; 8:45 a.m.]

[Release No. 34–8086]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Fees for Fiscal 1967 for Brokers and Dealers Not Members of National Securities Association

On April 10, 1967, in Securities Exchange Act Release No. 8054, and in the FEDERAL REGISTER of April 11, 1967 (32 F.R. 5809), the Securities and Exchange Commission published a proposal to adopt Rule 15b9–1 (17 CFR 240.15b9–1) and to amend Form SECO–4 (17 CFR 249.504) under the Securities Exchange Act of 1934 (15 U.S.C. 78a, et seq.). The Commission has considered the comments and suggestions received, has adopted the rule, and has adopted the related form as a new form instead of as an amended form.

Sections 15(b)(8) and 15(b)(9) under the Securities Exchange Act authorize the Commission to collect such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed with respect to brokers and dealers who are registered with the Commission[1] but are not members of the National Association of Securities Dealers, Inc. ("NASD").[2]

Rule 15b9–1 (17 CFR 240.15b9–1) establishes fees for the fiscal year ending June 30, 1967 for brokers and dealers who are registered with the Commission on June 15, 1967, and who, for more than 45 days between July 1, 1966, and June 15, 1967, are not members of the NASD.

Under the rule, every broker or dealer registered for at least 45 days on June 15, 1967, and who is not a member of the NASD on that date is required to pay the following fees and to file Form SECO–4–67 (17 CFR 249.504a) (the assessment form) on or before June 30, 1967: (1) A base fee of $100 for each nonmember broker or dealer; (2) $5 for each associated person engaged directly or indirectly in securities activities for or on behalf of the broker or dealer at any time

[1] Hereinafter referred to as "registered brokers and dealers."

[2] The NASD is the only such association registered under section 15A of the Securities Exchange Act.

during the period July 1, 1966, to June 15, 1967; and (3) $30 for each office [3] of the broker or dealer open at any time during the fiscal year.

The rule provides that in no case shall any broker or dealer be required to pay more than $15,000 by virtue of factors (1) and (2)—the base fee plus the fee for associated persons indicated above. The fee of $30 for each office may not be included in the computation of the $15,000 maximum.

Registered brokers and dealers who are members of the NASD on June 15, 1967, but who were both registered with the Commission and not members of such association for at least 45 days during the period from July 1, 1966, to June 15, 1967, will be required to pay only half these fees. Brokers and dealers who are registered with the Commission for more than 45 days and who are not members of the NASD on June 15, 1967, are required to pay only half these fees if their registration became effective on or after January 1, 1967.

Rule 15b8–2 [4] (17 CFR 240.15b8–2) requires that brokers and dealers registering with the Commission after August 1, 1966, who do not become members of the NASD within 45 days after the effective date of their registration pay a fee of $150. The same $150 fee is required of firms whose membership in the NASD is terminated after August 1, 1966, and who continue to be registered with the Commission for a period of at least 45 days after such termination of membership. Form SECO–5 (17 CFR 249.505), the initial assessment form, must be filed when this fee is paid.

Rule 15b8–2 (17 CFR 240.15b8–2) also establishes a fee of $25 for each Form SECO–2 (17 CFR 249.502) filed pursuant to Rule 15b8–1 (17 CFR 240.15b8–1) for each associated person for whom a nonmember broker or dealer has not previously filed such a form. This fee must be paid concurrently with the filing of the forms.[5]

The $150 new firm fee and $25 filing fee contained in Rule 15b8–2 (17 CFR 240.15b8–2) have been continued by paragraphs (e) and (f) of Rule 15b9–1 (17 CFR 240.15b9–1). Therefore, all fees applicable to nonmember brokers and dealers are included in the rule.[6]

Rule 15b9–1 (17 CFR 240.15b9–1) imposes an additional fee of $100 upon brokers and dealers who fail to pay any of the fees pursuant to paragraphs (a), (b), (c), or (d) of this rule. This additional fee is to defray the extra administrative costs incurred by the Commission as a result of such failure to comply with the rule.

Finally, Rule 15b9–1 (17 CFR 240.15b9–1) exempts from the fee provisions of paragraphs (a), (b), (c), (d), and (f) of the rule members of a national securities exchange who (1) carry no customer accounts and (2) derive less than $1,000 income from over-the-counter securities transactions. Each such broker or dealer must nevertheless file Form SECO–4–67 (17 CFR 249.504a) as appropriate and indicate therein whether he claims this exemption.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(b)(8), 15(b)(9), and 23(a) thereof, deeming such action necessary and appropriate in the public interest and for the protection of investors and to prescribe reasonable fees pursuant to sections 15(b)(8) and 15(b)(9) for registered brokers and dealers not members of a registered national securities association, and also deeming such action necessary for the execution of the functions vested in the Commission by the Act, hereby adopts Rule 15b9–1 (17 CFR 240.15b9–1) and related Form SECO–4–67 (17 CFR 249.504a) as stated below, effective June 30, 1967.

§ 240.15b9–1 Fees for registered brokers and dealers not members of a registered national securities association for fiscal 1967.

(a) Every broker or dealer registered with the Commission on June 15, 1967 who on such date has been so registered for at least 45 days and is not a member of a registered national securities association shall, on or before June 30, 1967, file Form SECO–4–67 (17 CFR 249.504a) and pay to the Commission a fee for the fiscal year beginning July 1, 1966, and ending June 30, 1967. The total amount of such fee shall be the sum of the following: (1) A base fee of $100; plus (2) $5 for each associated person engaged, directly or indirectly, in securities activities for or on behalf of the broker or dealer at any time between July 1, 1966, and June 15, 1967; plus (3) $30 for each office of the broker or dealer which has been open for business at any time between July 1, 1966, and June 15, 1967.

(b) Every broker or dealer registered with the Commission and a member of a registered national securities association on June 15, 1967 who, for at least 45 days during the period from July 1, 1966, to June 15, 1967, was registered with the Commission and not a member of such an association shall, on or before June 30, 1967, file Form SECO–4–67 (17 CFR 249.504a) and pay to the Commission only half the fee provided for in paragraph (a) above.

(c) Every broker or dealer subject to paragraph (a) of this section whose registration became effective on or after January 1, 1967 shall pay only half the fee provided for in paragraph (a) of this section.

(d) In no case shall the amount payable by any broker or dealer under subparagraphs (1) and (2) of paragraph (a) of this section, taken together, exceed $15,000.

(e) (1) Every broker or dealer who becomes registered as a broker or dealer with the Commission and who does not become a member of a registered national securities association within 45 days after the effective date of such registration shall, within such 45 day period, file Form SECO–5 (17 CFR 249.505) and pay to the Commission a fee of $150.

(2) Every registered broker or dealer whose membership in a registered national securities association is terminated for any reason and who continues to be registered with the Commission for 45 days after such termination of membership shall, within such 45 day period, file Form SECO–5 (17 CFR 249.505) and pay to the Commission a fee of $150.

(f) Every broker or dealer who is registered with the Commission and not a member of a registered national securities association shall pay to the Commission a fee of $25 for each Form SECO–2 (17 CFR 249.502) filed by such broker or dealer pursuant to § 240.15b8–1, *Provided, however,* That this paragraph shall not apply to any Form SECO–2 (17 CFR 249.502) filed for any associated person (1) for whom a Form SECO–2 (17 CFR 249.502) previously had been filed by such broker or dealer, or (2) who confines his securities activities to areas outside the jurisdiction of the United States, and who does not deal with any U.S. resident or national.

(g) Every broker or dealer who fails to pay fees, except those required by paragraphs (e) and (f) of this section, as and when required by this section, shall pay an additional fee of $100 to defray administrative costs incurred by the Commission as a result of such failure.

(h) Any broker or dealer who is a member of a national securities exchange shall not be required to pay the fees pursuant to the foregoing paragraphs (a), (b), (c), (d), and (f) of this section if (1) he carries no accounts of customers, and (2) his annual gross income derived from purchases, sales, and exchanges of securities otherwise than on a national securities exchange is in an amount no greater than $1,000. Each such broker or dealer shall nevertheless file Form SECO–4–67 (17 CFR 249.504a) as required by this section.

(i) No broker or dealer subject to this section shall effect any transaction in,

[3] The term "office" is defined in the rule to mean every place or establishment owned or controlled by a broker or dealer in or from which the broker or dealer engaged in the securities business. A broker or dealer shall be deemed to own or control an office if he pays a substantial portion of the costs thereof, including rent and taxes. The term is not intended to mean the dwelling of an associated person if a broker or dealer does not bear a substantial portion of the cost or expenses of such dwelling. It is intended, however, to include the dwelling of a sole proprietor if he conducts securities business therefrom.

[4] Announced in Securities Exchange Act Release No. 7906 (June 30, 1966) and published in the FEDERAL REGISTER of July 2, 1966 (31 F.R. 9105).

[5] This fee does not apply to Forms SECO–2 (17 CFR 249.502) filed for associated persons who confine their securities activities to areas outside the jurisdiction of the United States and who do not deal with any U.S. residents or nationals.

[6] The reference in Rule 15b8–2 (17 CFR 240.15b8–2) to Forms SECO–2 (17 CFR 249.502) filed after Aug. 1, 1966, and broker-dealer registrations which become effective after that date are obsolete and are eliminated in Rule 15b9–1 (17 CFR 240.15b9–1).

or induce the purchase, sale, or exchange of, any security otherwise than on a national securities exchange unless he has complied with the applicable provisions of this section.

(j) For the purposes of this section:

(1) The term "associated person" shall mean any partner, officer, director, or branch manager of a broker or dealer (or any person occupying a similar status of performing similar functions), or any natural person directly or indirectly controlling or controlled by such broker or dealer (other than employees whose functions are clerical or ministerial), and any broker or dealer conducting business as a sole proprietor.

(2) The term "office" shall mean every place or establishment which is owned or controlled by a broker or dealer in or from which the broker or dealer engages in the securities business.

(Secs. 15(b)(8), 15(b)(9), and 23(a); 78 Stat. 572–3, 48 Stat. 901, as amended, 15 U.S.C. 78o, 78w)

In connection with Rule 15b9–1 (17 CFR 240.15b9–1), Subpart F of Part 249 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding the following § 249.504a:

§ 249.504a Form SECO–4–67, 1967 assessment and information form for registered brokers and dealers not members of a registered national securities association.

(Copies of this form have been filed with the original of this document. Additional copies can be obtained from the Commission's headquarter's office or its regional offices.)

(Secs. 15(b)(8), 15(b)(9), and 23(a); 78 Stat. 572–3, 48 Stat. 901, as amended, 15 U.S.C. 78o, 78w)

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

MAY 29, 1967.

[F.R. Doc. 67–6010; Filed, May 29, 1967; 8:49 a.m.]

[Release No. 34–8068]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Annual Reports of Foreign Private Issues

The Securities and Exchange Commission has adopted an amended Form 20–K (17 CFR 249.320) and has repealed Form 21–K (17 CFR 249.321) under the Securities Exchange Act of 1934. Form 20–K was previously the form for annual reports relating to securities, other than bonds, of foreign private issuers and Form 21–K was the form for annual reports relating to bonds of foreign private issuers. Notice of the proposed action was published November 16, 1965 in Securities Exchange Act Release No. 7748 (see 30 F.R. 14745, Nov. 27, 1965).

The chief purpose of the amendments to Form 20–K is to make that form available for annual reports of all the foreign private issuers, other than certain North American and Cuban issuers, filed pursuant to section 13 or 15(d) of the Act. In view of the extended coverage of Form 20–K, Form 21–K is no longer necessary. Issuers which have heretofore filed annual reports on Form 21–K will hereafter file such reports on Form 20–K. Although Form 21 has also been repealed, issuers who have securities registered on that form will not be required to reregister, but will hereafter file reports on Form 20–K.

Attention is called to Rule 12b–12(d) (17 CFR 240.12b–12(d)) under the Act which provides that annual reports must be in the English language and that any exhibit or other paper or document filed with such reports which is in a foreign language must be accompanied by a translation into the English language.

Only minor changes have been made in Form 20–K as published for comment on November 16, 1965. One of these is an amendment to Item 5 which would call for information in regard to the withholding of taxes from payments of dividends or other payments upon any class of registered securities. Item 8, which called for a description of any foreign exchange controls which are in effect, has been amended to call for a description of any material changes in such controls which have not been reported. In addition, the instructions to financial statements have been amended in certain respects. As proposed, the amended Form 20–K requires the issuer to update the information given in its initial registration statement concerning the aggregate amounts of various benefits which officers and directors receive from the issuer and its subsidiaries. If the issuer has not included such information in its initial registration statement, it will be required in Form 20–K for the first time.

The amended form requires the filing of the financial statements, schedules, and accountants' certificate which would be required if the report were filed on Form 10–K (17 CFR 249.310). However, such statements are not required to be reconciled with Regulations S–X (17 CFR Part 210), but any material variation in accounting principles or practices from the requirements of that regulation must be disclosed and, to the extent practicable, the effect of such variation must be given. Provisions similar to those contained in Form 10–K permitting the Commission to modify the financial statement requirements in certain cases have been included in the amended form.

Four complete copies of the report on Form 20–K must be filed with the Commission and at least one complete copy must be filed with each U.S. exchange on which any security of the registrant is listed and registered.

Commission action. The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15(d) and 23(a) thereof, hereby amends Form 20–K (17 CFR 249.320) to read as set forth below and repeals Form 21–K (17 CFR 249.321). The amended form shall be used for annual reports covering any fiscal year ending after December 31, 1966, provided that any registrant may, at its option, use the amended form for its annual report for any fiscal year ending on or prior to that date.

By the Commission, April 28, 1967.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

§ 249.320 Form 20–K for annual reports of foreign private issuers filed pursuant to sections 13 and 15(d) of the Securities Exchange Act of 1934.

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form 20–K.*

(a) This form is to be used for annual reports of foreign private issuers filed under section 13 or 15(d) of the Securities Exchange Act of 1934 pursuant to Rule 13a–1 (17 CFR 240.13a–1) or 15d–1 (17 CFR 240.15d–1), except that it shall not be used by any North American or Cuban issuer—

(1) Which has any class of securities registered pursuant to section 12 of the Act on Form 10 (17 CFR 249.210), or on Form 8–A, 8–B, or 8–C (17 CFR 249.208a, 249.208b, or 249.208c) in lieu of Form 10;

(2) Which is filing the report pursuant to section 15(d) of the Act;

(3) Whose obligation to file reports pursuant to 15(d) of the Act is suspended as a result of the registration of a class of securities pursuant to section 12(g) of the Act; or

(4) Which has registered securities under section 12(g) of the Act as a result of termination of the exemption provided by Rule 12g3–2(d) (17 CFR 240.12g3–2(d)).

(b) Reports on this form shall be filed within 6 months after the end of the fiscal year covered by such report.

B. *Application of General Rules and Regulations.*

(a) The General Rules and Regulations under the Act contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form.

(b) Particular attention is directed to Regulation 12B (17 CFR 240.12b–1 et seq.) which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the report, the information to be given whenever the title of securities is required to be stated, and the filing of the report. The definitions contained in Rule 12b–2 (17 CFR 240.12b–2) should be especially noted. See also Regulations 13A (17 CFR 240.13a–1 et seq.) and 15D (17 CFR 240.15d–1 et seq.).

C. *Preparation of Report.*

(a) This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the report on paper meeting the requirements of Rule 12b–12 (17 CFR 240.12b–12). The report shall contain the item numbers and captions of all items required to be answered, but the text of such items may be omitted provided the answers thereto are prepared in the manner specified in Rule 12b–13 (17 CFR 240.12b–13).

(b) Except as otherwise stated, the information required shall be given as of the end of the registrant's fiscal year, or as of the latest practicable date subsequent thereto.

D. *Signature and Filing of Report.*

Four complete copies of each report on this form, including exhibits and all papers and documents filed as a part thereof, shall be

filed with the Commission. At least one complete copy shall be filed with each exchange on which any security of the registrant is listed and registered. At least one of the copies filed with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

FACING PAGE

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

(FORM 20–K)

ANNUAL REPORT PURSUANT TO SECTIONS 13 AND 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended _____ Commission file number _____

_____

(Exact name of registrant as specified in its charter)

_____

(Translation of registrant's name into English)

_____

(Address of principal executive offices)

Securities registered pursuant to section 12(b) of the Act:

Title of each class	*Name of each exchange on which registered*
_____	_____
_____	_____

Securities registered pursuant to section 12(g) of the Act:

_____

(Title of class)

_____

(Title of class)

INFORMATION REQUIRED IN ANNUAL REPORT

Item 1. Changes in Ownership and Control. (a) Describe briefly any material changes, not previously reported in the ownership or control exercised by any person or government over the registrant.

(b) State the name of any person or government, not previously reported in this connection, which directly or indirectly owns or controls the registrant and describe briefly the nature of such control.

Item 2. Changes in Character of Business. Describe briefly any material changes, not previously reported, in the general character of the business done by the registrant and its subsidiaries.

Item 3. Changes in Property. Describe briefly any significant and unusual additions, abandonments or retirements of, or any significant and unusual changes, not previously reported, in the general character and location of principal plants and other important units of the registrant and its subsidiaries.

Item 4. Modification of Securities of Registrant. If any material modifications, not previously reported, have been made in any security, a description of which has been previously reported, or have been made in the indenture, charter, or other constituent instrument defining rights of the holders of such security, give the title of the issue and state briefly the general effect of such modifications.

Instructions. 1. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct résumé is required.

2. If the rights evidenced by any class of securities registered have been materially limited or qualified by any other class of securities or by the provisions of any contract or other document and such limitation or qualification has not been previously described, include such information regarding such limitation or qualification as will enable investors to understand the effect thereof upon the securities registered.

Item 5. Limitations Affecting Security Holders. (a) Outline briefly the provisions of any law or decree not previously reported, and any amendment not previously reported to any law or decree previously reported, determining the extent to which dividends or other payments upon any class of registered securities may be paid to foreign holders and the withholding of taxes from such payments.

(b) Outline briefly any limitations, not previously reported, imposed either by the law of the country in which the registrant was organized or the charter or other constituent documents of the registrant on the right of foreigners to hold or vote any class of registered securities.

Item 6. Securities of Other Issuers Guaranteed by Registrant. If the registrant has guaranteed any class of securities of any other issuer, furnish the following information:

(a) Outline briefly any material modifications, not previously reported, in any such contract of guarantee previously reported.

(b) As to any guarantees not previously reported, state the name of the issuer and the title and amount of securities guaranteed and outline briefly the contract of guarantee.

Item 7. Increases and Decreases in Outstanding Equity Securities. Give the following information as to all increases and decreases during the fiscal year in the amount of equity securities of the registrant outstanding:

(a) The title of the class of securities involved;

(b) The date of the transaction;

(c) The amount of securities involved and whether an increase or a decrease;

(d) A brief description of the transaction in which the increase or decrease occurred. If previously reported, the description may be incorporated by a specific reference to the previous filing, and

(e) If the transaction involved a sale of securities which were not registered under the Securities Act of 1933, an indication of the exemption claimed and the facts relied upon to make the exemption available. If previously reported, the information may be incorporated by a specific reference to the previous filing.

Instruction. The information shall be prepared in the form of a reconciliation between the amounts shown to be outstanding on the balance sheet to be filed with this report and the amounts shown on the registrant's balance sheet for its previous fiscal year. Similar or related transactions, or numerous small transactions, may be grouped together showing the dates between which all such transactions occurred.

Item 8. Exchange Control. Describe briefly any material changes, not previously reported in existing foreign exchange controls or the adoption of new controls in the country under the laws of which the registrant was organized.

Item 9. Directors and Officers of Registrant. Furnish the following information as to all directors and officers of the registrant.

Name _____
Address _____
Positions with registrant_____

Item 10. Remuneration of Directors and Officers. State the aggregate amount of remuneration paid by the registrant and its subsidiaries to all directors and officers of the registrant as a group, without naming them, for services in all capacities during the registrant's last fiscal year.

Item 11. Amount Set Aside for Pensions, Retirement, and Similar Benefits. State the aggregate amount set aside by the registrant and its subsidiaries during the registrant's last fiscal year to provide pension, retirement or similar benefits for directors and officers of the registrant.

Item 12. Options to Purchase Securities from Registrant or Subsidiaries. Furnish the following information as to all options to purchase securities from the registrant or any of its subsidiaries, which were outstanding as of the end of the last fiscal year:

(a) State (1) the title and total amount of securities called for by the options; (2) the purchase price of the securities called for; and (3) the expiration date of the options.

(b) State the total amount of securities called for by all such options held by directors and officers of the registrant as a group, without naming them.

Instruction. The term "option" as used in this item includes all options, warrants, or rights, other than those issued to security holders as such on a pro rata basis.

Item 13. Financial Statements and Exhibits. List all financial statements and exhibits filed as a part of the annual report:

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this annual report to be signed on its behalf by the undersigned, thereunto duly authorized.

_____
(Registrant)

By _____
(Signature) [1]

Date_____

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

1. Every issuer filing a report on this form shall file as a part of its report the financial statements, schedules, and accountants' certificate which would be required to be filed if the report were filed on Form 10–K (17 CFR 249.310). Any material variation in accounting principles or practices from the form and content of financial statements prescribed in Regulation S–X (17 CFR Part 210) shall be disclosed and, to the extent practicable, the effect of each such variation given.

2. The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of one or more generally accepted auditing standards or procedures or the substitution of other appropriate auditing standards or procedures.

INSTRUCTIONS AS TO EXHIBITS

Subject to Rule 12b–32 (17 CFR 240.12b–32) regarding the incorporation of exhibits by reference, the following exhibits shall be filed as a part of the report:

[1] Print the name and title of the signing officer under his signature.

A. Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

B. Copies of all other documents of a character required to be filed as an exhibit to an original registration statement on Form 20 which were executed or in effect during the fiscal year and not previously filed.

(Secs. 13, 15, and 23; 48 Stat. 894, 895, and 901, as amended; 15 U.S.C. 78m, 78o and 78w.)

[F.R. Doc. 67-5971; Filed, May 29, 1967; 8:46 a.m.]

[Release No. 34-8069]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Periodic Report of Foreign Issuer

The Securities and Exchange Commission had adopted a new Form 6-K (17 CFR 249.306) under the Securities Exchange Act of 1934. This form is to be used for reports by certain foreign private issuers required to furnish reports under the newly adopted Rules 13a-16 (17 CFR 240.13a-16) and 15d-16 (17 CFR 240.15d-16). The purpose of the new form is to provide a form on which foreign private issuers not required to file current reports on Form 8-K (17 CFR 249.308) will furnish whatever information is made public abroad.

Notice of the proposed form was published in Securities Exchange Act Release No. 7749 (30 F.R. 14747, Nov. 27, 1965). Many helpful comments were received in response to that release and certain changes in the proposed form have been made as a result of the consideration of the comments submitted, a review of information voluntarily furnished by foreign issuers in response to the Commission's request in Securities Exchange Act Release No. 7867 (31 F.R. 6706, May 5, 1966), and further consideration of the proposed form by the Commission. The principal changes are described below.

General Instruction B to the form, which specifies the information and documents to be furnished, has been revised to make clear that only information not previously furnished to the Commission need be furnished in a report on the form. This instruction has also been revised to require the furnishing of information made public pursuant to the law of the country in which the issuer is incorporated or organized where that country is other than the country of its domicile. A third revision provides that only information material to investors need be furnished and enumerates certain examples of such information. As previously proposed, information and documents furnished in the report shall not be deemed to be "filed" for the purpose of section 18 of the Act or otherwise subject to the liabilities of that section.

General Instruction C to the proposed form has been revised to require generally that four complete copies of the report on the form be furnished to the Commission.

General Instruction D to the proposed form has been revised to provide that, while information available only in a foreign language need not be accompanied by an English translation, where such a translation or a substantially equivalent English version has been prepared by or for the issuer, such translation or version shall be furnished. In the latter case, the information need not be furnished in the original language.

Commission action. The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15(d), and 23 (a) thereof, hereby adopts Form 6-K (17 CFR 249.306), to read as set forth below.

The new form shall be applicable to reports furnished on or after May 31, 1967.

By the Commission, April 28, 1967.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

§ 249.306 Form 6-K, report of foreign issuer pursuant to Rules 13a-16 (17 CFR 240.13a-16) and 15d-16 (17 CFR 240.15d-16) under the Securities Exchange Act of 1934.

(a) *General Instructions* (A) *Rule as to Use of Form 6-K.* This form shall be used by foreign issuers which are required to furnish reports pursuant to Rule 13a-16 (17 CFR 240.13a-16) or 15d-16 (17 CFR 240.15d-16) under the Securities Exchange Act of 1934.

(B) *Information and Documents Required To Be Furnished.* An issuer furnishing a report on this form shall furnish whatever information, not previously furnished, such issuer (i) is required to make public in the country of its domicile or in which it is incorporated or organized pursuant to the law of that country, or (ii) filed with a foreign stock exchange on which its securities are traded and which was made public by that exchange, or (iii) distributed to its security holders. The information required to be furnished pursuant to (i), (ii), or (iii) above is that which is significant with respect to the issuer and its subsidiaries concerning: The financial condition or results of operations; changes in business; acquisitions or dispositions of assets; changes in management or control; the granting of options or the payment of other remuneration to directors or officers; transactions with directors, officers, or principal stockholders; and any other information which may be of material interest to investors. This report is required to be furnished promptly after the material contained in the report is made public as described above. The information and documents furnished in this report shall not be deemed to be "filed" for the purpose of section 18 of the Act or otherwise subject to the liabilities of that section.

(C) *Preparation and filing of report.* This report shall consist of a cover page, the document or report furnished by the issuer, and a signature page. Four complete copies of each report on this form shall be deposited with the Commission. At least one complete copy shall be filed with each United States stock exchange on which any security of the registrant is listed and registered under Section 12(b) of the Act. At least one of the copies deposited with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

(D) *Translation of papers and documents into English.* Notwithstanding Rule 12b-12 (d) (17 CFR 240.12b-12(d)) the exhibits and other papers and documents furnished with reports on this form, if in a foreign language, need not be accompanied by a translation into the English language. If the issuer has prepared or caused to be prepared an English translation or substantially equivalent English version of any document or report furnished on this form, the issuer shall furnish such translation or version, and need not furnish the original language document or report.

FACING PAGE

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

FORM 6-K

REPORT OF FOREIGN ISSUER

Pursuant to Rule 13a-16 or 15d-16 of the Securities Exchange Act of 1934

For the month of _____, 19__

_____

(Translation of registrant's name into English)

_____

(Address of principal executive offices)

(c) *Signatures.* Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused to be signed on its behalf by the undersigned, thereunto duly authorized.

_____
(Registrant)

By _____
(Signature)[1]

Date _____

(Secs. 13, 15, and 23; 48 Stat. 894, 895, and 901, as amended; 15 U.S.C. 78m, 78o and 78w)

[F.R. Doc. 67-5972; Filed, May 29, 1967; 8:46 a.m.]

[Release No. 34-8067]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Registration of Foreign Securities

The Securities and Exchange Commission has adopted a revision of Form 20 (17 CFR 249.220) which was previously authorized for use in registering securities other than bonds of foreign private issuers pursuant to section 12(b) of the Act. The Commission has repealed Form 21 (17 CFR 249.221), previously the form for the registration of bonds of foreign private issuers pursuant to section 12(b) of the Act. The proposals were published for comment in Securities Exchange Act Release No. 7747 (see 30 F.R. 14743, Nov. 27, 1965).

Revised Form 20 will henceforth be available for registration pursuant to section 12 (b) or (g) of the Act of all securities of foreign private issuers other than certain North American and Cuban issuers.

The proposed amendments to Form 20 originally published for comment included a general instruction to the form permitting issuers having no previous reporting requirements under the Act to register securities under section 12(g) by furnishing certain information which they made public abroad in lieu of responding to the item of the form. The Commission has today adopted, in Securities Exchange Act Release No. 8066, Rule 12g3-2 (17 CFR 240.12g3-2) under the Act which exempts such issuers from

[1] Print the name and the title of the signing officer under his signature.

section 12(g) if they furnish the information specified in the proposed general instruction. The proposed general instruction is, therefore, no longer necessary and has been omitted from the adopted revision.

As proposed, the revised Form 20 will require information concerning the aggregate amount of various benefits which officers and directors receive from the issuer and its subsidiaries; the aggregate amount of remuneration paid; the aggregate amount set aside to provide pension, retirement or similar benefits; and information as to any options to purchase securities of the issuer or any of its subsidiaries which are outstanding as of a specified date within 30 days prior to the date of filing the registration statement. These requirements expand the previous Form 20 which required only a description of any rights to any proportion of the earnings of the issuer which had been granted to the management or the board of directors and a statement of the total amount paid to management during the last fiscal year.

The Form 20 instructions to the financial statements have been revised, as proposed, to require all issuers to file the financial statements and schedules which would be required if the registration statement were filed on Form 10 (17 CFR 249.210). The revised form modifies the proposal that the financial statements be reconciled to Regulations S–X (17 CFR Part 210), but instead requires that any material variation from Regulation S–X be disclosed and, to the extent practicable, the effect of the variation be given. Provisions similar to those contained in Form 10, permitting the Commission to modify the financial statement requirements in particular cases where necessary for or consistent with the protection of investors, have been included in the revised form.

Four complete copies of the registration statement on Form 20 must be filed with the Commission and at least one complete copy must be filed with each U.S. exchange on which the issuer applies for registration.

Commission action. The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 12 and 23(a) thereof, hereby amends Form 20 (17 CFR 249.220) to read as set forth below and repeals Form 21 (17 CFR 249.221). This action shall be applicable to registration statements filed on or after June 30, 1967; provided that any issuer desiring to file a registration statement on Form 20 or 21 prior to such date may file such registration statement on the revised form.

By the Commission, April 28, 1967.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

§ 249.220 Form 20, for registration of securities of foreign private issuers pursuant to Section 12 (b) or (g) of the Securities Exchange Act of 1934.

GENERAL INSTRUCTIONS

A. *Rule as to the Use of Form 20.*

This form is to be used for registration pursuant to section 12 of the Securities Exchange Act of 1934 of any class of securities of any foreign private issuer: *Provided,* That it shall not be used for registration of any class of securities of any North American or Cuban issuer if (i) the securities are to be registered pursuant to section 12(b) of the Act, or (ii) the issuer has had the same or any other class of securities registered pursuant to section 12 of the Act on Form 10 (17 CFR 249.210), or on Form 8–A, 8–B or 8–C (17 CFR 240.208a, 208b or 208c) in lieu of Form 10 on or after May 31, 1967, and within 1 year prior to the date on which the registration statement is filed or required to be filed under section 12(g).

B. *Application of General Rules and Regulations.*

(a) The General Rules and Regulations under the Act contain certain general requirements which are applicable to registration on any form. These general requirements should be carefully read and observed in the preparation and filing of registration statements on this form.

(b) Particular attention is directed to Regulation 12B (17 CFR 240.12b–1 *et seq.*) which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the registration statement, the information to be given whenever the title of securities is required to be stated, and the filing of the registration statement. The definitions contained in Rule 12b–2 (17 CFR 240.12b–2) should be especially noted.

C. *Preparation of Registration Statement.*

(a) This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the registration statement on paper meeting the requirements of Rule 12b–12 (17 CFR 240.12b–12). The registration statement shall contain the item numbers and captions, but the text of the items may be omitted provided the answers thereto are prepared in the manner specified in Rule 12b–13 (17 CFR 240.12b–13).

(b) Unless otherwise stated, the information required shall be given as of a date reasonably close to the date of filing the registration statement.

D. *Signature and Filing of Registration Statements.*

Four complete copies of the registration statement on this form, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one complete copy of each statement shall be filed with each exchange on which an issuer applies for registration. At least one of the copies of each statement filed with the Commission and one copy filed with each such exchange shall be manually signed. Unsigned copies shall bear typed or printed signatures.

FACING PAGE

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

FORM 20

REGISTRATION STATEMENT FILED PURSUANT TO SECTION 12 (b) OR (g) OF THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of registrant as specified in its charter)

(Translation of registrant's name into English)

(Address of registrant's principal executive offices)

Securities to be registered pursuant to section 12(b) of the Act:

Title of each class to be registered	*Name of each exchange on which each class is to be registered*
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Securities to be registered pursuant to section 12(g) of the Act:

(Title of class)

(Title of class)

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1. General Information. (a) Name of the country under the laws of which the registrant was incorporated or organized.

(b) Date of incorporation of organization.

(c) Date of termination of charter.

(d) Date upon which fiscal year ends.

Item 2. Control of Registrant. State whether the registrant is directly or indirectly owned or controlled by another corporation or by any foreign government and, if so, give the name of such controlling corporation or government and describe briefly the nature of such control.

Item 3. History and Business. Describe briefly the general character of the business done by the registrant and its subsidiaries, and any substantial changes which may have occurred in the general character of the business within the past five years.

Item 4. Property. State briefly the general character and location of the principal plants and other important units of the registrant and its subsidiaries.

Item 5. Description of Capital Shares To Be Registered. For each class of capital shares which is to be registered hereunder, give the title of the class and furnish the following information:

(a) Outline briefly: (i) Dividend rights; (ii) limitations in any indentures or other agreements on the payment of dividends; (iii) voting rights; (iv) liquidation rights; (v) preemptive rights; (vi) subscription rights; (vii) conversion rights; (viii) redemption provisions applicable thereto; and (ix) liability to further calls.

(b) Submit a schedule indicating for a period of 3 fiscal years, the dividends paid per share.

Instructions. 1. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct résumé is required.

2. If the rights evidenced by the securities to be registered hereunder are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

Item 6. Description of Funded Debt To Be Registered. For each class of funded debt which is to be registered hereunder, give the title of the class and furnish the following information:

(a) Date of the issue.

(b) Names of paying agents and trustees.

(c) Outline briefly the amortization, sinking fund, redemption and retirement provisions.

(d) Outline briefly the terms of any conversion or voting rights.

(e) State whether secured by any lien and briefly describe the property subjected to such lien.

(f) If serial, give the plan of serial maturities.

(g) If additional securities of the same issue may be issued under the respective indenture, state the amount thereof and outline briefly the conditions on which such issue can be made.

(h) State the amount of other securities which may be issued and, if issued, will as to

security, rank ahead of, or pari passu with, the issue described.

(i) If substitution of any property securing the issue is permitted, outline briefly the principal provisions permitting such substitution, and state whether or not any notice is required in connection with any such substitution.

(j) If the obligation to pay interest is made dependent upon earnings or other special conditions, outline briefly the provisions applicable thereto.

(k) Outline briefly any provisions for the modification or amendment of the terms of the security or the indenture relating thereto by holders of part of the issue.

(l) State what percentage of security holders is necessary to require the trustee under the indenture (1) to accelerate the maturity of the issue and (2) to enforce the lien thereof. Outline briefly what indemnification the trustee is entitled to require before proceeding to enforce the lien. State what percentage of security holders must concur in order to be able to direct the trustee.

(m) State the currency or currencies in which payable; and if payable in two or more currencies, state the basis of determination for the currency conversion and at whose option.

(n) Outline briefly the provisions of any law or decree determining the extent to which the securities of the issue may be serviced.

(o) State briefly the circumstances concerning any failure to pay principal, interest, or any sinking fund or amortization installment.

Instructions. 1. The instructions to Item 5 shall apply to this item.

2. If the securities to be registered hereunder are guaranteed, state the name of the guarantor and outline briefly the contract of guarantee.

Item 7. Description of Other Securities To Be Registered. For each class of securities of the registrant, other than capital shares or funded debt, which is to be registered hereunder, give the title of the class and outline briefly the rights evidenced thereby.

Instructions. 1. The instructions to Item 5 shall apply to this item.

2. If the securities to be registered hereunder are guaranteed, state the name of the guarantor and outline briefly the contract of guarantee.

Item 8. Limitations Affecting Security Holders. (a) Outline briefly the provisions of any law or decree determining the extent to which dividends or other payments upon any class of securities to be registered hereunder may be paid to foreign holders.

(b) As to each class of securities to be registered hereunder, state whether there are any limitations, either by the law of the country under which the registrant is organized or in the charter or other constituent document of the registrant, on the right of foreigners to hold or vote the securities. Outline briefly any such limitations.

Items 9. Securities of Other Issuers Guaranteed by Registrant. If the registrant has guaranteed securities of any other issuer (other than notes, drafts, bills of exchange, or banker's acceptances having a maturity at the time of issuance of not exceeding 1 year), state the name of such issuer and the title and amount of securities guaranteed and outline briefly the contract of guarantee.

Item 10. Exchange Control. State whether any exchange control has been established by the country in which the registrant was organized.

Item 11. Directors and Officers of Registrant. Furnish the following information as to all directors and officers of the registrant.

Name _____
Address _____
Positions with registrant _____

Item 12. Remuneration of Directors and Officers. State the aggregate amount of remuneration paid by the registrant and its subsidiaries during the registrant's last fiscal year to all directors and officers as a group, without naming them, for services in all capacities.

Item 13. Amount Set Aside for Pension, Retirement and Similar Benefits. State the aggregate amount set aside by the registrant and its subsidiaries during the last fiscal year of the registrant to provide pension, retirement or similar benefits for directors and officers of the registrant.

Item 14. Options To Purchase Securities From Registrants or Subsidiaries. Furnish the following information as to all options to purchase securities from the registrant or any of its subsidiaries, which are outstanding as of a specified date within 30 days prior to the date of filing the registration statement:

(a) State (1) the title and total amount of securities called for by the options; (2) the purchase price of the securities called for; and (3) the expiration dates of the options.

(b) State the total amount of securities called for by all such options held by directors and officers of the registrant as a group, without naming them.

Instruction. The term "option" as used in this item includes all options, warrants or rights, other than those issued to security holders as such on a pro rata basis.

Item 15. Financial Statements and Exhibits. List all financial statements and exhibits filed as a part of the registration statement.

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of Section 12 of the Securities Exchange Act of 1934, the registrant has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

_____
(Registrant)

By _____
(Signature)[1]

Date _____

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

1. Every issuer registering securities on this form shall file as a part of its registration statement the financial statements, schedules and accountants' certificates which would be required to be filed if the registration statement were filed on Form 10. Any material variation in accounting principles or practices from the form and content of financial statements prescribed in Regulation S–X (17 CFR Part 210) shall be disclosed and, to the extent practicable, the effect of each such variation given.

2. The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

The Commission may, upon the request of the registrant, and where consistent with the protection of investors, permit the omission of one or more generally accepted auditing standards or procedures or the substitution of other appropriate auditing standards or procedures.

INSTRUCTIONS AS TO EXHIBITS

The following exhibits shall be filed as a part of the registration statement. Such exhibits shall be appropriately designated by numbers or letters for convenient reference.

1. Copies of the charter, articles of association, or other constituent instruments of organization of the registrant, as amended, and by-laws, if any, as amended. (Statuts, Gesellschaftsvertrag, etc.)

2. Copies of all indentures and amendments thereto relating to the authorized funded debt of the registrant which is to be registered hereunder.

3. If the registrant has funded debt other than that which is to be registered hereunder, on has subsidiaries with funded debt, an agreement by the registrant to furnish or cause to be furnished to the Commission upon request, copies of any indentures or amendments thereof relating to such funded debt.

4. A copy of any law or decree outlined in answer to Item 8.

5. If the registrant has guaranteed securities of other issuers, as specified in Item 9, an agreement by the registrant to furnish or cause to be furnished to the Commission upon request copies of any constituent instruments defining the rights of the holders of such securities.

6. Copies (specimens if available) of all securities to be registered hereunder.

(Secs. 12 and 23; 48 Stat. 892 and 901, as amended; 15 U.S.C. 78*l* and 78w)

[F.R. Doc. 67-5973; Filed, May 29, 1967; 8:46 a.m.]

[1] Print the name and title of the signing officer under his signature.

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 67-EA-49]

AIRWORTHINESS DIRECTIVE

Fairchild Hiller Type F-27 and FH-227 Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an amendment applicable to Fairchild Hiller Type F-27 and FH-227 Airplanes. There have been numerous findings of elongated and double drilled rivet holes in the inner fuselage skin and along stringer 109 and 149 contiguous to the chine or floor line between stations 510 through 528 and 637 through 655. Since the condition is likely to exist in other airplanes of the same type, the proposed amendment would require an inspection and corrective action if appropriate.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

FAIRCHILD. Applies to Type F-27 Airplanes, Serial Numbers 108 through 123, inclusive, and FH-227 Airplanes, Serial Numbers 503, 506 through 518, 520 through 535, and 538.

Due to numerous elongated and double-drilled rivet holes found in the fuselage skin, accomplished the following within the next 150 hours' time in service after the effective date of this AD unless already accomplished.

(a) For F-27 Airplanes, comply with the Accomplishment Instructions of Fairchild Hiller Service Bulletin No. 53-49 (F-27), dated April 14, 1967, and for FH-227 Airplanes, comply with the Accomplishment Instructions of Fairchild Hiller Service Bulletin No. 53-7 (FH-227), dated April 14, 1967, or later FAA-approved revisions, or FAA-approved equivalent modification.

(b) Equivalent inspections may be approved by an FAA maintenance inspector. Equivalent parts, Service Bulletin revisions, and modifications, must be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(c) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

Issued in Jamaica, N.Y., on May 19, 1967.

WAYNE HENDERSHOT,
Acting Director.

[F.R. Doc. 67-5976; Filed, May 29, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket 66-EA-107]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Pittsburgh, Pa. (Greater Pittsburgh), control zone and transition area.

The cancellation of the VOR/DME No. 1 and ILS-10R and authorized change in the ADF instrument procedures requires changes in the control zone and 700-foot floor transition area. Generally, the cancellations permit elimination of the transition area extension based on the localizer west course; reduction in the transition area extention protecting the ADF procedure and cancellation of the control zone extension based on the 292° Imperial VORTAC radial.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Pittsburgh, Pa. (Greater Pittsburgh), proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Pittsburgh, Pa. (Greater Pittsburgh), control zone all after the words "west course, extending from the 6-mile radius zone" and before "and within 2 miles" and insert in lieu thereof the words "to Creek, Pa., RBN".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete from the 700-foot floor Pittsburgh, Pa., transition area the words beginning with "10-R-ILS localizer west course" through "8 miles west of the OM" and insert in lieu thereof "10-L-ILS localizer west course extending from the 8-mile radius area to the Creek, Pa., RBN".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on May 9, 1967.

WAYNE HENDERSHOT,
Acting Director.

[F.R. Doc. 67-5977; Filed, May 29, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-50]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-66 from Raleigh-Durham, N.C., 1,200 feet AGL direct to Franklin, Va., 12 AGL INT Franklin 087° and Norfolk, Va., 226° radials; 1,200 feet AGL Norfolk.

This action would provide a numbered airway along a frequently requested short route between Raleigh-Durham

and Norfolk, and would reduce the present airway mileage between these points. V–66 would be designated via the alignment of V–266, between Franklin and Norfolk, considered in Airspace Docket No. 66–EA–99 and effective May 25, 1967.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 22, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5978; Filed, May 29, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–CE–62]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an east alternate to V–181 from Sioux Falls, S. Dak., to Watertown, S. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

A straight in recovery procedure for jet aircraft at Joe Foss Field has been established from the Ramona DME FIX (FSD 327° magnetic radial, 28 nautical miles from the VOR). This radial providing the straight in approach is separated from V–181 by only 013°, which is insufficient clearance to allow simultaneous operations along the airway and use of the straight in recovery approach. It is proposed to designate a standard east alternate to V–181 which would provide the necessary separation for simultaneous operations.

V–181 is designated in part from Sioux Falls, 29 miles, 12 AGL, 27 miles, 30 MSL, 12 AGL Watertown. The floor of control area between Sioux Falls and Watertown is predominately set at 1,200 feet AGL. Designation of a higher floor on the airway segment serves no useful purpose. Accordingly, action is proposed herein to alter V–181 between Sioux Falls, and Watertown, by designating an east alternate and establishing airway floors for both the main and alternate airway segments at 1,200 feet AGL.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 22, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–5979; Filed, May 29, 1967; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 536]

[Docket No. 67–34; General Order 13]

COMMON CARRIERS BY WATER IN FOREIGN COMMERCE OF UNITED STATES

Exemptions

Notice is hereby given that the Federal Maritime Commission is considering the promulgation of a rule which would exempt certain carriers from the tariff filing requirements of section 18(b) of the Shipping Act, 1916.

There appears to be little reason to regulate the activities of certain carriers whose vessels carry no property other than vehicles, under circumstances whereby the carrier neither issues a bill of lading nor otherwise takes responsibility for delivery of property, and makes a flat charge per vehicle of specified length (notwithstanding the contents of the vehicle), provides no loading or unloading service, and does not participate in any joint rate agreement.

It is therefore proposed that carriers meeting this description be exempted from the tariff filing requirements of section 18(b) of the Shipping Act, 1916, inasmuch as such exemption will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory or be detrimental to commerce.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 18(b), 35, and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b), 833(a), and 841(a)), Part 536 of Title 46 CFR is proposed to be amended by the addition of a new § 536.14 reading as follows:

§ 536.14 Exemptions.

Vessels in foreign commerce are exempt from the requirements of section 18(b) of the Shipping Act, 1916, where (a) the vessel's undertaking with respect to the transportation of property is limited to carrying vehicles and is unrelated to the contents of the vehicle; (b) such transportation is performed in accordance with uniform published tolls based solely on the distance carried and the length of the vehicle; (c) the vessel does not participate in any joint rate agreements; and (d) such transportation does not include responsibility for moving the vehicles on or off the vessel.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 26, 1967, an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and should be supported by statements and arguments relating the proposed change to the purposes of sections 18(b), 35, and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b), 833(a), and 841(a)).

The Federal Maritime Commission, Bureau of Compliance, Office of Hearing Counsel shall participate in the proceeding and shall file Reply to Comments on or before July 11, 1967, by serving an original and 15 copies on the Federal Maritime Commission and one copy on each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before July 25, 1967.

By order of the Federal Maritime Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67–6008; Filed, May 29, 1967; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 257]

POSTAL SAVINGS SYSTEM

Payment on Account of Deposits

Public Law 89–377 discontinued the Postal Savings System as of April 27, 1966; authorized the Postmaster General to wind up the affairs of the System, and directed the transfer on July 1, 1967, of the total amount of unpaid deposits to a trust fund deposit account on the books of the Treasury to remain available for payments whenever proper claims are received. On page 6380 of the FEDERAL REGISTER for April 27, 1966, the Post Office Department published a Notice of Discontinuance of the System. Therefore, as of July 1, 1967, all payments on account of deposits in the Postal Savings System will be made by the Treasury Department.

Accordingly, notice is hereby given pursuant to 5 U.S.C. 553 that the Secretary of the Treasury is considering the adoption of regulations, pursuant to 5 U.S.C. 301, to govern payment to depositors in the Postal Savings System. The regulations would constitute a new part, designated Part 257, entitled as above, of Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations, reading as follows:

Sec.
257.1 Scope of regulations.
257.2 Application for withdrawals.
257.3 Payments to depositors.

AUTHORITY: The provisions of this Part 257 issued under 5 U.S.C. 301.

§ 257.1 Scope of regulations.

The regulations in this part govern payment by the Treasury Department to depositors in the Postal Savings System from the total amount of unpaid deposits transferred to the Secretary of the Treasury. The Postal Savings System as such was discontinued, and the unpaid deposits transferred to the Secretary on July 1, 1967, by section 1 of Public Law 89–377 (39 U.S.C. 5225(a) and 5228).

§ 257.2 Application for withdrawals.

(a) Depositors should continue to make application for withdrawals of their deposits in the Postal Savings System to their local post office depositories, on the forms and supported by the evidence set forth in existing Post Office Department regulations. Those regulations are set forth in 39 CFR Part 173, as amended at 32 F.R. 3294 and supplemented by Postal Bulletin 20590 of May 18, 1967.

(b) Application for withdrawals from those deposit accounts for which no deposits or withdrawals have been made for more than 20 years may be made to a local post office depository or the Investments Branch, Bureau of Accounts, Treasury Department, Washington, D.C. 20226. That Branch will supply application forms on request and will be guided by the Post office Department regulations designated in paragraph (a) of this section in its requirements for supporting evidence.

§ 257.3 Payment to depositors.

On and after July 1, 1967, all payments to depositors from Postal Savings System accounts will be made by the Investments Branch. Applications by depositors for withdrawals made to local post office depositories will be forwarded by those depositories to the Investments Branch, and, therefore, no specific application for payment to that Branch will be required from such depositors.

Amendments. At such time as the Post Office Department regulations designated in § 257.2(a) are revoked, the regulations in Part 257 will be amended to include necessary portions thereof.

Prior to the adoption of the proposed regulations set forth above, consideration will be given to any relevant data, views, or arguments submitted in writing to the Commissioner of Accounts, Treasury Department, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: May 25, 1967.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 67–6050; Filed, May 29, 1967; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 911, 915]

[Docket Nos. AO–267–A3, AO–254–A4]

HANDLING OF LIMES AND AVOCADOS GROWN IN FLORIDA

Notice of Hearing With Respect To Proposed Amendments to Marketing Agreements, as Amended, and Orders, as Amended

Correction

In F.R. Doc. 67–5908, appearing at page 7715 of the issue for Friday, May 26, 1967, the headings should read as set forth above.

Packers and Stockyards Administration

[9 CFR Part 201]

LIVESTOCK

Purchase by Packers on Carcass Grade, Carcass Weight, or Carcass Grade and Weight Basis

Notice is hereby given that pursuant to section 407(a) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 228), the Packers and Stockyards Administration proposes to amend the regulations (9 CFR 201.1 et seq.), under such Act by adding a new § 201.99 dealing with the purchase of livestock by packers on a carcass grade, carcass weight, or carcass grade and weight basis.

Statement of considerations. The method of marketing livestock on the basis of carcass grade, carcass weight, or carcass grade and weight has increased substantially during the past several years in the United States. In some trade areas this has become the dominant method of marketing livestock. The Department has received numerous requests from all segments of the industry for the establishment of guidelines and regulations governing this method of marketing.

Generally, when livestock are purchased on a live-weight basis, the seller or his representative observes the sorting, weighing, etc., of his livestock. However, when a packer purchases livestock on a carcass grade, carcass weight, or carcass grade and weight basis, the grade, weight, and condemnations and bruise trimming required are determined within the physical facilities of the packing plant. These determinations are usually conducted beyond the personal observation and verification of the seller or his representative.

A survey was made by the Department of a large segment of the meat packing industry which procures livestock on a carcass grade, carcass weight, or carcass grade and weight basis. This survey showed that frequently livestock was purchased on such a basis with no clear agreement between the packer and the seller as to the basic elements of the purchase contract, such as price, date of slaughter, grading, etc., and no accounting showing these elements was rendered to the seller. In some instances serious discrepancies were found to exist between the grade, weight, and condemnations of carcasses as accounted for to the seller and the actual grade, weight, and condemnations of such carcasses.

The Department has held conferences with all segments of the livestock and meat packing industries to discuss the feasibility of, and the areas to be included within, a regulation governing this method of marketing. The Department is now considering the desirability of promulgating a regulation setting forth certain requirements to be followed by packers in the purchase of livestock on a carcass grade, carcass weight, or carcass grade and weight basis. Such a regulation would assist in the administration of the Act by providing minimum safeguards for producers selling livestock by this method of marketing. Provisions necessary to implement the regulation, such as inspection of records and property of persons subject to the Act, are already contained in § 201.95 of the regulations (9 CFR 201.95) under the Act.

Therefore, it is proposed to add a new § 201.99 to the Packers and Stockyards Act regulations, to read as follows:

§ 201.99 Purchase of livestock by packers on a carcass grade, carcass weight, or carcass grade and weight basis.

(a) Each packer purchasing livestock on a carcass grade, carcass weight, or carcass grade and weight basis shall, prior to such purchase, make known to the seller the details of the purchase

contract. Such details shall include, when applicable, expected date and place of slaughter, carcass price, condemnation terms, style of dressing, grading to be used, accounting, and any special conditions.

(b) Each packer purchasing livestock on a carcass grade, carcass weight, or carcass grade and weight basis, shall maintain the identity of each seller's livestock and the carcasses therefrom and shall, after determination of the amount of the purchase price, transmit or deliver to the seller, or his duly authorized agent, a true written account of such purchase showing the number, weight, and price of the carcasses of each grade (identifying the grade) and of the ungraded carcasses, an explanation of any condemnations, and any other information affecting final accounting. Packers purchasing livestock on such a basis shall maintain sufficient records to substantiate the settlement of each transaction, and shall, upon request from the seller or his duly authorized agent, make available for their inspection all such substantiating records which affect final accounting.

(c) When livestock is purchased by a packer on a carcass weight, or carcass grade and weight basis, purchase and settlement therefor shall be on the basis of carcass price. This paragraph does not apply to purchases of livestock by a packer on a guaranteed yield basis.

(d) Settlement and final payment for livestock purchased by a packer on a carcass weight, or carcass grade and weight basis shall be on actual (hot) carcass weights determined before shrouding. The hooks, rollers, and gambrels or other similar equipment used at a packing establishment in connection with the weighing of carcasses of the same species of livestock shall be uniform in weight. The tare weight shall include only the weight of such equipment.

(e) Settlement and final payment for livestock purchased by a packer on a USDA carcass grade shall be on an official (final—not preliminary) grade. If settlement and final payment are based upon any grades other than official USDA grades, such other grades shall be set forth in detailed written specifications which shall be made available to the seller or his duly authorized agent. For purposes of settlement and final payment, carcasses shall be final graded within 72 hours after slaughter: *Provided, however,* That when such 72-hour period expires on a weekend or holiday, carcasses shall be final graded not later than the close of the next work day following such weekend or holiday.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days from the publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 24th day of May 1967.

DONALD A. CAMPBELL,
Acting Administrator, Packers and Stockyards Administration.

[F.R. Doc. 67-5957; Filed, May 29, 1967; 8:45 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Parts 1501, 1502, 1503]

SHIP REPAIRING, SHIPBUILDING, AND SHIPBREAKING

Proposed Safety and Health Regulations

Pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941), Safety and Health Regulations for Ship Repairing, 29 CFR Part 1501, Safety and Health Regulations for Shipbuilding, 29 CFR Part 1502, and Safety and Health Regulations for Shipbreaking, 29 CFR Part 1503 have been promulgated. Reexamination of these regulations and experience in their administration and enforcement have indicated a need for certain editorial and substantive revisions. Accordingly, under authority provided in 33 U.S.C. 941 and Secretary's Order No. 12-66 (31 F.R. 12620) notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 553(a)) that I propose to amend 29 CFR Parts 1501, 1502, and 1503 as hereinafter set forth, under authority granted in section 41 of the Longshoremen's and Harbor Workers' Compensation Act as amended.

In order that interested persons may have opportunity to participate in the rule making process, notice is also given that oral data, views, and arguments of interested persons will be received by a duly assigned Hearing Examiner on August 9, 1967, beginning at 10 a.m., in Room 404 at Railway Labor Building, First and D Streets NW., Washington, D.C.

Any interested person desiring to participate orally shall file a notice of intention with the Director, Bureau of Labor Standards, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., not later than 10 days before the scheduled date. The notice of intention shall state the name and address of the person who is to appear, specify his interest, the amount of time he requires for such purpose, and identify his counsel or other representative, if any. Written material which is supplemental to an oral presentation must be filed in quadruplicate with the Hearing Examiner at the time of presentation.

Interested persons, in lieu of personal appearance, may submit written data, views, and argument in quadruplicate to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210, not later than 5 days before the above specified date. Such written submissions, timely received, will be transmitted to the Hearing Examiner for incorporation into the record of proceedings.

The oral proceedings shall be reported, and transcripts will be available to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of the oral presentations, dispose of procedural requests, objections, and comparable matters, and confine the presentation to matters pertinent to the proposal. He shall have discretion to keep the record open for a reasonable stated time to receive written proposals and supporting reasons, or additional data, views, and arguments from persons who have participated.

Upon completion of the oral proceedings the transcript thereof, together with the exhibits, written submissions and all posthearing proposals and supporting reasons shall be certified by the Hearing Examiner to me. I will give careful consideration to all relevant matter thus presented, together with such other information as may be available, and will thereafter issue appropriate regulations by publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 22d day of May 1967.

NELSON M. BORTZ,
Director,
Bureau of Labor Standards.

The proposed changes would read as follows:

PART 1501—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

Subpart A—General Provisions

1. Section 1501.5 is amended to read as follows:

§ 1501.5 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, Subpart B § 1501.13(a).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill. 60611, Subpart B, § 1501.12 (b) and (f); Subpart C, §§ 1501.24(b)(7), 1501.25(a)(4); Subpart H, § 1501.72(a).

United States of America Standard Safety Code for Portable Wood Ladders, A14.1-1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1501.42(a)(6).

United States of America Standard Safety Code for Portable Metal Ladders, A14.2-1956, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1501.42(a)(4).

United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart I, §§ 1501.81(a)(1), 1501.83(b).

American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, American Society of Mechanical Engineers, 29 West 39th Street, New York, N.Y. 10018, Subpart K, § 1501.101 (a).

Threshold Limit Values, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, Ohio 45202, Subpart B, § 1501.11(a)(6); Subpart C, § 1501.21(b).

United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1–1964, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart H, § 1501.74(c).

2. The title to Subpart B is amended to read as follows:

Subpart B—Explosive and Other Dangerous Atmospheres

3. In § 1501.10 paragraphs (a)(1), (c)(1), and (c)(3) are amended to read as follows:

§ 1501.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts B, C, D, and H of this part, except for § 1501.24(b)(8), one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts B, C, D, and H of this part are always carried out by a National Fire Protection Association Certified Marine Chemist.

* * * * *

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts B, C, D, and H of this part, except those referred to in § 1501.24(b)(8), are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be recorded on U.S. Department of Labor Form MAR–9, "Log of Inspections and Tests by Competent Person." A separate form shall be used for each vessel on which tests and inspections are made.

* * * * *

(3) A copy of any certificate issued in accordance with § 1501.13 and of any instructions issued by the National Fire Protection Association Certified Marine Chemist shall be kept on file with the log for a period of at least 3 months from the date of the completion of the job. The certificate and instructions issued by the person doing the fumigation referred to in § 1501.11(a)(3)(ii) shall also be kept on file for a period of at least 3 months from the date of the completion of the job.

* * * * *

4. Section 1501.11 is amended to read as follows:

§ 1501.11 Precautions before entering.

(a) *Flammable or toxic atmospheres and residues.* (1) Before employees are initially permitted to enter any cargo space or other spaces containing or having last contained combustible or flammable liquids or gases in bulk, and spaces immediately adjacent to these spaces, the atmosphere within such spaces shall be tested by a competent person to determine the concentration of flammable vapors or gases in the atmosphere within the spaces.

(2) If the atmosphere within a ship's space contains flammable vapors or gases, the space shall be ventilated to reduce the concentration below 10 percent of the lower explosive limit. If necessary the provisions of subparagraph (6) of this paragraph shall be applied.

(3) Before employees are initially permitted to enter any of the ship's spaces designated in subdivisions (i) and (ii) of this subparagraph, the atmosphere within such spaces shall be tested and the spaces inspected by a Marine Chemist, Industrial Hygienist or other person qualified to make these tests and inspections, for toxic atmospheric contaminants and the presence of toxic or corrosive residues.

(i) Cargo spaces or other spaces containing or having last contained bulk liquids, gases, or solids of a toxic, corrosive, or irritant nature, and spaces immediately adjacent to these spaces.

(ii) Spaces that have been fumigated.

(4) If the atmosphere within a ship's space contains toxic contaminants, the space shall be ventilated to reduce the concentration below the level immediately dangerous to life, defined in § 1501.82(b)(1). If necessary, the provisions of subparagraph (6) of this paragraph shall be applied.

(5) Where tests indicate that no flammable or toxic contaminants are present in the atmosphere, the persons required to conduct the tests shall test the atmosphere to insure that it contains at least 16.5 percent oxygen.

(6) If the atmosphere within a ship's space is found to contain a concentration of contaminants below the level immediately dangerous to life, defined in § 1501.82(b)(1), but above the threshold limit value, employees shall be protected in accordance with the requirements of § 1501.82 (a) and (c), (d), or (e), whichever is applicable.

(7) The person qualified to make the tests and inspections referred to in subparagraph (3) of this paragraph shall make a record of the tests, inspections, and instructions pertaining to subparagraphs (4) and (6) of this paragraph on U.S. Department of Labor Form MAR–9, which shall be available for inspection and kept on file in accordance with § 1501.10(c)(2).

(8) If, in an emergency, involving peril to life, time does not allow ventilation required by subparagraphs (2) and (4) of this paragraph to be applied, an exception is allowed, provided employees are protected by respiratory protective equipment and life lines in accordance with the requirements of § 1501.82 (a) and (b).

(b) *Oxygen deficient atmospheres.* (1) Before employees are permitted to enter compartments which have been sealed, spaces which have been coated and closed up, or nonventilated compartments which have been freshly painted, the atmosphere within the spaces shall be tested by a competent person with an oxygen indicator or other suitable device to ensure that it contains at least 16.5 percent oxygen.

(2) If the oxygen content is less than 16.5 percent, the space shall be ventilated until tests indicate an oxygen content above this level.

(3) If, in an emergency, involving peril to life, time does not allow ventilation required by subparagraph (2) of this paragraph to be applied, an exception is allowed, provided employees are protected by respiratory equipment and lifelines in accordance with the requirements of § 1501.82 (a) and (b).

5. In § 1501.12 paragraph (b) and (d) are amended, and paragraph (e), (f), and (g) are added to read as follows:

§ 1501.12 Cleaning and other cold work.

* * * * *

(b) Only approved explosion-proof, self-contained, battery-fed, portable lamps shall be used in spaces described in paragraph (a) of § 1501.13 before the spaces have been certified as "Safe for Men." Battery-fed, portable lamps bearing the approval of the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines, and such lamps listed by the U.S. Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

* * * * *

(d) The metallic parts of air moving devices, including fans, blowers, jet-type air movers, and duct work shall be electrically bonded to the vessel's structure.

(e) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Air ducts shall be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(f) In spaces described in paragraph (a) of § 1501.13 which have been certified "Safe for Men," either battery lamps or explosion-proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used, provided the lights are mounted to the space openings from the exterior, or suspended within the space with the cables so led as to protect them from injury.

(g) In spaces certified "Safe for Fire" nonexplosion proof lights may be used.

6. In § 1501.13 paragraphs (b) and (c) are amended to read as follows:

§ 1501.13 Certification before hot work is begun.

* * * * *

(b) In dry cargo holds for which a Marine Chemist's certificate is not required by paragraph (a)(2)(ii) of this section, hot work may be performed only

after a competent person has carefully examined the hold and found it to be free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

(c) Before hot work is performed in engine room and boiler room spaces of any vessel for which a Marine Chemist's certificate is not required by the provision of paragraph (a) of this section or in fuel tank and engine compartments of boats, the bilges shall be inspected and tested by a competent person to ensure that they are free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

7. In § 1501.14 paragraphs (c) and (d) are amended to read as follows:

§ 1501.14 Maintaining gas free conditions.

* * * * *

(c) The employer shall inform masters and chief engineers of vessels of the provisions of this section and shall confirm that they are aware of their responsibilities for seeing that their crews understand and obey all warning signs, tags, and the limitations stated on the marine chemist's certificates.

(d) When conditions in a tank are such that there is a possibility of hazardous vapor being released from residues or other sources after a marine chemist's certificate has been issued, a competent person shall make tests to insure that the gas-free condition is maintained irrespective of whether hot work is being performed in the tank. When the competent person finds that atmospheric conditions have altered, work shall be stopped and a new marine chemist's certificate in accordance with the requirements of § 1501.13(a) shall be obtained before work is resumed.

Subpart C—Surface Preparation and Preservation

8. Section 1501.21 is amended to read as follows:

§ 1501.21 Toxic cleaning solvents.

(a) When toxic solvents are used, the employer shall employ one or more of the following measures to safeguard the health of employees exposed to these solvents.

(1) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(2) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to a concentration which is safe for the entire work period.

(3) Employees shall be protected against toxic vapors by suitable respiratory protective equipment in accordance with the requirements of § 1501.82 (a) and (c), and, where necessary, against exposure of skin and eyes to contact with toxic solvents and their vapors by suitable clothing and equipment.

(b) The principles in the threshold limit values to which attention is directed in § 1501.5 will be used by the Department of Labor in enforcement proceedings in defining a safe concentration of air contaminants.

(c) When flammable solvents are used, precautions shall be taken in accordance with the requirements of § 1501.25.

9. In § 1501.23 paragraph (c)(1)(iv) is added to read as follows:

§ 1501.23 Mechanical paint removers.

* * * * *

(c) *Abrasive blasting*—(1) *Equipment.* * * *

(iv) *Dead man control.* A dead man control device shall be provided at the nozzle end of the blasting hose either to provide direct cutoff or to signal the pot tender by means of a visual and audible signal to cut off the flow, in the event the blaster loses control of the hose. The pot tender shall be available at all times to respond immediately to the signal.

* * * * *

10. In § 1501.24 paragraphs (a)(4), (b)(5), (13), and (14) are amended to read as follows:

§ 1501.24 Painting.

(a) *Paints mixed with toxic vehicles or solvents.* * * *

(4) The metallic parts of air moving devices, including fans, blowers, jet-type air movers, and duct work shall be electrically bonded to the vessel's structure.

(b) *Paints and tank coatings dissolved in highly volatile, toxic, and flammable solvents.* * * *

(5) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

* * * * *

(13) All employees continuously in a compartment in which such painting is being performed, shall be protected by air line respirators in accordance with the requirements of § 1501.82(a) and by suitable protective clothing. Employees entering such compartments for a limited time shall be protected by filter cartridge type respirators in accordance with the requirements of § 1501.82 (a) and (e).

(14) All employees doing exterior paint spraying with such paints shall be protected by suitable filter cartridge type respirators in accordance with the requirements of § 1501.82 (a) and (e) and by suitable protective clothing.

Subpart D—Welding, Cutting, and Heating

11. In § 1501.31 paragraph (a)(1)(vi) is amended to read as follows:

§ 1501.31 Ventilation and protection in welding, cutting, and heating.

(a) *Mechanical ventilation; requirements.* (1) * * *

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, or for blowing dust or dirt from clothing.

* * * * *

12. In § 1501.32 paragraph (e) is amended and paragraphs (h) and (i) are added to read as follows:

§ 1501.32 Fire prevention.

* * * * *

(e) When the welding, cutting, or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting, or heating operation is being performed and for a sufficient period of time after completion of the work to insure that no possibility of fire exists. Such personnel shall be instructed as to the specific anticipated fire hazards and how the fire fighting equipment provided is to be used.

* * * * *

(h) Vaporizing liquid extinguishers shall not be used in enclosed spaces.

(i) Except when the contents are being removed or transferred, drums, pails, and other containers which contain or have contained flammable liquids shall be kept closed. Empty containers shall be removed to a safe area apart from hot work operations, or open flames.

13. In § 1501.35 paragraph (a)(9), titles to paragraphs (e) and (g), and paragraphs (e) (1), (2), and (3) are amended, and paragraphs (e) (4) and (5) and (g) (2) and (3) are added to read as follows:

§ 1501.35 Gas welding and cutting.

(a) *Transporting, moving, and storing compressed gas cylinders.* * * *

(9) Acetylene cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

* * * * *

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe and accessible locations in the open air. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

* * * * *

(g) *Torches.* (1) * * *

(2) Torches shall be inspected at the beginning of each shift for leaking shutoff valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

* * * * *

* * * * *

14. In § 1501.36 paragraph (a)(2) is amended to read as follows:

§ 1501.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) * * *

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

* * * * *

Subpart E—Scaffolds, Ladders, and Other Working Surfaces

15. In § 1501.41 paragraphs (a)(6), (i) (2) and (3) are amended to read as follows:

§ 1501.41 Scaffolds or staging.

(a) *General requirements.* * * *

(6) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

* * * * *

(i) *Backrails and toeboards.* (1) * * *

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of § 1501.84(b), and employees working over water shall be protected by buoyant work vests meeting the requirements of § 1501.84(a).

* * * * *

16. In § 1501.42 paragraphs (a) (4) and (6) are amended to read as follows:

§ 1501.42 Ladders.

(a) *General requirements.* * * *

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Metal Ladders, A14.2.

* * * * *

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Wood Ladders, A14.1.

* * * * *

17. In § 1501.43 title to section is amended and paragraphs (c), (d), (e), and (f) are added to read as follows:

§ 1501.43 Guarding of deck openings and edges.

* * * * *

(c) When employees are exposed to unguarded edges of decks, platforms, flats, and similar flat surfaces, more than 5 feet above a solid surface, the edges shall be guarded by adequate guardrails meeting the requirements of § 1501.41(i) (1) and (2), unless the nature of the work in progress or the physical conditions prohibit the use or installation of such guardrails.

(d) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by buoyant work vests, meeting the requirements of § 1501.84(a).

(e) Sections of bilges from which floor plates or gratings have been removed shall be guarded by guardrails except where they would interfere with work in progress. If these open sections are in a walkway at least two 10-inch planks placed side by side, or equivalent, shall be laid across the opening to provide a safe walking surface.

(f) Gratings, walkways, and catwalks, from which sections or ladders have been removed, shall be barricaded with adequate guardrails.

18. In § 1501.45 title to section is amended and paragraph (g) is added to read as follows:

§ 1501.45 Access to and guarding of drydocks and marine railways.

* * * * *

(g) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of § 1501.41(i) (1) and (2).

19. In § 1501.47 the paragraph designation (a) is assigned to the first paragraph and paragraphs (b), (c), and (d) are added to read as follows:

§ 1501.47 Working surfaces.

(a) When firebox floors present tripping hazards of exposed tubing or of missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

(b) When employees are working aloft, or elsewhere at elevations more than 5 feet above a solid surface, either scaffolds or a sloping ladder, meeting the requirements of this subpart, shall be used to afford safe footing, or the employees shall be protected by safety belts and lifelines meeting the requirements of § 1501.84(b). Employees visually restricted by blasting hoods, welding helmets, and burning goggles shall work from scaffolds, not from ladders.

(c) For work performed in restricted quarters, such as behind boilers and in between congested machinery units and piping, work platforms at least 20 inches wide meeting the requirements of § 1501.41(h)(1) shall be used. Backrails may be omitted if bulkheading, boilers, machinery units, or piping afford proper protection against falling.

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by buoyant work vests meeting the requirements of § 1501.84(a).

Subpart F—General Working Conditions

20. In §1501.51 paragraph (a) is amended to read as follows:

§ 1501.51 Housekeeping.

(a) Good housekeeping conditions shall be maintained at all times. Adequate aisles and passageways shall be maintained in all work areas. All staging platforms, ramps, stairways, walkways, aisles, and passageways on vessels or dry docks shall be kept clear of all tools, materials, and equipment except that which is in use, and all debris such as welding rod tips, bolts, nuts, and similar material. Hose and electric conductors shall be elevated over or placed under the walkway or working surfaces or covered by adequate crossover planks.

* * * * *

21. In § 1501.52 paragraph (b)(2) is amended to read as follows:

§ 1501.52 Illumination.

* * * * *

(b) * * *

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cable are permitted.

* * * * *

22. In § 1501.53 paragraph (c)(1) is added to read as follows:

§ 1501.53 Utilities.

* * * * *

(c) *Infrared electrical heat lamps.* (1) All infrared electrical heat lamps shall be equipped with guards that surround the lamps with the exception of the face, to minimize accidental contact with the lamps.

23. In § 1501.57 paragraphs (a), (b), and (c) are changed to (e), (f), and (g), and new paragraphs (a), (b), (c), and (d) are added to read as follows:

§ 1501.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; structural material, such as cadmium or zinc coated steel or plastic materials; or process material, such as welding filler metals, shall

be used until the employer ascertains the potential fire and toxic hazards which may be encountered in the handling, application, or utilization of these materials.

(b) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(c) The employer shall provide all necessary controls, and the employees shall be protected against the hazards referred to in paragraph (a) and those hazards for which specific precautions are required in Subparts B, C, and D, by suitable personal protective equipment.

(d) Paragraphs (a), (b), and (c) of this section shall take effect 180 days after the effective date of this amendment.

* * * * *

24. In § 1501.58 paragraph (d) is amended to read as follows:

§ 1501.58 First aid.

* * * * *

(d) There shall be available for each vessel on which ten (10) or more employees are working one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. A blanket or other liner suitable for transferring the patient to and from the stretcher shall be provided. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services which are available are known to carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

25. In § 1501.64 paragraph (d) is added to read as follows:

§ 1501.64 Chain falls and pull-lifts.

* * * * *

(d) Scaffolding shall not be used as a point of attachment for lifting devices, such as tackles, chain falls, and pull-lifts unless the scaffolding is specifically designed for that purpose.

26. In § 1501.65 paragraphs (a) and (c) are changed to (b) and (e), paragraphs (b) (1) and (2) are changed to (c) (1) and (2), paragraph (b)(3) is amended and changed to paragraph (d), and new paragraph (a) is added to read as follows:

§ 1501.65 Hoisting and hauling equipment.

(a) *Derrick and crane certification.* (1) Derricks and cranes which are part of, or regularly placed aboard barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in 29 CFR, Part 1505, by persons accredited for that purpose.

(2) Subparagraph (1) of this paragraph shall take effect 180 days after the effective date of this amendment.

* * * * *

(c) *Mobile crawler or truck cranes used on a vessel.* (1) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(d) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane either permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(e) *Marine railways.* (1) * * *

* * * * *

27. In § 1501.66 paragraph (m) is amended, paragraphs (n) and (o) are changed to (o) and (p), and new paragraph (n) is added to read as follows:

§ 1501.66 Use of gear.

* * * * *

(m) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from being unshipped so that it cannot be displaced by accident.

(n) Hatches shall not be opened or closed while employees are in the square of the hatch below.

(o) * * *

(p) * * *

28. In § 1501.68 title to section is added and Table G-6 is amended to read as follows:

§ 1501.68 Tables.

* * * * *

TABLE G-6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter, inches	Number of clips		Minimum spacing, inches
	Drop forged	Other material	
•	------	------	--------
½	3	4	3
⅝	3	4	3¾
¾	4	5	4½
⅞	4	5	5¼
1	4	6	6
1⅛	5	6	6¾
1¼	5	7	7½
1⅜	6	7	8¼
1½	6	8	9

•Three clips shall be used on wire size less than ½-inch diameter.

* * * * *

29. In § 1501.71 paragraph (a) is amended and paragraphs (f), (g), and (h) are added to read as follows:

§ 1501.71 General precautions.

(a) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

* * * * *

(f) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(g) Headers, manifolds, and widely spaced hose connections on compressed air lines shall bear the word "air" in letters at least 1 inch high, which shall be painted either on the manifold or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(h) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

30. In § 1501.72 paragraph (a) is amended to read as follows:

§ 1501.72 Portable electric tools.

(a) The frames of portable electric tools and appliances, except double insulated tools approved by Underwriters' Laboratories, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

* * * * *

31. In § 1501.74 introduction to paragraph (c) is amended to read as follows:

§ 1501.74 Abrasive wheels.

* * * * *

(c) Cup type wheels use for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1. All other portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

* * * * *

32. Section 1501.76 is added to read as follows:

§ 1501.76 Internal combustion engines, other than ship's equipment.

(a) When internal combustion engines, furnished by the employer are used in a fixed position below decks, for such purposes as driving pumps, generators, and blowers, the exhaust shall be led to the open air, clear of any ventilation intakes and openings through which it might enter the vessel.

(b) All exhaust line joints and connections shall be checked for tightness immediately upon starting the engine, and any leaks shall be corrected at once.

(c) When internal combustion engines on vehicles, such as forklifts and mobile cranes, or on portable equipment such as fans, generators, and pumps exhaust into the atmosphere below decks, the competent person shall make tests of the carbon monoxide content of the atmosphere as frequently as conditions require

to ensure that dangerous concentrations do not develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 100 parts per million (0.01%). The employer shall use blowers sufficient in size and number and so arranged as to maintain the concentration below this allowable limit before work is resumed.

Subpart I—Personal Protective Equipment

33. In § 1501.81 paragraph (c)(1) is amended to read as follows:

§ 1501.81 Eye protection.

* * * * *

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets, hand shields, or face shields equipped with filter lenses meeting the requirements of paragraphs (a) and (c)(2) of this section.

* * * * *

34. In § 1501.83 paragraph (b) is amended to read as follows:

§ 1501.83 Head, foot, and body protection.

* * * * *

(b) Protective hats shall meet the specifications contained in the United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

* * * * *

35. In § 1501.84 sense of paragraph (a)(1) is transferred to § 1501.43(d) and § 1501.47(c), paragraph (b)(1) to § 1501.47(b), and paragraph (b)(2) to § 1501.11(b)(3); paragraphs (b)(2) and (3), and (c)(4) are amended; and new paragraphs (a) (1) and (2), and (b)(1) are added to read as follows:

§ 1501.84 Lifesaving equipment.

(a) *Buoyant work vests.* (1) Buoyant work vests shall not meet the requirements of these regulations unless approved by the U.S. Coast Guard.

(2) Prior to each use, buoyant work vests shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective buoyant work vests shall not be used.

(b) *Safety belts and lifelines.* (1) Safety belts shall be equipped with lifelines which in use are secured with a minimum of slack to a fixed structure.

(2) Prior to each use, belts and lifelines shall be inspected for dry rot, chemical damage, or other defects which may affect their strength. Defective belts and lifelines shall not be used.

(3) When employees are working in any location requiring a safety belt and a lifeline, care shall be exercised to ensure that the lifeline is not cut, pinched, or led over a sharp edge. In hot work operations or those involving the use of acids, solvents, or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the lifeline continuously attached with a minimum of slack to a fixed structure the attachment point of the lifeline shall be appropriately changed as the work progresses.

* * * * *

(c) *Liferings and ladders.* * * *

(4) In the vicinity of each vessel afloat in which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

Subpart J—Ship's Machinery and Piping Systems

36. In § 1501.91 paragraph (a) introductory text and subparagraphs (1) and (2) are amended to read as follows:

§ 1501.91 Ship's boilers.

(a) Before work is performed in the fire, steam, or water spaces of a boiler where employees may be subject to injury from the direct escape of a high temperature medium, such as steam, or water, oil, or other medium at a high temperature entering from an interconnecting system, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, blanked, and tagged indicating that employees are working in the boiler. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working in the boiler, or until the work in the boiler is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

* * * * *

37. In § 1501.92 paragraph (a) introductory text and subparagraphs (1) and (2) are amended to read as follows:

§ 1501.92 Ship's piping systems.

(a) Before work is performed on a valve, fitting, or section of piping in a piping system where employees may be subject to injury from the direct escape of steam, or water, oil, or other medium at a high temperature, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, blanked, and tagged indicating that employees are working on the systems. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

Subpart L—Electrical Machinery

38. Section 1501.111 is amended to read as follows:

§ 1501.111 Electrical circuits and distribution boards.

(a) Before an employee is permitted to work on an electrical circuit, except when the circuit must remain energized for testing and adjusting, the circuit shall be deenergized and checked at the point at which the work is to be done to insure that it is actually deenergized. When testing or adjusting an energized circuit a rubber mat, duck board, or other suitable insulation shall be used underfoot where an insulated deck does not exist.

(b) Deenergizing the circuit shall be accomplished by opening the circuit breaker, opening the switch, or removing the fuse, whichever method is appropriate. The circuit breaker, switch, or fuse location shall be tagged to indicate that an employee is working on the circuit. Such tags shall not be removed nor the circuit energized until it is definitely determined that the work on the circuit has been completed.

(c) When work is performed immediately adjacent to an open-front energized board or in back of an energized board, the board shall be covered or some other equally safe means shall be used to prevent contact with any of the energized parts.

PART 1502—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

Subpart A—General Provisions

39. Section 1502.5 is amended to read as follows:

§ 1502.5 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, Subpart B, § 1502.10(a).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill. 60611, Subpart C §§ 1502.24(b)(7), 1502.25(a)(4); Subpart H, § 1502.72(a).

United States of America Standard Safety Code for Portable Wood Ladders, A14.1 1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1502.42(a)(6).

United States of America Standard Safety Code for Portable Metal Ladders, A14.2–1956, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1502.42(a)(4).

United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart I, §§ 1502.81(a)(1), 1502.83(b).

American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, section VIII, Rules for Construction of Unfired Pressure Vessels, American Society of Mechanical Engineers, 29 West 39th Street, New York, N.Y. 10018, Subpart K, § 1502.101(a).

Threshold Limit Values, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, Ohio 45202, Subpart C § 1502.21(b).

United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1–1964, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart H, § 1502.74(c).

40. The title to Subpart B is amended to read as follows:

Subpart B—Explosive and Other Dangerous Atmospheres

41. In § 1502.10 paragraphs (a)(1) and (c)(1) are amended to read as follows:

§ 1502.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts C, D, and H of this part, except for § 1502.24(b)(8), one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts C, D, and H of this part are always carried out by a National Fire Protection Association Certified Marine Chemist.

* * * * *

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts C, D, and H of this part, except those referred to in § 1502.24(b)(8), are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be recorded on U.S. Department of Labor Form MAR–9, "Log of Inspections and Tests by Competent Person." A separate form shall be used for each vessel on which tests and inspections are made.

* * * * *

Subpart C—Surface Preparation and Preservation

42. Section 1502.21 is amended to read as follows:

§ 1502.21 Toxic cleaning solvents.

(a) When toxic solvents are used, the employer shall employ one or more of the following measures to safeguard the health of employees exposed to these solvents.

(1) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(2) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to a concentration which is safe for the entire work period.

(3) Employees shall be protected against toxic vapors by suitable respiratory protective equipment in accordance with the requirements of § 1502.82 (a) and (c), and, where necessary, against exposure of skin and eyes to contact with toxic solvents and their vapors by suitable clothing and equipment.

(b) The principles in the threshold limit values to which attention is directed in § 1502.5 will be used by the Department of Labor in enforcement proceedings in defining a safe concentration of air contaminants.

(c) When flammable solvents are used, precautions shall be taken in accordance with the requirements of § 1502.25.

43. In § 1502.23 paragraph (c)(1)(iv) is added to read as follows:

§ 1502.23 Mechanical paint removers.

(c) *Abrasive blasting*—(1) *Equipment.* * * *

(iv) *Dead man control.* A dead man control device shall be provided at the nozzle end of the blasting hose either to provide direct cut off or to signal the pot tender by means of a visual and audible signal to cutoff the flow, in the event the blaster loses control of the hose. The pot tender shall be available at all times to respond immediately to the signal.

* * * * *

44. In § 1502.24 paragraphs (a)(4), (b)(5), (13), and (14) are amended to read as follows:

§ 1502.24 Painting.

(a) *Paints mixed with toxic vehicles or solvents.* * * *

(4) The metallic parts of air moving devices, including fans, blowers, jet-type air movers, and duct work shall be electrically bonded to the vessel's structure.

(b) *Paints and tank coatings dissolve in highly volatile, toxic, and flammable solvents.* * * *

(5) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

* * * * *

(13) All employees continuously in a compartment in which such painting is being performed, shall be protected by air line respirators in accordance with the requirements of § 1502.82(a) and by suitable protective clothing. Employees entering such compartments for a limited time shall be protected by filter cartridge type respirators in accordance with the requirements of § 1502.82 (a) and (e).

(14) All employees doing exterior paint spraying with such paints shall be protected by suitable filter cartridge type respirators in accordance with the requirements of § 1502.82 (a) and (e) and by suitable protective clothing.

Subpart D—Welding, Cutting, and Heating

45. In § 1502.31 paragraph (a)(1)(vi) is amended to read as follows:

§ 1502.31 Ventilation and protection in welding, cutting, and heating.

(a) *Mechanical ventilation; requirements.* (1) * * *

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, or for blowing dust or dirt from clothing.

* * * * *

46. In § 1502.32 paragraph (e) is amended and paragraphs (h) and (i) are added to read as follows:

§ 1502.32 Fire prevention.

* * * * *

(e) When the welding, cutting, or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting, or heating operation is being performed and for a sufficient period of time after completion of the work to insure that no possibility of fire exists. Such personnel shall be instructed as to the specific anticipated fire hazards and how the fire fighting equipment provided is to be used.

* * * * *

(h) Vaporizing liquid extinguishers shall not be used in enclosed spaces.

(i) Except when the contents are being removed or transferred, drums, pails, and other containers which contain or have contained flammable liquids shall be kept closed. Empty containers shall be removed to a safe area apart from hot work operations, or open flames.

47. In § 1502.35 subparagraph (a)(9), titles to paragraphs (e) and (g), and subparagraphs (e) (1), (2), and (3) are amended, and subparagraphs (e) (4) and (5) and (g) (2) and (3) are added to read as follows:

§ 1502.35 Gas welding and cutting.

(a) *Transporting, moving, and storing compressed gas cylinders.* * * *

(9) Acetylene cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

* * * * *

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe and accessible locations in the open air. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall

not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

* * * * *

(g) *Torches.* (1) * * *

(2) Torches shall be inspected at the beginning of each shift for leaking shut-off valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

* * * * *

48. In § 1502.36 paragraph (a)(2) is amended to read as follows:

§ 1502.36 Arc welding and cutting.

(a) *Manual electrode holders.* (1) * * *

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

* * * * *

Subpart E—Scaffolds, Ladders, and Other Working Surfaces

49. In § 1502.41 paragraphs (a)(6), (i)(2) and (3) are amended to read as follows:

§ 1502.41 Scaffolds or staging.

(a) *General requirements.* * * *

(6) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

* * * * *

(i) *Backrails and toeboards.* (1) * * *

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of § 1502.84(b), and employees working over water shall be protected by buoyant work vests meeting the requirements of § 1502.84(a).

* * * * *

50. In § 1502.42 subparagraphs (a) (4) and (6) are amended to read as follows:

§ 1502.42 Ladders.

(a) *General requirements.* * * *

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Metal Ladders, A14.2.

* * * * *

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Wood Ladders, A14.1.

* * * * *

51. In § 1502.43 title to section is amended and paragraphs (c), (d), (e), and (f) are added to read as follows:

§ 1502.43 Guarding of deck openings and edges.

* * * * *

(c) When employees are exposed to unguarded edges of decks, platforms, flats, and similar flat surfaces, more than 5 feet above a solid surface, the edges shall be guarded by adequate guardrails meeting the requirements of § 1502.41(i)(1) and (2), unless the nature of the work in progress or the physical conditions prohibit the use or installation of such guardrails.

(d) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by buoyant work vests, meeting the requirements of § 1502.84(a).

(e) Section of bilges in which floor plates or gratings have not been installed shall be guarded by guardrails except where they would interfere with the work in progress. If these open sections are in a walkway at least two 10-inch planks placed side by side, or equivalent, shall be laid across the opening to provide a safe walking surface.

(f) Gratings, walkways, and catwalks, in which sections of gratings and ladders have not been installed shall be barricaded with adequate guardrails.

52. In § 1502.45 title to section is amended and paragraph (g) is added to read as follows:

§ 1502.45 Access to and guarding of drydocks and marine railways.

* * * * *

(g) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of § 1502.41(i) (1) and (2).

53. In § 1502.47 the paragraph designation (a) is assigned to the first paragraph and paragraphs (b), (c), and (d) are added to read as follows:

§ 1502.47 Working surfaces.

(a) When firebox floors present tripping hazards of exposed tubing or of missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

(b) When employees are working aloft, or elsewhere at elevations more than 5 feet above a solid surface, either scaffolds or a sloping ladder, meeting the requirements of this subpart, shall be used to afford safe footing, or the employees shall be protected by safety belts and lifelines meeting the requirements of § 1502.84(b). Employees visually restricted by blasting hoods, welding helmets, and burning goggles shall work from scaffolds, not from ladders.

(c) For work performed in restricted quarters, such as behind boilers and in between congested machinery units and piping, work platforms at least 20 inches wide meeting the requirements of § 1502.41(h)(1) shall be used. Backrails may be omitted if bulkheading, boilers, machinery units, or piping afford proper protection against falling.

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by buoyant work vests meeting the requirements of § 1502.84(a).

Subpart F—General Working Conditions

54. In § 1502.51 paragraph (a) is amended to read as follows:

§ 1502.51 Housekeeping.

(a) Good housekeeping conditions shall be maintained at all times. Adequate aisles and passageways shall be maintained in all work areas. All staging platforms, ramps, stairways, walkways, aisles, and passageways on vessels or drydocks shall be kept clear of all tools, materials, and equipment except that which is in use, and all debris such as welding rod tips, bolts, nuts, and similar material. Hose and electric conductors shall be elevated over or placed under the walkway or working surfaces or covered by adequate crossover planks.

* * * * *

55. In § 1502.52 paragraph (b)(2) is amended to read as follows:

§ 1502.52 Illumination.

* * * * *

(b) * * *

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cable are permitted.

56. In § 1502.53 paragraph (c)(1) is added to read as follows:

§ 1502.53 Utilities.

* * * * *

(c) *Infrared electrical heat lamps.* (1) All infrared electrical heat lamps shall be equipped with guards that surround the lamps with the exception of the face, to minimize accidental contact with the lamps.

57. In § 1502.57 paragraphs (a) and (b) are changed to (e) and (f), and new paragraphs (a), (b), (c), and (d) are added to read as follows:

§ 1502.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; structural material, such as cadmium or zinc coated steel or plastic materials; or process material, such as welding filler metals, shall be used until the employer ascertains the potential fire and toxic hazards which may be encountered in the handling, application, or utilization of these materials.

(b) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(c) The employer shall provide all necessary controls, and the employees shall be protected against the hazards referred to in paragraph (a) of this section and those hazards for which specific precautions are required in Subparts C and D, by suitable personal protective equipment.

(d) Paragraphs (a), (b), and (c) of this section shall take effect 180 days after the effective date of this amendment.

* * * * *

58. In § 1502.58 paragraph (d) is amended to read as follows:

§ 1502.58 First aid.

* * * * *

(d) There shall be available for each vessel on which ten (10) or more employees are working one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. A blanket or other liner suitable for transferring the patient to and from the stretcher shall be provided. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services which are available are known to carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

59. In § 1502.64 paragraph (d) is added to read as follows:

§ 1502.64 Chain falls and pull-lifts.

* * * * *

(d) Scaffolding shall not be used as a point of attachment for lifting devices, such as tackles, chain falls, and pull-lifts unless the scaffolding is specifically designed for that purpose.

60. In § 1502.65 paragraphs (a) and (c) are changed to (b) and (e), paragraphs (b) (1) and (2) are changed to (c) (1) and (2), paragraph (b)(3) is amended and changed to paragraph (d), and new paragraph (a) is added to read as follows:

§ 1502.65 Hoisting and hauling equipment.

(a) *Derrick and crane certification.* (1) Derricks and cranes which are part of, or regularly placed aboard, barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in 29 CFR, Part 1505, by persons accredited for that purpose.

(2) Subparagraph (1) of this paragraph shall take effect 180 days after the effective date of this amendment.

* * * * *

(c) *Mobile crawler or truck cranes used on a vessel.* (1) The maximum manufacturer's rated safe workingloads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(d) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane either permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(e) *Marine railways.* (1) * * *

* * * * *

61. In § 1502.66 paragraph (m) is amended, paragraphs (n) and (o) are changed to (o) and (p), and new paragraph (n) is added to read as follows:

§ 1502.66 Use of gear.

* * * * *

(m) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from being unshipped.

(n) Hatches shall not be opened or closed while employees are in the square of the hatch below.

(o) * * *

(p) * * *

62. In § 1502.68 Table G–6, is amended to read as follows:

§ 1502.68 Tables.

* * * * *

TABLE G–6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter, inches	Number of clips		Minimum spacing, inches
	Drop forged	Other material	
*	------	------	--------
1/2	3	4	3
5/8	3	4	3 3/4
3/4	4	5	4 1/2
7/8	4	5	5 1/4
1	4	6	6
1 1/8	5	6	6 3/4
1 1/4	5	7	7 1/2
1 3/8	6	7	8 1/4
1 1/2	6	8	9

*Three clips shall be used on wire size less than 1/2-inch diameter.

* * * * *

63. In § 1502.71 paragraph (a) is amended and paragraphs (f), (g), and (h) are added to read as follows:

§ 1502.71 General precautions.

(a) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps, shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

* * * * *

(f) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(g) Headers, manifolds, and widely spaced hose connections on compressed air lines shall bear the word "air" in letters at least 1 inch high, which shall be painted either on the manifold or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(h) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

64. In § 1502.72 paragraph (a) is amended to read as follows:

§ 1502.72 Portable electric tools.

(a) The frames of portable electric tools and appliances, except double insulated tools approved by Underwriters' Laboratories, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

* * * * *

65. In § 1502.74 introduction to paragraph (c) is amended to read as follows:

§ 1502.74 Abrasive wheels.

* * * * *

(c) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1. All other portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

* * * * *

66. Section 1502.76 is added to read as follows:

§ 1502.76 Internal combustion engines, other than ship's equipment.

(a) When internal combustion engines, furnished by the employer are used in a fixed position below decks, for such purposes as driving pumps, generators, and blowers, the exhaust shall be led to the open air, clear of any ventilation intakes and openings through which it might enter the vessel.

(b) All exhaust line joints and connections shall be checked for tightness immediately upon starting the engine, and any leaks shall be corrected at once.

(c) When internal combustion engines on vehicles, such as forklifts and

mobile cranes, or on portable equipment such as fans, generators, and pumps exhaust into the atmosphere below decks, the competent person shall make tests of the carbon monoxide content of the atmosphere as frequently as conditions require to insure that dangerous concentrations do not develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 100 parts per million (0.01%). The employer shall use blowers sufficient in size and number and so arranged as to maintain the concentration below this allowable limit before work is resumed.

Subpart I—Personal Protective Equipment

67. In § 1502.81 paragraph (c)(1) is amended to read as follows:

§ 1502.81 Eye protection.

* * * * *

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets, hand shields, or face shields equipped with filter lenses meeting the requirements of paragraphs (a) and (c)(2) of this section.

* * * * *

68. In § 1502.83 paragraph (b) is amended to read as follows:

§ 1502.83 Head, foot, and body protection.

* * * * *

(b) Protective hats shall meet the specifications contained in the United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

* * * * *

69. In § 1502.84 sense of paragraph (a)(1) is transferred to § 1502.43(d) and § 1502.47(c), paragraph (b)(1) to § 1502.47(b), and paragraph (b)(2) to § 1502.11(b)(3); paragraphs (b) (2) and (3), and (c)(4) are amended; and new paragraphs (a) (1) and (2), and (b)(1) are added to read as follows:

§ 1502.84 Life saving equipment.

(a) *Buoyant work vests.* (1) Buoyant work vests shall not meet the requirements of these regulations unless approved by the U.S. Coast Guard.

(2) Prior to each use, buoyant work vests shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective buoyant work vests shall not be used.

(b) *Safety belts and lifelines.* (1) Safety belts shall be equipped with lifelines which in use are secured with a minimum of slack to a fixed structure.

(2) Prior to each use, belts and lifelines shall be inspected for dry rot, chemical damage, or other defects which may affect their strength. Defective belts and lifelines shall not be used.

(3) When employees are working in any location requiring a safety belt and a lifeline, care shall be exercised to insure that the lifeline is not cut, pinched, or led over a sharp edge. In hot work operations or those involving the use of acids, solvents, or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the lifeline continuously attached with a minimum of slack to a fixed structure the attachment point of the lifeline shall be appropriately changed as the work progresses.

* * * * *

(c) *Liferings and ladders.* * * *

(4) In the vicinity of each vessel afloat on which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

Subpart J—Ship's Machinery and Piping Systems

70. In § 1502.91 paragraph (a) introductory text and subparagraphs (1) and (2) are amended to read as follows:

§ 1502.91 Ship's boilers.

(a) Before work is performed in the fire, steam, or water spaces of a boiler where employees may be subject to injury from the direct escape of a high temperature medium, such as steam, or water, oil, or other medium at a high temperature entering from an interconnecting system, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, blanked, and tagged indicating that employees are working in the boiler. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working in the boiler, or until the work in the boiler is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

* * * * *

71. In § 1502.92 paragraph (a) introductory text and subparagraphs (1) and (2) are amended to read as follows:

§ 1502.92 Ship's piping systems.

(a) Before work is performed on a valve, fitting, or section of piping in a piping system where employees may be subject to injury from the direct escape of steam, or water, oil, or other medium at a high temperature, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, blanked, and tagged indicating that employees are working on the system. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

Subpart L—Electrical Machinery

72. Section 1502.111 is amended to read as follows:

§ 1502.111 Electrical circuits and distribution boards.

(a) Before an employee is permitted to work on an electrical circuit, except when the circuit must remain energized for testing and adjusting, the circuit shall be deenergized and checked at the point at which the work is to be done to insure that it is actually deenergized. When testing or adjusting an energized circuit, a rubber mat, duck board, or other suitable insulation shall be used underfoot where an insulated deck does not exist.

(b) Deenergizing the circuit shall be accomplished by opening the circuit breaker, opening the switch, or removing the fuse, whichever method is appropriate. The circuit breaker, switch, or fuse location shall be tagged to indicate that an employee is working on the circuit. Such tags shall not be removed nor the circuit energized until it is definitely determined that the work on the circuit has been completed.

(c) When work is performed immediately adjacent to an open-front energized board or in back of an energized board, the board shall be covered or some other equally safe means shall be used to prevent contact with any of the energized parts.

PART 1503—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

Subpart A—General Provisions

73. Section 1503.5 is amended to read as follows:

§ 1503.5 Reference specifications, standards, and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, Subpart B § 1503.13(b).

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill. 60611, Subpart B, § 1503.12(b) and (f); Subpart H, § 1503.72(a).

United States of America Standard Safety Code for Portable Wood Ladders, A14.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart E, § 1503.42(a)(6).

United States of America Standard Safety Code for Portable Metal Ladders, A14.2–1956, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart I, § 1503.42(a)(4).

United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1–1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016, Subpart I, §§ 1503.81(a)(1), 1503.83(b).

Threshold Limit Values, American Conference of Governmental Industrial Hygenists, 1014 Broadway, Cincinnati, Ohio 45202, Subpart B, § 1503.11(a)(6).

74. The title to Subpart B is amended to read as follows:

Subpart B—Explosive and Other Dangerous Atmospheres

75. In § 1503.10 paragraphs (a)(1) and (c)(3) are amended to read as follows:

§ 1503.10 Competent person.

(a) *Designation.* (1) For the purposes of Subparts B and D of this part one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts B and D of this part are always carried out by a National Fire Protection Association Certified Marine Chemist.

* * * * *

(c) *Logging of inspections and tests.* * * *

(3) A copy of any certificate issued in accordance with § 1503.13 and of any instructions issued by the National Fire Protection Association Certified Marine Chemist shall be kept on file with the log for a period of at least 3 months from the date of the completion of the job.

* * * * *

76. Section 1503.11 is amended to read as follows:

§ 1503.11 Precautions before entering.

(a) *Flammable or toxic atmospheres and residues.* (1) Before employees are initially permitted to enter any cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk, and spaces immediately adjacent to these spaces, the atmosphere within such spaces shall be tested by a competent person to determine the concentration of flammable vapors or gases in the atmosphere within the spaces.

(2) If the atmosphere within a ship's space contains flammable vapors or gases, the space shall be ventilated to reduce the concentration below 10 percent of the lower explosive limit. If necessary the provisions of subparagraph (6) of this paragraph shall be applied.

(3) Before employees are initially permitted to enter any of the ship's spaces designated in subdivision (i) of this subparagraph, the atmosphere within such spaces shall be tested and the spaces inspected by a Marine Chemist, Industrial Hygienist or other person qualified to make these tests and inspections, for toxic atmospheric contaminants and the presence of toxic or corrosive residues.

(i) Cargo spaces or other spaces containing or having last contained bulk liquids, gases, or solids of a toxic, corrosive, or irritant nature, and spaces immediately adjacent to these spaces.

(4) If the atmosphere within a ship's space contains toxic contaminants, the space shall be ventilated to reduce the concentration below the level immediately dangerous to life, defined in § 1503.82(b)(1). If necessary, the provisions of subparagraph (6) of this paragraph shall be applied.

(5) Where tests indicate that no flammable or toxic contaminants are present in the atmosphere, the persons required to conduct the tests shall test the atmosphere to insure that it contains at least 16.5 percent oxygen.

(6) If the atmosphere within a ship's space is found to contain a concentration of contaminants below the level immediately dangerous to life, defined in § 1503.82(b)(1), but above the threshold limit value, employees shall be protected in accordance with the requirements of § 1503.82 (a) and (c), (d), or (e), whichever is applicable.

(7) The person qualified to make the tests and inspections referred to in subparagraph (3) of this paragraph shall make a record of the tests, inspections, and instructions pertaining to subparagraphs (4) and (6) of this paragraph on U.S. Department of Labor Form MAR–9, which shall be available for inspection and kept on file in accordance with § 1503.10(c)(2).

(8) If, in an emergency, involving peril to life, time does not allow ventilation required by subparagraphs (2) and (4) of this paragraph to be applied, an exception is allowed, provided employees are protected by respiratory protective equipment and lifelines in accordance with the requirements of § 1503.82 (a) and (b).

(b) *Oxygen deficient atmospheres.* (1) Before employees are permitted to enter compartments which have been sealed, spaces which have been coated and closed up, or nonventilated compartments which have been freshly painted, the atmosphere within the spaces shall be tested by a competent person with an oxygen indicator or other suitable device to ensure that it contains at least 16.5 percent oxygen.

(2) If the oxygen content is less than 16.5 percent, the space shall be ventilated until tests indicate an oxygen content above this level.

(3) If, in an emergency, involving peril to life, time does not allow ventilation required by subparagraph (2) of this paragraph to be applied, an exception is allowed, provided employees are protected by respiratory equipment and lifelines in accordance with the requirements of § 1503.82(a) and (b).

77. In § 1503.12 paragraphs (b) and (d) are amended, and paragraphs (e), (f), and (g) are added to read as follows:

§ 1503.12 Cleaning and other cold work.

* * * * *

(b) Only approved explosion-proof, self-contained, battery-fed, portable lamps shall be used in spaces described in paragraph (b) of § 1503.13 before the spaces have been certified as "Safe for Men." Battery-fed, portable lamps bearing the approval of the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines, and such lamps listed by the U.S. Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

* * * * *

(d) The metallic parts of air moving devices, including fans, blowers, jet-type air movers, and duct work shall be electrically bonded to the vessel's structure.

(e) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Air ducts shall be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(f) In spaces described in paragraph (b) of § 1503.13 which have been certified "Safe for Men," either battery lamps or explosion-proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissable by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used, provided the lights are mounted to the space openings from the exterior, or suspended within the space with the cables so led as to protect them from injury.

(g) In spaces certified "Safe for Fire" nonexplosion proof lights may be used.

78. In § 1503.13 paragraphs (b) (3) and (4) are amended to read as follows:

§ 1503.13 Certification before hot work is begun.

* * * * *

(b) *Hot work below decks.* * * *

(3) In dry cargo holds for which a Marine Chemist's certificate is not required by paragraph (b)(2)(ii) of this section, hot work may be performed only after a competent person has carefully examined the hold and found it to be free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

(4) Before hot work is performed in engine room and boiler room spaces of any vessel for which a Marine Chemist's certificate is not required by the provision of paragraph (b) (1) and (2) of this section or in fuel tank and engine compartments of boats, the bilges shall be inspected and tested by a competent person to ensure that they are free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed

within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

79. In § 1503.14 paragraph (b) is amended to read as follows:

§ 1503.14 Maintaining gas free conditions.

* * * * *

(b) *Hot work below decks.* (1) When conditions in spaces below decks described in § 1503.13(b) (1) and (2) are such that there is a possibility of hazardous vapors being released from residues or other sources, after a Marine Chemist's certificate has been issued, a competent person shall make tests to ensure that the gas free condition is maintained irrespective of whether hot work is being performed in or on the aforementioned spaces. When the competent person finds that the atmospheric conditions have altered, work shall be stopped and a new Marine Chemist's certificate in accordance with § 1503.13(b) (1) and (2) shall be obtained, before work is resumed.

Subpart D—Welding, Cutting, and Heating

8. In § 1503.31 paragraph (a) (1) (vi) is amended to read as follows:

§ 1503.31 Ventilation and protection in welding, cutting, and heating.

(a) *Mechanical ventilation; requirements.* (1) * * *

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, or for blowing dust or dirt from clothing.

* * * * *

81. In § 1503.32 paragraph (b) is amended to read as follows:

§ 1503.32 Fire prevention.

* * * * *

(b) In all cases suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use. Personnel assigned to contain fires within controllable limits shall be instructed as to the specific anticipated fire hazards and how the fire fighting equipment provided is to be used.

82. In § 1503.35 paragraph (a) (9), titles to paragraphs (e) and (g), and paragraphs (e) (1), (2), and (3) are amended, and paragraphs (e) (4) and (5) and (g) (2) and (3) are added to read as follows:

§ 1503.35 Gas welding and cutting.

(a) *Transporting, moving, and storing compressed gas cylinders.* * * *

(9) Acetylene cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

* * * * *

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe and accessible locations in the open air. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

* * * * *

(g) *Torches.* (1) * * *

(2) Torches shall be inspected at the beginning of each shift for leaking shutoff valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

* * * * *

83. In § 1503.36 paragraph (a) (2) is amended to read as follows:

§ 1503.36 Arc welding and cutting.

(a) *Manual electrode holders* (1) * * *

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

* * * * *

Subpart E—Scaffolds, Ladders, and Other Working Surfaces

84. In § 1503.41 paragraphs (a) (6), (e) (2) and (3) are amended to read as follows:

§ 1503.41 Scaffolds or staging.

(a) *General requirements.* * * *

(6) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

* * * * *

(e) *Backrails and toeboards.* (1) * * *

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and lifelines meeting the requirements of § 1503.84(b), and employees working over water shall be protected by buoyant work vests meeting the requirements of § 1503.84(a).

* * * * *

85. In § 1503.42 paragraphs (a) (4) and (6) are amended to read as follows:

§ 1503.42 Ladders.

(a) *General requirements.* * * *

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Metal Ladders, A14.2.

* * * * *

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Wood Ladders, A14.1.

* * * * *

86. In § 1503.45 title to section is amended and paragraph (g) is added to read as follows:

§ 1503.45 Access to and guarding of drydocks and marine railways.

* * * * *

(g) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of § 1503.41(e) (1) and (2).

87. Section 1503.47 is added to read as follows:

§ 1503.47 Working surfaces.

(a) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by buoyant work vests meeting the requirements of § 1503.84(a).

Subpart F—General Working Conditions

88. In § 1503.52 paragraph (b) (2) is amended to read as follows:

§ 1503.52 Illumination.

* * * * *

(b) * * *

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cables are permitted.

* * * * *

89. In § 1503.57 paragraphs (a), (b), and (c) are changed to (e), (f), and (g), and new paragraphs (a), (b), (c), and (d) are added to read as follows:

§ 1503.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; structural material, such as cadmium or zinc coated steel or plastic materials; or process material, such as welding filler metals,

shall be used until the employer ascertains the potential fire and toxic hazards which may be encountered in the handling, application, or utilization of these materials.

(b) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(c) The employer shall provide all necessary controls, and the employees shall be protected against the hazards referred to in paragraph (a) and those hazards for which specific precautions are required in Subparts B and D, by suitable personal protective equipment.

(d) Paragraphs (a), (b), and (c) of this section shall take effect 180 days after the effective date of this amendment.

* * * * *

90. In § 1503.58 paragraph (d) is amended to read as follows:

§ 1503.58 First aid.

* * * * *

(d) There shall be available for each vessel one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two stretchers are required on each job location. A blanket or other liner suitable for transferring to patients to and from the stretcher shall be provided. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services which are available are known to carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

91. In § 1503.64 paragraph (d) is added to read as follows:

§ 1503.64 Chain falls and pull-lifts.

* * * * *

(d) Scaffolding shall not be used as a point of attachment for lifting devices, such as tackles, chain falls, and pull-lifts unless the scaffolding is specifically designed for that purpose.

92. In § 1503.65 paragraphs (a) and (c) are changed to (b) and (e), paragraphs (b) (1) and (2) are changed to (c) (1) and (2), paragraph (b)(3) is amended and changed to paragraph (d), and new paragraph (a) is added to read as follows:

§ 1503.65 Hoisting and hauling equipment.

(a) *Derrick and crane certification.* (1) Derricks and cranes which are part of, or regularly placed aboard, barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in 29 CFR, Part 1505, by persons accredited for that purpose.

(2) Subparagraph (1) of this paragraph shall take effect 180 days after the effective date of this amendment.

* * * * *

(c) *Mobile crawler or truck cranes used on a vessel.* (1) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(d) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane either permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(e) *Marine railways.* (1) * * *

* * * * *

93. In § 1503.66 paragraph (m) is amended, and paragraph (n) is added to read as follows:

§ 1503.66 Use of gear.

* * * * *

(m) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from being unshipped.

(n) Hatches shall not be opened or closed while employees are in the square of the hatch below.

94. In § 1503.68 Table G–6 is amended to read as follows:

§ 1503.68 Tables.

* * * * *

TABLE G–6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter, inches	Number of clips		Minimum spacing, inches
	Drop forged	Other material	
*	------	------	--------
1/2	3	4	3
5/8	3	4	3 3/4
3/4	4	5	4 1/2
7/8	4	5	5 1/4
1	4	6	6
1 1/8	5	6	6 3/4
1 1/4	5	7	7 1/2
1 3/8	6	7	8 1/4
1 1/2	6	8	9

*Three clips shall be used on wire size less than 1/2-inch diameter.

* * * * *

95. In § 1503.71 paragraph (a) is amended and paragraphs (f), (g), and (h) are added to read as follows:

§ 1503.71 General precautions.

(a) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

* * * * *

(f) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(g) Headers, manifolds, and widely spaced hose connections on compressed air lines shall bear the word "air" in letters at least 1 inch high, which shall be painted either on the manifold or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(h) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

96. In § 1503.72 paragraph (a) is amended to read as follows:

§ 1503.72 Portable electric tools.

(a) The frames of portable electric tools and appliances, except double insulated tools approved by Underwriters' Laboratories, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

97. In § 1503.74 introduction to paragraph (c) is amended to read as follows:

§ 1503.74 Abrasive wheels.

* * * * *

(c) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1. All other portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

* * * * *

98. Section 1503.76 is added to read as follows:

§ 1503.76 Internal combustion engines, other than ship's equipment.

(a) When internal combustion engines, furnished by the employer are used in a fixed position below decks, for such purposes as driving pumps, generators, and blowers, the exhaust shall be led to the open air, clear of any ventilation intakes and openings through which it might enter the vessel.

(b) All exhaust line joints and connections shall be checked for tightness immediately upon starting the engine, and any leaks shall be corrected at once.

(c) When internal combustion engines on vehicles, such as forklifts and mobile cranes, or on portable equipment such as fans, generators, and pumps exhaust into the atmosphere below decks, the competent person shall make tests of the carbon monoxide content of the atmosphere as frequently as conditions require to ensure that dangerous concentrations do not

develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 100 parts per million (0.01%). The employer shall use blowers sufficient in size and number and so arranged as to maintain the concentration below this allowable limit before work is resumed.

Subpart I—Personal Protective Equipment

99. In § 1503.81 paragraph (c)(1) is amended to read as follows:

§ 1503.81 Eye protection.

* * * * *

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets, hand shields, or face shields equipped with filter lenses meeting the requirements of paragraphs (a) and (c)(2) of this section.

* * * * *

100. In § 1503.83 paragraph (b) is amended to read as follows:

§ 1503.83 Head, foot, and body protection.

* * * * *

(b) Protective hats shall meet the specifications contained in the United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

* * * * *

101. In § 1503.84 sense of paragraph (a)(1) is transferred to § 1503.43(d) and 1503.47(c), paragraph (b)(1) to § 1503.47(b), and paragraph (b)(2) to § 1503.11(b)(3); paragraphs (b) (2) and (3) and (c)(4) are amended; and new paragraphs (a) (1) and (2), and (b)(1) are added to read as follows:

§ 1503.84 Life saving equipment.

(a) *Buoyant work vests.* (1) Buoyant work vests shall not meet the requirements of these regulations unless approved by the U.S. Coast Guard.

(2) Prior to each use, buoyant work vests shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective buoyant work vests shall not be used.

(b) *Safety belts and lifelines.* (1) Safety belts shall be equipped with lifelines which in use are secured with a minimum of slack to a fixed structure.

(2) Prior to each use, belts and lifelines shall be inspected for dry rot, chemical damage, or other defects which may affect their strength. Defective belts and lifelines shall not be used.

(3) When employees are working in any location requiring a safety belt and a lifeline, care shall be exercised to insure that the lifeline is not cut, pinched, or led over a sharp edge. In hot work operations or those involving the use of acids, solvents, or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the lifeline continuously attached with a minimum of slack to a fixed structure the attachment point of the lifeline shall be appropriately changed as the work progresses.

* * * * *

(c) *Life rings and ladders.* * * *

(4) In the vicinity of each vessel afloat in which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

(Sec. 41, 44 Stat. 1444; Sec. 1, 72 Stat. 825; 33 U.S.C. 941, Secretary's Order 12–66 (31 F.R. 12620))

[F.R. Doc. 67–5855; Filed, May 29, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing Plat of Survey

MAY 23, 1967.

In the FEDERAL REGISTER, Vol. 32 No. 91, Page 7135 of the issue for Thursday, May 11, 1967, the descriptions under Alaska T. 1 S., R. 2 E. (Group 49), Sec. 24, All should read Sec. 28, All.

ROBERT C. KRUMM,
Manager,
Fairbanks District and Land Office.

[F.R. Doc. 67-5966; Filed, May 29, 1967; 8:45 a.m.]

WYOMING

Modification of Certain Grazing Districts

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, known as the Taylor Grazing Act, and in accordance with the authority delegated in 235 DM 1.1, it is ordered as follows:

1. The exterior boundaries of Grazing District No. 2 established by Departmental Order approved October 31, 1936, are hereby extended to include the following described lands, which lands are hereby excluded from Wyoming Grazing District No. 4, established October 31, 1936:

SIXTH PRINCIPAL MERIDIAN

T. 28 N., R. 99 W.,
Secs. 4 to 9 inclusive;
Secs. 16 to 18 inclusive;
Sec. 19, N½, N½S½;
Sec. 20, N½, N½S½;
Sec. 21, N½, SW¼, N½SE¼, SW¼SE¼.
T. 28 N., R. 100 W.,
Secs. 1 to 3 inclusive;
Sec. 4, lot 1, SE¼NE¼;
Sec. 9, SE¼NE¼, NE¼SE¼, S½SE¼;
Secs. 10 to 15 inclusive;
Sec. 16, S½, NE¼, S½NW¼; NE¼NW¼;
Sec. 17, SE¼NE¼, E½SE¼;
Sec. 20, E½NE¼;
Secs. 21 to 24 inclusive;
Sec. 25, N½NW¼, SW¼NW¼;
Sec. 26, NE¼;
Sec. 27, N½NW¼;
Sec. 28, N½NE¼, NE¼NW¼.
T. 29 N., R. 99 W.,
Secs. 28 to 33 inclusive.
T. 29 N., R. 100 W.,
Secs. 9 and 16;
Sec. 17, S½ NE¼, S½NW¼, NE¼NW¼;
Sec. 18, S½NE¼, SE¼, E½SW¼, SW¼ SW¼;
Secs. 19 to 21 inclusive;
Secs. 25 to 26 inclusive;
Sec. 27, N½, NE¼SE¼;
Sec. 28, N½N½, S½NE¼;
Sec. 29, N½N½, SW¼NW¼;
Sec. 30, N½N½, SE¼NE¼;
Secs. 35 to 36 inclusive.
T. 29 N., R. 101 W.,
Sec. 24, SE¼NE¼, NE¼SE¼.

2. The exterior boundaries of Grazing District No. 4 established by Departmental Order approved October 31, 1936, and amended November 10, 1954, are hereby extended to include the following described lands, which lands are hereby excluded from Wyoming Grazing District No. 3, established October 31, 1936, and amended November 10, 1954.

SIXTH PRINCIPAL MERIDIAN

T. 14 N., R. 96 W.,
Sec. 5, lots 3 and 4, S½NW¼, and SW¼;
Sec. 6;
Sec. 7, lots 1 and 2, E½NW¼, and NE¼;
Sec. 8, NW¼.
T. 14 N., R. 97 W.,
Secs. 1 to 10 inclusive;
Sec. 11, N½, NW¼SE¼, N½SW¼, and SW¼SW¼;
Sec. 12, N½;
Sec. 15, NW¼NE¼, NW¼, N½SW¼, and SW¼SW¼;
Secs. 16 to 17 inclusive;
Sec. 18, lots 1 and 2, E½NW¼, NE¼, N½, SE¼, SE¼SE¼, and NE¼SW¼;
Sec. 20, N½NE¼, SE¼NE¼, and NE¼ NW¼;
Sec. 21, NW¼NE¼, N½NW¼, and SW¼ NW¼.
T. 14 N., R. 98 W.,
Secs. 1 to 2 inclusive;
Secs. 11 to 12 inclusive;
Sec. 13, N½NE¼, SE¼NE¼, and NE¼ NW¼.
T. 15 N., R. 96 W.,
Secs. 1 to 21, inclusive;
Sec. 22, N½, NW¼SE¼, N½SW¼, and SW¼SW¼;
Sec. 23, NW¼NE¼, N½NW¼, and SW¼ NW¼;
Sec. 28, NW¼NE¼, N½NW¼, and SW¼ NW¼;
Sec. 29, N½, NW¼SE¼, N½SW¼, and SW¼SW¼;
Secs. 30 to 31, inclusive.
T. 15 N., R. 97 W.,
Sec. 1;
Secs. 11 to 15, inclusive;
Secs. 19 to 36, inclusive;
T. 15 N., R. 98 W.,
Secs. 24 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 16 N., R. 96 W.,
Secs. 33 to 36, inclusive.
T. 17 N., R. 97 W.,
Secs. 1 to 18, inclusive.
T. 17 N., R. 98 W.,
Secs. 1 to 5, inclusive;
Sec. 6, lots 3, 4, 5, 8 and 9, S½NE¼, and SE¼NW¼;
Sec. 8, NE¼;
Secs. 9 to 15, inclusive;
Sec. 16, E½ and NW¼;
Sec. 21, E½;
Secs. 22 to 24, inclusive;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, N½.
T. 18 N., R. 97 W.,
Secs. 1 to 36, inclusive.
T. 18 N., R. 98 W.,
Secs. 1 to 36, inclusive.
T. 19 N., R. 97 W.,
Secs. 5 to 8, inclusive;
Sec. 17, N½, SW¼, N½SE¼, and SW¼ SE¼;
Sec. 18;
Sec. 19, lot 1, NE¼NW¼, and NW¼NE¼.
T. 19 N., R. 98 W.,
Secs. 1 to 22, inclusive;
Sec. 23, N½, NW¼SE¼, and N½SW¼;
Sec. 24, NW¼ and N½NE¼;
Sec. 27, NW¼NW¼;
Sec. 28, N½NE¼ and NW¼;
Sec. 29, N½, N½SW¼, and NW¼SE¼;
Sec. 30, lots 5, 6, 7 and 8, E½W½, NE¼, N½SE¼, and SW¼SE¼.
T. 20 N., R. 97 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20 inclusive;
Secs. 29 to 32, inclusive.
T. 20 N., R. 98 W.,
Secs. 1 to 36, inclusive.
T. 21 N., R. 97 W.,
Secs 1 to 36, inclusive.
T. 21 N., R. 98 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 22 N., R. 97 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 36, inclusive.
T. 22 N., R. 98 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive;
T. 23 N., R. 97 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 24 N., R. 97 W.,
Secs. 1 to 7, inclusive;
Sec. 8, N½ and SW¼;
Sec. 9, N½;
Sec. 10, N½;
Sec. 11, N½;
Sec. 12, N½;
Sec. 17, W½;
Secs. 18 to 19, inclusive;
Sec. 20, W½;
Sec. 29, W½;
Secs. 30 to 32, inclusive.
T. 25 N., R. 96 W.,
Sec. 30, lots 1, 2, 3, 4, and 5, SW¼NW¼, and S½SW¼;
Sec. 31, all except NE¼NE¼.
T. 25 N., R. 97 W.,
Secs. 6, lots 5, 6 and 7, SE¼SW¼;
Sec. 7, lots 1, 2, 3 and 4, E½W½, SE¼, and SW¼NE¼;
Sec. 8, S½;
Sec. 9, W½SW¼, SE¼SW¼, and SE¼ SE¼;
Sec. 14, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 15, S½, NW¼, and S½NE¼;
Secs. 16 to 23, inclusive;
Sec. 24, W½NW¼, SW¼, and SW¼SE¼;
Secs. 25 to 36, inclusive.
T. 25 N., R. 98 W.
Secs. 1 to 36, inclusive.
T. 26 N., R. 98 W.,
Sec. 4, lots 2, 3 and 4, S½NW¼, SW¼NE¼, and S½;
Secs. 5 to 8, inclusive;
Sec. 9, W½, N½NE¼, and SW¼NE¼;
Sec. 16, W½NW¼;
Secs. 17 to 20, inclusive;
Secs. 29 to 35, inclusive;
Sec. 36 W½NW¼, SE¼NW¼, SW¼, and SW¼SE¼.
T. 27 N., R. 98 W.,
Sec. 5, W½SW¼;
Secs. 6 to 7, inclusive;
Sec. 8, W½NW¼, SE¼NW¼, and SW¼;

Sec. 17, W½, SW¼NE¼, and W½SE¼;
Secs. 18 to 19, inclusive;
Sec. 20, W½, W½NE¼, and SE¼;
Sec. 28, W½NW¼, W½SW¼, and SE¼SW¼;
Secs. 29 to 32, inclusive;
Sec. 33, W½ and SW¼SE¼.

3. The exterior boundaries of Grazing District No. 4 established by Departmental Order approved October 31, 1936, and amended February 7, 1967, are hereby extended to include the following described lands, which lands are hereby excluded from Wyoming Grazing District No. 5, established October 31, 1936, and amended February 7, 1967:

SIXTH PRINCIPAL MERIDIAN

T. 27 N., R. 108 W.,
Sec. 5;
Sec. 6;
Sec. 7.
T. 28 N., R. 108 W.,
Sec. 32, S½NE¼, NE¼SW¼, SE¼SW¼, SE¼;
T. 27 N., R. 112 W.,
Sec. 9, lots 2 and 3.
T. 25 N., R. 115 W.,
Sec. 6, lot 2.

4. The exterior boundaries of Grazing District No. 5 established by Departmental Order approved October 31, 1936, and amended February 7, 1967, are hereby extended to include the following described lands, which lands are hereby excluded from Wyoming Grazing District No. 4, established October 31, 1936, and amended February 7, 1967:

SIXTH PRINCIPAL MERIDIAN

T. 27 N., R. 112 W.,
Sec. 10, lots 2 and 3.
T. 25½ N., R. 115W.,
Sec. 31, lot 1.

These boundary modifications will become effective upon publication in the FEDERAL REGISTER.

J. R. BEIRNE,
Acting Associate Director.

MAY 23, 1967.

[F.R. Doc. 67-5967; Filed, May 29, 1967; 8:45 a.m.]

[Nevada 067288]

NEVADA

Notice of Partial Termination of Public Sale

MAY 22, 1967.

F.R. Doc. 66-11700, appearing at page 13809, Volume 31, No. 209, published Thursday, October 27, 1966, offered, among other lands, the following described lands for sale under the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427):

Tract No.	*Legal Description*
	T. 21 S., R. 61 E., MD Mer.
	SEC. 17
1	S½NE¼NW¼SW¼NW¼.
	SEC. 29
18	S½SE¼SW¼NW¼.
	SEC. 32
46	SW¼NE¼NW¼NW¼.
47	NE¼SW¼NW¼NW¼.
48	E½SW¼SW¼NW¼NW¼.
49	E½SE¼SW¼NW¼NW¼.
50	NW¼SE¼NW¼NW¼.
51	W½SW¼SE¼NW¼NW¼.
52	E½SE¼SE¼NW¼NW¼.

The parcels described above total 18.75 acres. The tracts have not been sold. The offer of these tracts at sale and the classification of the land for sale are hereby terminated effective upon the date of publication of this notice.

A. JOHN HILLSAMER,
Acting Manager, Nevada Land Office.

[F.R. Doc. 67-5968; Filed, May 29, 1967; 8:45 a.m.]

[Wyoming 6227]

WYOMING

Proposed Classification of Public Lands for Multiple Use Management

Correction

In F.R. Doc. 67-5513, appearing at page 7404 of the issue for Thursday, May 18, 1967, the words "to 1 p.m." in the last paragraph should read "at 1 p.m.".

[Wyoming 6228]

WYOMING

Proposed Classification of Public Lands for Multiple Use Management

Correction

In F.R. Doc. 67-5548, appearing at page 7405 of the issue for Thursday, May 18, 1967, the coordinates in the 21st line of the third column on page 7407 reading "SWS¼SE¼" should read "SW¼SE¼".

Bureau of Mines

[Bureau of Mines Manual—Delegation Series]

ASSISTANT DIRECTOR, ADMINISTRATION ET AL.

Delegation of Authority

.1 *Formerly Advertised Contracts.* The following official is authorized to enter into formally advertised contracts for supplies, equipment, and nonpersonal services (including construction):

Assistant Director—Administration.

The following officials are authorized to enter into formally advertised contracts for supplies, equipment and nonpersonal services (including construction), in amounts not to exceed $100,000 for any one contract:

Associate Director—Health and Safety.
Assistant Director—Helium.
Assistant Director—Mineral Resource Development.
Assistant Director—Minerals Research.
Assistant Director—Planning.

The authority delegated herein shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior, and the Bureau of Mines.

* * * * *

4. *Negotiated Contracts.* The authority to enter into negotiated contracts under sections 302(c) (1) through (10) and (13) through (15) of the Federal Property and Administrative Services Act of 1949, as amended, provided that any one contract negotiated under section 302(c) (1) shall not exceed $25,000, is redelegated to:

Assistant Director—Administration.

The authority to enter into negotiated contracts under sections 302(c) (1) through (5), (10), (13), and (14) of the Federal Property and Administrative Services Act of 1949, as amended, in amounts not to exceed $100,000 for any one contract except that any one contract negotiated under section 302(c) (1) shall not exceed $25,000, is redelegated to the following officials:

Associate Director—Health and Safety.
Assistant Director—Helium.
Assistant Director—Mineral Resource Development.
Assistant Director—Minerals Research.
Assistant Director—Planning.

The authority delegated herein shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration, the Department of the Interior, and the Bureau of Mines.

This authority may be redelegated within the limitations of 205 DM 11.4 A, B, C, and D.

* * * * *

WALTER R. HIBBARD, Jr.,
Director,
Bureau of Mines.

MAY 19, 1967.

[F.R. Doc. 67-5969; Filed, May 29, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH DAKOTA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of South Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Butte.
Haakon.
Harding.
Jackson.
Meade.
Perkins.
Washabaugh.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of May 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-6047; Filed, May 29, 1967; 8:52 a.m.]

AGRICULTURAL RESEARCH SERVICE

Delegation of Functions

The functions and authorities delegated to the Agricultural Research Service in 30 F.R. 5801, as amended, are hereby further amended by adding a new subparagraph (8) to paragraph b of section 115 to read as follows:

(8) Administration of the Act of August 24, 1966, relating to Laboratory Animal Welfare. P.L. 89-544, 80 Stat. 350-353, 7 U.S.C. 2131-2154.

This amendment shall be effective upon publication in the FEDERAL REGISTER. However, all rules, regulations, licenses, and other official documents relating to the administration of this Act which have been issued by the Administrator of the Agricultural Research Service prior to the publication of this amendment shall continue to be effective according to their terms, until modified or revoked.

Done at Washington, D.C., this 25th day of May 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-6048; Filed, May 29, 1967; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

INSTITUTE OF MARINE SCIENCE, UNIVERSITY OF MIAMI AND UNIVERSITY OF ARIZONA

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00033-55-83500. Applicant: Institute of Marine Science, University of Miami, 1 Rickenbacker Causeway, Virginia Key, Miami, Fla. 33149. Article: Deep Sea Reversing Thermometers, Type I—Protected, Type II—Unprotected. Manufacturer: Watanabe Keiki Manufacturing Co., Ltd., Tokyo, Japan. Intended use of article: Research studies to determine the properties of the environmental features of the ocean will be conducted with this article. Application received by Commissioner of Customs: April 12, 1967.

Docket No. 67-00081-65-46040. Applicant: University of Arizona, Department of Metallurgy, Tucson, Ariz. Article: Electron Microscope, Model HU-200 with accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in research and teaching at the university level primarily in the field of metal science. Study will be conducted in metallurgy with emphasis on changes occurring during temperature extremes. Internal structure delineations will be obtained through transmission microscopy techniques on thin films. Studies of precipitation and phase changes, cold worked materials and faulted structures will be conducted. Application received by Commissioner of Customs: May 18, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-5958; Filed, May 29, 1967; 8:45 a.m.]

HARVARD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Articles

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00003-33-46040. Applicant: Harvard University, Cambridge, Mass. Article: Electron microscope, Model HU-11C with resolution of 4.5 Angstroms. Manufacturer: Hitachi, Ltd., Tokyo, Japan. Intended use of article: Research and instruction for elucidation of cell fine structure. Comments: Comments were received from one domestic manufacturer, Radio Corporation of America (RCA), which alleged inter alia that it is currently manufacturing and offering for sale an instrument scientifically equivalent to the foreign article for the purposes for which the applicant intends to use the article. These comments were given full consideration. Decision: Application approved. No instrument or apparatus of equivalent scientific value to such article, for the purpose for which such article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article offers a guaranteed resolution of 5 Angstroms under specified conditions of vibration and of stray magnetic field that can be met routinely in the research laboratory. The domestic instrument, alleged to be of equivalent scientific value, offers a guaranteed resolution of 8 Angstroms. Although the domestic manufacturer indicated that better resolution has been achieved under certain conditions, it does not guarantee that the instrument it could supply would provide a resolution of 5 Angstroms or less. Techniques which have been described by the applicant institution exist for the preparation of biological materials which allow resolution down to 5 Angstroms to be achieved. The performance of the electron microscope is thus a limiting factor unless it has equivalent resolving capabilities. In addition to resolving capabilities, other differences between the foreign article and domestic instrument are significant from the standpoint of achieving the research objectives of the applicant institution. One is the fineness of the focus adjustability. The foreign article provides focusing increments of 100 Angstroms per step, whereas 300 Angstroms is the smallest focusing step offered by the domestic instrument. The 300 Angstrom focusing increment of the domestic instrument would significantly limit the consistent achievement of resolutions on the order of 5 Angstroms in routine use. A second significant difference relates to accelerating voltages. The foreign article offers intermediate accelerating voltages of 25 kilovolts and 75 kilovolts. These are not offered by the domestic instrument. The intermediate accelerating voltages could disclose details not otherwise observable.

For the foregoing reasons, the domestic instrument is not of equivalent scientific value to the foreign article for the

purposes for which the article is intended to be used.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-6049; Filed, May 29, 1967; 8:52 a.m.]

Office of the Secretary

LUMBER STANDARDS

Notice of Hearing

A public hearing will be held on questions concerning softwood lumber standards before a three-member panel on June 19 at the Department of Commerce. At this hearing, the Department will receive the views and recommendations of interested persons on the following questions:

(1) Whether there should be withdrawal of the softwood lumber standard, SPR 16-53, which is currently published under the Department's Voluntary Product Standards Program; and

(2) Whether the Department of Commerce should recommend to the Congress legislation authorizing the issuance of mandatory lumber standards.

The Department of Commerce announced early in 1966 its intention to withdraw the existing voluntary lumber standard for the reason that it was considered to be inadequate or otherwise not in the public interest. Action on withdrawal of the presently published voluntary standard has been postponed several times pending the efforts of the industry to agree on a revised standard.

Within the past 3 years, the Department of Commerce has, on two occasions, upon recommendation of the American Lumber Standards Committee, submitted to the industry for acceptance or rejection a proposed revision of the lumber standard. In each instance, the proposed revision did not receive a general concurrence of support from the industry.

After the public hearing, the Department will decide (1) whether the existing voluntary lumber standard should be withdrawn from publication by the Department of Commerce under its procedures and, if so, the effective date of withdrawal; and (2) whether the Department of Commerce should recommend to Congress legislation authorizing a Federal Department or Agency to promulgate mandatory lumber standards.

All interested persons who wish to make an oral presentation at the June 19th hearing are requested to file their names with the Department on or before June 5th and to file with the Department a written statement of their views on or before June 12th. Those who do not wish to make an oral presentation may still file a written statement on or before June 12th.

All written statements should adhere to the following format:

I. Withdrawal of existing lumber standard.

a. The present lumber standard should (should not) be withdrawn. (See sec. 1010 of Department's procedures for voluntary standards concerning withdrawal, Part 10, Title 15, Code of Federal Regulations, and Volume 30, FEDERAL REGISTER No. 238, Dec. 10, 1967.)

Give reasons and explanation for above conclusion.

b. The withdrawal of the present lumber standard should be made effective on or about (date). (Complete b. If position in a. is affirmative.)

Give reasons and explanation for above conclusion.

II. Legislation regarding promulgation of lumber standards.

a. Legislation on promulgation of lumber standards should (should not) be recommended to the Congress.

b. Legislation recommended to the Congress (if position on a. is affirmative) should include the following principal features (list).

c. Give reasons and explanation for position stated above.

Dated this 25th day of May 1967.

J. HERBERT HOLLOMON,
Assistant Secretary for Science and Technology.

[F.R. Doc. 67-5959; Filed, May 29, 1967; 8:45 a.m.]

OFFICE OF STANDARDS REVIEW

Establishment and Redelegation of Authority

SECTION 1 Purpose. The purpose of this directive is to establish an Office of Standards Review under the Assistant Secretary of Commerce for Science and Technology (hereafter referred to as "Assistant Secretary") and to assign functions to such office. This directive also redelegates to the Director, National Bureau of Standards, certain authority under sections 5 (d) and 5 (e) of the Fair Packaging and Labeling Act of 1966 (hereafter called the "Act,") and provides direction for the Director, National Bureau of Standards, with respect to his responsibilities regarding the Department's voluntary standards program.

SEC. 2 *Establishment of Office of Standards Review.* a. In accordance with authority granted to the Assistant Secretary of Commerce for Science and Technology by Department Order 177, as amended, the Office of Standards Review is hereby established as a constituent operating unit of the Department of Commerce. This office shall be under the direct supervision of the Assistant Secretary.

b. The functions of this office are as follows:

(1) To serve as secretariat for the Assistant Secretary with respect to all determinations which he makes in accordance with sections 5 (d) and (e) of the Act, and all determinations which he makes under the Department's voluntary standards program.

(2) To provide analysis and advice to the Assistant Secretary with respect to all determinations he is required to make under sections 5 (d) and (e) of the Act.

(3) To provide for the distribution of a proposed standard in accordance with section 10.5 of the Procedures for the Development of Voluntary Product Standards.

(4) To provide for the analysis of responses received by the Department with respect to acceptance or rejection of a proposed voluntary standard and to report to the Assistant Secretary whether the proposed standard appears to be supported by a concensus and whether its publication would be otherwise consistent with all applicable provisions of the Procedures for the Development of Voluntary Product Standards.

(5) To provide analysis and to report to the Assistant Secretary regarding withdrawal of a published voluntary standard in accordance with applicable provisions of the Procedures for the Development of Voluntary Product Standards.

SEC. 3. *Delegation to Director, National Bureau of Standards, Under the Act.* There is hereby redelegated to the Director of the National Bureau of Standards the following authority and responsibility under the Act:

a. To conduct inquiries in accordance with applicable procedures for the purpose of ascertaining facts and views concerning the existence of undue proliferation of the weights, measures, or quantities of a consumer commodity as specified in the Act.

b. Upon completion of an inquiry, to make a report and recommendation to the Assistant Secretary as to whether there is or is not undue proliferation within the meaning of the Act.

c. To provide reports to the Assistant Secretary as to whether or not a voluntary standard will be proposed for distribution to determine acceptance or rejection in those instances where a determination of undue proliferation has been made.

d. To provide timely reports to the Assistant Secretary in the event that a voluntary standard published pursuant to the provisions of the Act is not being observed.

e. To provide policy advice and assistance to the Assistant Secretary regarding the Department's functions under the Act.

SEC. 4 *Voluntary Standards Program, National Bureau of Standards.* In accordance with the authority vested in the Assistant Secretary under Department Order 90-A and Department Order 177, as amended, the Director, National Bureau of Standards, will recommend to the Assistant Secretary all proposed voluntary standards, proposed revisions of voluntary standards, or proposed withdrawals of existing voluntary standards, for determination as to publication or withdrawal in accordance with applicable Department procedures and other provisions of this directive.

Dated: May 24, 1967.

J. HERBERT HOLLOMON,
Assistant Secretary for Science and Technology.

[F.R. Doc. 67-6011; Filed, May 29, 1967; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ARCHER DANIELS MIDLAND CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7B2160) has been filed by Archer Daniels Midland Co., Post Office Box 532, Minneapolis, Minn. 55440, proposing an amendment to § 121.2557 *Defoaming agents used in coatings* to provide for the safe use of marine fats, oils, and fatty acids, and salts and methyl esters of such fatty acids, as defoaming agents in coatings intended for food-contact use.

Dated: May 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6013; Filed, May 29, 1967; 8:49 a.m.]

DEPARTMENT OF THE ARMY

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7M2172) has been filed by the Department of the Army, U.S. Army Natick Laboratories, Natick, Mass. 01762, proposing an amendment to § 121.2543 *Packaging materials for use in radiation preservation of prepackaged foods* to provide for the use of kraft paper in the packaging of flour to be irradiated with gamma radiation from cobalt 60 or cesium 137 for insect control in the prepackaged flour.

Dated: May 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6014; Filed, May 29, 1967; 8:50 a.m.]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization and Delegations of Authority

Section 8.20 of Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050), as amended, is amended to read as follows:

SEC. 8.20. *Functions.* (a) Except as provided in paragraph (b) of this section and sections 2.30 and 8.30 of this statement, the Commissioner of Social Security shall exercise:

(1) The functions vested in the Secretary under Title II of the Social Security Act, as amended (42 U.S.C. 401–427); under Titles VII and XI of the Act, as amended (42 U.S.C. 902–907, 1301–1318), except insofar as the provisions of such Titles pertain to the Mission of the Welfare Administration as described in section 9.00 of this statement; under Title XVIII of the Act (42 U.S.C. 1395–1395*ll*), with appropriate advice from and consultation with the Public Health Service and Welfare Administration; section 1110 of the Social Security Act, as amended (42 U.S.C. 1310), insofar as such section pertains to the Mission of the Social Security Administration as described in section 8.00 of this statement; and under sections 1402(h), and 3121 (k) and (l) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 1402(h), and 3121 (k) and (l)).

(2) The functions vested in the Secretary relating to the Mission of the Social Security Administration, as described in section 8.00 of this statement, under the Social Security Act which are not contained in the Act but which are contained in the Acts cited in Exhibit X8.00.1.

(3) The functions vested in the Secretary by section 5(k)(2) of the Railroad Retirement Act as amended (45 U.S.C. 228e), having to do with the determination and certification for the transfer of funds between the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Railroad Retirement Account.

(4) Authority vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of programs under section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended, insofar as this authority pertains to the Mission of the Social Security Administration as described in section 8.00 of this statement: *Provided,* That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

(5) Authority vested in the Secretary by section 4 of Public Law 86–610, approved July 12, 1960 (74 Stat. 364), with respect to responsibilities relating to the Mission of the Social Security Administration as described in section 8.00 of this statement: *Provided,* That this authority shall be exercised in accordance with applicable policies and procedures by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

(b) In accordance with applicable rules and regulations, the Appeals Council, its members, and Hearing Examiners in the Bureau of Hearings and Appeals, shall exercise all duties, powers, and functions of the Secretary relating to the holding of hearings, the administration of oaths and affirmations, the issuances of subpoenas, the examination of witnesses, the receipt of evidence, the rendition of decisions, and the review of decisions in connection with administrative appeals: (1) By individuals from determinations made under Title II of the Social Security Act, as amended, and affecting their rights to benefits, lump sum payments, earnings credited to accounts, and disability determinations; (2) By individuals from determinations made under Title XVIII of the Social Security Act and affecting their rights to, and amounts of, benefits; (3) By institutions or agencies from determinations described in section 1869(c) of the Social Security Act; and (4) By independent laboratories from determinations made pursuant to section 1861 (s) of the Social Security Act, as amended, that they do not meet the conditions for the coverage of their services.

(c) The functions, powers, and duties of the Bureau of Federal Credit Unions under the Federal Credit Union Act, as amended (Public Law 86–354; 12 U.S.C. 1751–1772), shall be exercised by the Director of the Bureau of Federal Credit Unions under the general direction and supervision of the Commissioner of Social Security.

(Sec. 6, Reorganization Plan No. 1 of 1953)

Approved: May 23, 1967.

[SEAL] WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-5996; Filed, May 29, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18255; Order E-25193]

AIR CARRIER DISCUSSIONS

Order Approving Discussions Regarding Commodity-Description and Numbering System

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of May 1967.

By joint petition filed March 9, 1967, 17 air carriers,[1] which are participants in Official Air Freight Specific Commodity Tariff No. 5–B (Tariff),[2] request authority from the Board to hold discussions jointly, as a group or through committees or subgroups, of the commodity-description and numbering system to be incorporated in the tariff, when reissued, in lieu of the commodity-descriptions and numbers presently contained therein. Petitioners request such authority to be effective for a period of not less than 180 days from the date of the Board's order, or from June 1, 1967, whichever is later.

In support of their petition, petitioners state they have been making plans for

[1] Airlift International, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Pacific Air Lines, Inc., Pacific Northern Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., United Air Lines, Inc., West Coast Airlines, Inc., and Western Air Lines, Inc.

[2] Airline Tariff Publishers, Inc., Agent, CAB No. 12.

the reissuance of the tariff, in order to improve its format and increase its convenience and usability by shippers and other tariff users; that one of the major improvements petitioners plan to make in the tariff is the incorporation of a new commodity-description and numbering system based on the Standard International Trade Classification (SITC), which will closely conform to the adaptation of SITC which is now being prepared by the International Air Transport Association (IATA) for the use of its member carriers, and would supersede Agreement CAB No. 14766–A6; [3] that adoption for domestic tariff purposes of a commodity-description and numbering system based on SITC is in the public interest and consistent with the objectives of the Board; and that joint participation by petitioners is essential to safeguard the integrity of the new system and expedite the reissuance of the tariff.

The Board has concluded that intercarrier discussions of a standard commodity-description and numbering system should be permitted. Such a uniform system should facilitate the interline movement of air freight and the accumulation of statistical data by commodity, result in a simplification of air carrier tariffs, and be of benefit to both the carriers and the shipping public. We will therefore authorize the carriers to discuss a standard commodity-description and numbering system: *Provided, however,* That such authorization shall not extend to any discussion of rates or rate levels. Our authorization shall be conditioned further to provide for the attendance of Board observers, the filing of the minutes of the discussions, and any agreement which may be reached shall not be implemented unless and until approved by the Board.

Under these circumstances, and subject to these conditions, the Board does not find the intercarrier discussions requested herein to be adverse to the public interest or in violation of the Act.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof: *It is ordered,* That:

1. Airlift International, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Pacific Air Lines, Inc., Pacific Northern Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., United Air Lines, Inc., West Coast Airlines, Inc., and Western Air Lines, Inc. are authorized to engage in discussions of a new commodity-description and numbering system (which they contemplate will be incorporated into the Official Air Freight Specific Commodity Tariff No. 5–B, Airline Tariff Publishers, Inc., Agent, CAB No. 12, when reissued) from June 1, to December 1, 1967;

2. A notice of any meeting called pursuant to this order shall be filed with the Board in this Docket and mailed to the air carriers petitioning herein at least 10 calendar days prior to such meeting;

3. The Civil Aeronautics Board reserves the right to have one or more observers in attendance at these meetings;

4. Complete and accurate minutes shall be kept of all discussions by the carriers, and a true copy thereof filed with the Board not later than 15 days (excluding Saturdays and Sundays) after the conclusion of each meeting;

5. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being placed in effect; and

6. This order will be served upon Airlift International, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Pacific Air Lines, Inc., Pacific Northern Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., United Air Lines, Inc., West Coast Airlines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67–6004; Filed, May 29, 1967; 8:49 a.m.]

[3] IATA's SITC is currently referred to as "Standard Master Item Numbering and Description List" (SMINDL).

[Docket No. 18293]

ALASKA-CORDOVA MERGER CASE

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding previously assigned to be held on May 29, 1967, is postponed to June 21, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., May 25, 1967.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 67–6005; Filed, May 29, 1967; 8:49 a.m.]

[Docket No. 18238, etc.; Order E–25189]

CITY OF ALBUQUERQUE AND GREATER ALBUQUERQUE CHAMBER OF COMMERCE

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of May 1967.

Application and petition of city of Albuquerque and Greater Albuquerque Chamber of Commerce, Docket 18238, for new air service and an investigation with respect to points in Florida and California; Southern Tier Competitive Nonstop Investigation, Docket 18257; Service to Albuquerque Case, Docket 18586.

The Board instituted the Southern Tier Competitive Nonstop Investigation, Docket 18257, in order to determine whether long-haul and other restrictions should be removed from existing authorizations, and whether competitive authorizations should be awarded, in certain southern transcontinental markets now receiving single-carrier air service.[1] The Board stated that it desired to "focus attention on those markets where additional unrestricted authority may be justified" and therefore limited "the scope of the case to designated markets rather than institute an area-type proceeding." The Board further indicated that "another advantage of limiting the proceeding * * * is that it will permit us to consider in a separate proceeding or proceedings service proposals involving other markets in the same geographic area covered by this investigation."

Albuquerque, N. Mex., is within the general geographic area covered by the Southern Tier case. On March 3, 1967 the city of Albuquerque and the Greater Albuquerque Chamber of Commerce (Albuquerque parties) submitted an application and petition requesting that the Board authorize new and improved air service on a southern transcontinental routing [2] and that the Board institute an investigation to determine the need for new services both to points where no direct and one-carrier service exists as well as the questior of competitive services that may be required on existing routes serving Albuquerque. On March 30, 1967, the Albuquerque parties petitioned the Board to reconsider the order instituting the Southern Tier case so as to include Albuquerque on a southern transcontinental route.

We have carefully examined Albuquerque's service needs and have concluded that the city should not be considered in the Southern Tier case for the reasons hereinafter set forth.[3] On the other hand, we have determined that five relatively large city markets involving Albuquerque now served exclusively by one carrier should be investigated to determine the need for first competitive service. These are between Albuquerque, on the one hand, and San Francisco/Oakland, Las Vegas, Los Angeles/Long Beach, Dallas/Fort Worth, and Chicago, on the other hand.

Continental alone operates nonstop services in the Albuquerque-Dallas/Fort Worth market and TWA is the exclusive carrier in the other markets. In 1966 these markets generated about 100 local and connecting passengers a day with the exception of Los Angeles-Albuquerque and Chicago-Albuquerque which generated approximately 200 passengers a

[1] Order E–24847, adopted Mar. 10, 1967.

[2] Such authority would permit single-plane service between Albuquerque on the one hand, and Miami/Fort Lauderdale, St. Petersburg-Clearwater, Tampa, Dallas-Fort Worth, New Orleans, Atlanta, as well as points in California, on the other hand.

[3] Accordingly, we will deny Albuquerque's petition for reconsideration.

day.[4] At present, TWA serves Albuquerque on flights originating or terminating at distant points and it is clear from the schedules provided that a large number of flow passengers are on board these flights. Both TWA and Continental hold certificate authority at Albuquerque on the basis of grandfather rights under which the carriers provided, or were authorized to provide, service prior to 1938. In these circumstances, the Board considers it appropriate to examine these markets in order to determine whether competitive service is required.

In order to limit the scope of the present proceeding with a view toward an early hearing and decision by the Board, and to focus the proceeding on the need of Albuquerque to receive service as a terminal point rather than an intermediate on a long linear segment, we will prescribe, as a pretrial condition, that new authority in each of the five markets shall be awarded as a separate segment. This restriction will necessarily mean that the proceeding will not overlap southern transcontinental issues in the Southern Tier case, since effective southern transcontinental authority would not be possible because of the number of required stops. In addition, and for the same reasons, we will provide as a pretrial restriction that flights serving the Dallas/Fort Worth-Albuquerque segment must originate or terminate in Dallas/Fort Worth.

We recognize that these pretrial restrictions will effectively prevent Albuquerque from receiving new and improved single-plane service originating or terminating in Florida, Atlanta and New Orleans and that to this extent we will not hear a portion of Albuquerque's application. We have made this determination because of the limited traffic moving between Albuquerque and the points in question.[5]

Interested applicants may file applications consistent with the scope of the investigation within the time for filing as hereinafter established. In order to avoid confusion the Board will direct that only new applications will be heard in this proceeding and that portions of applications already pending will not be consolidated.

Accordingly, it is ordered, That:

1. An investigation designated the Service to Albuquerque Case be and it hereby is instituted in Docket 18586 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment or modification of carrier authorizations so as to authorize nonstop service in respect to the following four markets: (1) Albuquerque, N. Mex.-San Francisco/Oakland, Calif.; (2) Albuquerque, N. Mex.-Los Angeles/Long Beach, Calif.; (3) Albuquerque, N. Mex.-Las Vegas, Nev.; (4) Albuquerque, N. Mex.-Dallas/Fort Worth, Tex.; and (5) Albuquerque, N. Mex.-Chicago, Ill.

2. In the event a carrier is awarded new certificate authority in any of the markets at issue, the authority will be granted in the form of a separate segment to the carrier's existing certificate;

3. The issues of this proceeding shall be subject to the pretrial restrictions that flights operated over the Albuquerque-Dallas/Fort Worth segment under any new authority awarded herein may not be operated as single-plane services beyond Dallas/Fort Worth to any other point;

4. Motions to consolidate, applications, motions, or petitions seeking modification or reconsideration of this order, be filed no later than 20 days after the date of service of this order and that answers to such pleadings be filed no later than 10 days thereafter;

5. The joint application and petition of the city of Albuquerque and the Greater Albuquerque Chamber of Commerce be, and hereby is, denied except to the extent granted herein;

6. The petition for reconsideration of Order E–24847 submitted by the city of Albuquerque and the Greater Albuquerque Chamber of Commerce in Docket 18257, dated March 30, 1967, be, and hereby is, denied;

7. This proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated; and

8. A copy of this order be served upon the following carriers: American Airlines, Inc., Bonanza Air Lines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Central Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pacific Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., and jointly upon the city and Chamber of Commerce of Albuquerque, N. Mex.; and upon the cities of San Francisco, Calif., Oakland, Calif., Los Angeles, Calif., Long Beach, Calif., Las Vegas, Nev., Dallas and Fort Worth, Tex., and Chicago, Ill.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67–6006; Filed, May 29, 1967; 8:49 a.m.]

[4] Estimated traffic as reported in Competition Among Domestic Air Carriers for the first two quarters of 1966.

[5] On the other hand, Albuquerque could receive improved connecting service at Dallas/Fort Worth as a result of the awards made in the present proceeding and in the Southern Tier case.

[Docket No. 18283]

TACA INTERNATIONAL AIRLINES, S.A.

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 21, 1967, at 10 a.m., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on May 18, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 24, 1967.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 67–6007; Filed, May 29, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Supp. No. 4]

FM BROADCAST STATIONS, CANADA-U.S.A.

Allocation

MAY 25, 1967.

Pursuant to exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A of the FM Working Arrangement has been amended as follows:

City	Channel No.	
	Delete	Add
Maniwaki, Quebec	----------	255A

Further amendments to Table A will be issued as public notices in the form of numbered supplements.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–6018; Filed, May 29, 1967; 8:50 a.m.]

[Docket Nos. 17407, 17408; FCC 67M–853]

ALJIR BROADCASTING CO., INC., AND SOUTH KANE-KENDALL BROADCASTING CORP.

Order Rescheduling Hearing

In re applications of Aljir Broadcasting Co., Inc., Aurora, Ill., Docket No. 17407, File No. BPCT–3818; South Kane-Kendall Broadcasting Corp., Aurora, Ill., Docket No. 17408, File No. BPCT–3896; for construction permit for new television broadcasting station (Channel 60).

As a result of a discussion held at a prehearing conference on this date: *It is ordered,* That the date for commence-

ment of hearing is changed from June 20, 1967, to July 11, 1967.

Issued: May 22, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6017; Filed, May 29, 1967; 8:50 a.m.]

[Docket No. 17433; FCC 67M-863]

BRAUN BROADCASTING CO., INC. (KOAD)

Order Scheduling Hearing

In re application of Braun Broadcasting Co., Inc. (KOAD), Lemoore, Calif., Docket No. 17433, File No. BP-16899; for construction permit.

It is ordered, That Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 12, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 13, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 16, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6019; Filed, May 29, 1967; 8:50 a.m.]

[Docket No. 16070; FCC 67M-857]

COMMUNICATIONS SATELLITE CORPORATION

Order Continuing Prehearing Conference

In the matter of Communications Satellite Corporation, Docket No. 16070; charges, practices, classifications, rates and regulations for and in connection with the leasing of voice grade and television channels to common carriers authorized by the Federal Communications Commission, between Andover, Maine, and a communications-satellite in connection with the establishment of communication paths between points in the United States and Europe for the transmission and reception of voice, record, data, telephoto, facsimile, television, and other signals.

The Hearing Examiner having under consideration an unopposed "Motion To Reschedule Prehearing Conference" filed by Communications Satellite Corporation on May 15, 1967, and

It appearing, that the motion is well grounded and will cause no delay in the conclusion of this matter,

It is ordered, That the motion is granted and that, accordingly, the prehearing conference now scheduled for May 29, 1967 is hereby rescheduled to commence at 10:30 a.m., July 13, 1967, in the Commission's offices in Washington, D.C.

Issued: May 22, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6020; Filed, May 29, 1967; 8:50 a.m.]

[Docket Nos. 17373, 17374; FCC 67M-859]

DESERT EMPIRE TELEVISION CORP. AND OASIS BROADCASTING CORP.

Order Continuing Hearing

In re applications of Desert Empire Television Corp., Palm Springs, Calif., Docket No. 17373, File No. BPCT-3848; Oasis Broadcasting Corp., Palm Springs, Calif., Docket No. 17374, File No. BPCT-3877; for construction permit for new television broadcast station.

Pursuant to the agreements reached at the prehearing conference held May 18, 1967;

It is ordered, That:

(1) All exhibits to be offered in the direct affirmative presentations shall be exchanged on July 3, 1967;

(2) Notification of witnesses to be called for cross-examination shall be given on July 10, 1967;

It is further ordered, That the hearing presently scheduled for June 19, 1967 is continued to July 17, 1967 commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: May 22, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6021; Filed, May 29, 1967; 8:50 a.m.]

[Docket Nos. 17444, 17445; FCC 67M-855]

J. W. FURR (WMBC) AND JAMES W. EATHERTON

Order Scheduling Hearing

In re applications of J. W. Furr (WMBC), Macon, Miss., Docket No. 17444, File No. BP-16794; James W. Eatherton, Macon, Miss., Docket No. 17445, File No. BP-17085; for construction permits.

It is ordered, That Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 18, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 21, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 22, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6022; Filed, May 29, 1967; 8:50 a.m.]

[Docket Nos. 17449, 17450; FCC 67M-866]

GALA BROADCASTING CO. AND INLAND BROADCASTING CO.

Order Scheduling Hearing

In re applications of Charles F. Grisham, Tine W. Davis, Aaron Aronov and Bryghte D. Godbold, doing business as Gala Broadcasting Co., Columbus, Ga., Docket No. 17449, File No. BPCT-3891; Inland Broadcasting Co., Columbus, Ga., Docket No. 17450, File No. BPCT-3904; for construction permit for new television broadcast station.

It is ordered, That Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 17, 1967, at 10 a.m.; and that a prehearing confernce shall be held on June 21, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 22, 1967.

Released: May 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6023; Filed, May 29, 1967; 8:50 a.m.]

[Docket Nos. 17499, 17450; FCC 67-600]

GALA BROADCASTING CO. AND INLAND BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Charles F. Grisham, Tine W. Davis, Aaron Aronov and Bryghte D. Godbold doing business as Gala Broadcasting Co., Columbus, Ga., Docket No. 17449, File No. BPCT-3891; Inland Broadcasting Co., Columbus, Ga., Docket No. 17450, File No. BPCT-3904; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 38, Columbus, Ga.

2. Since Federal Aviation Administration approval has not been obtained for either applicant's antenna structure, air menace issues have been specified and the Federal Aviation Administration has been made a party to the proceeding with respect to both applications.

3. There appears to be a significant disparity in the proposed Grade B contours of the applicants. In accordance

with the Commission's policy evidence with respect to which of the proposals would represent a more efficient use of the frequency may be adduced under the comparative issue.[1]

4. Except as indicated by the issues specified below, both applicants are qualified to construct, own, and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission, is therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower heights and locations proposed by the applicants would constitute a menace to air navigation.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the Federal Aviation Administration is made a party to this proceeding with respect to both applications.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: May 17, 1967.

Released: May 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6024; Filed, May 29, 1967; 8:50 a.m.]

[1] Harriscope, Inc., FCC 65-1165, 2 FCC 2d 223.

[2] Commissioners Bartley and Loevinger absent.

[Docket Nos. 17405, 17406; FCC 67M-871]

HARTFORD COUNTY BROADCASTING CORP. AND CENTRAL CONNECTICUT BROADCASTING CO.

Order Following Prehearing Conference

In re applications of Hartford County Broadcasting Corporation, New Britain, Connecticut, Docket No. 17405, File No. BPH-5488; The Central Connecticut Broadcasting Company, New Britain, Connecticut, Docket No. 17406, File No. BPH-5489; for construction permits.

Pursuant to agreement reached at the prehearing conference held on May 23, 1967: *It is ordered,* That the following procedural schedule will govern the future course of the proceeding:

PROCEDURE AND DATE
Preliminary exchange of proposed engineering exhibits, July 5, 1967.
Final exchange of proposed engineering exhibits, July 21, 1967.
Exchange of other proposed exhibits under present issues, July 28, 1967.
Commencement of hearing, September 12, 1967 (postponed from July 5, 1967).

It is further ordered, On the Hearing Examiner's own motion, that notifications as to witnesses desired for cross-examination shall be given to counsel concerned by September 1, 1967.

Issued: May 23, 1967.

Released: May 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6025; Filed, May 29, 1967, 8:50 a.m.]

[Docket Nos. 17243-17250; FCC 67M-868]

KITTYHAWK BROADCASTING CORP. ET AL.

Order Rescheduling Hearing

In re applications of Kittyhawk Broadcasting Corp., Kettering, Ohio, Docket No. 17243, File No. BP-16603; The Gem City Broadcasting Co., Kettering, Ohio, Docket No. 17244, File No. BP-16877; Western Ohio Broadcasting Service, Inc., Eaton, Ohio, Docket No. 17245, File No. BP-16816; Treaty City Radio, Inc., Greenville, Ohio, Docket No. 17246, File No. BP-16881; James L. Schmalz, Phyliss Ann Schmalz, James I. Toy, Jr., and Thomas A. Gallmeyer doing business as Bloomington Broadcasting Co., Bloomington, Ind., Docket No. 17247, File No. BP-16876; Voice of the Ohio Valley, Inc., Louisville, Ky., Docket No. 17248, File No. BP-16878; W. V. Ramsey and Lewis Young doing business as Shively Broadcasting Co., Shively, Ky., Docket No. 17249, File No. BP-16738; Albert S. Tedesco (WWCM), Brazil, Ind., Docket No. 17250, File No. BP-16669; for construction permits.

As a result of a discussion held at a prehearing conference on May 19, 1967: *It is ordered,* That the date for commencement of hearing is changed from July 6, 1967, to July 13, 1967.

Issued: May 23, 1967.

Released: May 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6026; Filed, May 29, 1967; 8:50 a.m.]

[Docket Nos. 17446-17448; FCC 67M-865]

ST. ANTHONY TELEVISION CORP. (KHMA-TV) AND DELTA TELERADIO CORP.

Order Scheduling Hearing

In reapplications of St. Anthony Television Corp. (KHMA-TV), Houma, La., Docket No. 17446, File No. BMPCT-6125; for extension of time within which to construct; St. Anthony Television Corp. (KHMA-TV), Houma, La., Docket No. 17447, File No. BMPCT-6196; for modification of construction permit; St. Anthony Television Corp. (KHMA-TV) (Assignor), Houma, La., and Delta Teleradio Corp., Panama City, Fla. (Assignee), Docket No. 17448, File No. BAPCT-375; for assignment of construction permit.

It is ordered, That Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 12, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 21, 1967, commencing at 10 a.m.: *And, it is further ordered,* that all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 22, 1967.

Released: May 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6028; Filed, May 29, 1967; 8:51 a.m.]

[Docket No. 17198; FCC 67M-867]

SAN FERNANDO BROADCASTING CO. (KSFV)

Order Scheduling Hearing

In re application of Joseph M. Arnoff and Maurice H. Gresham doing business as San Fernando Broadcasting Co. (KSFV), Docket No. 17198, File No. BLH-2397; for license to cover construction permit authorizing a new FM broadcast station at San Fernando, Calif.

Pursuant to agreements reached at the further prehearing conference held on May 23, 1967: *It is ordered,* That the further prehearing conference scheduled for June 5, 1967 is canceled;

It is further ordered, That the evidentiary hearing in the above-entitled pro-

ceeding is hereby scheduled to begin on July 3, 1967, in San Fernando, Calif.

Issued: May 23, 1967.

Released: May 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6029; Filed, May 29, 1967; 8:51 a.m.]

[Docket Nos. 17409, 17410; FCC 67M-864]

SHURTLEFF-SCHORR BROADCASTING CORP. AND CORNBELT BROADCASTING CORP.

Order Rescheduling Hearing

In re applications of Shurtleff-Schorr Broadcasting Corp., Lincoln, Nebr., Docket No. 17409, File No. BPH-5106; Cornbelt Broadcasting Corp., Lincoln, Nebr., Docket No. 17410, File No. BPH-5424; for construction permits.

A prehearing conference having been held on May 23, 1967, whereat certain agreements were reached and certain rulings were made;

It is ordered, That:

(1) The applicants' direct cases shall be presented entirely in the form of sworn, written exhibits;

(2) Copies of the said exhibits shall be exchanged on or before June 19, 1967;

(3) In the event any party wishes to call for cross-examination any witness sponsoring another party's exhibit, notification thereof shall be given on or before June 23, 1967; and

(4) Hearing shall commence on June 28, 1967, at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: May 23, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6030; Filed, May 29, 1967; 8:51 a.m.]

[Docket Nos. 17454, 17455; FCC 67M-854]

NEW YORK UNIVERSITY AND FAIRLEIGH DICKINSON UNIVERSITY

Order Scheduling Hearing

In re applications of New York University, New York, N.Y., Docket No. 17454, File No. BPED-742; Fairleigh Dickinson University, Teaneck, N.J., Docket No. 17455, File No. BPED-751; for construction permits.

It is ordered, That Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 24, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 23, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 22, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6027; Filed, May 29, 1967; 8:50 a.m.]

[Docket No. 17442; FCC 67M-856]

VALLEY VISION, INC.

Order Scheduling Hearing

In re cease and desist order to be directed against the following CATV operation: Valley Vision, Inc., operator of community antenna television systems at Jackson and Sutter Creek, Calif. Docket No. 17442.

It is ordered, That Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 26, 1967, at 10 a.m.; and that a prehearing conference shall be held on June 8, 1967, commencing at 9 a.m.; *And, it is further ordered,* That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

Issued: May 22, 1967.

Released: May 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-6031; Filed, May 29, 1967; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

ASIA SELATAN ENTERPRISES, LTD., AND ORIENT OVERSEAS LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. K. W. Schmolze, Vice President, Thor Eckert & Co., Inc., 19 Rector Street, New York, N.Y. 10006.

Agreement 9630 between Asia Selatan Enterprises, Ltd. (ASE), and Orient Overseas Line (OOL) covers the transportation of rubber on through bills of lading from ports in the Republic of Indonesia served by ASE to ports on the Atlantic and Gulf Coasts of the United States served by OOL with transshipment at Singapore and Malaysia under terms and conditions as set forth in the agreement.

Dated: May 25, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-5960; Filed, May 29, 1967; 8:45 a.m.]

KIMBRELL-LAWRENCE TRANSPORTATION, INC., AND ALASKA STEAMSHIP CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 15 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Raymond J. Petersen, Attorney for Kimbrell-Lawrence Transportation, Inc., Kumm, Maxwell, Petersen & Lee, 1505 Norton Building, Seattle, Washington 98104

Agreement No. DC-25 dated May 15, 1967, between Kimbrell-Lawrence Transportation, Inc. (KLTI), and Alaska Steamship Co. (ASSCO) provides for a bare boat charter of a C1-M-AV1 type vessel by ASSCO to KLTI for a period of 3 years and annually thereafter. The agreement will eliminate duplication of service to areas served both by KLTI and ASSCO.

Under the proposed charter KLTI will pay ASSCO a "minimum" rental charge as reimbursement for costs incurred in outfitting the vessel for KLTI's use; and

an "additional" rent based on one-half of the annual calendar year "net profit" of KLTI.

Agreement No. DC–25 is proposed to become effective upon approval by the Federal Maritime Commission under section 15, Shipping Act, 1916. Time for filing comments is reduced to 15 days in view of the approaching peak season of navigation.

Dated: May 25, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67–5961; Filed, May 29, 1967; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–2595 etc.]

LESH CO. ET AL.

Findings and Orders After Statutory Hearing

MAY 19, 1967.

Lesh Co. (successor to Barron Kidd and C. R. Smith) and other Applicants listed herein, Docket Nos. G–2595, et al.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, reinstating rate schedules, making successor co-respondent, redesignating proceeding, accepting agreement and undertaking for filing and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add, or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of New Mexico are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468–A.

Kewanee Oil Co., Applicant in Docket No. CI63–1582, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Warren American Oil Co. FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65–224 and Applicant has submitted an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made co-respondent in said proceeding, the proceeding will be redesignated accordingly and the agreement and undertaking will be accepted for filing.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 11, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI67–1298 should be canceled and that the application filed therein should be processed as a petition to amend the certificate issued herein in Docket No. CI67–1282.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that certificates of public convenience and necessity should be issued in Docket Nos. CI67–1198, CI67–1250, CI67–1277, CI67–1278, and CI67–1279, authorizing Sunset International Petroleum Corp. to continue the sales of natural gas heretofore made by Wolfson Oil Co. pursuant to the small producer certificate in Docket No. CS66–62; and such authorization should not be construed to relieve Wolfson Oil Co. of any refund obligations which may be ordered in Docket Nos. RI61–270, RI65–247, and RI65–248 by Opinion No. 468.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Wolfson Oil Co. FPC Gas Rate Schedule Nos. 1 through 5 should be reinstated as of October 1, 1966, and redesignated as set forth in the tabulation herein.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–2595, G–3709, G–3793, G–3794, G–3795, G–3796, G–3797, G–3798, G–8476, G–11864, G–12994, G–16139, CI60–448, CI63–234, CI63–459, CI63–726, CI63–1414, CI63–1582, CI64–437, CI65–262, CI66–856, CI66–1343, CI67–90, and CI67–381 should be amended as hereinafter ordered and conditioned.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificates*
G–8493	CI67–1276
CI62–106	CI67–1290
CI63–1054	CI67–1260
CI64–575	CI67–1260
CI64–679	CI67–1260
CI65–837	CI67–1282

(10) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding pending in Docket No. RI65–

186[1] should be terminated only insofar as it pertains to Phillips Petroleum Co.'s FPC Gas Rate Schedule No. 338.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Kewanee Oil Co. should be a co-respondent in the proceeding pending in Docket No. RI65–224, that said proceeding should be redesignated accordingly and that the agreement and undertaking submitted by Kewanee in said proceeding should be accepted for filing.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 8 and 16 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. CI67–1198, CI67–1250, CI67–1277, CI67–1278, and CI67–1279 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicant in Docket Nos. CI67–1198, CI67–1250, CI67–1277, CI67–1278, and CI67–1279 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Certificates are issued herein in Docket Nos. CI67–1262 and CI67–1263 authorizing Applicant to continue the sales of natural gas being rendered on June 7, 1954.

(H) A certificate is issued herein in Docket No. CI67–1260 conditioned upon Applicant's filing of a billing statement reflecting the 12.5-cent rate at 14.65 p.s.i.a.

(I) The initial rate for the sale authorized in Docket No. CI67–1276 shall be 14.0 cents per Mcf at 15.025 p.s.i.a., applicable to sales made from the acreage acquired from Sinclair Oil & Gas Co. in Docket No. G–8493.

(J) A certificate is issued herein to Lester Wilkonson, in Docket No. CI67–1235,[2] authorizing Applicant to continue the sale of natural gas previously covered by the certificate issued to Northern Pump Co. (Operator) et al., in Docket No. G–8476.

(K) The certificate heretofore issued in Docket No. G–8476 is amended by deleting therefrom the interest of Lester Wilkonson.

(L) Docket No. CI67–1298 is canceled.

(M) Certificates are issued herein in Docket Nos. CI67–1198, CI67–1250, CI67–1277, CI67–1278, and CI67–1279, authorizing Sunset International Petroleum Corp. to continue the sales of natural gas heretofore made by Wolfson Oil Co. pursuant to the small producer certificate in Docket No. CS66–62; and such authorization shall not be construed to relieve Wolfson Oil Co. of any refund obligations which may be ordered in Docket Nos. RI61–270, RI65–247, and RI65–248 by Opinion No. 468.

(N) Wolfson Oil Co. FPC Gas Rate Schedule Nos. 1 through 5 are reinstated as of October 1, 1966, and redesignated as set forth in the tabulation herein.

(O) The certificates heretofore issued in Docket Nos. G–11864, G–12994, G–16139, CI63–234, CI64–437, CI66–856, CI67–90, and CI67–381 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(P) The certificate heretofore issued in Docket No. CI63–459 is amended to include the sale of natural gas from the additional acreage subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449), except that said certificate shall not be subject to the Commission's ultimate determination in Docket No. R–200.

(Q) The certificate heretofore issued in Docket No. CI63–726 is amended to include the sale of natural gas from the additional acreage subject to the conditions set forth in paragraphs (E), (F), and (G) of the order accompanying Opinion No. 350 (27 FPC 35), except that said certificate shall not be subject to the Commission's ultimate determination in Docket No. R–200.

(R) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificates*
G–8493	CI67–1276
CI62–106	CI67–1290
CI63–1054	CI67–1260
CI64–575	CI67–1260
CI64–679	CI67–1260
CI65–837	CI67–1282

(S) The certificates heretofore issued in Docket Nos. G–2595, G–3709, G–3793, G–3794, G–3795, G–3796, G–3797, G–3798, CI60–448, CI63–1414, CI63–1582, CI65–262, and CI66–1343 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(T) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications are granted.

(U) Permission for and approval of the abandonment in Docket No. CI67–905 shall not be construed to relieve Applicant of any refund obligation which may be ordered in Docket No. RI65–640.

(V) Permission for and approval of the abandonment in Docket No. CI67–1269 shall not be construed to relieve Applicant of any refund obligation which may be ordered in Docket No. G–20405 by Opinion No. 468.

(W) The certificates heretofore issued in Docket Nos. G–4299, G–6448, G–7455, G–14356, G–17223, G–19402, CI61–1310, and CI62–701 are terminated.

[1] Consolidated in the proceeding on the order to show cause issued Aug. 5, 1965, in Docket No. AR61–1 et al., 34 FPC 424.

[2] Said sale is authorized at the rate of 11.0 cents per Mcf at 14.65 p.s.i.a., the rate at which said sale was made pursuant to the Operator's certificate and rate schedule.

(X) The rate suspension proceeding pending in Docket No. RI65–186 is terminated only insofar as it pertains to Phillips Petroleum Co.'s FPC Gas Rate Schedule No. 338.

(Y) Kewanee Oil Co. shall be a co-respondent in the proceeding pending in Docket No. RI65–224, said proceeding is redesignated accordingly,[3] and the agreement and undertaking submitted by Kewanee in said proceeding is accepted for filing.

(Z) Kewanee Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreement and undertaking submitted by Kewanee in said proceeding is accepted for filing.

(AA) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[3] Warren American Oil Co. and Kewanee Oil Co.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-2595 E 2-27-67	Lesh Co. (successor to Barron Kidd and C. R. Smith).	Natural Gas Pipeline Co. of America, Amargosa Field, Jim Wells County, Tex.	Barron Kidd and C. R. Smith, FPC GRS No. 1.	2	
			Supplement Nos. 1–10	2	1–10
			Notice of succession (undated).		
			Assignment 12-15-66 [1]	2	11
			Assignment 2-7-67 [2]	2	12
			Effective date: 12-31-66		
G-3709 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co.).	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	Warren American Oil Co., FPC GRS No. 2.	59	
			Supplement Nos. 1–10	59	1–10
			Notice of succession (undated).		
			Assignment 1-11-67 [3]	59	11
			Effective date: 8-1-66		
G-3793 E 3-10-67	do	do	Warren American Oil Co., FPC GRS No. 5.	62	
			Supplement Nos. 1–11	62	1–11
			Notice of succession (undated).		
			Assignment 1-11-67 [3]	62	12
			Effective date: 8-1-66		
G-3794 E 3-10-67	do	do	Warren American Oil Co., FPC GRS No. 8.	65	
			Supplement Nos. 1–13	65	1–13
			Notice of succession (undated).		
			Assignment 1-11- 7 [3]	65	14
			Effective date: 8-1-66		
G-3795 E 3-10-67	do	do	Warren American Oil Co., FPC GRS No. 3.	60	
			Supplement Nos. 1–14	60	1–14
			Notice of succession (undated).		
			Assignment 1-11-67 [3]	60	15
			Effective date: 8-1-66		
G-3796 E 3-10-67	do	Arkansas Louisiana Gas Co., Willow Springs Field, Gregg County, Tex.	Warren American Oil Co., FPC GRS No. 4.	61	
			Supplement Nos. 1–11	61	1–11
			Notice of succession (undated).		
			Assignment 1-11-67 [4]	61	12
			Effective date: 1-1-67		
G-3797 E 3-10-67	do	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	Warren American Oil Co., FPC GRS No. 7.	64	
			Supplement Nos. 1–10	64	1–10
			Notice of succession (undated).		
			Assignment 1-11-67 [3]	64	11
			Effective date: 8-1-66		
G-3798 E 3-10-67	do	do	Warren American Oil Co., FPC GRS No. 6.	63	
			Supplement Nos. 1–11	63	1–11
			Notice of succession (undated).		
			Assignment 1-11-67 [3]	63	12
			Effective date: 8-1-66		
G-11864 D 3-21-67	Mobil Oil Corp. (partial abandonment).	Lone Star Gas Co., Doyle Field, Stephens County, Okla.	Notice of partial cancellation 3-20-67.[5] [6]	8	
G-12994 D 3-20-67	Wilhelmina duP. Ross (Operator) et al. (partial abandonment).	Texas Eastern Transmission Corp., South Hallsville Field, Harrison County, Tex.	Notice of partial cancellation 3-16-67.[5] [6]	1	12
G-16139 D 1-19-67	Gulf Oil Corp.	Transwestern Pipeline Co., acreage in Ochiltree County, Tex.	Amendatory agreement 11-28-66.[6] [7]	195	34
CI60-448 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co.).	Transwestern Pipeline Co., Lipscomb Field, Lipscomb County, Tex.	Warren American Oil Co., FPC GRS No. 10.	67	
			Supplemental Nos. 1–2	67	1–2
			Notice of succession (Undated).		
			Assignment 1-11-67 [4]	67	3
			Effective date: 1-1-67		
CI63-234 C 3-14-67 [8]	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., South Quinton Field, Pittsburg County, Okla.	Letter agreement 2-10-67.[9]	333	11
CI63-234 D 3-21-67	do	Arkansas Louisiana Gas Co., Red Oak Field, Latimer County, Okla.	Amendatory agreement 1-31-67.[6] [7]	333	12
CI63-459 C 12-20-63 C 2-4-64 C 3-16-67 [8]	Gulf Oil Corp. (Operator) et al.	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	Amendatory agreement 11-14-63.[10]	243	4
			Amendment 11-20-63 [10]	243	5
			Amendatory agreement 12-12-66.[9] [10]	243	9
CI63-726 C 9-9-63	Davon Drilling Co., et al.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	Amendatory agreement 8-2-63.	11 2	3
CI63-1414 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co. et al.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Warren Americal Oil Co., et al., FPC GRS No. 9.	66	
			Supplement Nos. 1–2	66	1–2
			Notice of succession (Undated).		
			Assignment 1-11-67 [4]	66	3
			Effective date: 1-1-67		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI63-1582 E 3-10-67	Kewanee Oil Co. (successor to Warren American Oil Co.).	Cities Service Gas Co., North Quinlan Field, Woodward County, Okla.	Warren American Oil Co., FPC GRS No. 1.	58	
			Supplement No. 1	58	1
			Notice of succession (undated).		
			Assignment 1-11-67 [4]	58	2
			Effective date: 1-1-67		
CI64-437 D 3-22-67	Anadarko Production Co. (partial abandonment.)	Northern Natural Gas Co., Ivanhoe and Mocane-Laverne Fields, Beaver County, Okla.	Notice of partial cancellation 3-17-67. [5 6]	74	2
CI65-262 E 3-10-67	Kewanee Oil Co. (successor to Werren American Oil Co.).	Arkansas Louisiana Gas Co., Northwest Milton Field, Haskell County, Okle.	Warren American Oil Co., FPC GRS No. 12.	68	
			Supplement Nos. 1-6	68	1-6
			Notice of succession (undated).		
			Assignment 1-11-67 [4]	68	7
			Effective date: 1-1-67		
CI66-856 C 3-9-67 [8]	Oklahoma Natural Gas Co.	Arkansas Louisiane Gas Co., South Quinton Field, Latimer County, Okla.	Amendment 2-10-67 [9]	32	1
CI66-1343 E 1-23-67	Development Services Corp. (Operator) et al. (successor to H. L. M. Drilling Co. (Operator) et el.).	Mountain Fuel Supply Co., Polo Gulch Unit, Moffat County, Colo.	H. L. M. Drilling Co. (Operator) et al., FPC GRS No. 1.	1	
			Notice of succession 1-20-67.		
			Assignment 8-1-66 [12]	1	1
			Effective date: 8-1-66		
			Assignment 12-15-66 [12]	1	2
			Effective date: 12-15-66		
CI67-90 D 2-21-67	Amex Petroleum Corp.	Arkansas Louisiana Gas Co., Arkoma Basin, Letimer County, Okla.	Release Agreement 1-9-67. [6 14]	24	23
CI67-381 C 3-20-67 [8]	Tenneco Oil Co	Northern Netural Gas Co., acreage in Ellis County, Okla.	Agreement 2-13-67 [9]	209	1
CI67-905 (G-6448) B 1-23-67	Rip C. Underwood	Colorado Interstate Gas Co., Keyes Dome Field, Texas and Cimarron Counties, Okla.	Notice of cancellation 1-19-67. [5 6]	[15] 2	6
CI67-1198 (CS66-62) F 3-1-67 [17]	Sunset International Petrolcum Corp. (successor to Wolfson Oil Co.).	El Peso Naturel Gas Co., Langlie Mattix Field, Lee County, N. Mex.	Wolfson Oil Co., FPC GRS No. 1. [16]	48	
			Supplement Nos. 1-5	48	1-5P
			Notice of succession (undeted).		
			Assignment 10-25-66 [19]	48	6P
			Effective date: 10-1-66		
CI67-1235 A 3-6-67 [20] (G-8476)	Lester Wilkonson	Northern Neturel Ges Co., Hugoton Field, Finney County, Kans.	Contract 12-27-54	3	
			Amendment 2-9-67 [6]	3	1
CI67-1250 (CS66-62) F 3-10-67 [17]	Sunset International Petroleum Corp. (Operator) et al. (successor to Wolfson Oil Co. (Operator) et al.).	Northern Natural Gas Co., Tubb and Blinebry Field, Lea County, N. Mex.	Wolfson Oil Co. (Operator) et al., FPC GRS No. 5. [16]	52	
			Supplement Nos. 1-4	52	1-4
			Notice of succession (Undated).		
			Assignment 10-25-66 [19]	52	5
			Effective dete: 10-1-66		
CI67-1260 (CI63-1054) (CI64-575) (CI64-679) F 3-9-67	Exploration and Development, Inc. (successor to Frank Martin Porter Estate, Anedarko Production Co. end Livingston Oil Co.).	Kansas-Nebraska Netural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans.	Contract 12-20-66 [9 21]	2	
CI67-1261 A 3-10-67 [16]	Bright & Schiff	Texas Eastern Transmission Corp., Texam, S. (Cole) Field, Live Oak County, Tex.	Contract 2-15-67	8	
CI67-1262 A 3-9-67 [22]	Homestead Oil & Gas Co., Inc.	The Manufacturers Light & Heat Co., Aleppo Township, Greene County, Pa.	Contract 12-9-46	1	
CI67-1263 A 3-9-67 [22]	do	do	Contract 6-10-47	2	
CI67-1264 A 3-16-67 [16]	TWM Petroleum, Inc., et al.	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	Contract 6-28-66 [9]	1	
CI67-1265 A 3-16-67 [16]	Benco Drilling Co., Inc., et al.	Consolidated Gas Supply Corp., Otter District, Brexton County, W. Va.	Contract 11-9-66 [9]	4	
CI67-1266 A 3-16-67 [16]	Lock 3 Oil, Coal & Dock Co., et al.	Consolidatod Gas Supply Corp., Elk District, Harrison County, W. Va.	Contract 11-18-66 [9]	6	
CI67-1269 (G-17223) B 3-16-67	Phillips Petroleum Co	El Paso Natural Gas Co., South Four Lakes Field, Lea County, N. Mex.	Notice of cancellation 3-13-67. [5 7]	[23] 338	5
CI67-1270 (CI63-1020) B 3-17-67	Pan American Petroleum Corp.	Texas Eastern Transmission Corp., East Muldon Ficid, Monroe County, Miss.	Notice of cancellation 3-15-67. [5 6]	367	5
CI67-1272 A 3-17-67 [16]	Selt Lick Corp., et el	Consolidated Gas Supply Corp., Salt Lick and Otter Districts, Braxton County; Glenville District, Gilmer County, W. Va.	Contrect 6-21-66 [9]	1	
CI67-1274 (G-7455) B 3-20-67	Mountain Lumber Co	Penova Interests, Laurel and Dutchman Runs, Murphy District, Ritchie County, W. Va.	Notice of cancellation 3-1-67. [5 6]	1	1
A CI67-1276 (G-8493) F 3-17-67 [8]	Despot, Inc	United Gas Pipe Line Co., Bancroft Field, Beauregard Parish, La.	Contract 3-7-67 [24]	1	
CI67-1277 (CS66-62) F 3-17-67 [17]	Sunset International Petroleum Corp. (successor to Wolfson Oil Co.).	El Paso Naturel Gas Co., Jalmat Field, Lea County, N. Mex.	Wolfson Oil Co., FPC GRS No. 3. [16]	50	
			Supplement Nos. 1-5	50	1-5
			Notice of succession (undated).		
			Assignment 10-25-66 [19]	50	6
			Effective date: 10-1-66		
CI67-1278 (CS66-62) F 3-17-67 [17]	Sunset International Petroleum Corp. (Operator) et al. (successor to Wolfson Oil Co. (Operator) et el.).	El Paso Natural Gas Co., North Skaggs Drinkard Field, Lee County, N. Mex.	Wolfson Oil Co. (Operator) et al., FPC GRS No. 2. [16]	49	
			Supplement Nos. 1-5	49	1-5
			Notice of succession (undated).		
			Amendatory agreement 3-6-63. [25]	49	6
			Amendatory egreement 12-8-64. [26]	49	7
			Assignment 10-25-66 [19]	49	8
			Effective date: 10-1-66.		
CI67-1279 (CS66-62) F 3-17-67 [17]	Sunset Internationel Petroleum Corp. (successor to Wolfson Oil Co.).	do	Wolfson Oil Co., FPC GRS No. 4. [16]	51	
			Supplement Nos. 1-3	51	1-3
			Notice of succession (undated).		
			Amendatory agreement 3-6-63. [25]	51	4
			Amendatory agreement 12-8-64. [26]	51	5
			Assignment 10-25-66 [19]	51	6
			Effective dete: 10-1-66		
CI67-1280 A 3-17-67 [16]	Fire Oil & Gas Co	United Fuel Gas Co., Laurel Hill District, Lincoln County, W. Va.	Contract 3-8-67 [9]	1	
CI67-1281 A 3-17-67 [16]	Frying Pan Oil & Gas Co.	do	Contract 3-10-67 [9]	2	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
C167-1282 A 3-20-67 [3]	An-Son Corp. (Operator) et al.	Panhandle Eastern Pipe Line Co., Northeast Sampsel Field, Cimarron County, Okla.	Contract 11-2-66 [9]	28	
C167-1283 (C162-701) B 3-20-67	Skelly Oil Co.	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	Notice of cancellation (undated).[5] [6]	174	1
C167-1284 (G-14356) B 3-20-67	Cities Service Oil Co.	Transcontinental Gas Pipe Line Corp., South Bourg Field, Terrebonne Parish, La.	Notice of cancellation 3-16-67.[5] [6]	183	4
C167-1285 (G-19402) B 3-20-67	Skelly Oil Co.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Notice of cancellation (undated).[5] [6]	155	2
CI67-1287 (CI61-1310) B 3-20-67	Morris Cannan (Operator) et al.	Texas Eastern Transmission Corp., Kittie West Field, Live Oak County, Tex.	Notice of cancellation 3-1-67.[5] [6]	2	1
CI67-1288 (G-4299) B 3-20-67	Pan American Petroleum Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Witte Field, Victoria County, Tex.	Notice of cancellation 3-16-67.[5] [6]	176	8
CI67-1290 (CI62-106) F 3-16-67	Crystal Oil & Land Co. (Operator) et al. (successor to Harvey Broyles (Operator) et al.).	Texas Gas Transmission Corp., Ruston Field, Lincoln Parish, La.	Ratified agreement 1-27-67.[27]	19	
			Contract 7-15-61	19	1
CI67-1294 A 3-6-67 [16]	J. C. Baker & Son, Inc.	Cumberland & Allegheny Gas Co., Buckhannon District, Upshur County, W. Va.	Contract 1-13-67 [9]	3	
CI67-1298 CI67-1282 (CI65-837) F 3-16-67 [28]	An-Son Corp. (Operator) et al. (successor to Cities Service Oil Co.).	Panhandle Eastern Pipe Line Co., Northeast Sampsel Field, Cimarron County, Okla.	Contract 1-22-65 [29]	29	
			Assignment 6-24-66 [9] [30]	29	1
C167-1300 A 3-22-67 [16]	Chandler & Associates, Inc. (Operator), et al.	Colorado Interstate Gas Co., Patrick Draw Field, Sweetwater County, Wyo.	Contract 12-6-66 [9]	1	

[1] Transfers properties to Wesland, Inc.
[2] Transfers properties from Wesland, Inc., to Lesh Co.
[3] Assignment from Warren American Oil Co. to Kewanec Oil Co.
[4] Conveyance and assignment: Part I—Assignment from Warren American Oil Co. to Kewanee Oil Co., Part II—Assignment from Warren American Oil Co. to Oat Development Co.
[5] Source of gas depleted.
[6] Effective date: Date of this order.
[7] Production of gas no longer economically feasible.
[8] July 1, 1967, moratorium pursuant to the Commission's Statement of General Policy No. 61-1, as amended.
[9] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[10] Applicant states it is willing to accept authorization at 17.0 cents and a full percentage downward B.t.u. adjustment for the acreage added by the agreements dated Nov. 14, 1963, Nov. 20, 1963, and Dec. 12, 1966.
[11] Contract provides for initial price of 17.0 cents per Mcf plus B.t.u adjustment but Applicant has agreed to accept authorization conditioned as were the certificates issued in Opinion No. 350.
[12] Assigns interest in certain leases to Development Services Corp. (25 assignments dated Aug. 1, 1966).
[13] Assigns partial interest of Development Services in certain leases to Robert R. Brown, Jr. and Jack H. Vestal, and from Brown to Vestal (four assignments dated Dec. 15, 1966).
[14] Cost to connect is $27,400 for 1,077 MMMcf of reserves or $25,440/MMMcf which exceeds the contract provisions of $5,000/MMMcf of reserves.
[15] 17.0-cent rate effective subject to refund Nov. 28, 1965, in Docket No. RI65-640.
[16] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[17] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[18] Wolfson's rate schedules which were canceled concurrently with the issuance of the small producer certificate to Wolfson are being reactivated and designated as Sunset International Petroleum Corp.'s rate schedules.
[19] From Wolfson Oil Co. to Sunset International Petroleum Corp.
[20] Applicant is filing to cover his own interest in properties previously covered by the Operator's filings. (Northern Pump Co. (Operator) et al., FPC GRS No. 2 and certificate in Docket No. G-8476.)
[21] Supersedes in part: Frank Martin Porter Estate FPC GRS No. 1; Anadarko Production Co. FPC GRS No. 75; and Livingston Oil Co. FPC GRS No. 10.
[22] Sale being rendered on June 7, 1954.
[23] 17.06566-cent rate effective subject to refund in Docket No. G-20405 from June 1, 1960 to present. Rate of 18.06953 cents suspended in Docket No. RI65-186 but never made effective subject to refund; therefore, the rate suspension proceeding in Docket No. RI65-186 will be terminated only insofar as it pertains to Phillips Petroleum Co.'s FPC GRS No. 338.
[24] Contract covers new acreage as well as acreage presently dedicated to Sinclair Oil & Gas Co.'s FPC GRS No. 66 at 14.0 cents life of contract rate. Daily contract quantity is ratable with other producers in the field.
[25] Provides for seller to be paid a percentage of proceeds from the sale of liquids.
[26] Provides for buyer to be paid 2.0 cents per Mcf by seller for compressing gas.
[27] Adopts basic contract (Supp. No. 1) between Harvey Broyles, et al. and Texas Gas Transmission Corp. dated July 15, 1961; on file as Harvey Broyles (Operator) et al., FPC GRS No. 2 and covers acreage acquired through various assignments from Broyles et al., as well as previously undedicated acreage (Jan. 1, 1968, moratorium provided by Order No. 296, with respect to previously undedicated acreage).
[28] Application erroneously assigned Docket No. CI67-1298 will be treated as a petition to amend the certificate in Docket No. C167-1282, as it covers the remaining 75 percent interest acquired by assignment in the Cavis Unit covered by Docket No. CI67-1282, and Docket No. CI67-1298 will be canceled.
[29] Between Cities Service Oil Co. and buyer; also on file as Cities Service Oil Co. FPC GRS No. 197.
[30] Assignment of acreage from Cities Service Oil Co. to An-Son Corp. (Operator) et al.

[F.R. Doc. 67-5920; Filed, May 29, 1967; 8:45 a.m.]

[Docket No. CP67-337]

SOUTH TEXAS NATURAL GAS GATHERING CO. AND TRUNKLINE GAS CO.

Notice of Application

MAY 22, 1967.

Take notice that on May 12, 1967, South Texas Natural Gas Gathering Co. (Texas), Post Office Drawer 521, Corpus Christi, Tex. 78403, and Trunkline Gas Co. (Trunkline), Post Office Box 1642, Houston, Tex. 77001 (Applicants), filed in Docket No. CP67-337 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the exchange of quantities of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants seek authorization to exchange up to 35,000 Mcf of natural gas per day pursuant to an agreement between them dated April 4, 1966. Trunkline will deliver up to 35,000 Mcf of natural gas per day to Texas at a mutually agreeable point on Trunkline's 4-inch pipeline in Brooks County, Tex., and at a mutually agreeable point on Trunkline's 10-inch pipeline in Hidalgo County, Tex., or at such other point or points on Trunkline's system south of its Premont Compressor Station as may be mutually agreeable. Texas will deliver equivalent quantities of natural gas to Trunkline at Trunkline's existing measuring facilities at the tailgate of the San Jacinto Gas Processing Corp. Egan Plant, Acadia Parish, La., at redelivery points in Beauregard and Jefferson Davis Parishes, La., at a proposed new delivery point in Cameron Parish, La., and at such other points of interconnection on Trunkline's facilities in South Louisiana as they may from time to time agree upon.

Trunkline also seeks authorization to construct and operate any measurement facilities necessary to deliver the quantities of natural gas to Texas.

Texas seeks authorization to construct and operate the following facilities for receipt of the exchange gas from Trunkline:

(1) Approximately 4 miles of 8⅝-inch O.D. connecting pipeline and a 500 BHP field compressor to receive natural gas at the Hidalgo County, Tex., delivery point, and

(2) Approximately 4 miles of 4½-inch connecting pipeline and a 120 BHP compressor to receive the natural gas at the Brooks County, Tex., delivery point.

Trunkline estimates the total cost of its proposed facilities at approximately

$18,077 and Texas estimates the total cost of its proposed facilities at approximately $273,200, said costs to be financed by the respective companies from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 19, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-5963; Filed, May 29, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

ANNAPOLIS BANKING AND TRUST CO.

Application for Exemption From Registration

Notice is hereby given that the Annapolis Banking and Trust Co., Annapolis, Md., a member State bank of the Federal Reserve System, has applied to the Board of Governors, pursuant to sections 12(h) and 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*), for exemption from the registration requirements of section 12(g) of said Act. The bank had previously been granted a temporary exemption from registration until June 30, 1967 (FEDERAL REGISTER of Aug. 12, 1965, 30 F.R. 10068).

In determining whether to grant such exemption, the Board is required by section 12(h) to consider whether, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the bank, income or assets of the bank, or otherwise, such action will be consistent with the public interest and the protection of investors.

Any interested person may, not later than 15 days after the publication of this notice in the FEDERAL REGISTER, (i) submit written comments and recommendations with respect to the application, (ii) request the holding of a hearing on the matter, stating the nature of his interest and the reason for such request, or (iii) request to be notified if the Board should order a hearing thereon. Such communication should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. At any time after the expiration of said 15 days, an order disposing of the application may be issued by the Board upon the basis of the information stated therein and other available information, unless an order for a hearing thereon shall have been issued.

Dated at Washington, D.C., this 23d day of May 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-5964; Filed, May 29, 1967; 8:45 a.m.]

HUNTINGTON BANCSHARES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Huntington Bancshares Inc., Columbus, Ohio, for approval of action to become a bank holding company through the acquisition of voting shares of the Washington Savings Bank, Washington Court House, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), an application by Huntington Bancshares Inc., Columbus, Ohio, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 51 percent or more of the Washington Savings Bank, Washington Court House, Ohio. Huntington Bancshares presently owns a majority of the outstanding voting shares of the Huntington National Bank of Columbus, Columbus, Ohio.

As required by section 3(b) of the Act, notice of receipt of the application was given to, and views and recommendation requested of, the Acting Superintendent of Banks for the State of Ohio. The Acting Superintendent recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 4, 1967 (32 F.R. 3753), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement [1] of this date, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th day following the date of this order or (b) later than 3 months after the date of the order.

Dated at Washington, D.C., this 22d day of May 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-5965; Filed, May 29, 1967; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-616]

J. J. NEWBERRY CO.

Order Suspending Trading

MAY 24, 1967.

The common stock, no par value, and the 3¾ percent cumulative preferred stock, $100 par value, of J. J. Newberry Co., being listed and registered on the New York Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the New York Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 24, 1967, through June 2, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67-6009; Filed, May 29, 1967; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 25, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governor Daane. Governor Sherrill did not participate in the Board's action in this matter.

15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41032—*Chlorine to Selma, Ala.* Filed by O. W. South, Jr., agent (No. A5033), for interested rail carriers. Rates on chlorine, in tank carloads, from Baton Rouge and Geismar, La., to Selma, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 6 to Southern Freight Association, agent, tariff ICC S–699.

FSA No. 41033—*Chlorine to Kingsport, Tenn.* Filed by O. W. South, Jr., agent (No. A5034), for interested rail carriers. Rates on chlorine, in tank carloads, from Baton Rouge, La., to Kingsport, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 6 to Southern Freight Association, agent, tariff ICC S–699.

FSA No. 41034—*Clay, kaolin, or pyrophyllite from Gulfport, Miss.* Filed by O. W. South, Jr., agent (No. A5035), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, from Gulfport, Miss., to specified points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 23 to Southern Freight Association, agent, tariff ICC S–438.

FSA No. 41035—*Petroleum and petroleum products from Marshall, Ill.* Filed by Illinois Freight Association, agent (No. 328), for interested rail carriers. Rates on petroleum and petroleum products, in carloads, from Marshall, Ill., to points in southern territory.

Grounds for relief—Grouping.

Tariff—Supplement 50 to Illinois Freight Association, agent, tariff ICC 1005.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–6032; Filed, May 29, 1967; 8:51 a.m.]

[Notice 394]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 25, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 61161 (Sub-No. 3 TA), filed May 22, 1967. Applicant: GILES EXPRESS, INC., Post Office Box 511, Bound Brook, N.J. 08805. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, N.J. 07080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gloves*, plastic, in boxes, from Somerville, N.J., to Stamford, Conn.; for 150 days. Supporting shipper: Ethicon, Inc., Somerville, N.J. 08876. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 93393 (Sub-No. 12 TA), filed May 23, 1967. Applicant: EDWIN H. NELSON AND ALFRED S. NELSON, a partnership, doing business as NIGHTWAY TRANSPORTATION CO., 4106 South Emerald Avenue, Chicago, Ill. 60609. Applicant's representative: George C. Anderson, Suite 1625, The Connecticut Mutual Building, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Foods at or near La Porte, Ind., to points in Illinois, Michigan, and Ohio; for 180 days. Supporting shipper: American Home Foods, 685 Third Avenue, New York, N.Y. 10017. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 107496 (Sub-No. 564 TA), filed May 23, 1967. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, Keosauqua Way at Third Street, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from Welcome, Minn., to points in Iowa, South Dakota, North Dakota, and Wisconsin; for 180 days. Supporting shipper: International Minerals & Chemical Corp., Administrative Center, Skokie, Ill. 60078. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 110841 (Sub-No. 12 TA), filed May 23, 1967. Applicant: PORT NORRIS EXPRESS CO., INC., Main Street, Port Norris, N.J. 08349. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Kershaw County, S.C., to points in Alabama, Florida, Kentucky, Mississippi, Tennessee, Virginia, and West Virginia; for 180 days. Supporting shipper: Whitehead Brothers Co., 60 Hanover Road, Florham Park, N.J. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 113678 (Sub-No. 279 TA), filed May 23, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products* (except bananas, and liquids in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in the New York, N.Y. commercial zone and Union County, N.J., to points in Colorado, Indiana (except points in the Chicago, Ill., commercial zone), Illinois (except points in the Chicago, Ill., commercial zone), Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, (except points in the Cleveland, Ohio, commercial zone), and West Virginia; (2) *food products* (except bananas, frozen foods, and liquids in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in the New York, N.Y., commercial zone, and Union County, N.J., to points in Kansas; and (3) *food products* (except bananas, and liquids in bulk, in tank vehicles), from points in Union County, N.J., to points in Nebraska; for 180 days. Supporting shippers: Schratter Import Co., 139 Reade Street, Manhattan, New York City, N.Y.; Lily Lake Cheese Co., 347 Greenwich Street, Manhattan, New York City, N.Y.; Barton's Candy Co., 80 De Kalb Avenue, Brooklyn, N.Y.; Otto Roth & Co., Inc., 177–179 Duane Street, New York City, N.Y.; Diamond Brokerage Co., 265 West 14th Street, New York, N.Y.; New York Loin Corp., 420 West 14th Street, New York City, N.Y; Hollander Trading Corp., 1 Liberty Street, New York City, N.Y.; Barricini, Inc., 22–19 41st Avenue, Long Island City, N.Y.; and Plumrose Inc., 66 Fadem Road, Springfield, N.J. 07081. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114958 (Sub-No. 3 TA), filed May 23, 1967. Applicant: GEORGE H. BROWN, doing business as OCEANWAY TRANSPORT, Post Office Box 747, Florence, Oreg. 97439. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) between points in Lincoln, Lane, and Douglas Counties, Oreg.; and (2) from points in said counties to Coos Bay and Portland, Oreg., and to Vancouver, Wash.;

for 180 days. Supporting shipper: Starr-Carter Lumber Sales, Post Office Box 1618, Eugene, Oreg. 97401. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 115162 (Sub-No. 148 TA), filed May 23, 1967. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Suite 2025–2028, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated homes*, knocked down or in sections and component parts, from the plantsite of Strucco, Inc., at or near Theodore, Ala., to points in Alabama, Georgia, Florida, Mississippi, and Louisiana; for 180 days. Supporting shipper: Strucco, Inc., Post Office Box 259, Theodore, Ala. 36582. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 116450 (Sub-No. 4 TA), filed May 22, 1967. Applicant: JUNIOR A. COLE AND RAYMOND C. COLE, doing business as COLE BROTHERS TRAILER TRANSPORT, 2485 U.S. Highway 6 and 50, Grand Junction, Colo. 81501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used house trailers*, between points within 120 miles of Grand Junction, Colo., on the one hand, and, on the other, points in Colorado, Utah, Wyoming, Arizona, and New Mexico; for 180 days. Supporting shippers: George E. Sloane, Carbondale, Colo.; H. H. Gilman, American Gilsonite Co., Gilsonite, Colo. 81521; Grand Junction Chamber of Commerce, Post Office Box 456, Grand Junction, Colo. 81501; Climax Uranium Co., Post Office Box 1629, Grand Junction, Colo. 81501; Chamber of Commerce, Glenwood Springs, Colo.; Moab Chamber of Commerce, 702 South Main, Moab, Utah 84532; and Holiday Haven, Inc., 400 North Fifth Street West, Moab, Utah 84532. Send protests to: James E. Henry, District Supervisor, Burcau of Operations, Interstate Commerce Commission, 20222 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 117375 (Sub-No. 1 TA), filed May 22, 1967. Applicant: BRANSON TRUCK LINE, INC., 1309 East Highway 56, Lyons, Kans. 67554. Applicant's representative: Leland M. Spurgeon, 308 Casson Building, Sixth and Topeka Boulevard, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Des Moines, Sergeant Bluff, Adel, Redfield, Fort Dodge, Ottumwa, and Oskaloosa, Iowa, and points within 10 miles of each, to points in Missouri and Kansas; for 180 days. Supporting shipper: Carter-Waters Corp., 2440 Pennway, Kansas City, Mo. 64108. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 118196 (Sub-No. 96 TA), filed May 22, 1967. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Highway 71 North, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than those in bulk, in tank vehicles), originating at the facilities of American Home Foods, Division of American Home Products Corp. at La Porte, Ind., to points in Louisiana, Minnesota, Texas, Wisconsin, and Missouri; for 180 days. Supporting shipper: American Home Foods, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 124835 (Sub-No. 6 TA), filed May 23, 1967. Applicant: PRODUCERS TRANSPORT CO., a corporation, Post Office Box 4022, Chattanooga, Tenn. 37405. Applicant's representative: Charles G. Wilbur (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, from Nashville, Tenn., to points in Alabama and Kentucky (except the plantsites of Marquette Cement Manufacturing Co., and Dundee Cement Co.); for 180 days. Supporting shipper: Missouri Portland Cement Co., 7751 Carondelet Avenue, St. Louis, Mo. 63105. Send Protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 127689 (Sub-No. 6 TA), filed May 23, 1967. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Post Offic Box 1326, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigeration equipment, walk-in type refrigeration units, parts, accessories, and assemblies for walk-in type refrigeration units*, from Laurel, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; for 180 days. Supporting shipper: Mid-South Industries, Inc., Laurel, Miss. (Wally Damlouji, Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 312–A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 129076 (Sub-No. 1 TA), filed May 23, 1967. Applicant: SPECIALIZED CARRIERS, INC., 928 South Pennsylvania Street, Indianapolis, Ind. 46204. Applicant's representatives: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind 46204, and Walter Jones, 1019 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum bridge railing and guard railing components, consisting of posts, rails, anchor systems, and other related miscellaneous parts*, from the plantsites of Howe Engineering Co., Inc., Indianapolis, Ind., to points in Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Missouri, and Tennessee; for 180 days. Supporting shipper: Howe Engineering Co., Inc., 5800 Massachusetts Avenue, Indianapolis, Ind. 46218. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 129095 TA, filed May 22, 1967. Applicant: A–1 VETERANS TRANSFER COMPANY, Athens, Ga. 30601. Applicant's representative: James Lamar Flemister, Suite 1026, Fulton Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in: (1) Clarke, Barrow, Oconee, Jackson, Madison, Morgan, Hart, Oglethorpe, Wilkes, Greene, Walton, Gwinnette, Banks, Franklin, Stephens, Hall, Elbert, Lumpkin, Habersham, Towns, De Kalb, Union, Rabun, Putnam, Baldwin, Washington, and Gilmer Counties, Ga.; and (2) Anderson, Abbeville, McCormick, Pickens, Oconee, Greenville, and Edgeville Counties, S.C.; restricted to shipments having a prior or subsequent movement in containers beyond said counties, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments over irregular routes; for 180 days. Supporting shipper: Navy Supply Corps School, Athens, Ga. 30601. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 129097 TA, filed May 23, 1967. Applicant: ELMER C. SCHICK, JR., doing business as GLOBAL MOVING & STORAGE, 1465 Miller Drive, Colton, Calif. 92324. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in San Bernardino, Riverside, San Diego, Orange, Imperial, Los Angeles, and Kern Counties, Calif., restricted to shipments having a prior or susbequent movement beyond said counties in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments; for 180 days. Supporting shippers: Allstates Van Lines, 350 Broadway, New York, N.Y. 10013; Continental Forwarders, Inc., Post Office Box 344, Canal Street Station, New York, N.Y. 10013; and Swift Home-Wrap, Inc., 105 Leonard

Street, New York, N.Y. 10013. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129099 TA, filed May 23, 1967. Applicant: MAY MOVING OF GOLDSBORO, INC., 507 South Center Street, Goldsboro, N.C. 27530. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina, restricted to shipments moving on the through bill of lading of a forwarder operating under section 402(B)(2) exemption, and having an immediately prior or subsequent line haul movement by rail, motor, water, or air; the proposed service being limited to providing a local service for a forwarder of used household goods; for 180 days. Supporting shipper: Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, Ga. 31901. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Camcron Village Station, Raleigh, N.C. 27605.

MOTOR CARRIER OF PASSENGERS

No. MC 129098 TA, filed May 23, 1967. Applicant: KANAB DEVELOPMENT CORPORATION, 40 East Center Street, Kanab, Utah 84741. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *Passengers, their baggage and express*, between Kanab, Utah, and St. George, Utah; From Kanab, over U.S. Highway 89A to Fredonia, Ariz.; thence over Arizona Highway 389 to junction Arizona Highway 389 and Utah Highway 59, thence over Utah Highway 59 to Hurricane, Utah, thence over Utah Highway 17 to junction U.S. Highway 91 (Interstate Highway 15), thence over U.S. Highway 91 (Interstate Highway 15) to St. George, and return over the same route, serving all intermediate points; and (2) *passengers and their baggage*, in special and charter operations, between Kanab, Utah, and points within 150 miles thereof (except points in Utah east of Lake Powell and the Colorado River); for 180 days. Supporting shipper: Kanab Development Corp., Kanab, Utah, which consists of 27 different business establishments located in the general area of Kanab, Utah. Details available in the Salt Lake City offices of the Interstate Commerce Commission. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-6033; Filed, May 29, 1967; 8:51 a.m.]

[Notice 1525]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 25, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. F.D.-24534. By order of May 23, 1967, the Transfer Board approved the transfer to Dailey Lighterage Co., Inc., Tarrytown, N.Y., of the amended water carrier certificate No. 34, issued to Stewart J. Dailey, doing business as Dailey Lighterage Co., Tarrytown, N.Y., authorizing the transportation of: Commodities generally, between ports and points within the area defined by the Commission in Ex parte No. 140, determination of the limits of New York Harbor and Harbors contiguous thereto, Connecticut, Rhode Island, portions of Massachusetts, and along Long Island Sound, and on the Hudson River. Edward L. P. O'Connor, 82 Bearer Street, New York, N.Y. 10005, attorney for applicants.

No. MC-FC-69609. By order of May 23, 1967, the Transfer Board approved the transfer to P. W. Lincoln Horse Transportation, Inc., North Attleboro, Mass., of certificates Nos. MC-46365 and MC-46365 (Sub-No. 1), issued January 9, 1943, and May 8, 1952, respectively, to Philip W. Lincoln, Seekonk, Mass., authorizing the transportation of race horses, show and saddle horses, and polo ponies, and stable supplies and equipment, stable dogs, and pets, personal effects of attendants in the same vehicle with such horses, over irregular routes, between points and places in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Delaware, Pennsylvania, Virginia, West Virginia, and the District of Columbia; and horses, and equipment incidental to the transportation care, and display of such horses, between points in the above-named states and the District of Columbia, on the one hand, and, on the other, points in Maine, North Carolina, South Carolina, Ohio, Illinois, Michigan, and Tennessee, and Louisville and Lexington, Ky. Mary E. Kelley, 10 Tremont Strcet, Boston, Mass. 02108, Charles E. Bennett, 21 Park Street, Attleboro, Mass. 02703, attorneys for applicants.

No. MC-FC-69613. By order of May 23, 1967, the Transfer Board approved the transfer to Tcmpco Transportation, Inc., Indianapolis, Ind., of certificate No. MC-118316, issued June 7, 1962, to McComb Truck Line, Inc., Indianapolis, Ind., (formerly Niles, Mich.), authorizing the transportation of bananas, over irregular routes, from Miami and Tampa, Fla., to Louisville, Ky., Chicago, Ill., and points in Indiana. Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-69627. By order of May 23, 1967, the Transfer Board approved the transfer to Santini Van Co., Inc., New York (Bronx), N.Y., of certificate No. MC-929, issued April 27, 1956, to James Johnson and Margaret Johnson, a partnership, doing business as Johnson's Moving Service, Brooklyn, N.Y., authorizing the transportation of household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Rhode Island, Delaware, Maryland, and the District of Columbia, and between New York, N.Y., on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicants.

No. MC-FC-69635. By order of May 23, 1967, the Transfer Board approved the transfer to Los Angeles Turf Express, a corporation, Los Angeles, Calif., of certificate in Nos. MC-112098, MC-112098 (Sub-No. 7), MC-112098 (Sub-No. 9), MC-112098 (Sub-No. 10), and MC-112098 (Sub-No. 11), issued October 30, 1956, August 24, 1964, December 31, 1964, February 18, 1965, and May 24, 1965, respectively, to Jack Farnell, doing business as Los Angeles Turf Express, Los Angeles, Calif., authorizing the transportation of: Horses, other than ordinary, and in connection therewith, personal effects of attendants, equipment, supplies, and mascots used in the care and exhibition of such animals, between points as specified in Arizona, Arkansas, California, Colorado, Louisiana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington. R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-6034; Filed, May 29, 1967; 8:51 a.m.]

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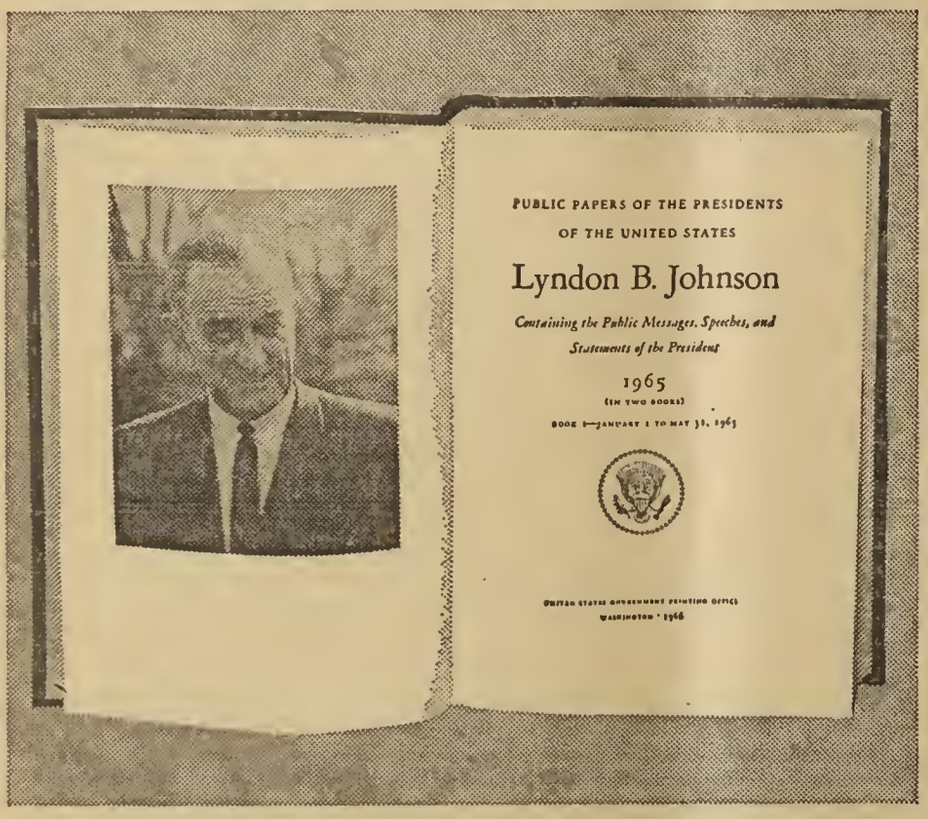
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SUBJECT INDEX

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The Subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

Entries in this Index are carried primarily under the names of the issuing agencies, with the most significant subjects additionally carried in appropriate alphabetical position.

This Subject Index should be distinguished from the numerical codification guide (List of CFR Sections Affected) which is also published separately. The numerical guide is designed for quick checking in the *Code of Federal Regulations* numbering system of provisions whose numbers are already known or have been learned through use of the Subject Index.

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(Codification Guide)



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1967

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The List of CFR Sections Affected is published monthly on a cumulative basis. It lists by number the titles, parts, and sections of the *Code of Federal Regulations* amended or otherwise affected by documents published in the *Federal Register* since January 1, 1967. Entries indicate the nature of changes effected. Proposed rules are listed at the end of appropriate titles.

Daily numerical guides listing parts affected are carried following the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.

A subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

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